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**Jeudi 23 novembre 2006**

Speaker  
Honourable Michael A. Brown

Président  
L'honorable Michael A. Brown

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LEGISLATIVE ASSEMBLY  
OF ONTARIO

Thursday 23 November 2006

ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

Jeudi 23 novembre 2006

*The House met at 1000.*

*Prayers.*

PRIVATE MEMBERS'  
PUBLIC BUSINESS

LONG-TERM CARE

SOINS DE LONGUE DURÉE

**Mrs. Elizabeth Witmer (Kitchener–Waterloo):** I move that, in the opinion of this House, the government of Ontario should commit to a plan of action to invest in an effective capital renewal program for Ontario's 35,000 older long-term-care beds (structurally classified as B and C beds) so that they meet the 1998 design standards and so that all residents can have a home to live in with the comfort and dignity they deserve.

**The Deputy Speaker (Mr. Bruce Crozier):** Mrs. Witmer has moved private member's notice of motion number 27. Pursuant to standing order 96, Mrs. Witmer, you have up to 10 minutes.

**Mrs. Witmer:** This is an issue about which I feel very passionate. It is in response to the proposed new long-term-care homes legislation, Bill 140, in which the McGuinty government has failed in particular to address the needs of the 35,000 residents who currently live in older B and C homes. Not only does this bill fail to meet their accommodation needs, it actually places a cloud of uncertainty over the future of their homes.

Under the act's proposed limited licensing scheme, about half of the province's long-term-care homes will be given a licence that expires in 10 years, with no plan for what happens before or after. Indeed the legislation, after seven years, allows the government unilaterally to decide to do anything it wants, for whatever reason it wants, including closing the home or moving the beds to another community. In response to this, there is a call to action from those in this province who live in these homes and from their families and the staff. They feel like Ontario's forgotten people.

We have 35,000 residents who will now continue to call a three- or four-bed ward home, and there is no commitment, no plan at the current time from the government to begin the structural renewal of these homes. The lack of a plan or commitment to funding to begin the structural renewal of these older homes stands in stark contrast to the actions that were undertaken by our Progressive Conservative government beginning in 1997.

We introduced new design standards in 1998 and provided \$2.1 billion to build 20,000 new beds after no new beds had been constructed for 10 years. We also provided the money to rebuild 16,000 of our oldest beds, which were classified as D beds.

These new design standards that we introduced in 1998 responded to the needs of residents and their families. Indeed, we consulted with the residents in order to make sure that they would be able to live in dignity, safety and comfort, and when we consulted with them in 1997, they told us this: "We want to stop living our final years in a dormitory-style accommodation, the three- and four-bed wards." In fact, they said to us, "Even university students today have better accommodation than we do, as they live in private and semi-private rooms." They said they wanted to stop having to back their wheelchairs into the washroom. They wanted to stop sharing that washroom with at least eight other people. They said, "We can't even turn our chairs in a circle to reach the sink." They said they wanted to stop having to line up to catch the elevator to get to lunch or dinner and to do so a half-hour before mealtime, only to have to wait in the basement for another half-hour to get into the dining room.

We listened to these residents and their families. That's why we introduced the new design standards in 1998. That's why today 36,000 residents live in homes with 20,000 new beds and 16,000 of the D beds that were rebuilt to meet the new 1998 design standards. We had a plan. We made a financial commitment, and we worked in co-operation with the residents, the families and the people in the sector. Today these people enjoy private or semi-private bedrooms. They have ensuite washrooms with a turning circle to accommodate their wheelchairs. They have ensuite dining rooms, therapy and lounge rooms. In the dining rooms, they eat in areas where no more than 32 people gather, and they avoid the lineup and the elevator ride. They have fully twice the square footage of space per residence compared to older homes.

These people who do not today have the same quality of life and the same comfort, these other 35,000 people in the B and C homes, deserve the same quality of life. I am asking this government to step forward today and make that a commitment in order that these 35,000 people, some of our most frail and elderly, can appreciate the same quality of life that 36,000 other residents already do.

In fact, in this bill the government talks about creating more homelike environments where all residents can live in comfort and dignity, but that's not happening under this legislation, because they are ignoring the forgotten 35,000 residents who live in the older homes I have just

described, three- and four-bed wards with no ensuite bathroom. I believe that today these people deserve to live in a modern, new home. They deserve the physical home-like environment of the newly constructed homes that today meet the new 1998 design standards. These 35,000 people should not be treated like second-class citizens.

#### 1010

In my own community, we have rebuilt Sunnyside Home. We have rebuilt Parkwood and Trinity Village Care Centre. We have upgraded these D homes to A homes, and the people are overjoyed. In fact, I would also remind this government that not only have we moved forward—and we began to do that in 1997 after consulting with residents' families and people in the sector—but most Canadian jurisdictions today have also recognized the need to treat all of these individuals fairly and they have eliminated or have plans to eliminate the four-beds-per-room arrangement in their long-term-care homes.

Regrettably, the Ontario government today has no plan nor has it made a financial commitment to replace our three- and four-beds-per-room arrangement where people live and sometimes share washrooms with eight other people and have to make that trek daily to the elevator, down to the basement, in order to line up for their food and sometimes be waiting half an hour ahead.

Well, I think this government needs to take action. I think the government also needs to remember that all the long-term-care residents in this province pay the same fees. However, as I have just pointed out today, about half of them, obviously, receive noticeably less value for their money than others.

The proposed licensing scheme and lack of an immediate commitment to funding to begin the structural renewal of older homes is bad system planning, because not only are these individuals, these 35,000 people, being deprived of a modern new home in which to live that would allow them additional space, more privacy, more comfort and an opportunity to live with dignity; it also disregards the fact if you look to the future, the number of seniors aged 75 and over will increase by 49% by 2016. Not only do we have to renovate and rebuild these older homes, but we need to look to a future where we build more homes.

So today I would urge all members of this Legislature—people that I know to be compassionate, caring individuals, people that I know have had visits from residents and family and staff—to allow all people in this province who live in our long-term homes to have the opportunity to live in homes that meet the 1998 design standards, to live in a home-like environment, in an environment where they can have small units of 32 residents at max, where they have in-area dining, lounge areas and therapy, where they only have one or two people per room and they have a washroom, and where the whole, entire room is wheelchair accessible. I urge you today to allow these people to live with comfort, privacy and dignity. I urge you to not let them be Ontario's forgotten.

#### **The Deputy Speaker:** Further debate?

**Mr. Ted Arnott (Waterloo–Wellington):** I'm pleased to have this opportunity to speak in support of this urgent and important resolution which has been brought forward by the member for Kitchener–Waterloo, who is our party's deputy leader. I want to commend the member at the outset for using her private member's ballot item opportunity to highlight this essential issue which all of us should care about. The member for Kitchener–Waterloo, as our party's health critic, has once again raised the bar for how we should use our private members' time.

It reminds me of her Bill 57, which was debated on October 29, 2004, which called for OHIP coverage for free immunizations for children, protecting them from chicken pox, pneumonia and meningitis. That resolution passed at second reading, and less than a month later the government responded in its first budget with a commitment to implement Mrs. Witmer's recommendation. She deserves enormous credit for initiating this idea in the Legislature and making it happen.

In the 16 years that I have been privileged to serve with the member for Kitchener–Waterloo in this Legislature, I've always shared her belief that care for our senior citizens must be amongst the provincial government's paramount concerns. Through these years, I've had occasion to visit many nursing homes in our area. For the most part, I've been very impressed with the caring and compassion which you immediately sense in so many of these homes, which speaks of the dedication and professionalism of the staff and management of such homes as Wellington Terrace in Centre Wellington, Royal Terrace in Palmerston, Chateau Gardens and Leisureworld in Elmira, Winston Park in Kitchener and the Nithville Community in New Hamburg, amongst many others.

During constituency week, while the Legislature was in recess—the week of November 6—I had the chance to meet with residents, families and staff of long-term-care homes in Waterloo–Wellington. We met at Chateau Gardens in Elmira on Friday, November 10. The people in attendance expressed to me their serious concerns about the McGuinty Liberal government's long-term-care policy. They talked about Bill 140 and complained about what is in the bill and what isn't in the bill. They gave me approximately 500 postcards, which I'm going to be sending over by page to the Minister of Health, calling on the provincial government to think about the 35,000 seniors who live in older nursing homes, many in crowded four-bed wards. I had a chance to see one of those wards for myself. While these residents have access to the same compassionate care which other residents receive, their rooms are so crowded you can barely turn around. Surely, these residents in these four-bed wards deserve better than this.

At the meeting at Chateau Gardens, I was asked to tell the government that they should move to establish an appropriate capital renewal program for older nursing homes, with mandatory time frames. They say that without this commitment, the promise of comfort and dignity

for all long-term-care residents rings hollow for the 35,000 residents in B and C homes. As their postcard concludes, these residents deserve a commitment and a plan now, not 10 years from now, and I could not agree more. This is exactly the substance of Mrs. Witmer's resolution that we're debating today.

I'm aware that other MPPs wish to speak to this motion, so I will now conclude, urging all members to support the member for Kitchener–Waterloo's resolution.

**Ms. Monique M. Smith (Nipissing):** I appreciate the opportunity to speak to this resolution today. I also would like to commend the former minister for not fearmongering as some of the associations have been fearmongering around Bill 140 and for keeping a civil tone in the debate today.

I do have to take exception to some of the things that she stated in her opening remarks to the resolution today. She noted that, in 1998, the Conservative government at that time had a plan for long-term care. I would dispute that, as did the Auditor General. In fact, the Provincial Auditor in 1995 and again in 2002 criticized the former Tory government for not having a plan. I'll quote: "Although it was aware of significant growth projected for the population age 65 and over, the Ministry of Health and Long-Term Care did not have a strategy for dealing with the anticipated increase in demand for long-term-care beds. We also noted that it did not have a systemic plan to determine where beds were most needed and to eliminate the wide variations in bed supply to make it equitable throughout the province." That's the auditor's report in 2002, long after their redevelopment plan had begun.

Mrs. Witmer also spoke of the preparation of design standards in 1997, having listened to the residents. In fact, I do believe that they did do a complete review of design standards, although I don't believe that they listened to the residents, because if they were complaining at that time—and that's some seven years ago, with actually six years left in their mandate—that they wanted to see three- and four-bed wards removed, why did the previous government not do it then?

They did do a redevelopment of the D beds; they did build some new beds. Unfortunately, they did not build them in the locations that were most needed across the province. They chose sites based on I'm not sure what particular information. However, we do find today that we have a situation where we have areas in the province with incredibly long waiting lists and areas in the province where we have over-bedding and in fact where we have occupancy rates of 50%. We have empty beds in a province where we have waiting lists in the hundreds in certain areas. That's due to the fact that the previous government had no plan and had no real strategy around the placement of new long-term-care beds across the province.

**1020**

During their term in office, with respect to long-term care, they also cut \$23.5 million from long-term-care

homes in 1996 and 1997. They announced a 15% co-pay increase in 2002—on Canada Day, to be exact—and began to implement that increase, which we have spent the last three years rolling back. They eliminated home care services, and in fact home care requirements soared across the province.

I know when I was knocking on doors in 2003, I met with some seniors who had just had their home care removed from them and were going to find themselves going into long-term-care homes because they could not do their own laundry. That's shocking.

I have to say that when I did my review for the long-term-care sector in 2003-04 and prepared my report called Commitment to Care: A Plan for Long-Term Care in Ontario, I heard from those seniors. I heard from seniors who told me that they wanted to age in place, that they did not want to go to long-term care unless it was absolutely essential.

We recognize that we will always have a need for long-term care in the province, and we recognize that it's a work in progress and that we have to continue to improve the quality of life of our seniors. What we've done through Bill 140 is the next step in that improvement and the next step in our planning stage for the long-term-care system across the province.

Mrs. Witmer spoke of the B and C beds across the province and spoke of the licensing scheme around those. In fact, there are not 35,000 C beds; there are about 25,000, and those have the 10-year licences where, in seven years, if not sooner, the ministry will undertake to meet with every one of those home operators to determine what, if anything, needs to be done for them to have a new licence issued to them. They will look at their track record; they will look at the needs in the community; they will look at the supports that are available in the community; and they will look at what structural changes may have to occur in order for all of our seniors across the province to live with the same level of dignity and respect, and that is our goal. For those in B beds, the term for their licence is 12 years, and the discussions will begin with them in nine years, if not sooner.

It will be 2017 before we see any alterations in the beds unless we undertake some kind of redevelopment program before that date, and that is not precluded from this legislation. What is in this legislation are standards to improve the quality of life for our front-line workers and for all of our residents.

Mrs. Witmer spoke of her consultation on the standards and the improvement to standards and building standards for these homes. I wonder if she spoke to front-line workers, because as I visited over 45 homes now across the province, one thing that I've heard from some of the workers in the new homes is their difficulty in providing the services that they need to provide, given the largeness of the homes and the amount of walking they have to do and the amount of distance they have to travel in order to serve the residents. I've also heard from the residents of these larger homes that they sometimes find it difficult to have interaction with other residents

because they're so far removed from them. So we want to look at those standards again and determine what is exactly the appropriate kind of living arrangement.

We have some fabulous homes across the province. I am not saying that some of the new builds aren't lovely and aren't providing a real quality of care. But we have to recognize, too, that the B and C homes are providing a quality of care. We have B and C homes across this province that have far longer waiting lists than some of the newer homes, and that's because of the reputation of those homes and the quality of care that's being provided by those front-line workers who truly care about the residents.

Over the last three years of our record here in government with respect to long-term care, we've introduced a lot of improvements to the long-term-care system. We've enshrined 24/7 RNs in our long-term-care homes, something that the previous government removed. We've also instituted two baths a week in our long-term-care homes, another standard that was removed by the previous government. We are promoting, through Bill 140, education and training for front-line workers, particularly with respect to dementia care and palliative care. We're promoting a holistic approach to the care of our residents, where it's a multi-dimensional approach to determining their care plan. We have, in fact, staffed our long-term-care homes. We've hired over 3,100 more front-line workers, including 682 nurses.

In our long-term-care legislation that we've proposed, we're promoting zero tolerance of abuse and neglect. We're ensuring that the rights of our residents are guaranteed in the legislation. We've made huge improvements to the accountability in long-term care by introducing unannounced annual inspections, whereas the previous government for some time during their mandate had no annual inspections and then went to annual inspections, but not unannounced. Ours are unannounced, so any day an inspector can arrive and see how the home is actually run on a day-to-day basis. We've introduced a number of new care plans for our front-line workers to deal with different problems our seniors are dealing with in our long-term-care homes.

We have invested a great deal, \$740 million more than previously invested, in long-term care. We have made strides in improving the quality of life for our residents. We've empowered our family members and our residents' councils in our long-term-care homes. We've funded the family council project, which has gone across the province, and ensured that we have the creation of family councils in our homes. We're trying to include community in our homes so that our seniors, in their final years, do not feel like they've been warehoused or left behind but are still a vital and integral part of our communities. We have encouraged our activity coordinators to share in their best practices, so that homes across the province will have the breadth of knowledge that some of our great activities coordinators do in some of our wonderful homes.

Moving back to this resolution with respect to the new builds and the investment, obviously we have an aging

population in the province. It would be ludicrous to believe that we would be closing homes across the province or losing beds. What we wanted to ensure through this legislation is that we have the planning tools to ensure that we have the beds in the right places across the province. I take great exception to certain stakeholder groups, in particular the long-term-care home providers on the private side, who have begun fearmongering and who are using our seniors in this way, instilling fear in them that their homes may be closed or that they may be moved at some point.

We have shown through our record a commitment to our seniors and a commitment to long-term care that is unprecedented in this province. We have shown that we are planning for the future, unlike the previous government, which was noted by the auditor in not one but two different reports. Our long-term-care legislation is in fact that: legislation that will govern long-term care. It brings three pieces of legislation under one piece of legislation that will ensure that our residents live in homes that have consistent standards which are consistently enforced by the Ministry of Health and that their rights are guaranteed, that they live with dignity and respect in homes that provide care to them in their final years.

This is so very important. These seniors are vulnerable. They deserve to live with dignity and respect. They deserve the care and compassion that those front-line workers are providing in every single one of our homes across the province. We as a government remain committed to ensuring that that care and compassion is there in those homes all across the province of Ontario.

**Ms. Lisa MacLeod (Nepean-Carleton):** First, I want to congratulate my colleague Elizabeth Witmer from Kitchener-Waterloo for bringing this forward. Just by the simple fact of the matter that we have far more people on this side of the Legislature today to debate this important motion speaks for itself.

They talk about a revolution in long-term care, but the revolution started in 1998 with the member from Kitchener-Waterloo when she put 20,000 new beds into long-term care and injected about \$2.1 billion into long-term care. She was the one who provided the capital funding for those new beds that we're talking about today. She was the one who had the vision in 1998, eight years ago, to bring home-like settings to our long-term-care facilities.

I want to speak briefly because, Mr. Speaker, as you can imagine, this is a very important motion for my colleagues, and I know a lot of people want to speak it to. I first want to say that in the city of Ottawa we're short 850 long-term-care beds. We recognize in Ottawa that we need not only new beds but also some programs. So I wrote to the Premier in August, and I asked him for the province of Ontario to acknowledge and accept that there's a looming health care crisis in Ottawa with respect to no new long-term-care facilities, affordable retirement homes, home care and recreational facilities, and programs for our aging population, which will soon be reaching a critical level. Secondly, I requested that the

province put forward a plan that will begin to address this crisis in long-term-care facilities in the city of Ottawa.

Since I've been here in my short period of time, I've raised many times the fact that we've now got a term called "bed blocking" in the city of Ottawa, because all of the city's 28 long-term-care facilities have wait lists. Because of this, Ottawa's seniors are facing some of the province's longest wait times for beds in long-term-care facilities. I don't think that's appropriate. It's actually causing surgical delays in our hospitals.

I'm just hoping that the Liberals on the other side of the House, as few as they are, will stand up and support my colleague today in her visionary motion, one that she started in 1998. But after they took office, they decided to put the brakes on, to put the blocks on. I think it's important, because we've got 35,000 seniors across this province who are living in long-term-care beds that are meeting the design standards of 1972. Just to put that into perspective, that's two years older than me. So I'm encouraging members across the way in the other parties to support Mrs. Witmer's resolution today, because it's the right thing to do.

1030

**Mr. Gilles Bisson (Timmins–James Bay):** I'm glad to add support to this motion on behalf of the New Democratic Party of Ontario. We believe that there are a few things that need to be said in regard to this particular debate. One of the key things is that if the government is to match what is being asked for, one of the things that needs to be said and put on the record is that we need to make sure we don't put the financial onus completely on the individual long-term-care facilities. We need to make sure that there is funding available through the Ministry of Health and Long-Term Care to make sure that those particular upgrades are financed and do not put a burden on these homes. As we and the member well know, not-for-profit long-term-care facilities as well as the for-profit ones are currently having a bit of difficulty when it comes to funding. They're having to provide services with ever-increasing costs. Everything goes up with time: electricity costs, food costs, services, wages obviously. Everything is going up, and the funding is sometimes not keeping pace to the degree that it needs to.

In fact, all of us have been invited to long-term-care facilities in our ridings over pretty well most of this fall and part of the summer. I know I've had the opportunity to visit all the long-term-care facilities in my riding since the month of September. The common call on the part of administrators, workers, residents, residents' councils and family councils is basically the same: We need to get the government to commit to fulfilling the promise it made in the last election, which is to fund them by an additional \$6,000 per resident per year. That was a key promise made by the McGuinty Liberal Party in the last election. They promised that all long-term-care facilities would have their funding increased by \$6,000 per resident per year, and to date we're very much far short of fulfilling that promise. This government has less than 10 months to go until the next election. So unless the

government all of a sudden has a miraculous awakening and decides that it's going to keep that promise, it looks like we're going to have yet another broken promise on the part of the Liberal government.

I say it's an important issue. It is a promise that the Liberal government made while in opposition. It's one that they could deliver on if they chose to; so far, they've chosen not to. They've only met part of the commitment, and a very small part at that, and we need to make sure that they do so.

I want to speak specifically to what I've seen in long-term-care facilities as I've visited the various long-term-care facilities in the riding of Timmins–James Bay. First of all, with Extendicare: We have two for-profit Extendicare care nursing homes in my riding. One is in Kapuskasing and the other one is in Timmins. There is some really dedicated staff in those facilities, as there is in the not-for-profit ones. We've got some good management there, and I've had really good relationships with the management teams in both of those long-term-care facilities.

I visited their particular facilities, and they're really trying to do a heck of a lot with not much. It is very difficult for them to manage, as it is for not-for-profit homes; I'll talk about that in a minute. What happens is that the level of funding they get based on the case mix index, which provides their funding—just to explain to members who may not know, the funding of a long-term-care facility is very much tied to the level of care they provide to residents. Once a year, the ministry goes out and looks at how much care in that particular time the long-term-care facility is giving to individual residents within their facility and then ties the funding to that level of service, which is the adjustment of the case—

*Interjections.*

**Mr. Bisson:** I don't want to bother your conversation in any way. Is that okay?

**Mr. Jim Wilson (Simcoe–Grey):** It's fine with us.

**Mr. Bisson:** Thank you. I don't mind heckling and all that, but sometimes it's a little bit hard to think when you have a separate conversation that's very interesting and you want to listen to it. Anyway, sorry about that. I didn't mean to spot you out like that. I apologize to you, because that wasn't very nice.

*Interjections.*

**Mr. Bisson:** Well, it wasn't very nice of me, I've got to say.

I would just say that the case mix index is the mechanism by which we fund long-term-care facilities, and one of the complaints I'm hearing from all of the not-for-profit and for-profit nursing homes is that the case mix index, as calculated, very much does not meet the needs of those particular long-term-care facilities. So what ends up happening is that they find themselves with less money than they need to provide the level of service they want.

I had the opportunity to be at North Centennial Manor, a not-for-profit facility, I believe some time in October—again, great staff, the people work hard, the residents are

well taken care of. It's a beautiful facility. In fact, it was just rebuilt. There is a secured wing there that is probably one of the nicest secured wings I've seen in a long time. We can always get into a debate about secured wings and how many people really need to be there, but it's really a nice facility. But what struck me is that what I've seen at North Centennial Manor is the story across the system: There's not enough staff to go around. On this particular morning, there were two staff people who were doing baths, who were on bath duty, for all of the residents within the facility, including the secured wing. As you know, it takes a lot of time from those two staff people to do the baths. Then there is one nurse who basically works between the secured facility and the open facility. That's it: one nurse, one person to take care of both sides, and then another worker on the floor. So if the nurse is called to the other side to deal with an issue, there is only one staff person on the floor to take care of the residents, which is basically two hallways. So if you have a resident who is wandering down hallway A and the staff person is in hallway B, you're not going to see it.

I just looked at that and I thought to myself, "These are frail, elderly people, in this case people who are suffering from various forms of dementia, and we need to make sure we keep an eye on them." The staff is doing all they can. This is not a fault of staff or management. The issue is that there's not enough money to put two staff people on the floor at all times. So a lot of our long-term-care facilities are having to make do with less.

The other issue that really strikes me—this is a problem that's going to come back to bite us, and I hope it never gets to this—is that because of funding problems, we have a lot of part-time staff in our long-term-care facilities. At the North Centennial Manor, at the Golden Manor, at the Extencicare, at Foyer des Pionniers, it's the same story: They're having to hire staff on a part-time basis in order to staff up their facilities. There is some full-time staff—I don't want to say for a second that there isn't—but there are a lot of part-timers.

The issue is, everybody has to make a living, so they work part-time, let's say, at the Extencicare in Kapuskasing, and they work part-time at the North Centennial Manor in Kapuskasing or at the hospital. With regard to the flu pandemic issue, that's a huge problem. You could end up with a situation where a worker who works part-time at the hospital, let's say, in the morning, and then comes to the Extencicare or the North Centennial Manor in Kapuskasing in the afternoon, and if there is any kind of pandemic, staff themselves will be the cause of the problem of transferring the pandemic into other institutions.

I really worry about that. We know this is much more of a global village, and if there are going to be contagious diseases, it's much easier for contagious diseases to travel around the world, let alone go into large urban centres and back into communities like ours, because of the world being connected much more closely now because of transportation systems. So I just say that we need to look at how we're able to staff those units more

on a full-time basis so we don't end up having staff moving from one facility to another and, if there is a pandemic, in the end being part of the cause of transferring flu epidemics or whatever type of contagious disease from one unit to another.

Je voudrais parler un peu du Foyer des Pionniers à Hearst parce que ce qui se passe à Hearst est un problème dans la plupart de nos maisons pour aînés.

Quand le gouvernement a introduit le projet de loi sur le tabac et pour réduire la capacité du public de fumer dans les endroits publics, le fait que même si tu avais une place comme le Foyer des Pionniers, qui vient juste d'être bâti—je pense que c'était en 2004 ou 2003. M<sup>me</sup> Smith était avec moi quand on a fait l'ouverture officielle. Ce qui est arrivé, c'est qu'avec les nouvelles réglementations, les salles de fumage dans ces institutions ne répondent pas à la nouvelle loi. On a bâti des institutions flambant neuves pour être capables d'avoir une salle de fumage pour les résidents sous les normes de 2003-2004, puis on a changé la loi. Un an après que l'institution ait été bâtie, on ne répondait plus aux normes. Ce qui arrive, c'est qu'on a des salles de fumage qui ne sont pas utilisées. Tu as des endroits dans le manoir qui sont vides.

#### 1040

Il y a deux questions. Premièrement, ces résidents de 75 à 80 ans, s'ils fument encore, on ne va pas les arrêter. Écoutez, ce sont des adultes qui ont fumé toute leur vie. C'est leur choix. Je pense qu'on aurait dû regarder le projet de loi d'une manière de s'assurer que ceux qui restent dans les résidences de longue durée aient le droit de fumer dans leur résidence, dans la salle de fumage, spécialement dans les cas comme Kapuskasing et Hearst, qui, tous les deux, ont eu des manoirs flambant neufs en 2003 avec des salles de fumage. On aurait dû dire, au moins, «Écoutez. Ils rencontrent les normes assez proches de ce qu'on avait deux mois passés. Pourquoi changer le projet de loi et couper complètement le droit des résidents de fumer?» C'est un peu triste quand je rentre dans une résidence telle que Golden Manor à Timmins ou Foyer des Pionniers à Hearst et que je vois nos aînés qui ont besoin d'aller dehors pour fumer. Écoutez, c'est leur maison. À 75, 80, 90 ans, je pense qu'on a besoin de donner le respect à ce monde-là. S'ils décident de fumer, c'est leur choix. On a besoin de leur donner quelque chose dans le manoir pour être capables de fumer.

Moi, je suis contre le fumage. J'ai lâché de fumer, ça fait 40 livres et 15 ans passés, mais il faut respecter ces aînés-là. C'est du monde qui a des droits et qui a fait sa vie, et on a besoin de les respecter.

Sur la question du Foyer des Pionniers à la ville de Hearst, le maire, Roger Siguoin, et les conseillers comme M. Rhéaume et certainement le greffier, M. Claude Laflamme, ont repris le Foyer des Pionniers. C'est eux qui le gèrent à cette heure. Un des problèmes qu'ils regardent à cette heure, c'est qu'ils ont deux salles de fumage qui ne sont pas utilisées et ces deux salles de fumage-là pourraient facilement être converties en deux

chambres additionnelles dans le Foyer des Pionniers. Ils ont fait une demande au ministre de la Santé pour voir s'ils pourront étendre la capacité du Foyer des Pionniers pour y ajouter deux lits.

Je suis très reconnaissant de M. Smitherman; je le dis publiquement ici dans l'Assemblée. J'ai été lui parler à une couple d'occasions à ce sujet. Il n'a pas dit « oui » à ce point-ci parce que c'est un peu difficile. Il ne peut pas dire « oui » la première fois qu'on lui parle, mais il est très sympathique à la demande de la ville de Hearst d'ajouter au Foyer des Pionniers deux lits additionnels. On va continuer à travailler avec son bureau et avec le ministère de la Santé pour, espérons, additionner ces deux lits-là. Je veux remercier publiquement M. Smitherman pour avoir réagi si vite et d'une manière assez positive jusqu'à date. Encore, pour le record, je veux dire que ce n'est pas accepté. On ne peut pas dire que ça va être fait; on a besoin d'avoir l'approbation finale. Mais je sais que le ministre est sympathique. Espérons qu'à la fin de la journée on va être dans les plus brefs délais dans une situation d'être capables d'ajouter deux lits à Hearst et espérons que ça va revenir d'une manière positive. Je peux dire à ce point-ci que ça a l'air assez bien, ce que j'entends par les paroles du ministre.

The other thing I want to say in the last couple of minutes is the lack of long-term-care facilities on James Bay. You have communities like Moosonee, the only municipality on James Bay. There are no long-term-care beds in that community. People who are in need of long-term-care facilities end up having to go south to Timmins or Cochrane or Kapuskasing, far away from their families. I think most of us would accept that that is not acceptable. There is very little capacity for long-term care on Moose Factory Island itself, a little bit in Fort Albany and Attawapiskat, but absolutely none in places like Marten Falls and Kashechewan and Peawanuck. Hopefully, we're going to move forward on the hospital integration project that is basically going forward now, and again, Minister Smitherman—I say it publicly—has been very supportive of that initiative, has worked with the communities and with us, the James Bay General and the Weeneebayko hospital very collaboratively towards integration, and I want to thank him publicly for that. He has been a very good supporter of that project.

But one of the things that I'm looking forward to at the end of integration, when it finally comes to fruition, is to basically build wings of the hospital in each of our communities so that Moosonee not only has a couple—well, more than a couple—of acute care beds, but we're also able to put some long-term-care beds in the community of Moosonee. Those people need to have that. There's currently no hospital facility in that community. We only have, basically, a first-aid station or a clinic, as it's called. We look forward to integration bringing a reconstructed new hospital wing in Moosonee; there is one now in Fort Albany, but some ameliorations there, as well as Attawapiskat; and the same thing, a wing being built in Kashechewan. But as we do that, we need to

make sure that in the planning process we don't only look at acute care beds, we also long-term-care beds in those communities, so that we don't have to send community members from their communities on the James Bay coast, including Moosonee, all the way south so that they can get a bed in a long-term-care institution.

With that, Mr. Speaker, I'd like to thank you for having an opportunity in this debate.

**The Deputy Speaker:** Further debate? The member for Pembroke—for Renfrew–Nipissing–Pembroke.

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):** That's the one, Speaker.

I'm pleased to stand in support of my colleague's resolution this morning. Speaker, you'll recall that it was our party that rebuilt the D beds in this province when we were in government, yet this government has done nothing to deal with the issues surrounding B and C beds, a total of 35,000 beds. I believe it's 5,000 B and 30,000 C beds in this province. So this is why, of course, my colleague has brought forth this resolution.

One of the problems that my long-term-care people bring to my attention is that under the current provisions of the Bill 140, if passed, with the licensing provisions of Bill 140, they're simply not going to be in a position to upgrade those B and C beds because they're not going to be able to get the capital financing to do so with the licensing system that doesn't even ensure that they're going to have a facility beyond a certain date. That's one of the concerns: How is a financial institution going to allow them to invest if it may be jeopardizing its investment? Because that money can't be paid back if that facility isn't operating. This is one of the huge concerns. In fact, one of my long-term-care operators, one who has met with the member for Nipissing, said this is the “worst piece of legislation” she has ever seen in her entire life. That's a quote.

I want to talk about how this is all about politics. The member for Nipissing went around and did a report. I actually have to tell you that the response from my long-term-care people was quite positive about the report. However, what has happened here is they also characterize as a total betrayal on the part of the member for Nipissing in her capacity as the PA to the Minister of Health and Long-Term Care that they have not attached any support to the regulations. They've given a whole lot of work to the long-term-care centres, but they haven't attached any funding.

If I could draw an analogy, it's sort of like if you took a hockey team—let's just take the Toronto Maple Leafs because I like them—and you gave them the six best hockey players in world: the best goalie and the five best skaters and forwards and defencemen in the world. Well, I put it to you that even though they're the best, it's unlikely they would win a single game, and they most certainly wouldn't win the Stanley Cup, because they don't have the resources to back up their plan. Five men on the ice at all times will be worn out and burned out, and that's exactly what this government wants to do to our long-term-care centre workers.

In fact, this bill is all about politics. It's all about wedging the hard-working people in our long-term-care centres against the multitude of people who do not live, work or have much direct involvement in a long-term-care centre. This is all about the government and the Minister of Health, Mr. Smitherman, saying, "We're the ones who are going to take care of your grandma and your grandpa, and we're going to make sure all those regulations are in place to make them better cared for and safer in a long-term-care centre." But if you don't attach any support, any financial resources to make that happen, in fact, the opposite is going to be true.

#### 1050

I have already had, in the last few weeks, long-term-care centres in my riding lay off staff because they can't afford to keep them, yet they're being told they've got to do more and more and more. Just the work of filling out the report that the minister wants so they can justify their purported hiring of more nurses in long-term-care centres—it's a quarterly report, and I'm told by one operator that it requires 100 hours of their time every quarter to fill out that report. That's what I'm told.

So it's funny that it's always about the politics; it's always about trying to drive wedges between people; it's always about trying to create division within the population of the province of Ontario and the people who provide the services.

When I have a chance to visit these long-term-care centres, I've got to commend them on the great work they do. But they're being told, "You're going to have to do more and more and more," because it's politics, "but you're going to get less and less and less to do it." That is wrong.

This resolution should be supported. The government should rethink the politics of what they're doing. It's not always about drawing divisions between people. Sometimes you people over there have to think about doing the right thing.

**Mr. John Wilkinson (Perth–Middlesex):** Let's just compare and contrast. I came into politics for one very simple reason: because we had elected governments that had played wedge politics, that deliberately went out of their way to say to people that some people count and some people don't count.

For me to hear from the other side that somehow we're playing wedge politics when we're doing something that's very simple but long overdue—what's long overdue is the fact that we need to have the new Bill 140, which I think has been widely praised by those in the industry as long overdue. But there are those who are afoot who think that somehow through that bill there should be a budgetary commitment. Anyone who knows this place knows that's not how this place works. I know that the former Minister of Health and Long-Term Care knows that as well.

I find it interesting, because I think perhaps today we are seeing a plank of the new Progressive Conservative Party budget, their plank about the financing. I find that there's a call here to fund some 35,000 beds to be

upgraded from B and C. I know that will be a pricey ticket, and I'll be interested in hearing in the spring, when Mr. Tory reveals his plan for the good people of Ontario, how many billions of dollars he attaches to the commitment. I know he has a great deal of respect for the member for Kitchener–Waterloo, and if she's calling for this, I would be surprised if the Leader of the Opposition didn't set a few billion dollars aside for it.

What I know is what's actually happening right now on the ground in my riding of Perth–Middlesex. I know that the previous government said there were going to be 20,000 new long-term-care beds. I know that none of them showed up in my riding during the eight years of the Harris-Eves government. And I know the good people in Knollcrest Lodge in Milverton, a wonderful home, which was a D facility, while providing superior care, wanted to upgrade their home. They qualified for something known as exceptional circumstances. But you want to know something? There was no money from the previous government for homes that qualified for exceptional circumstances. There was a program, but there was no money.

I'm glad to say that just last weekend I was part of the sod-turning at Knollcrest Lodge. The McGuinty government—our government—is providing some \$3.5 million to help that home redevelop to an A standard; we're providing some half a million dollars in transitional funding, but the remarkable story is the amount of money that the small community of Milverton, part of the great municipality of Perth East, has raised: some \$650,000, on track to a total of \$700,000. The reason they were able to do that is because this government actually provides money, in comparison—and I contrast—to the previous government, which did not provide that money.

When I was first elected, I said, "What did the former member say?" He said, "I can't get that money. I can't get the money. Nobody gets that money. We have a program, but there's no money."

I know that over the last few years, when I go to all of the nursing homes in my riding, they say thank you to me; they say thank you for the new equipment; they say thank you for more nurses; they say thank you to us for the types of things we've done. We've reversed the draconian move of the previous government in regard to the daily allowance for our seniors. All of those things cost money but, working together with the long-term homes, we've been able to make progress. I know that we announced just last month another 1,750 new beds to be built and 662 to be rebuilt. I would think it's odd for the member to come in with the record she has in government and say that somehow Bill 140 is some threat. I know politically there are people who are casting those aspersions, but I know that when I talk to residents and my care homes, they're very grateful. They know there's more to be done. I believe all of us in this House lobby the Minister of Finance for our own ridings.

I think there's a brighter future. I want to say to the B and C homes that if you're able to redevelop, because I know you all want to be As, then you're able to qualify

for a 25-year licence. I think that is an important incentive for us to move forward.

Mr. Speaker, I want to thank you for your indulgence this morning.

**The Deputy Speaker:** Further debate?

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** I'm pleased to rise today in support of my colleague from Kitchener–Waterloo's resolution that, in the opinion of this House, the government of Ontario should commit to a plan of action to invest in an effective capital renewal program for Ontario's 35,000 older long-term-care beds (structurally classified as B and C beds) so that they meet the 1998 designs.

It's interesting that the member from Perth–Middlesex and the member from Nipissing aren't hearing what we're hearing on the ground from the long-term-care centres, the residents, the doctors and the staff in our ridings. I just can't believe they haven't received these cards—hundreds of them—from the Ontario Long Term Care Association, speaking about their concerns about Bill 140.

In my riding of Haliburton–Victoria–Brock, in the mid-1990s, it was a big problem, not enough long-term-care beds: years of waiting lists. The PC government came in and worked with the long-term-care associations and the municipalities, invested money, and we've got long-term-care beds. We have new beds. We have upgraded beds. All of a sudden, after the previous PC government did their investments, we didn't have waiting lists. The elderly and frail in my riding could access long-term-care beds.

Now, guess what? We've heard the demographics. The population of seniors is going up. We need more beds. I have wait-lists now again in my riding of Haliburton–Victoria–Brock.

The member from Nipissing did a good report. The government has not acted on this report. I guess it's not a shock to those people here. They bring in Bill 140. Residents of long-term-care centres come with wheel-chairs or oxygen tanks, they bring in the doctors and staff and they come with all these cards and petitions. They have written letters to the townships. Bon-Air Nursing Home in Cannington wrote to Brock township, and Brock township sent back a letter saying, "We appreciate these concerns. They need to be acted on." There were nine recommendations that the Bon-Air long-term-care home brought forward.

The Ontario Association of Non-Profit Homes and Services for Seniors are here today for a luncheon. Sandy Hall, the administrator of Victoria Manor in Lindsay, is here. They write—First Conclusion: "The bill"—140—"if implemented as drafted, will have serious implications for the viability of the not-for-profit ... long-term-care sector." We're not making this up. These people are coming to us and placing huge concerns in rural Ontario. Where could you move beds out of certain areas in rural Ontario and put them in other areas?

The level of uncertainty with Bill 140 is extremely high. We're talking about 300 long-term-care homes, 35,000 residents in the B and C homes. The staff give

tremendous care, and they're concerned that the patients in their B and C homes are not getting the same level of care, and they have no chance. As the member from Renfrew–Nipissing–Pembroke said, "How they can go to the bank?" They can't go to the bank. Under Bill 140, there's not the surety. They can't upgrade their homes, build additions onto their homes the way they want to because they want to treat their residents on the same level playing field as everywhere else, and this bill discriminates against this.

My colleague from Kitchener–Waterloo has brought forward a resolution that all members of the Legislature should support.

**1100**

**The Deputy Speaker:** Mrs. Witmer, you have up to two minutes to respond.

**Mrs. Witmer:** I want to thank the members from Waterloo–Wellington, Nepean–Carleton, Timmins–James Bay, Renfrew–Nipissing–Pembroke and Haliburton–Victoria–Brock for supporting this motion. I also want to thank the members for Nipissing and Perth–Middlesex for speaking to the motion. However, I was certainly very surprised and very disappointed that the member from Nipissing and the member from Perth–Middlesex were so out of touch with what is going on in the province of Ontario.

We have 35,000 residents who are living in homes classified as B and C. They may be three- and four-bedroom wards; they may be sharing washrooms with eight people; or they may be travelling down to the basement and spending almost half an hour in transit for dining. They're not living in the modern facilities that we have today in the 20,000 new beds that have been constructed by our government or the 16,000 beds that we renovated.

I guess I would say, you promised a revolution. You promised that our senior citizens and others who live in these homes would live with dignity, would have privacy, would have safety, would have comfort, but you have not delivered. All you have done is create uncertainty. As a result, these individuals are coming to us with their petitions. They are pleading with us, "Do not let us be Ontario's forgotten people." Even university students today live in institutional settings that are better than this. These people receive excellent care. However, they don't have the opportunity to live in the new, modern facilities that others enjoy today. They don't deserve to be treated as second-class citizens. I plead, I beg with you today: Government, consider these individuals and support this resolution.

#### LAKE SIMCOE WATERSHED

**Mr. Garfield Dunlop (Simcoe North):** I move that, in the opinion of this House, the provincial government must:

Recognize that the county of Simcoe and the cities of Barrie and Orillia offer a superior environment and quality of life for families to live and work;

Recognize that Lake Simcoe has been an integral part of the heritage and culture of the region and that the lake generates approximately \$250 million per year in economic benefit;

Recognize the development pressures that the Oak Ridges moraine and greenbelt legislation and Places to Grow Act have placed on the Lake Simcoe watershed;

Recognize that the protection and improvement of water quality in Lake Simcoe must be a government priority;

Recognize that the intergovernmental action plan will require substantial provincial investment in infrastructure to accommodate the anticipated growth of approximately 250,000 citizens over the next 25 years;

Provide the means for adequate funding to accommodate the approved growth in the Lake Simcoe watershed;

Recognize the research and reports by various stakeholder groups that have worked tirelessly to promote the need for water quality protection and improvement of the Lake Simcoe watershed; and

Ensure that any future development must go hand in hand with comprehensive watershed planning and funded protection of the Lake Simcoe and Nottawasaga watersheds.

**The Deputy Speaker (Mr. Bruce Crozier):** Mr. Dunlop has moved private members' notice of motion number 29. Mr. Dunlop, pursuant to standing order 96, you have up to 10 minutes.

**Mr. Dunlop:** I'm very pleased to rise today to present this resolution to the House, which I have referred to as the Lake Simcoe protection resolution. It follows Bill 106, a bill I introduced earlier in the year, that I had consultations on. However, I decided, because of the scope of the bill and the magnitude of the bill that would require, that it would be difficult to get that bill through the House, and I wanted to get, in this Parliament, some type of debate on the problems we have facing Lake Simcoe.

I believe this is the first time in the history of the Legislature that private members' time has been set aside to specifically deal with the protection of the water quality and what may be deemed one of the most beautiful bodies of water in our planet, Lake Simcoe. After the Great Lakes, the second-largest is lake in Ontario is Lake Simcoe, after, of course, Lake Nipigon.

I have been told by folks representing the chambers of commerce that the economic benefit generated by Lake Simcoe is somewhere around \$250 million per year. I also understand that currently on our planet, close to one billion people do not have access to good, clean drinking water. We have an abundance of water here in this province and I'm one who believes we really have to do more to protect it.

I have been involved in municipal politics since 1980, and in that period I have witnessed growing concern about the quality of water in Lake Simcoe on the part of politicians and residents alike. In fact, I chaired the official plan committee of the county of Simcoe and felt

that even then our shoreline development issues were very controversial and certainly drew the attention of the public.

Since 1999, however, I've found that far more attention has been paid to the lake by my constituents, and I see it on a regular basis.

Anyone 40 years of age or older who's a resident of Simcoe county can certainly recall Lake Simcoe being identified as the ice-fishing whitefish capital of North America. I remember, as a little boy, my father coming home from ice fishing and bringing the beautiful whitefish of Lake Simcoe back to our home. Unfortunately, those days are gone.

Currently, the population of the county of Simcoe and the cities of Barrie and Orillia is 420,000. At the current population, some will argue that the quality of the water, with improvements that have been made to date—sewage systems and some stormwater protection—is maintaining itself or even slightly improving. However, many others will argue that the water quality is deteriorating, particularly along the shoreline areas.

There's no question that popular legislation introduced and passed in this House, such as the Oak Ridges Moraine Conservation Act, the Greenbelt Act and the Places to Grow Act, has created a fast-tracking or leap-frogging effect of development to Simcoe county and specifically to south Simcoe.

I should point out that this has happened in other areas of the province as well, where the greenbelt area has ended and the other areas go up for massive development. Clearly, in Ontario our homebuilders need access to land to accommodate the population growth that we're seeing.

The current government's plan to look at population trends in the region was to create a process, specific to the county of Simcoe and Barrie and Orillia, called the intergovernmental action plan. Included in the process were the members of council from the municipalities and the mayors etc. but not any of the sitting MPPs, such as myself or Mr. Tascona or Mr. Wilson.

The results released to the councils on August 14 of this year at the AMO conference in Ottawa called for a Barrie and area option as the preferred growth plan for the next 25 years. I had asked to be invited to that meeting, as the MPP for Simcoe North—there are 100 kilometres of shoreline in my riding—and my request was never even responded to by Minister Gerretsen's office. That meeting was also attended by the Minister of the Environment.

Many problems exist with the IGAP, which will add a minimum of 250,000 additional people to the county of Simcoe and the cities of Barrie and Orillia over the next 25 years. That's a 60% population growth.

Let me give you some examples. The IGAP did not include a strategy for job creation and economic growth. The IGAP did not include a strategy for infrastructure construction and expansion. The IGAP did not include an environmental strategy.

What jumped out at me and is paramount to this resolution is that the Barrie and area option presented at

the August 14 meeting showed one main disadvantage: It clearly points out that the plan exceeds the assimilative capacity targets of Lake Simcoe.

On page 14 of the presentation that the minister presented to the mayors of the counties of Simcoe—Strengths, Weaknesses, Opportunities and Threats—it said, “Finite capacity for growth in Lake Simcoe and Nottawasaga river watersheds.”

On page 22, under “Barrie and Area Option,” the main disadvantage was: “Exceeds assimilative capacity study targets.” Ms. Munro already brought that up in this House at one point.

The government gave the Lake Simcoe Region Conservation Authority and the Nottawasaga Valley Conservation Authority, I believe, something like \$1.5 million to do the appropriate studies to go back to the IGAP. But what happened? They were not even invited; none of their information was listened to.

Even if the lake is maintaining itself now—and I say again, many people argue that it's not—what type of condition will it be in by the year 2031 if we follow this Barrie and area option plan?

Even the IGAP identified that in 2006 dollars, approximately \$650 million will be required for sewer and water systems to accommodate the growth. This is very interesting to note, since in the last round of the COMRIF funding, not one cent was allocated for sewer and water purposes to the county of Simcoe or to any municipality in the county of Simcoe or to Barrie and Orillia.

1110

Lake Simcoe is crying out for help. Lake Simcoe Region Conservation Authority cannot possibly adjust to this growth without substantial provincial investments and involvement.

Many interested groups are also raising awareness—I'm telling you, we hear about them on a daily basis—organizations like Campaign Lake Simcoe, the Rescue Lake Simcoe Coalition, the Ladies of the Lake. The Ladies of the Lake raised \$250,000 selling this calendar this year just for the purpose of drawing attention to this problem. Marina operators, conservation clubs, hunters' and anglers' groups, cottager associations and municipalities have all raised the flag to point out that we absolutely have to do better and we have to do more. The province has to be more attentive, more compassionate, and clearly has to play more of an active role if we are to protect and enhance this beautiful body of water for generations to come.

I personally believe there's even another aspect to this, and that's the federal government. I know the federal government may be able to play a role in this. I know that environmental hot spots have been identified by the International Joint Commission on the Great Lakes. I think there is an argument that can be put forward that Lake Simcoe could be identified as an environmental hot spot. It is the sixth Great Lake. But with or without any federal assistance, we in this assembly cannot allow this beautiful lake, Lake Simcoe, to continue to deteriorate.

The county of Simcoe municipalities and the cities of Barrie and Orillia have just his past week elected their

municipal councils for the next four years. I congratulate all of those who put their name on the ballot and congratulate the winners as well. The challenges they face are monumental. I believe, without question, that one of the top priorities will be growth and finding the infrastructure dollars to accommodate the growth. As we add another 250,000 people to the region over the next 25 years, we need to see substantial provincial funding for things such as sewer and water expansions and improvements; storm and surface water improvements; expansion of hospitals; more long-term-care beds; innovative methods of waste disposal; Highway 400—we simply cannot keep adding thousands and thousands of cars on to that highway every day, as it's nothing but a massive gridlock problem; and, finally, a comprehensive government plan that will protect and enhance Lake Simcoe and the watersheds of Lake Simcoe and the Nottawasaga River; a plan based on environmental science; a plan that would see consistent development policies in all municipalities surrounding the lake.

I can tell you that in my riding alone, there are over 100 kilometres of shoreline on Lake Simcoe, and only a few miles of that actually have any sewer and water capacity. So we have these thousands of cottages—some of these are mega-homes now—and they are all on tile beds. Some go half a mile back from the water. But you know what? They all flow towards the water, as they seep towards the lake, and that's getting to the lake. We need to do more around some of our municipal drains, and we have to do more with storm water management.

The reality is that we do not want to continue on with this massive development unless we have a comprehensive plan in place that will protect that lake. It's our responsibility in this House to do just that. I would urge all members of the House—I know there are not a lot of government members here this morning—I would ask to you to please listen to these comments. This is a very, very important issue for a beautiful part of the province. We do not want to see this gem in the province of Ontario deteriorate any further. We want to enhance it even more, to protect it, to make more economic development, and to make it better for our children, our grandchildren and many generations to come. It's that important. I plead with you all to support this resolution this morning.

**The Deputy Speaker:** Further debate?

**Mr. Khalil Ramal (London–Fanshawe):** Thank you for giving me the chance to speak on the resolution brought by the member from Simcoe North. It's a very important issue we're dealing with today. It's to protect our natural resources, our beautiful areas in the province of Ontario.

I had the chance a couple years ago to go to Lake Simcoe to see the beautiful landscape of the area. I also had the chance to go to Barrie and Orillia with the member from Simcoe–Grey and the member from Barrie. Because we had an event going on in the area, I went early to see the area. It was beautiful. When you go, you see little hills and the landscape. It's a very beautiful

area. I know that many people in the province go to Lake Simcoe, especially in the wintertime, for fishing. It's a very important tourist attraction for many people.

This resolution fits with our government line. We believe strongly in protecting natural areas and farming areas, and we invested by creating the greenbelt area. We invested, in the beginning, when we got elected, to protect 1.8 million acres in the Golden Horseshoe area, which was famous, through the greenbelt plan. It's very important to us to protect the natural resources, especially water.

No doubt about it: The member from Simcoe North brings to the House a very important issue: to create awareness among us in this place and also to send a message to the people of Ontario about the importance of the natural resources, of the watershed, of an area that attracts many people to visit and enjoy themselves during their vacation time. He also mentioned protection of the water. I had the privilege to be part of the committee that was in charge of touring the province of Ontario to introduce Bill 43, the water protection act, a very important bill. We toured the province, especially rural areas, to make sure that all the streams, the rivers, the lakes, all the sources of water were protected, because it's vitally important to us to make sure that the water we drink in the cities and the urban centres are well protected to maintain the safety of the people of this beautiful province.

There's no doubt about it: The member for Simcoe North brings an important issue about Lake Simcoe. It's an attraction for many people. It's also the watershed for many different sources of water that feed many different locations and municipalities. By protecting the area, it protects our lives, our future, and maintains safe drinking water for many people who live around it. He's also bringing the very important issue that when we grow in the city of Toronto and many different areas, we have to send people outside Toronto; people like to live outside Toronto. It happens that the Simcoe North area is the area nearest to Toronto, and many people like to live there and commute on a daily basis between there and Toronto.

So we have to invest more money in infrastructure, which we do. We created a program we called ReNew Ontario which will invest about \$30 billion over the next five years to make sure that the infrastructure and water systems are in place. He brought a very important issue. I had the chance to go to the Lake Huron area. There are a lot of cottages in that area. I see a lot of houses on a little hill there facing the water. There's a big concern about the sewer system not being in place and the municipal infrastructure not being in place. It's very important to protect the water sources and watersheds and the lakes that feed a lot of water sources.

There's no doubt about it: He brings a very important resolution. I'm going to support it because it means a lot to us, especially on this side of the House. Protecting natural resources and the greenbelt and the water, the infrastructure, means a lot because it means building the infrastructure for generations to come. We want to make

sure that all areas of the province of Ontario are well looked after and all the infrastructure is in place. That's important, because we cannot build one element without building the infrastructure to continue building prosperous communities, whether in urban centres or rural areas. For our government, it is an important element; they all work together to create a great and prosperous province.

In the end, I'm going to support this resolution because it fits our agenda, fits our direction. I think it's an important resolution to continue to talk about protection for natural resources and for green areas, especially source water.

**The Deputy Speaker:** Further debate? The member for Waterloo—

**Mr. Dave Levac (Brant):** On a point of order, Speaker, and I'd ask that the clock be stopped while my point of order is going on.

**The Deputy Speaker:** Okay. We'll stop the clock.

**Mr. Levac:** There's a long-standing tradition in this place. Twice today I've heard references to people's attendance, and I would draw to the attention of this place and the House that there are circumstances for that. Because of the long-standing tradition, we've been very good at not mentioning attendance in this place. There have been three unfortunate deaths in our caucus and there have been some illnesses and some operations. I would reference this to all members, to please be cognizant of not making references to people's attendance.

**The Deputy Speaker:** Just to clarify your point of order, I heard those, and there has been no reference to a particular member's absence. There has been a reference to the overall attendance. All parties should take care to note that.

The member for Waterloo-Wellington.

1120

**Mr. Ted Arnott (Waterloo-Wellington):** The member for Simcoe North is representing the long-term interests of his constituents by bringing forward this resolution today. So often politicians are accused of having a planning horizon that extends no farther than the next election, and it is said that we don't attend to the needs of future generations. Garfield Dunlop makes it abundantly clear that he does care about future generations with what he's doing in this House today.

As the MPP for Waterloo-Wellington, I understand his concern perhaps better than some. Much of our riding touches upon the greater Toronto area as well. The government's greenbelt policy is intended to dramatically restrict growth, generally speaking, in a concentric circle outside of the city of Toronto. The greenbelt is a defined geographic area enveloping Lake Ontario from Northumberland to Niagara. As my colleague the member for Erie-Lincoln has said many times, the greenbelt owes its boundary origins more to political science than natural science.

Although the principle of a greenbelt is very popular, when the policy was announced, my immediate concern was that it might have the effect of pushing enormous

growth pressure to the communities just outside of it, in areas like Simcoe county and Wellington county. My own view on growth is this: Communities should be allowed and be able to decide their own futures. I've always believed in local autonomy when it comes to decisions about growth. Local municipal councils have a mandate from their residents to do their own planning and should be allowed to pursue their plans without excessive and undue interference from the province. As a general rule, unless there is some significant provincial interest, local autonomy on planning should be respected by the provincial government. If a community wants to grow, providing environmental issues are not found to be of significant concern, it should be allowed to do so. On the other hand, if a municipality wishes to maintain its population and preserve the status quo by restricting growth, it should be allowed to make that decision as well.

I know that the member for Simcoe North is very concerned about the quality of water in Lake Simcoe. I know that he would agree that scientific study must be ongoing to ensure its long-term survival, and if excessive growth is damaging the lake, then action must be taken.

Let's return to consider the case of Wellington county once again. Here we see that the government's Places to Grow initiative anticipates that the combined population of the county of Wellington and the city of Guelph will increase from 195,000 in 2001 to 321,000 by 2031. That's an increase of 126,000 people. That's a 65% increase over 30 years in communities which draw their water from the ground, the vast majority of which lack any form of public transit and are served by a county and separated city form of local government. I'm hearing concerns expressed to me that this level of growth is too high. I understand from a briefing that I had last week with officials from the Ministry of Public Infrastructure Renewal that these growth forecasts will be reviewed every five years in conjunction with the release of new census data, and the growth plan forecasts may be amended in the future. In fact, I'm told that new census data will be available to the government as early as next year. I hope that going forward the government will consult with municipalities on the growth target numbers, more so than they have to date.

The other concern, of course, is: Will there be sufficient infrastructure to support the growth the government envisions, and if so, who will pay?

In closing, I want to ask all members to seriously consider the points the member for Simcoe North is making today and urge every member of the House to think of the coming generations when they cast their vote on this important resolution.

**Mr. Joseph N. Tascona (Barrie-Simcoe-Bradford):** I'm very pleased to join my colleague from Simcoe North on this bill. Certainly the resolution is very clear. It says, "Recognize that the county of Simcoe and the cities of Barrie and Orillia offer a superior environment and quality of life for families to live and work." That is so true.

Last night I was at the Southshore Community Centre, which is on Kempenfelt Bay, which, when I was on council, was purchased by the city of Barrie council for the residents of Barrie, that whole section from the Tiffin boat launch down to Minet's Point. It was slated to have houses built on it by CN and we stopped that through an expropriation motion.

Last night I was at the retirement party for Peter Lee, who is leaving the city after 18 years as CAO, and also 36 years' service with the community. His focus, my focus, I think all my colleagues' focus who really feel strongly about Lake Simcoe, is that it has to be protected without question, and it has to be protected in measures that require funding and support from the provincial government to make sure that this lake continues to sustain itself.

There are measures, and my colleague Julia Munro will speak about it, in Bradford. There's a plan, a project, down there that would help deal with phosphorus coming into Lake Simcoe down in that region, which the town has worked on with the other communities to make sure that happens. It's about a \$16-million project, but it's something that could benefit the lake. We need the money from the province to make sure that we get that funding and that type of operation in to protect the lake even more. That's been a project in the works for a number of years. Certainly, anything we can do to make Lake Simcoe maintain its quality of water, to make sure that the pressures of growth do not impact is good.

There has to be a firm plan in terms of how much growth there can be before the lake is impacted. Quite frankly, that work hasn't been done by the government. They've turned their backs on the residents of Simcoe county; they've turned their backs on all the environmentalists who believe in Lake Simcoe and believe in quality of water in this province. It's a shame, because the environment is so important. For them to turn their backs on Lake Simcoe just isn't acceptable.

**Ms. Jennifer F. Mossop (Stoney Creek):** It's a pleasure to rise to speak to this resolution brought forward by my colleague opposite. I speak a bit nostalgically at first, as many people do about that area. When I was quite a bit younger and my husband and I were courting, we used to leave the big city and drive up north to a destination—Lake Simcoe—so that we could enjoy the natural beauty up there, the pastoral quality of the area. Gee, if things had been different, we might have actually settled down there. Maybe we would have met head to head in an election or something. However, that didn't work out. We're both in the House, happily, together, my area being Stoney Creek.

I understand very much about the issues that he's talked about in terms of preservation of the natural aspects of that area, but also of any area. Those concerns have been embodied in many pieces of legislation put forward by this government. One of the reasons why I ran for the Liberal Party in the last election was because of its understanding and its concern around the environment. The Clean Water Act, which we just recently

passed in this Legislature, was not supported by the other side. I'm not sure why. The greenbelt legislation was not overly supported by the other side. However, that is a piece of legislation that—I think even the member who is bringing forth this resolution was maybe supportive of having his area included in the greenbelt, because that might have addressed some of the issues that he's concerned about here, which are to preserve this area, to protect the watershed and to protect the environment. Because let's face it: If we don't have clean water and we don't have clean air and we don't learn how to grow sustainably, we're not going to be around at all. These are issues that our government understands very, very well and have been embodied in pieces of legislation that we've brought forward—the two I've mentioned, but also Places to Grow.

I'm going to speak about my area, because in Stoney Creek—my area is included in the greenbelt. There was a lot of discussion around whether or not this was a good thing or a bad thing, development and how it should go forward. The area that I represent, lower Stoney Creek, was an area that had been brought into the urban boundary twice previously. The greenbelt proposed to freeze it because that was where some of the world's best tender fruit land exists. However, that's not the case anymore. Because it has been patchwork-paved over with industry, with subdivisions, with highways, with railways, we have actually destroyed the microclimate in our tender fruit land because we've created frost pockets with these pieces of development. Tragically, our greenbelt legislation is actually too late for that pocket, that rare piece of land in the world. It was too late for that area. So in fact, as much as I believed in green, I had to fight to have that portion removed from the greenbelt. But I fought very hard to keep in the pieces that made sense, that we really could still preserve. So there's a chunk of good tender fruit land that I knew we could keep.

There was another piece of land right on the shores of Lake Ontario which had not been included in the draft legislation for the greenbelt. It's a wetland where birds nest. The federal government actually owns the property—the Department of National Defence—but it doesn't get used, so it just sits there. It's actually a nesting ground for water birds. I pointed this out to the drafters of the greenbelt. I said, "You know, you've got all this great greenbelt land in here. Some of it doesn't make that much sense, unfortunately, because we human beings managed to destroy that great land that we had there. But here's a lovely little piece of land that I think we should preserve—hopefully forever, which was the intent of the greenbelt legislation—and then we will have a natural park right on Lake Ontario for the wildlife to enjoy and for people to enjoy." We need our green space, we need our clean water, and we do understand that.

I'm not entirely clear, when I was listening to the member opposite, whether he's for development or against development, whether he wants urban sprawl or doesn't want urban sprawl. I'm not quite clear. But I can certainly support his sentiment and his concerns and say,

"Yes, we want to work with you, with the people of this area, to make sure that if growth continues, it happens in a responsible way, in a sustainable way, and that that jewel of a lake called Lake Simcoe is protected as best as possible." I don't have any difficulty in supporting that notion, that sentiment and that resolution.

I just hope that as we continue to work on plans that we have for the province for preserving our green space, for keeping our water clean and our air clean, we develop plans that don't just look to the next election or the next 10 years or the next development plan but actually look out 30, 40, 50, 100 years at what we need to do to grow sustainably now, so that all these wonderful things will still be there for future generations, not just our kids but their kids and so on. That's what it's all about: stewardship. We don't really own anything; we do not own any land here. We are here to look after it. We are its stewards. At best, we rent it, and we should be thankful for it and do the best we can, potentially through resolutions like this; definitely through many of the pieces of legislation that our government has introduced and passed in this House.

So I will support the member opposite in this, and I look forward to working very closely with him in the future to make sure that that jewel of a lake, Lake Simcoe, will still be there in its beauty and its glory so that my husband and I can take our kids and grandkids there to enjoy it.

**Mrs. Julia Munro (York North):** I'm pleased to be able to join and add a few comments to what I believe is an extremely important initiative taken on by the member, Mr. Dunlop.

I live only a couple of miles from the lake, in the town of Georgina, and I can assure all members that my constituents want to preserve Lake Simcoe, both for its recreation and as a source of drinking water. To do this requires protecting the rivers and streams that flow into the lake. Along with many other local residents, I've rolled up my sleeves and helped clean up some of our local water courses, such as the Black River and the East Holland River.

As a property owner in Georgina, I joined an initiative led by the Lake Simcoe Region Conservation Authority to plant trees in sensitive areas on a cost-share basis. In my case, they planted 230 trees and shrubs. Planting trees in sensitive areas helps to prevent a quick runoff of melting snow in the spring. Slowing down the runoff prevents erosion and protects wildlife habitat along water courses. Erosion is a huge issue when it comes to preserving water quality, and the more we can prevent erosion, the more we can do to keep our lake water clean. I'd encourage all eligible landowners in the Lake Simcoe watershed to take advantage of a program such as this and to contact the conservation authority to see if you qualify.

When our PC government was in office, we embarked on a number of initiatives which benefited Lake Simcoe. Protecting the Oak Ridges moraine helps preserve the southern portion of the Lake Simcoe watershed. One of

the key initiatives in this process was recognizing the importance of protecting cold water streams emptying into Lake Simcoe. We need to continue this work, as the way to preserve the lake is to preserve each stream along its entire course. This is where individual citizens can do their part.

Finally, I want to thank all of those who have worked to bring this resolution to debate in the Legislature, starting with my colleague the member from Simcoe North. The Ladies of the Lake, Rescue Lake Simcoe Coalition and the conservation authority, to name only three, have worked very hard on behalf of the lake.

Most importantly, I want to thank the hundreds and thousands of local residents who do their part every day to help preserve the lake. We must all work together to preserve the lake we love, and I'm proud to state my personal commitment to preserving Lake Simcoe for all of our children and future generations.

**Mr. Jim Wilson (Simcoe–Grey):** I do want to congratulate my colleague for Simcoe North, Mr. Dunlop, for bringing this historic resolution into the House. As he said, I think it's the first time that we've debated the Lake Simcoe and Nottawasaga River watersheds in this House and exclusively set aside time for it. It's very important.

In a nutshell, in the couple minutes I have, I just want to say that while the greenbelt was a very popular and good idea, I don't think it was totally thought out. The greenbelt created a leapfrog effect with respect to development of Simcoe county. People can't develop where they wanted to develop around Toronto, so they have to develop—and the demand certainly is there for new housing—in Simcoe county, particularly the south end of the county.

But as Mr. Dunlop pointed out, none of the municipalities in the county of Simcoe, including Barrie and Orillia, got any money under COMRIF for sewer and water projects from this government. That's a shame. Under our government, for example, the little village of Creemore in my riding needed a sewage system. We did that and put in the most modern technology, ZENON technology. You can literally drink the water coming out of that sewage treatment plant that goes into one of the little creeks behind the plant.

We need, as was pointed out, that modern technology all around Lake Simcoe. We need a huge investment—the IGAP report said \$650 million, but it's much more than that—in sewer and water because the home builders need access to land that is serviced with the most modern technology.

People are going to want to live in beautiful Simcoe county. The government's own consultant report, IGAP, the intergovernmental action plan, indicates another 250,000 people over the next 25 years. That's like adding a bunch of Clearviews every year for the next 25 years. It's like adding about half the population of New Tecumseth every 25 years. So it's a huge impact on our area.

All I would do is join in the plea this morning that the government, while it did the greenbelt—that's one

thing—has got to follow that up with infrastructure dollars so that we can accommodate the people who want to live there. We want to have a beautiful Simcoe county. We want to maintain beautiful Lake Simcoe and the Nottawasaga River, but we won't be able to do that without modern equipment, modern investment and a real, long-term commitment from all governments so that we can keep Simcoe county a place where people want to live, work and raise their family.

**Mr. John Wilkinson (Perth–Middlesex):** I also want to rise in support of my friend the member from Simcoe North. I want to tell you why I'm going to support the bill. When I was busy on our all-party standing committee reviewing the Clean Water Act—something, I might add, the members opposite voted against—we were in Walkerton and then we had to fly to Cornwall. On that flight, we flew over Lake Simcoe. I can tell you, if you fly over Lake Simcoe, you have a different view of the world, you have a different perspective about that amazing jewel. I want to say to my friend opposite that I think his resolution is very well intended and I look forward to supporting that.

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** I'm pleased to rise today and to commend my colleague from Simcoe North for bringing forward this resolution to protect Lake Simcoe.

I'm in support of the resolution, and I want to remind the people who are watching and the few people on the other side that the shores of Lake Simcoe reach the Brock township part of Haliburton–Victoria–Brock. So there is a connection. I have a lot of e-mails; a lot of constituents in my riding are concerned about protecting Lake Simcoe. I support the intentions of my colleague from Simcoe North, and obviously many, many groups and individuals do. We're hoping that all members of this Legislature are going to.

**1140**

I'll quote one letter that came in to us. "Mr. Dunlop says protecting Lake Simcoe should not be a partisan issue, and I agree. We have to start listening to people, like Mr. Dunlop, who live by threatened water bodies instead of playing politics with this vital resource...."

"Mr. Dunlop lives around Lake Simcoe and knows first-hand how important it is to protect the largest freshwater lake entirely within Ontario. He knows that thousands receive drinking water from it, that the Lake Simcoe area's tourism industry is worth hundreds of millions of dollars and that the area's 2,000 farms shouldn't be paved over. He also knows there are plans to put 140,000 more people on green spaces in Simcoe county alone, and that there are better ways to grow than paving more wetlands, forests and working farms."

That's the content of many, many e-mails and letters that I've received.

I agree with that, and I agree with the member for Simcoe North and the leadership role he has shown with this. It's unfortunate that the McGuinty government does not have a better plan, has not been working with the area here in Lake Simcoe that we're speaking about today. It

has forced the local environmental groups, the conservation authority and the member for Simcoe North to take on the role the government should have been playing. He has built on the momentum. He has talked about the Ladies of the Lake, how they fundraise, how their great calendar raised dollars to help protect, for everyone's good—I mean, we're all in the province of Ontario; we all want to protect these natural resources.

The member for Simcoe North has mentioned the frustration in dealing with the Minister of the Environment and the Minister of Municipal Affairs on this matter. Lake Simcoe is an integral part of the fabric, the culture, the heritage, the environmental landscape and the areas that surround it.

This huge growth that my colleagues from Simcoe have mentioned—they take in more than Lake Simcoe, but the huge growth that is expected—there's no plan, there's no up-to-date infrastructure that is needed to protect the watershed areas: the Nottawasaga watershed area and the Lake Simcoe watershed area.

We need to support this resolution here today, and I'm hoping the members in the government will vote in favour of this and we can move forward to protect Lake Simcoe.

**Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh):** I'm delighted to have a few moments to speak on this resolution before us this morning from the member for Simcoe North.

I read with interest all the key messages from this resolution, but I was particularly drawn to a few key lines from it, wondering why the lines were in the resolution at all. For example, I read, "Recognize that the protection and improvement of water quality in Lake Simcoe must be a government priority."

Water quality for all Ontarians is a priority, and that is why we brought in the clean water legislation. As said, this act will better protect the quality and quantity of water—we've said that before; I say it again—and the aquifers, rivers and lakes for all Ontarians will be protected, not just the folks living in the Lake Simcoe region, but including them as well.

I also read, "Recognize that the intergovernmental action plan will require substantial provincial investment in infrastructure to accommodate the anticipated growth of approximately 250,000 citizens over the next 25 years."

This intergovernmental action plan has partnered with Simcoe-area municipalities to address the serious watershed and growth issues. This plan is a study, not an outcome or a government policy, and certainly we are going to work with the municipalities in that area, in the member's riding, and address those over the coming years.

With the government spending \$2.25 million to complete the intergovernmental action plan and a further three quarters of a million dollars from the municipal partners, it's surely an indication of our commitment to Lake Simcoe and Simcoe county municipalities, and certainly we are interested in environmental protection,

development certainty and effective and sustainable governance.

My time has run out, but I'm delighted to have had this opportunity to speak.

**Mr. Dunlop:** On a point of order, Mr. Speaker: I just want to get clarification. I understand the third party is not here to do their time. Can I have unanimous consent for anyone else here to speak?

**The Deputy Speaker:** It's rather unique—you can take your seat if you like. Since there aren't any members here who could ask for unanimous consent to give up their own time, I don't think it's appropriate that the rest of the members can give away someone else's time. The bottom line is, no.

**Mr. Dunlop:** Further, then, on a point of order, Mr. Speaker: I have two minutes to wrap up now. Would we divide after that? We'd like to force a recorded vote on this. Do we do that right after—

**The Deputy Speaker:** No. What will happen is, after you wrap up, then we will suspend proceedings until noon. Since there are no whips in private members' business, members know that the vote will be taken at noon. They can expect that a vote will be taken at noon, so we would just suspend proceedings until then.

Now you have two minutes to respond.

**Mr. Dunlop:** I would like to thank the members from York North, Simcoe–Grey, Barrie–Simcoe–Bradford, Haliburton–Victoria–Brock, Waterloo–Wellington, Stoney Creek, London–Fanshawe, Perth–Middlesex and the member from Charlottenburgh for their comments. I do appreciate some of the fine comments that have been made here today. I hope that we can be very sincere as we proceed and support this resolution.

Mr. Speaker, I did want to put on the record a couple of areas in particular that I felt should be brought to your attention. One is the fact that through this IGAP process, where we know there is going to be substantial growth, the conservation authority has been—it has been kind of controversial at times: people who support it and people who don't support it. I want to give credit in one area to the conservation authority, and that's the fact that in Gayle Wood's letter to the Minister of Municipal Affairs, she did point out that the conservation authority put this resolution forward: "That the Lake Simcoe Region Conservation Authority (LSRCA) board of directors and LSRCA staff take a very strong position against the options recommended, as they are in direct opposition to the goals and objectives of the LSRCA assimilative capacity study phosphorus targets."

I brought that up a few times earlier. That is something that we absolutely have to correct before we see this massive development in this Barrie-and-area option.

I also want to pay tribute to the Windfall Ecology Centre, which helped the Ladies of the Lake build the Naked Truth study—it's fantastic; it's something the government can use in its comprehensive plan—the One Voice Action Plan, the Lake Simcoe environmental strategy report; all of these, along with all the support we get from the people around the lake who want this lake protected for future generations.

I thank everyone for their comments this morning. I really hope we can get support, and support in the future, on this endeavour. Thank you.

**The Deputy Speaker:** We will now suspend proceedings until 12 o'clock.

*The House suspended proceedings from 1148 to 1200.*

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

#### LONG-TERM CARE

**The Deputy Speaker (Mr. Bruce Crozier):** We'll deal first with ballot item number 61, standing in the name of Mrs. Witmer.

Mrs. Witmer has moved private member's notice of motion number 27. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

We will call in the members after we deal with the next ballot item.

#### LAKE SIMCOE WATERSHED

**The Deputy Speaker (Mr. Bruce Crozier):** We'll now deal with ballot item number 62, standing in the name of Mr. Dunlop.

Mr. Dunlop has moved private member's notice of motion number 29. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the nays have it.

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

*The division bells rang from 1201 to 1206.*

#### LONG-TERM CARE

**The Deputy Speaker (Mr. Bruce Crozier):** Mrs. Witmer has moved private member's notice of motion number 27.

All those in favour, please stand and be recognized by the Clerk.

#### Ayes

Balkissoon, Bas	Kwinter, Monte	Racco, Mario G.
Barrett, Toby	Lalonde, Jean-Marc	Ramal, Khalil
Berardinetti, Lorenzo	Leal, Jeff	Runciman, Robert W.
Bisson, Gilles	Levac, Dave	Sandals, Liz
Brownell, Jim	MacLeod, Lisa	Scott, Laurie
Chudleigh, Ted	Marsales, Judy	Smith, Monique
Delaney, Bob	Matthews, Deborah	Tabuns, Peter
Dhillon, Vic	McMeekin, Ted	Tascona, Joseph N.
Dunlop, Garfield	Miller, Norm	Van Bommel, Maria
Elliott, Christine	Milloy, John	Wilkinson, John
Fonseca, Peter	Mitchell, Carol	Wilson, Jim
Hardeman, Ernie	Mossop, Jennifer F.	Witmer, Elizabeth
Hudak, Tim	Munro, Julia	Yakabuski, John
Jeffrey, Linda	Ouellette, Jerry J.	Zimmer, David

**The Deputy Speaker:** All those opposed, please stand and be recognized by the Clerk.

**The Deputy Clerk (Ms. Deborah Deller):** The ayes are 42; the nays are 0.

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

The doors will be opened for 30 seconds before the next vote.

#### LAKE SIMCOE WATERSHED

**The Deputy Speaker (Mr. Bruce Crozier):** Mr. Dunlop has moved private member's notice of motion number 29.

All those in favour, please stand and be recognized by the Clerk.

#### Ayes

Balkissoon, Bas	Kwinter, Monte	Ramal, Khalil
Barrett, Toby	Lalonde, Jean-Marc	Runciman, Robert W.
Berardinetti, Lorenzo	Leal, Jeff	Sandals, Liz
Bisson, Gilles	Levac, Dave	Scott, Laurie
Brownell, Jim	MacLeod, Lisa	Smith, Monique
Chudleigh, Ted	Marsales, Judy	Tabuns, Peter
Delaney, Bob	Matthews, Deborah	Tascona, Joseph N.
Dhillon, Vic	McMeekin, Ted	Van Bommel, Maria
Dunlop, Garfield	Miller, Norm	Wilkinson, John
Elliott, Christine	Milloy, John	Wilson, Jim
Fonseca, Peter	Mitchell, Carol	Witmer, Elizabeth
Hardeman, Ernie	Mossop, Jennifer F.	Yakabuski, John
Hudak, Tim	Munro, Julia	Zimmer, David
Jeffrey, Linda	Ouellette, Jerry J.	
Kormos, Peter	Racco, Mario G.	

**The Deputy Speaker:** All those opposed, please stand and be recognized by the Clerk.

**The Deputy Clerk (Ms. Deborah Deller):** The ayes are 43; the nays are 0.

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

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

*The House recessed from 1211 to 1330.*

#### MEMBERS' STATEMENTS

##### COURT FACILITY

**Mr. Jerry J. Ouellette (Oshawa):** I rise today to discuss an important matter dealing with the new Durham consolidated courthouse in my riding of Oshawa.

Construction is under way, which will add another state-of-the-art facility to Oshawa's downtown core, along with the new arena—and my congratulations to the city on a job well done there—the YMCA, housing and numerous other activities and upgrades that have all added to Oshawa's downtown core.

The new courthouse will incorporate 33 courtrooms, five judicial hearing rooms, a 100-unit holding cell and related court and legal services.

Through the Durham Regional Police senior officers—as well as the rank-and-file officers, I might add—it has been brought to my attention that the Attorney General has directed the Durham Regional Police to

continue utilizing current police facilities for holding accused offenders even after the new courthouse is open. This practice will thereby duplicate the services the courthouse could offer. Presently, this service costs the Durham Regional Police in excess of \$3 million annually in transporting and transferring offenders back and forth between facilities.

Indeed, this modern facility should facilitate modern justice, and we need to ensure the most efficient use of our justice resources as well as our tax dollars. I urge the Attorney General and ministry officials to reconsider this strategy and work along with the Durham Regional Police to consolidate these important services, as this would represent a large tax savings to the taxpayers of Oshawa and the region of Durham as well as fewer delays in our justice system.

#### EXPLOSION IN VANKLEEK HILL

#### EXPLOSION À VANKLEEK HILL

**Mr. Jean-Marc Lalonde (Glengarry–Prescott–Russell):** It is with great pride that I stand today in the House to honour the exceptional efforts of residents and neighbours of the community of Vankleek Hill.

Il y a déjà un mois, cette communauté a subi une fuite de gaz naturel des plus atroces. Cette fuite fut la cause d'une explosion qui a détruit trois maisons et qui en a endommagé sévèrement 90 autres.

What is remarkable is the way this community reached out to those affected by the explosion. The fast actions of neighbours, the fire department and the various police and emergency services on the scene meant that only one person had minor injuries.

Emergency Management Ontario and engineers from Hawkesbury and Cornwall came to assess the other houses to make sure they were safe. Neighbours immediately opened their doors to take in the people whose homes were damaged in the explosion. Vankleek Hill Collegiate students self-organized a clean-up of Fournier Street to do their part. A Vankleek Hill emergency fund has been created to assist victims.

Je saisis l'occasion aujourd'hui pour remercier publiquement les bénévoles de cette communauté pour leurs efforts exceptionnels et leur réaction immédiate à cette tragédie.

I commend the mayor of Vankleek Hill, Gary Barton, for responding with calm and confidence, and I am incredibly proud of the overwhelming support and sense of community.

#### RELEASE OF PSYCHIATRIC OFFENDER

**Mr. Robert W. Runciman (Leeds–Grenville):** This week, the Ontario Review Board opted to allow David Carmichael to move out of the Brockville mental health forensic facility and begin reintegration into the community.

A little over a year ago, Mr. Carmichael was found not criminally responsible for the murder of his 11-year-old

epileptic son and was confined in a secure mental health facility for psychiatric treatment. Despite being considered by his psychiatrists as a significant risk to the public, the hospital and the prosecuting crown apparently supported Mr. Carmichael's release.

I am not in a position to assess the wisdom or lack of same with respect to the release decision. It has been made. What I do want to put on the record is my fervent request that the monitoring of Mr. Carmichael be thorough and intensive and that it should not be dropped on the doorstep of the Brockville Police Service.

The residents of Brockville have a right to view this decision with some trepidation. Not too many months ago, a pedophile on a day pass from the Brockville facility, and supposedly under constant supervision, attacked a young child in the washroom of a local Tim Hortons. There have been other instances in the past.

Those advocating for and supporting Mr. Carmichael's release have a responsibility to ensure that this man does not once again jeopardize public safety. I call on them to fulfill that obligation.

#### COMMUNITY COLLEGES COLLECTIVE BARGAINING

**Mr. Rosario Marchese (Trinity–Spadina):** I rise in the House to explain the need for part-time college instructors to have the right to bargain collectively. Part-time instructors are a crucial part of the education system in Ontario and should therefore have the same right to organize and collectively bargain as do other instructors.

Despite the government's ban on unionization of these valuable educational workers, faculty and support staff from Ontario's 24 colleges have recently formed an organization of part-time and sessional employees of colleges of applied arts and technology.

Recently the UN group, the ILO, otherwise known as the International Labour Organization, ruled that such workers be given the legal right to bargain collectively and urged the McGuinty Liberals to let this happen.

One part-time instructor criticized the current situation as "Third World," because of its exploitation of cheap labour that has no job security benefits. The United Nations agency report stated unambiguously that "there's no reason that the basic rights of association and collective bargaining shouldn't also apply to part-time workers."

I have addressed this abysmal situation in my private member's Bill 13, An Act to amend the Colleges Collective Bargaining Act with respect to part-time staff, which would allow for part-time instructors to be treated like first-class instructors. Simply because someone works in a profession on a part-time basis is no justification to deny them the same rights that colleagues have.

As a representative of a civilized society like Ontario, I want to say that I'm strongly urging this government to pass my private member's bill. After all, the whole world is watching us.

## HEALTH CARE FUNDING

**Mr. Bas Balkissoon (Scarborough–Rouge River):** I want to speak today about the great health initiatives that are occurring in my riding of Scarborough–Rouge River. The McGuinty government has been a leader in health and health promotion, and I want to give some examples of how my riding of Scarborough–Rouge River has directly benefited from these initiatives.

I'm very excited about the state-of-the-art maternal newborn project occurring in the Rouge Valley Health System, to which the McGuinty government has contributed \$7.2 million. This project would have significant impacts on Ontario families who want to share in the birthing process together. Scarborough–Rouge River has also benefited from a \$55-million investment for the emergency room at Scarborough General, as well as \$17 million in base funding.

Yet another important project in my riding is the new community health centre in Malvern, which will eventually provide access to primary health care and community health programs for Ontarians who face systemic access barriers like race, language, poverty or disability.

While John Tory has said he will cut the health budget by \$2.4 billion, the McGuinty government recognizes the importance of focusing on the health of Ontarians and has committed to looking at ways to address both short- and long-term solutions to Ontarians' health issues. When it comes to the health of Ontarians, there's always more that can be done, but I want to thank the McGuinty government for making a difference in the health care system and for always striving to do more.

## CONSIDERATION OF BILL 107

**Mr. Garfield Dunlop (Simcoe North):** Anyone watching the parliamentary channel last night might have wondered why bells were ringing in this Legislature. I can tell you, Mr. Speaker, that it's because of action taken by the McGuinty government: their muzzling of Ontario citizens on Bill 107, on the Ontario Human Rights Commission; that, after the government spent \$106,000—106,000 of your taxpayer dollars—alone on ads to advertise committee hearings.

Our leader, John Tory, asked if this debate could continue. We promised a vote at the earliest opportunity, which would have been March 19, 2007. We don't think that's unfair for a bill that hasn't been amended in 40 years. We think the public has a right to hear many people speak. There are over 200 people waiting for the opportunity to speak to Bill 107, and they were denied. They were muzzled of that opportunity.

That is why our party rang the bells in this Legislature last night. We felt it was appropriate. We do think that it was a mistake to muzzle the citizens of Ontario and would like to have had that opportunity to vote next March, after a lot of committee hearings, after a lot of opportunity for debate. Again, 106,000 of your tax dollars wasted as this government decided to muzzle the province of Ontario on Bill 107.

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## PEEWEE BASEBALL CHAMPIONSHIPS

**Mr. Mario G. Racco (Thornhill):** Today I rise in the House to celebrate a tremendous accomplishment in my riding and in the city of Vaughan.

On the weekend of November 4 at the Baseball Canada Fall Convention, the city of Vaughan was selected as the host city for the 2008 Baseball Canada Championships in the peewee division. The championships will occur in August 2008. I'm pleased to let members know that several of the games will be played at one of the finest parks in my riding, Concord-Thornhill Regional Park, located on Racco Parkway.

The Baseball Canada Championships are held every year, featuring a variety of divisions, each played in a different location across the country. In the 36 years since its inception, no municipality in the GTA has ever hosted a national baseball championship in any of the divisions.

Vaughan is an ideal location for a national athletic tournament. It is centrally located in the GTA, close to the airport, has easy access to highways, a large volunteer community and is one of Canada's fastest-growing municipalities. Hosting the national baseball championship provides an excellent opportunity to showcase both the city of Vaughan and the province of Ontario.

The Vaughan Baseball Association has grown in six short years to become one of the largest and most respected youth baseball associations in Ontario, with a program of over 1,000 boys and girls, and growing each year. It is an honour to be hosting a national athletic competition of this calibre in my riding and in the city of Vaughan.

I would like to congratulate Frank Crudo, president of the Vaughan Baseball Association, and also former president Tom Pileggie, for working so hard to make Vaughan—and, I would say, Ontario—a destination for youth baseball.

## WINE ATLAS OF CANADA

**Ms. Jennifer F. Mossop (Stoney Creek):** I rise today to bring the members' attention to some new, vital, must-have reading material: the new Wine Atlas of Canada. The Wine Atlas of Canada; I reiterate that. What I want people to realize is that while there are many wine atlases of regions all over the world, Canada now has so many excellent areas where wine is being produced—some of the best wines in the world—that it is deserving of its very own atlas.

I just want to read a little bit from the insert inside the book. It says, "Come taste the unique style of wines grown in your own backyard. Whether you are a devoted connoisseur"—like the member from Beaches–East York is—"or have yet to discover the joy of homegrown Canadian wines, the Wine Atlas of Canada will inspire you to tour the country's wineries, walk its vineyards and sample its award-winning wines."

I can tell you, representing a chunk of the Niagara area as I do, that some of the best wines in the world and the most delightful wineries in the most delightful settings are just down and around the highway in the Niagara Peninsula, and there's a whole section on that in here.

Also noted in here: We have to acknowledge Prince Edward county. Nobody ever would have thought you would be growing grapes and making wine there, but they are indeed doing it there. Congratulations to those pioneers.

Tony Aspler is the author, best known as a wine journalist, and also the creator of the Ontario Wine Awards. He worked with our member from Essex, Bruce Crozier, to create Ontario Wine Week.

#### UKRAINIAN GENOCIDE

**Mr. Dave Levac (Brant):** I rise today to remind the members of this House of the 1933 famine and genocide that occurred in Ukraine. The exact number of victims is actually unknown, but we do know that more than seven million Ukrainian men, women and children starved to death under the Soviet occupation. This unimaginable horror was hidden from us, but because we now know that, we will never forget; we must never forget.

The week of November 18 to 25 has been set aside by Ukrainian Canadians to commemorate this tragic event in history. The Ukrainian Canadian Congress continues to raise public awareness and to educate us about this terrible tragedy. They teach in our schools to ensure that our youth understand and learn so they too will remember.

Speaker, we need to know about and remember events like this. We need to pass on this information to our next generation. It is education and awareness that raises the profile and hopefully helps future generations from a repeat of this kind of horror in our world history. These victims cannot and should not be forgotten.

The work of the congress is an inspiration. It reminds us of our humanity and our inhumanity. They have taken a tragedy and turned it into a commemorative that will not be forgotten to teach us never to repeat this again. Those victims will never be forgotten.

I know that all members of this House will join me in congratulations to the congress for the good work they do so we never repeat this kind of tragedy again.

#### VISITORS

**Ms. Judy Marsales (Hamilton West):** On a point of order, Mr. Speaker: I would like to welcome two guests to the Legislature today. One is Mr. Stephen Moranis, a long-term friend, past president of the Toronto Real Estate Board and entrepreneur; and his cousin Lawrence Dale. In her absence, I would like to pay tribute to Stephen's sister, Ms. Terry Moranis, who passed away earlier this year—a wonderful role model for women, a hard worker and a dedicated community person in her own right. Welcome, gentlemen.

#### INTRODUCTION OF BILLS

##### DIRECT ELECTION OF THE NIAGARA REGIONAL CHAIR ACT, 2006

##### LOI DE 2006 SUR L'ÉLECTION AU SCRUTIN GÉNÉRAL DU PRÉSIDENT DU CONSEIL RÉGIONAL DE NIAGARA

Mr. Hudak moved first reading of the following bill:

Bill 163, An Act to provide for the direct election of the Niagara Regional Council chair / Projet de loi 163, Loi prévoyant l'élection au scrutin général du président du conseil régional de Niagara.

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

The member may wish to make a brief statement.

**Mr. Tim Hudak (Erie—Lincoln):** I appreciate members' support upon first reading. I think it's time for the election of the position of regional chair in Niagara to enter the 21st century. This has been successfully implemented in Kitchener—Waterloo and Halton, our sister regions. If passed, this will ensure that any candidates, beginning in the 2010 municipal election, will need to get their mandate directly from the taxpayers who foot the bill. So issues like the compost facility proposed for Lincoln, for example, the water and sewer issue in Wainfleet and adequate police coverage in Grimsby or Fort Erie will be subject to debate and scrutiny by the taxpayers of those who would like to be the regional chair.

##### COMMUNITY RIGHT TO KNOW ACT (DISCLOSURE OF TOXINS AND POLLUTANTS), 2006

##### LOI DE 2006 SUR LE DROIT DU PUBLIC D'ÊTRE INFORMÉ (DIVULGATION DES TOXINES ET DES POLLUANTS)

Mr. Tabuns moved first reading of the following bill:

Bill 164, An Act to amend the Consumer Protection Act, 2002, the Environmental Protection Act and the Occupational Health and Safety Act / Projet de loi 164, Loi modifiant la Loi de 2002 sur la protection du consommateur, la Loi sur la protection de l'environnement et la Loi sur la santé et la sécurité au travail.

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

The member may wish to make a brief statement.

**Mr. Peter Tabuns (Toronto—Danforth):** This bill, also known as "The community right to know law," will provide the public with tools to protect themselves from toxic chemicals, requirements for labelling, reporting public accessed information; it will contribute to cancer prevention. In this, it follows the path that's been blazed by California, Vermont and the European Union.

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## MOTIONS

## COMMITTEE SITTINGS

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I seek unanimous consent to put forward a motion without notice regarding meeting times of the standing committee on regulations and private bills.

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

**Hon. Mr. Bradley:** I move that the standing committee on regulations and private bills be authorized to meet on Wednesday, December 6, 2006, from 3:30 p.m. until 6 p.m. for the purpose of conducting clause-by-clause consideration of Bill 124, An Act to provide for fair registration practices in Ontario's regulated professions.

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

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it. The motion is carried.

STATEMENTS BY THE MINISTRY  
AND RESPONSES

## CYSTIC FIBROSIS

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** It's a privilege to have a chance today to welcome, in the members' east gallery, visitors who have dedicated themselves in a variety of ways to issues related to cystic fibrosis.

It's a great pleasure for me to rise in this chamber today to announce a new program that will result in early diagnosis and treatment of one of our most dreaded childhood diseases, cystic fibrosis.

Cystic fibrosis, or CF, is the most common fatal genetic disease affecting young Canadians. It is estimated that one in every 3,600 children born in Ontario has CF.

Cystic fibrosis affects mainly the lungs and digestive system. It causes severe breathing problems and often leads to serious infections. It also makes it difficult to digest and absorb adequate nutrients from food.

While there is no cure for cystic fibrosis, we know that early detection and treatment can reduce the need for demanding therapies, which can lead to fewer days in hospital and lower rates of complications, and increase life expectancy.

By screening newborns for cystic fibrosis, we can ensure that babies who need treatment will receive it as soon as possible. This will give them the best treatment

and care possible, and by reducing the disease's burden throughout the years, it will lead to an enhanced quality of life.

Ensuring that Ontario's newborns get the best start in life is a key priority for our government. That's why today, by adding screening for cystic fibrosis, we're expanding the province's newborn screening program to screen for 28 rare disorders.

Although most babies with these disorders look healthy at birth, they may be at risk of having serious health problems, including developmental disabilities, recurrent sickness and even death, if their disorder is not detected in the first days of life and treated. Early identification is the key to effective treatment.

In November 2005, our government announced the expansion of its newborn screening program to 27 tests by the end of 2006. These tests are performed by a state-of-the-art screening based at the Children's Hospital of Eastern Ontario in Ottawa. The lab at CHEO began operations in April 2006, and since then, using this newly implemented technology, more than 90,000 infants' blood samples have already been screened.

Given Ontario's annual birth rate of 140,000 and a clinic incidence rate of one child in every 3,600 having CF, newborn screening could lead to approximately 40 babies each year being diagnosed within the first weeks of life and getting early treatment for this debilitating condition.

Blood samples from every child born in Ontario are sent to the lab, where they are currently being tested for 24 different conditions, with three more on track to begin by the end of this year. Screening for CF, which will bring the total number of tests to 28, will begin in 2007, once new equipment has been calibrated.

Investments in the implementation of the enhanced program totalled \$5 million for the one-time purchase of technology, as well as \$7.6 million annually to support the newborn screening program and its testing facility at the Children's Hospital of Eastern Ontario. Specifically for CF screening, we will be making an initial investment of approximately \$670,000 to purchase new screening technology, and an additional \$1.2 million will be allocated annually to incorporate testing for cystic fibrosis into the newborn screening program housed at CHEO.

Fortunately, these childhood disorders are very rare, affecting roughly 110 of approximately 130,000 or 140,000 babies born each year in Ontario. By testing newborns within the first days of life, we can ensure that they are treated early, reducing the chance of serious health problems later in life.

I'd like to acknowledge, amongst others, Dr. Michael Geraghty and Dr. Pranesh Chakraborty, co-heads of the Ontario newborn screening program at CHEO. They should be acknowledged for the fine work that they have done. Despite the fact that everybody in the field said that they would not be able to meet the deadlines that were placed upon them, they have brought this program in on time, to the benefit of Ontario's children.

With the addition of cystic fibrosis to the expanded panel of disorders, Ontario is now screening for a broader

range of diseases than any other Canadian jurisdiction. And every newborn baby in Ontario is screened. Ontario's enhanced screening panel includes three blood disorders, like sickle cell disease, a Canadian first, in addition to one endocrine disorder and two others. Ontario already screens newborns for hearing deficits.

Today's announcement is just the latest example of how the McGuinty government is on the side of Ontario families concerned about their children's health. Other initiatives include:

- adding three new vaccines, free of charge, to protect against chicken pox, meningococcal and pneumococcal disease;

- funding insulin pumps and related supplies for about 1,000 children living with type 1 diabetes;

- funding the expansion of the hematology and cancer outpatient clinic at the Hospital for Sick Children.

Newborn screening for cystic fibrosis is part of the McGuinty government's plan for innovation in health care, building a health care system that delivers on three priorities: keeping all Ontarians healthy, reducing wait times, and enhancing access to doctors and to nurses.

Innovation in health care has been one of the defining characteristics of this government. This new program is just one more part of that agenda of innovation. As well, as with all of the other health care reforms we've introduced, our purpose is clear: It is to preserve and strengthen Ontario's health care system, our public health care system. Our government believes passionately that our health care system is the best system for Ontario patients and is the best system for our province, enhancing our economic competitiveness and making us a more desirable place to live, to work and to invest.

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

**Mrs. Elizabeth Witmer (Kitchener-Waterloo):** Certainly, on behalf of our leader and the Progressive Conservative caucus, we are overjoyed that screening is going to be added for cystic fibrosis. We all know that early identification is the key to effective treatment. I would like to congratulate those medical specialists and also those individuals who have worked so hard in order to ensure that this program is going to be available for our young children. It certainly is a very, very positive announcement, because we all know that this is a very common, unfortunately fatal genetic disease that affects many young Canadians. We've heard it affects their lungs, their digestive systems.

Personally, some years ago I had the opportunity of becoming quite well acquainted with a family whose child did have cystic fibrosis, and I was able to see first-hand that this child had to consume a number of artificial enzymes, on average something in the neighbourhood of 20 pills a day with every meal and snack, in order to help them absorb adequate nutrition from their food. The other thing I observed, of course, was the daily routine of physical therapy that they had to undergo in order to keep their lungs free of congestion and infection.

The announcement today is going to help all of those children who are yet to be born. We know that there is no

cure, but certainly this announcement today gives these families and these children hope, and it's a very, very positive step forward.

We also know that the comprehensive treatment that is available to those who have cystic fibrosis has dramatically extended their lives. We know that today many people are living into their 20s and 30s and beyond, and that's good news. But we need to make sure that we continue to do everything that we can for people in the province of Ontario.

**1400**

It was just one year ago that a permanent advisory committee was established to provide oversight and ongoing advice to the government on its newborn screening program, and that Dr. Joe Clarke, the head of clinical metabolic genetics at the Hospital for Sick Children, was to chair that committee. I know they were taking a look at whether a test for cystic fibrosis should be part of the newborn screening program. That was November 2, 2005.

The good news is that today, about a year later, we now know that they're going to be testing for cystic fibrosis. This is good news because this week we also heard—or I guess it was last month—that Alberta was going to be screening newborns for cystic fibrosis as well. Hopefully, other provinces in Canada will also step up to the plate.

We know that there are about 3,600 babies in Canada who have the disease, so certainly this newborn screening is going to have a very, very positive impact on those children who are going to suffer from breathing and digestion problems. So that's important.

I learned how important it is for families to be supported when their children have these diseases without a cure. I had the opportunity this week to travel to Sick Kids Hospital, just down the street. I had the opportunity to visit with Isaac McFadyen, a young boy who has MPS VI. His family had lobbied the government in order that he could receive treatment for his disease, a disease that, in his case, included the development of short stature, joint stiffness, clouding of the cornea, water on the brain and compression of the spinal cord.

After appealing to the government to provide the necessary funding, and with the support of the family who worked very hard on Isaac's behalf, there was agreement. We know that Dr. Joe Clarke was one of the individuals who had said that "many of the problems of this disease can be reversed and may even be better preventable if ERT is started early enough."

I'm pleased to say that because young Isaac is now getting support and treatment, this little boy, in a matter of months, is so much healthier. We need to do what we can for our young children in order to give them the best opportunity in life.

**Ms. Shelley Martel (Nickel Belt):** I want to begin by talking to you about our neighbours; not our neighbours here in Toronto, but neighbours that I grew up with.

A number of years ago, our neighbour across the street had her first infant boy. Everybody thought everything

was okay. She became pregnant with the second child and during the course of that pregnancy discovered that the first child had cystic fibrosis. I can't begin to tell you the anxiety, the concern and the stress that was associated with that second pregnancy, with the family and their extended family wondering whether or not the second child too was going to be born with cystic fibrosis.

As it turned out, the second child did not have cystic fibrosis. Both are now young adults. Certainly, the first child has lived much longer than anybody had expected; he's well into his mid 20s now and is doing very well. But at the time, it was certainly a source of concern and anxiety.

I am very pleased that we will, in Ontario, be screening for cystic fibrosis, because no parent, no set of parents, no family, no extended family should have to go through the anxiety, the stress, the concern and everything that that family went through and everything that that mom went through during her second pregnancy and later on after the child was born before they finally knew whether or not the second child indeed had cystic fibrosis.

The second point that I want to raise is that there certainly was concern, when the government announced this program, as to whether or not it could be up and running within the timelines that the government had set, particularly at CHEO. I, too, want to commend both of the doctors and the other extended staff who have been part and parcel of the huge effort to make sure that the newborn screening program could be up and running and could be delivered on time, on budget, and that the public information that is necessary to go out about that is going out. Frankly, they have done a phenomenal job, the whole group of CHEO, to get this up and running and to start to have many more infants in the province screened and tested.

The third point that I want to raise has to do with: What do we do now with information when we discover that someone is a carrier? I just want to reflect on this, because I have just recently seen some information about a study that the ministry is going to fund now with respect to that very issue. The critical issue is this: If, through testing newborns, it is discovered that the newborn is a carrier, for example of sickle cell disease—let me just use that, but there are a number that we could use—what does the hospital do with that information? What does the doctor do with that information? What is the obligation of the health care system to advise the family, to advise that child at a later date? Because there are some quite serious ramifications with respect to pregnancies that flow from that if you are a carrier.

I see that the ministry is funding the Centre for Health Economics and Policy Analysis to do some really critical work about what the comprehensive strategy will be around this very critical issue. As I look at the information that has gone out to some of the people who have been asked to participate, the particular discussion will include, for example: What should be the goals and responsibilities of Ontario's newborn screening program? Secondly, who should provide information about new-

born screening to parents, and when—that's a critical question—should this information be provided? Thirdly, newborn screening can identify infants who are not affected by a disorder but who carry a gene for the disorder and can pass that gene on to their children. This can affect the infant's reproductive choices in the future and the parents' decisions about having more children. So how should information about carrier status then be handled?

This work is extremely critical. We are testing now for many more diseases than ever before. That information is becoming available in a way that it never has before, and we have to be very clear what the public policy issues are in relation to how we disclose that really critical health information after we discover that infants are carriers.

So I hope that there will be a number of people who will participate in that particular study. I know that a number of people have been asked to—they are leaders in the field of newborn screening—and I hope that the ministry, in getting that information through the policy centre, will be able at a very early date to develop its policy in this regard. We really do need to have these significant issues addressed. Doctors, hospitals, families and the program itself need to know what they're dealing with in terms of very sensitive but very important information, and the sooner we can get those policy issues in place, the better we will be.

#### VISITORS

##### **Ms. Deborah Matthews (London North Centre):**

Mr. Speaker, on a point of order: I'd like to ask all members of the Legislature to join me in welcoming Bill and Annabel Sells from the great riding of London North Centre, who are joining us today.

#### ORAL QUESTIONS

##### VIOLENT CRIME

**Mr. John Tory (Leader of the Opposition):** My question is for the Premier. Today the Prime Minister announced a plan to bring in reverse onus bail for gun crimes and other violent crimes. This is a move by the federal government which we applaud, and we're pleased to see the Prime Minister acting on this important issue. While the federal government is taking steps to battle crime, your government has done very little.

My question for the Premier is this: As we wait for this bill to make its way through the Parliament of Canada, will he ask the Attorney General to give even clearer instructions to his crown attorneys, the crown attorneys in the province of Ontario, that all applications for bail by people accused of crimes involving guns and violence or who are already out on bail on previous charges and are then charged with additional crimes, will be opposed and appealed if granted—no ifs, ands or buts? Will he ensure

that his Attorney General will give that instruction to the crown attorneys?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I know that the Attorney General is going to want to add something to this, but let me just say at the outset that I was very pleased earlier today to attend an event with Prime Minister Harper and Mayor David Miller.

Shortly after the tragedy that befell a young woman on the streets of Toronto about 12 months ago, I wrote to all the leaders of the federal political parties and asked that they move on a number of fronts, in fact on six separate fronts, and I'm very pleased to report to this House that Prime Minister Harper has agreed to move on four of those fronts, including the announcement that he made earlier today.

1410

More than anything else, what it demonstrates is that when it comes to anything or anyone that threatens the safety and security of our families, these are the kinds of issues that transcend partisan politics. I want to take this opportunity to commend Prime Minister Harper for working with us in that regard.

**Mr. Tory:** It's only in this great spirit of non-partisanship, unfortunately, that you wouldn't also acknowledge the fact that the official opposition in this House put out a position paper long before your letter advocating many of exactly the same things—long before your letter and long after you'd been months without saying anything about the crime issue.

In fact, Scott Newark, a former provincial prosecutor and vice-chair of the Ontario Office for Victims of Crime, speaking today about what the Premier was doing, said that you seemed to be talking a good line today, but that you are the same man who was hatching a plan in your cabinet room to cut down on the number of people charged, to cut back on sentences, to increase the number of plea bargains and to let out more people on parole. He said, when you were standing there today on the platform, that the government of Canada will have its hands full keeping its eye on you to make sure you're really going to follow through on your word.

If you're as committed to fighting gun crimes as you claim, then I ask the Premier, why won't you agree to ensure that bail is opposed by your crown attorneys in all cases involving guns and other violent crimes for people who are already out on bail?

**Hon. Mr. McGuinty:** To the Attorney General.

**Hon. Michael Bryant (Attorney General):** Firstly, I know the leader of the official opposition is endeavouring to give credit where credit is due, and I think an enormous amount of credit needs to be given to the Premier of Ontario for his leadership when it comes to gun violence. Not only have we called on the federal government to make the changes that we did—if the leader of official opposition ended up joining this parade late, better late than never—but this was the Premier who announced, in one fell swoop, the single greatest expansion of our criminal justice system in the entire history of the province of

Ontario. So I know that when the leader of the official opposition stands up for his final supplementary, he's going to applaud the Premier for his leadership on fighting gun violence in the province.

**Mr. Tory:** I'm quite prepared to do exactly that, and say that I welcome the Premier getting aboard—better late than never—on this, because we were there months earlier. It's only unfortunate that the Attorney General spent the very same summer all this was going on somewhere in a hammock doing nothing. So that's great.

Now, with all these great crime fighters over there, I would just ask this, and my question is to the Premier: If you're really serious about fighting crime, then why would you not agree to have statistics reported to the public, many of which are in fact collected right now, on bail violations, bail applications, how many are approved, and details on sentencing and so forth? We have a motion coming to the floor of this House next Tuesday that will attempt to make sure we can keep an eye on how things are working and increase transparency in the justice system. Why would you not agree to keep those statistics and make them public so that there are some benchmarks where the public can see exactly what's going on beyond all the talk? Will you agree to it?

**Hon. Mr. Bryant:** The truth is that when it comes to criminal justice, the member has fallen far, far behind on the efforts not only of this province but of other provinces. It requires not only vigilance in terms of the independent crown policy manual—which already takes a position with respect to gun crimes, wherein we absolutely fully prosecute gun crimes to the fullest extent and oppose bail on gun crimes. We already do that. With respect to efforts on prevention to ensure that we are reaching out to those communities to give people opportunities, many of the opportunities that were taken away by the Harris-Eves government, we're doing that through the Premier's challenge fund.

We're also doing it in terms of the way in which organized justice in the province of Ontario puts police and prosecutors and all aspects of the justice system in one place. It's called the operations centre, which will be operational very soon. These are just some of the innovations—

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

#### GOVERNMENT SPENDING

**Mr. John Tory (Leader of the Opposition):** My question is to the Premier. I guess, for the record, that means no to the bail applications being opposed for gun crimes and no to the making public of those statistics, so that's just for the record.

Now to the Premier, this time on waste: We've had thousands of visits to the wastebusters.ca website, as Ontarians are clearly very eager to report their concerns about waste by the McGuinty government. I have a couple of questionable items—

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Stop the clock. The Attorney General, you need to come to order. Leader of the Opposition.

**Mr. Tory:** I've got a couple of questionable items I want to ask the Premier about today. Last week we heard about the questionable spending of the Ministry of Education: \$1.2 million in one year on hotel rooms. Now we find out—

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** Half of Elizabeth Witmer's spending for the same things.

**The Speaker:** The Minister of Health will come to order. Minister of Health. Leader of the Opposition.

**Mr. Tory:** So we now find out that the Ministry of Health has spent \$1.4 million on hotel rooms in one year, 2005-06.

My question for the Premier is this: What is going on in these hotel rooms such that the taxpayers of Ontario are being asked to pay their health and other taxes to the tune of \$1.4 million for hotel rooms in one year at the Ministry of Health when they don't have enough money for health care? What is going on in these hotel rooms? Why are you booking them and paying for them?

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

**Hon. Mr. Smitherman:** One could only assume that the honourable member has played the same trick that he did with last week's numbers, which is to take an item which is most certainly not about the word "hotels" but rather more about travel, which, of course, could include a variety of different things contributing to it, and to spin that out. Last week's storyline that he used was related to the Ministry of Education, but what he didn't say was that it was for travel, not just hotels. What he also didn't say is that the very same ministry under the deputy leader of that party produced twice the expenditure rate.

Obviously, the Ministry of Health has a substantial role to play in working with Ontarians all across Ontario to address underlying challenges in health care. I think it's not particularly surprising that an organization that spends \$36 billion and has 6,700 full-time-equivalents might have some expenditure related to travel. If the honourable member has very particular examples that he'd like to raise with me directly or in another way, I'd be very happy to take a look at them and to justify them to all taxpayers.

**Mr. Tory:** I'll do just that, because you've tried to pretend here that this is some much broader category of travel and a whole bunch of other things. In fact, I'll give you the list: Best Western Hotels, \$63,000; Delta Chelsea Inn, \$153,000; Holiday Inns, \$127,000; Marriott Hotels, \$190,000; Mountainview Properties for a chalet in Collingwood, \$66,000. You could have bought it cheaper with the taxpayers' money. Ramada Inn, \$50,000; Staybridge Suites, \$381,000; Westin Hotels, \$100,000—\$1.4 million. But the best one, for all these people who seem to need rooms, is \$271,000 at the Sutton Place, one block from this building. We've got meeting rooms galore in

this government complex here and the fat cats have to go and rent rooms on your instruction and spend \$271,000 of the taxpayers' money to rent hotel rooms.

What is going on in those hotel rooms? How do you have the gall to spend the taxpayers' money, the health tax you said you wouldn't impose, Premier—

**The Speaker:** The question has been asked. Minister?

**Hon. Mr. Smitherman:** Firstly, if there is anyone in this place who knows a fat cat, it's the honourable member. But if there is anyone in this place who has done such a disservice to property values in Collingwood, it too is the honourable member.

The honourable member would benefit from a couple of things. Firstly, in no circumstance does the Ministry of Health engage a property like a hotel that is adjacent to the Queen's Park complex if it's available. Yes, indeed, there are quite a few meeting rooms in the Macdonald block, and we take extraordinary advantage of those whenever that's appropriate.

In health care in Ontario it is appropriate, on a variety of different bases, to bring together practitioners, providers and others who are involved in making important decisions under one roof. Accordingly, there are costs associated with that. I believe most Ontarians would understand that a ministry that is that large and has such important work would from time to time bring people together under the same roof. Obviously—

**The Speaker:** Thank you. Final supplementary.

1420

**Mr. Tory:** Even the fact that you described taxpayer-paid-for facilities as free just shows you don't get it. You talk about bringing people together from time to time. Well, let's see if this is "time to time." At the average room rates, what you're doing is 1,033 nights at the Delta Chelsea, 1,451 nights at the Marriott, 2,544 nights at the Staybridge Suites and, as we said earlier, you could buy an entire chalet at the place you laid out \$60,000 in Collingwood to have one of your meetings.

There's not enough money for emergency rooms, there's not enough money to hire nurses, there's not enough money for PET scans, there's no money to help the families of autistic children, but you can spend \$1.4 million on hotel rooms in one year in your ministry. It's a disgrace. Get up and say that you're not going to keep doing it and that you know it's wrong. Why don't you do that?

**Hon. Mr. Smitherman:** We have provided more money for autism. We have enhanced resources for emergency rooms. We do have a very substantial PET scan trial that's going on. But what does the honourable member say about Gord Haugh's salary, \$300,000 for communications, when your party had the privilege that I hold? What about the fact that in 2002-03 your party's government spend \$115,000 at the Holiday Inn, \$107,000 at the Sutton Place, \$59,000 at the Sheraton?

Does the honourable member really want to be taken seriously? Is he really prepared to stand in his place and suggest that in a future government that he leads, no hotel-room, no hotel expenditure in the province of

Ontario shall ever be necessary to bring people together? This is the assertion that you're making to the people in the province of Ontario. You're nodding your head yes. That defies all credibility. Expenses of our ministers: down 21%; advertising: down 34%; consultants: down 34%. The reality is that we have dedicated ourselves to the mission of spending money very wisely, and the people of Ontario will see through—

**The Speaker:** Thank you.

*Interjections.*

**Hon. Sandra Papatello (Minister of Economic Development and Trade, minister responsible for women's issues):** Right down the toilet, John.

**The Speaker:** The Minister of Economic Development and Trade will come to order.

### FOREST INDUSTRY

**Mr. Howard Hampton (Kenora–Rainy River):** I have a question for the Premier. Yesterday, the McGuinty government voted down an NDP motion that proposed some positive solutions to the loss of 136,000 manufacturing and forest sector jobs in Ontario. That resolution called for “a reasonable hydro policy that can sustain jobs and the creation of a job protection commissioner for Ontario—as recommended by the NDP job protection act.” My question is this, Premier: After the destruction of 136,000 manufacturing and forest sector jobs under your watch, how could the McGuinty government vote against a resolution to find a way to keep and sustain manufacturing and forest sector jobs in Ontario?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** The resolution put forward ignores entirely a few things. I can understand why it serves the leader of the NDP's purposes to ignore these things.

First of all, the challenges that beset the Ontario forestry sector are challenges that beset the North American forestry sector. I know that he wouldn't want to pretend that somehow the circumstances that obtain here don't obtain in Quebec, New Brunswick and British Columbia, for example.

Furthermore, the resolution ignores the fact that we have been working long and hard with our forestry sector, our northern communities, our northern Ontario workers and our northern Ontario families. That's why we've come to the table with over \$1 billion and a special support plan to help our forestry sector, to help bolster that sector, to help transition it to a point where it's more productive, more competitive, more value-added. That's why we did not support that particular resolution: because it ignores reality here in Ontario.

**Mr. Hampton:** Premier, here's a comment on reality. It's from the Thunder Bay Chronicle Journal, which says, “Lest anyone think [McGuinty's announcement] will make ‘the big difference’ ... one read of the devastating memo Bowater sent to its Thunder Bay employees the same day McGuinty flew into town dispels the notion in

a hurry.” The same day you make your announcement, Bowater says they're laying off.

But I think what really hurt was the comment from the Minister of Natural Resources yesterday when he said that northern Ontario forest sector communities have gotten off relatively scot-free. Premier, is your Minister of Natural Resources going to apologize for that insensitive and out-of-touch comment?

**Hon. Mr. McGuinty:** Let me take the opportunity to better acquaint the leader of the NDP and all of my colleagues in this House with the depth of my Minister of Natural Resources' commitment, perseverance, determination and passion when it comes to standing up for northern Ontario, the forestry sector, northern Ontario communities and northern Ontario families.

The leader of the NDP enjoys the luxury of forever being in a position where he can simply wave a magic wand. We on this side of the House have got to make some difficult decisions. We've been working very long and very hard with the sector, and I mean the executives, I'm talking about the management, I'm talking about the workers as well, the families, the mayors, the communities—everyone—doing what we can in a collaborative way, in a thoughtful way, in a co-operative way and in a determined way to strengthen that sector.

It may serve the purposes of the leader of the NDP to castigate my Minister of Natural Resources, but he hasn't seen him behind closed doors, he hasn't seen him advocating on behalf of the sector, and he hasn't seen him standing up for northern Ontario families, northern Ontario communities and northern Ontario workers.

**Mr. Hampton:** Premier, what the public has seen of your Minister of Natural Resources is this: When forest sector companies came here two and a half years ago and said to your government, “Look, we're under a lot of competitive pressure. If you drive up hydro rates by what we see in your plan, you will destroy dozens of mills and thousands of jobs,” you know what? People in forest sector communities didn't even hear your Minister of Natural Resources. People who believe and know now that the softwood lumber deal is a bad deal saw your Minister of Natural Resources say it was a good deal. As people are continuing to be laid off this week, even after you patted yourself on the back, they heard your Minister of Natural Resources' comment that people in northern Ontario forest sector communities are getting off scot-free. That's what people have seen of the McGuinty government's Minister of Natural Resources.

My question again: Is your minister going to apologize to the thousands of laid-off workers when he says that they've gotten off scot-free?

**Hon. Mr. McGuinty:** It's always fascinating to listen to the leader of the NDP's idiosyncratic interpretations of activities on the part of our government.

Let me just say this: When it comes to the depth of our commitment to northern Ontario, northern Ontario communities, northern Ontario families and northern Ontario workers, I'd ask them to take a look at the record of our support. The level of support is without precedent. We

have risen to the occasion because the extent of the challenges, the extent of this globalized competition which faces our northern forestry sector, is also without precedent. So we have come to the table with a package of over \$1 billion: everything from \$150 million over three years for our forest sector prosperity fund; we have uploaded the costs of roads to the tune of \$75 million annually—that continues indefinitely; and we've also offered a one-time stumpage fee refund.

The leader of the NDP well knows, for example, that electricity prices in Quebec are far less than ours, and that forestry sector has been under a much more severe attack and more severe damage.

#### WASTE DIVERSION

**Mr. Howard Hampton (Kenora–Rainy River):** Premier, I think everybody across northern Ontario would say “too little, too late” and “completely out of touch” in respect of your government.

I want to ask you about the city of Guelph, which is an acknowledged leader in large-scale composting, yet in May, the McGuinty government refused a much-needed funding request to help rebuild the roof of Guelph's composting facility. As a consequence, perhaps the most successful composting facility was forced to close. Under the McGuinty government, Guelph's pioneering waste management system has gone from leader to loser.

Premier, you aren't even halfway close to keeping your promise to divert 60% of waste from landfills by the end of 2007. When do you intend to start funding waste management leaders like Guelph instead of shutting them down?

1430

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

**Hon. Laurel C. Broten (Minister of the Environment):** I know that the Minister of Agriculture will have something to say about the COMRIF program, but let me first speak to the endeavours that this government is undertaking to ensure that municipalities right across this province increase waste diversion.

We are working very closely with communities such as Guelph to make sure that those municipalities have the tools they need to increase waste diversion. We will see coming on line in this province a household hazardous waste diversion program, a special waste diversion program. For the very first time, communities right across the province that have been expending dollars to ensure they divert that waste will now have dollars flowing to them. Similarly, we're responding to another critical issue that all Ontarians are demanding: that we divert our electronics waste.

When dollars flow through Waste Diversion Ontario to those municipalities, they will be able to see increased diversion. Those communities that are working hard right across the province to have organic waste diversion programs will be able to spend their municipal dollars increasing waste diversion yet again.

**Mr. Hampton:** I can understand why the Premier didn't want to answer the question. I didn't think we were going to fail to get an answer from the minister, as well.

Premier, organic waste is a resource, not garbage. Who said that? Dalton McGuinty in the 2003 election campaign. Guelph's organic waste was unrestricted grade A compost, compost so clean it was sold to topsoil blenders, but under the McGuinty government, no longer. Under the McGuinty government, for the past six months, Guelph's organic waste has been trucked to New York state and burned. In 2003, you said organic waste was too valuable to be used as landfill, but in 2006, your funding failure means grade A compost is being incinerated in New York state.

Premier, will you immediately implement the waste diversion strategy so municipal leaders like Guelph can escape the swamp of your waste management failure?

**Hon. Ms. Broten:** I guess my friend opposite is suggesting that the Ministry of the Environment should not enforce our regulations and standards. That is not a Ministry of the Environment that I would be proud of in this province. Our ministry wants to see standards complied with, and the facility in Guelph was having challenges complying with our standards in this province. That has resulted in changes being made to Guelph's waste management strategy, but we are working closely with that community to ensure that they will be able to have a facility that is in compliance. But it is absolutely critical in this province that rules and regulations and certificates of approval be complied with. That's the province that we want to leave. That's the legacy that we are going to leave in this province. Those rules must be enforced, and I'm proud of the enforcement being done by the Ministry of the Environment to make sure that our environment is clean and safe and that our air is safe to breathe.

**Mr. Hampton:** I can't believe it. This was a successful composting operation. All it needed was some funding from the McGuinty government to refurbish the roof so it could continue to operate. Instead, the government that pats itself on the back and promises so much denied the funding, shut it down, and now grade A compost is being trucked to New York state and incinerated.

Your policy on waste diversion amounts to this: Bury it and burn it. The people of London know that thanks to the Green Lane landfill and the mega-expansion.

Premier, in opposition you pleaded that no community be compelled to take another community's garbage against its will. Yet the hallmark of your government is forcing garbage on unwilling communities. Communities like London, Guelph and Sarnia are forced to bear the burden of your failed policies. Where is your waste diversion and funding strategy so at least something can get done?

**Hon. Ms. Broten:** The leader of the third party wants to have it both ways. He wants to see us have an environment that's clean and safe, but he wants us to turn a blind eye when we have facilities that are not in com-

pliance. The city of Guelph has reached a determination as to how they would manage their municipal waste stream, and they have reached a determination to shut that facility down because it could not reach compliance with our standards. We're working very closely with communities right across the province to see diversion of some 480,000 tonnes of household organics every single year. Communities right across the province are embracing a green bin program, and we are working hard with municipalities to give them the tools they need to make sure our approvals process and other processes allow us to see increased diversion right across the province.

Is there more work to do? Absolutely. Are we going to work with those municipalities every step of the way to see increased municipal—

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

#### CONSIDERATION OF BILL 107

**Mr. John Tory (Leader of the Opposition):** On Tuesday evening, I was privileged to be able to speak here in the Legislature about how the then Premier John Robarts spoke, upon the introduction of the original Ontario Code of Human Rights, about how important he thought it was that he and the then leader of the opposition Liberal Party, Mr. Wintermeyer, and Mr. Bryden of the New Democratic Party, saw it as an imperative that they should work together to form a consensus on that original bill that passed through the Legislature at that historic time. In responding that night in the Legislature, the present Attorney General said that kind of co-operation and consensus-building just wasn't possible anymore in this Parliament, for reasons he didn't elaborate on.

I have offered, on behalf of the official opposition, to guarantee that this matter would be brought to a vote the first week back in the Legislature in the spring if you, in return, offer to hear the hundreds of people who want to be heard on this bill, representing some of the most marginalized and vulnerable people. Barbara Hall, June Callwood, the Canadian Jewish Congress and the Toronto Star say you are risking divisions and polarization on this matter if you proceed with your current course of guillotining the discussions. I have made an offer in good faith. Will you consider it?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I know the leader of the official opposition would want to recall that, without getting into the details of the number of times that closures were invoked—

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** One hundred and three times.

**Hon. Mr. McGuinty:** One hundred and three—sorry, Speaker; we're actually going to get into the details—separate occasions by the previous Conservative government. We've had seven public hearings taking place in four different communities. The call for change started at

least 14 years ago with respect to how we might improve Ontario's human rights system. The legislation has been under discussion now for over 200 days. We have heard over 75 presenters. We've received over 40 written submissions.

On the basis of the good advice we've got from those people who are interested in this bill, we will be introducing more amendments. We are eager to move forward with this. We think Ontarians who rely on our human rights system have waited long enough.

**Mr. Tory:** Some of those facts in terms of how long it has actually been under discussion are not consistent with the facts.

The Premier is very fond of talking about the past, but we're talking about what is going on today in terms of a time allocation motion that you have brought in. You said you were going to be different, especially, I would have thought, on a foundation piece of legislation like this that goes to the human rights of the people of Ontario.

If we thought you were in a rush because you had everything ready to go, that might be another thing. One of the centrepieces of this bill is the promise that everybody who requires representation under the bill will get it, but you have no idea how that's going to happen. We hear the Attorney General has been to Management Board twice looking for money and been turned down. We have a letter from Legal Aid Ontario saying they're not interested in running this support centre which will help these most vulnerable and marginalized people to get representation.

If you don't have any idea how you're going to implement it, why the rush? Why wouldn't you agree to a reasonable compromise proposal that says you will hear from all those who might just have an idea as to how we can improve the bill? It might just avoid the polarization and bitterness. Hear from them and we will agree to put this matter to a vote the first week back. Why would you not agree to consider that?

**Hon. Mr. McGuinty:** To the Attorney General.

**Hon. Michael Bryant (Attorney General):** In fact, what has happened is that, as a result of the consultations before the bill was introduced and in the more than 200 days that have passed since the bill was introduced, and because of the committee hearings and the consultations outside, we were able to propose a number of amendments—as the member has already conceded, dozens of amendments—

*Interjection.*

**Hon. Mr. Bryant:** —the subject of which has been offered a technical amendment to the official opposition. Formal amendments will be filed again next week. As a result of that, we've made changes. We've made changes to the way in which the Human Rights Commission would work, we've made changes to the way in which the tribunal would work, and we've clarified the way in which the legal support centre would work.

So, for example, the MS Society, which was before the committee today, said that they were originally

opposed to the bill, but that they were consulted, they felt they were listened to and that their amendments were addressed, and that they now support the bill. So we have been listening. We've made changes as a result of those—

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

1440

#### ENVIRONMENTAL PROTECTION

**Mr. Peter Tabuns (Toronto–Danforth):** My question is for the Premier. Premier, today I tabled Ontario's first Community Right to Know Act. It's based on the principle that the public has the right to know about the toxic chemicals they're exposed to. Part of that bill involves assigning labels to consumer products that contain known or suspected carcinogens.

Your Minister of Health yesterday, when asked by reporters, said that he saw this as an important issue. Premier, do you support the community's right to know which toxins they are exposed to?

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

**Hon. Laurel C. Broten (Minister of the Environment):** I look forward to having a chance to take a look at my friend's bill. I know that I have had a chance to look at the work being done by community organizations such as TEA, who came into my own community and informed my own community in Etobicoke–Lakeshore about some of the historical challenges that exist when you have a community that's had an industrial base for a long period of time. It is important information, and I look forward to having a chance to read your bill.

**Mr. Tabuns:** I'll go back to the Premier. Premier, I'll be putting forth this bill for second reading debate and vote next Thursday. Moving forward with this bill will give Ontario an opportunity to be an environmental leader. Will you show leadership to ensure this bill does not simply get buried but goes forward to committee and comes to a final vote before the end of this government's term?

**Hon. Ms. Broten:** As I indicated, at the Ministry of the Environment we continue to work with many, many stakeholders right across the province to advance our environmental agenda. As the environment becomes a continuing issue of importance to all Ontarians, we look forward to working with Ontarians right across the province, and again, I look forward to having a chance to read your bill.

#### STUDENT ACHIEVEMENT

**Ms. Deborah Matthews (London North Centre):** My question is for the Minister of Education. Minister, over the past three years, our government has built a strong public education system that is supporting student success and raising student achievement.

This, I must say, is a massive contrast to what we saw in the Harris-Eves Tory government that broke and battered our public schools and allowed our students to fail. Instead of working with our students, parents and education partners, instead of pumping up the necessary funds for more resources and more tools that our teachers so desperately needed, instead of supporting schools that were not doing as well as others to help them succeed, they sat idly by with no plan to accelerate student achievement.

The McGuinty government has a plan. It's comprehensive and it's working. We're supporting our students and helping every student reach their full potential. From lowering class sizes in the primary grades straight through to helping more students graduate, we are making student achievement a priority.

Minister, could you please update this House on how the McGuinty government is helping to boost student achievement for every student all across the province?

**Hon. Kathleen O. Wynne (Minister of Education):** Thank you to the member for London North Centre for everything that she does for children in this province.

We have made very targeted investments. Quite apart from the restoration of relationships, which I think actually is at the core of the improvements that we've made in the education system, we have made targeted investments in literacy and numeracy for students.

One of the first things we did when we were elected was to establish the literacy and numeracy secretariat. We looked around the world at other jurisdictions and we looked at the practices that were going on in those other jurisdictions, and we came up with a made-in-Ontario plan that included things like specialist teachers, special training for teachers in literacy and numeracy in those early years, \$47 million for new textbooks and learning resources, and training for 1,700 tutors for students in 54 school boards across the province who would actually be able to work with kids.

We're seeing results. If you look at the Thames Valley District School Board and the London Catholic District School Board, grades 3 and 6 reading and math results are up 9% and 6% respectively.

**Ms. Matthews:** Clearly, while the Harris-Eves Tory government measured failure, we are measuring success, and it is through this measuring of success that we can focus our attention to improve student achievement where it is needed the most. There are certainly challenges that come with this, but we're prepared to meet them, because it's in the best interests of students and it's in our best interests that we do so. We know that every child learns differently, that every child benefits from individual attention, and that there are schools across the province that need specialized resources so they can help each student reach his or her full potential.

Minister, we're committed to providing Ontario schools with proven tools and resources that help kids excel in reading, writing and math. Can you tell us, please, what the McGuinty government has committed to that gives students the extra support they need to reach their full potential?

**Hon. Ms. Wynne:** The story we've been telling about student achievement has focused on an increase in test scores for those kids in grades 3, 6, and 9, and one of the things that we've done to use those EQAO tests is treated them and made them more explicitly diagnostic tools. One of the problems that people have sometimes with testing is that it's not used as a diagnostic tool, so we've made the reporting times more consistent with teachers' needs to be able to use the results and actually help the kids who are struggling. So what I announced last week, the Ontario-focused intervention partnership, will provide interventions for 750 schools that are facing challenges. We know where those schools are, we know where their students are, and we know that if we put some resources beside those kids in those classrooms, those specific children are going to do well. We're going to hire more tutors and allow school boards to put those interventions in place that will target those students who are having trouble, because we know where they are now and we know where those schools are.

#### TAXATION

**Mr. Tim Hudak (Erie–Lincoln):** A question to the Premier: The federal government's tax fairness plan will allow for income splitting for pension income beginning as soon as January 1, 2007. That will mean, for a couple with one spouse making \$40,000 in pension income and the other none, substantial tax savings of about \$2,500 will result. I'm sure the Premier and the finance minister know that about \$500 will be Ontario's share. There is great concern among seniors that the McGuinty government's appetite for tax hikes and tax increases will be overwhelming. Does the minister actually plan to claw back that \$500, or will you allow seniors to benefit from the new definition of "taxable income"?

**Hon. Greg Sorbara (Minister of Finance, Chair of the Management Board of Cabinet):** I'm fascinated by the speculation of my friend from Erie–Lincoln on the speculation of the finance minister in Ottawa, about what he might be considering down the road.

I'll simply say to him that we are going to be concentrating on trying to reach an agreement with the federal government where there's further investment in Ontario. As a first step, we're going to look to them to honour the agreement that they made to fund the Canada–Ontario agreement. We're going to be concentrating on a further commitment from the federal government to invest in Ontario's infrastructure, to invest in Ontario's research system, to invest in Ontario's university system. As to the changes provided for seniors, we are going to wait for the details from Mr. Flaherty before we make any further comment on that.

**Mr. Hudak:** I think the finance minister knows—it was announced some time ago, and it's straightforward—that the definition of "taxable income" is going to change to allow for splitting of that income for pension earners beginning January 1, 2007. This is well known. It's been in the media. I know that finance officials are working

away at how this can be implemented. I think the minister knows, as well, that in order to claw that money back—and I'm afraid Dalton McGuinty wants to do just that—you would have to rip up the tax collection agreement. That would mean that Ontario would be collecting its first set of income taxes on its own since 1962. The minister knows that would be a monumental change, likely involving the hiring of 1,000 more bureaucrats and a new computer system, and then you also have the cost of seniors filing two sets of tax forms. Please tell me that your appetite for higher taxes is not so overwhelming that you're going to make these types of changes just to claw back that money from the hard-working seniors in the province of Ontario.

1450

**Hon. Mr. Sorbara:** It's quite interesting to see my friend really just scratching at the bottom of the barrel of speculation on an income tax change that the federal minister has announced. There has been absolutely no indication whatever that we are challenging that proposal, that we are going to amend the personal income tax agreement with the federal government, that we are going to make any changes at all. For him to waste valuable time in this question period with that kind of speculation makes no sense to me.

I simply ask him: If he is so interested in the seniors of this province, why did he vote against those budget provisions that we had here that enhanced fair tax treatment for seniors in this province?

#### BIRTH CERTIFICATES

**Mr. Peter Kormos (Niagara Centre):** I have a question to the Minister of Government Services. Minister, if a person calls herself Irene, I-r-e-n-e; if the name on her birth certificate since 1965 is Irene, I-r-e-n-e; if her marriage certificate and baptismal certificates identify her as Irene, I-r-e-n-e; and if it's incredibly important that identity documents be accurate for the purpose of acquiring passports and crossing borders, why would your ministry insist that she accept a birth certificate that identifies her as Iren, I-r-e-n?

**Hon. Gerry Phillips (Minister of Government Services):** Again, I go back to reinforce what the member said, and that is that these documents are extremely important. We build into our system enormous safeguards. We review those safeguards on a regular basis. We are very cautious on how we go about either issuing a birth certificate or a marriage certificate or amending them.

I would just say to the member that our staff are very cautious about making changes to any of these documents. They want to make sure they have good, solid evidence that the change should take place, so we are cautious. The matter that the member's referring to probably is an individual who's having some difficulty getting a change made. I just say to that individual and to the public: Sometimes it does take time because we are very careful to make certain that any changes we make, we can document and we are making the legitimate

change. If an individual's having difficulty with it, we'll certainly deal with it.

**Mr. Kormos:** Exactly the point. My hard-working constituency staff have spent hours and hours with your hard-working ministry staff trying to resolve this matter. Ms. Irene Neal, my constituent, is being told that she has to pay for a change of name before you can put her correct name on her birth certificate. She has got extensive documentation, including the original birth certificate, that identifies her as I-r-e-n-e. Why should she have to pay for a change of name? We've spent hours trying to resolve this. Will you please intervene and resolve this matter so that this woman can go on with the rest of the things she has to do?

**Hon. Mr. Phillips:** I always, on behalf of the public, want to make sure that we are fair to everyone. Again, I would say to the member and the public that these documents are sensitive and important and we are very cautious about making changes. If someone is asking for a name change, we need some assurance that legitimately we should change that name. I think you can appreciate, and certainly the public can appreciate, that if we aren't cautious on making changes like this, we run the risk that individuals end up with documents they shouldn't have.

I would just say to the member, of course I'll look into it. Of course I'll make sure that your constituent is treated fairly. But I will say to the public that we treat these documents very seriously. We make changes only after we're assured that we have the evidence that would support that change. I can't comment publicly on this particular one, but I will look into it.

### CYSTIC FIBROSIS

**Mr. John Wilkinson (Perth-Middlesex):** My question today is for the Minister of Health and Long-Term Care. Minister, today is a special day. As you know, before coming to this place I was very active in raising money to find a cure or control for the leading genetic cause of death in Canadian children: cystic fibrosis. I became aware of this deadly disease through my professional association, Advocis, but it was my initial meeting with a young girl afflicted with CF, Julie Lyons of Stratford, and subsequently her brother Christian and their remarkable family, that inspired me to get involved.

Since coming to this place, I've had the privilege of organizing two days for the wonderful people of the Canadian Cystic Fibrosis Foundation here at Queen's Park, with the assistance of the members for Renfrew-Nipissing-Pembroke, Beaches-East York and Whitby-Ajax, and I want to thank them, and especially you, Minister, for taking time on both of those days to meet with people with cystic fibrosis.

I want to recognize that Cathleen Morrison, executive director of the foundation, is joining us today in the east gallery. Welcome.

Today's announcement that newborn screening for cystic fibrosis will be added to our now world-class Ontario newborn screening program is very welcome

news. Minister, can you tell me what the benefits are for an infant as a result of the early detection of cystic fibrosis?

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** I want to join with the honourable member: I too have had the privilege to be touched by a young man who very recently—this week, in fact—had a double lung transplant, and I'm looking forward to going to see him tomorrow at Sick Kids. I know that many members of the House, of course, have been very actively engaged.

The key point is that through newborn screening we give these kids the best possible start by taking a very fast look at whether they have a genetic disorder, so that we can respond appropriately with a view toward trying to give care at the front end, which has the effect of making other therapies less likely later in life.

What I want to tell members is that while today we've added cystic fibrosis to those things we will test through our newborn screening initiative at the Children's Hospital of Eastern Ontario, when we get a positive verification, we've got counselling and clinical follow-up that is wrapped around.

We're working to give our kids the best possible start, and adding cystic fibrosis to the testing for newborn screening is going to be of advantage to many, many more of these children in Ontario.

**Mr. Wilkinson:** Minister, it's important to show leadership on this front, because it's necessary for government to support our researchers and health care providers as they work toward a cure for cystic fibrosis. As you know, CF researchers working at institutions across Canada have achieved many milestones on the road to a cure for CF, and I know, as parliamentary assistant to the Minister of Research and Innovation, that Ontario researchers in particular are viewed as leaders in the global effort to find a cure or an effective control for this dreaded disease.

With developments in research and treatment, young Canadians like Adele and Celia Orr of Stratford in my riding, who live with CF, are living longer, healthier lives, and newborn screening is an important additional step in that direction.

To this end, Minister, can you please explain for this House how today's announcement will further complement progress made in cystic fibrosis research?

**Hon. Mr. Smitherman:** Today we had the opportunity to build on a lot of the fantastic research work of homegrown talent. Doctors like Lap-Chee Tsui, Jack Riordan and Francis Collins, with the support of Toronto's Hospital for Sick Children, are credited with the discovery of the gene that leads to CF.

We've also had a tremendous leadership contribution from a well-known gentleman, Dr. Joe Clarke, recently retired, also from Sick Kids, on the importance of newborn screening. Dr. Clarke brought forward the advice that has allowed Ontario to now list all 28 disorders recommended by the American College of Medical Genetics.

I'm really pleased that, building on the kind of research work that's been done here in Toronto and the advice of people like Dr. Joe Clarke from Sick Kids, we've been able in very short order, with support from members on all sides of the House, to take Ontario from worst to first in terms of our capacity to treat newborns. I think this is something we should all share as a proud achievement of the Ontario health care system, made possible by the kind of research that has been going on around here.

#### ASSISTANCE TO FARMERS

**Mr. Toby Barrett (Haldimand–Norfolk–Brant):** To the Minister of Agriculture: You're aware of the McGuinty strategy of blaming the federal government for everything. However, your leader received 30,000 post-cards asking for provincial support for agriculture and our rural economy, including the risk management program for cash crops. You would be aware of other requests from other farm organizations and commodity groups, asking for income support, whether it be self-directed production insurance or even asking for a return to NISA. Farmers do need a level playing field to compete.

You've just returned from Calgary. You've just come back from a federal/provincial/territorial ministers' meeting. My question: As Ontario's Minister of Agriculture in Calgary, did you fight for RMP, did you fight for self-directed production insurance or the return of NISA? Did you fight for a transformation of the CAIS program?

1500

**Hon. Leona Dombrowsky (Minister of Agriculture, Food and Rural Affairs):** I have to say that I'm always happy to talk about the work that we do in the McGuinty government for farmers, the fact that under the leadership of our Premier, we have provided over \$900 million in new dollars. That is in direct support to farmers, because this government values the second-largest industry, the industry that has the greatest impact on rural communities.

With respect to the transformation of CAIS, I'm very happy to report to the honourable member that since coming to office, our government has been working with our provincial colleagues and with the federal government. We've listened very carefully to producers. I think one of the first and most significant actions we took was to replace the requirement for a deposit to participate in CAIS. This was something that farmers told us they wanted. There is a more accurate assessment of losses under the CAIS program, better protection for expanded negative margins. We have done this in consultation with the stakeholders, as well as—

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

**Mr. Barrett:** Minister, I asked about the Calgary meeting. Are you admitting you're ineffective in dealing with the feds? Taxpayers sent you to that meeting in Calgary. They want to know what you did. Did you pitch

any proposals at all on behalf of Ontario's farmers? There's no news release on your website. Minister, if you didn't pitch any ideas at the Calgary meeting, at least admit it. Admit that you've left farmers out on a limb. Don't embarrass yourself. We don't want to hear about any blame game or finger pointing. Farmers wish to know specifically where you stand. Please put it on the record. What is your position on RMP, the risk management program? What is your position on SDPI? Where do you stand with respect to a return of the CAIS program?

**Hon. Mrs. Dombrowsky:** Since the honourable member asked, I will tell you what Ontario did to fight for Ontario farmers. Before the ministers went to Calgary, we received a framework for the next APF discussions from the federal government. You know what was not included in that framework? There was no component to consult on the risk management program of any kind. There was nothing for income support. So I wrote to the federal minister and I indicated that I wanted to see that as part of the consultation process. I contacted my provincial colleagues and asked them to support me. When we arrived in Calgary, I did gain the support of my provincial colleagues. And I'm happy to report that the federal minister is prepared now to include a component for business risk management, for income support, in the next consultation. That's what Ontario has done for Ontario farmers. We brought the federal government onside to discuss—

**The Speaker:** Thank you. New question.

#### DISABILITY BENEFITS

**Mr. Michael Prue (Beaches–East York):** My question is to the Minister of Community and Social Services. Madam Minister, I hope you're listening. Your new special diet rules for disabled Ontarians are unfair, ineffective and, in at least one case, destructive. Brian Woods—you will remember him. You are aware of his circumstance; I've raised it so many times in this Legislature. He has just received his tribunal decision denying him the full amount of food money that he needs to keep out of the hospital. The decision states, in part—I want to read it, because you need to know what your ministry is doing and what you're doing: "The tribunal recognizes that the change in regulations has created hardship for [people like Mr. Woods] and concedes that the present regulations may indeed in some cases be more expensive for the government than the previous method."

Madam Minister, my question is simple: Will you today rescind your rules and substitute fair rules so that disabled Ontarians who need a special diet will begin to receive the proper and just benefits?

**Hon. Madeleine Meilleur (Minister of Community and Social Services, minister responsible for francophone affairs):** I'm very pleased that your constituent got his decision, but as the member knows, I'm not at liberty to speak about special cases here in the House.

But I can tell you that we are very proud of this program. Last year, when we saw a drastic increase in the number of people accessing the special diet allowance, we called for a review of the program. The allowance, as I said in this House previously, has always been intended for people who require a special diet as a result of a medical condition. So as you know, any misuse of social assistance programs jeopardizes those programs for everyone. The need for a special diet must be confirmed by health professionals, and that's what we are enforcing. We have worked with health care professionals, including—

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

**Mr. Prue:** Madam Minister, you talk about misuse. The only thing that is being misused is your authority in these circumstances. Mr. Woods is blind. He is severely diabetic. His body is racked with disease. He's lost 70 pounds. This past Sunday he was admitted to the hospital with an out-of-control foot infection. He is in isolation fighting for his life. If he survives into next week—and that, at this point, we don't know—his leg is going to be amputated. And you speak about misuse.

The decision says—and I've got the decision, and you have it too: "While the tribunal can sympathize with the effect of the change in special diet allowance is having on [Mr. Woods], it must apply the regulation." The adjudicator knows it's wrong, your staff knows it's wrong, you know it's wrong, but you continue to do it, and that man lies dying in a hospital because you choose to do nothing.

My question to you is, why is your government so intent on causing hardship—that's what the adjudicator said, "hardship"—on the most vulnerable disabled persons in our society?

**Hon. Mrs. Meilleur:** I'd like to clarify what the member of the opposite party is saying. I never said that his constituent misused the program. I'm saying that we have a program that is working well; we have an increase in the demand. For example, in 1998-99 the program was disbursing \$2.9 million; in 2005-06 it's now \$128 million. So we are not preventing anyone who has a medical condition attested by a doctor. They will be provided the service and the benefit, and his client now, his constituent, will also receive the diet allowance as a result of the appeal.

#### SHELL CANADA EXPANSION

**Mrs. Carol Mitchell (Huron-Bruce):** I understand that Shell has just recently made a very important announcement for the community of Sarnia, and I know that this is going to be great news for Sarnia and the people of Ontario. Minister, could you please tell us more about this announcement? We are very anxious to hear this.

**Hon. Sandra Pupatello (Minister of Economic Development and Trade, minister responsible for women's issues):** In fact, I had a great opportunity this week to meet with Shell Canada and to talk a little bit

about their planning in eastern Canada, especially in Ontario and in the Sarnia area. I know that the opposition members will be very, very happy to see that Shell Canada announced, at 11:30 today, that they are moving forward with massive expansion. What it means for Ontario is a \$50-million feasibility study for Sarnia and area to look at additional refining capacity right here in Ontario.

What it means to us is that this is yet one more example of companies who have confidence in Ontario, who have confidence in Ontario workers, confidence in what we can do as partners in this community. Congratulations to the Sarnia area, but especially congratulations to Shell Canada for believing in Ontario.

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#### PETITIONS

##### LAND TITLES

**Mr. Joseph N. Tascona (Barrie-Simcoe-Bradford):** I have a petition to the Legislative Assembly of Ontario which reads as follows:

"Whereas, in the current environment of an escalating problem of title theft and mortgage fraud, property protections for homeowners are warranted and real measures are necessary to address real estate fraud; and

"Whereas" the "Restore the Deed Act, Bill 136, has passed second reading in the Legislature and has been referred to the standing committee on general government; and

"Whereas, among others, the Restore the Deed Act has four primary benefits:

"Reduce the harm by ensuring that the person who is the rightful owner of the property keeps the property. The innocent buyer or the innocent lender must seek compensation from the land titles assurance fund, as is New Brunswick law;

"Prevent the fraud by restricting access to registration of documents to licensed real estate professionals who carry liability insurance, by requiring notification statements and the freezing of the register, as is Saskatchewan law, and by establishing a system of 'no dealings' where landowners can mark their title, which can only be removed by them using a personal identification number prior to the property being transferred or mortgaged;

"Access to the land titles assurance fund be reformed as a 'fund of first resort' and be operated by an arm's-length board of directors appointed by the Lieutenant Governor of Ontario, composed of a broad representation of consumer, real estate industry and law enforcement groups;

"Victims of fraud prior to the enactment of the Restore the Deed Act will be eligible to apply for compensation under the reformed land titles assurance fund; and

"Whereas the McGuinty government's proposed legislation will not get the job done;

“We, the undersigned, petition the Legislature of Ontario to enact the measures to protect homeowners from having their homes stolen as contained in MPP Joe Tascona’s Restore the Deed Act.”

I support the petition and the thousands of signatures attached.

#### FAIR ACCESS TO PROFESSIONS

**Mr. Kuldip Kular (Bramalea–Gore–Malton–Springdale):** I have a petition entitled “In Support of Skilled Immigrants—Bill 124,” and it reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas the McGuinty government is committed to establishing measures that will break down barriers for Ontario newcomers; and

“Whereas these measures will ensure that the 34 regulatory professions in Ontario have admissions and application practices that are fair, clear and open; and

“Whereas these measures will include the establishment of a fairness commissioner and an access centre for internationally trained individuals; and

“Whereas, through providing a fair and equitable system, newcomers will be able to apply their global experience, which will not only be beneficial to their long-term career goals but also to the Ontario economy as a whole;

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

“That all members of the House support the Fair Access to Regulated Professions Act, 2006, Bill 124, and work to ensure its prompt passage in the Ontario Legislature.”

I agree with the petitioners and ask Eshan Shah to take it to the Clerk.

#### ONTARIO SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

**Mr. Ernie Hardeman (Oxford):** I have a petition.

“To the Legislative Assembly of Ontario:

“Whereas the Ontario Society for the Prevention of Cruelty to Animals ... is a registered charity and private police force autonomously enforcing federal, provincial and municipal animal laws under the provincial animal act without any type of provincial oversight or accountability mechanism in place; and

“Whereas, in 2006, resigned OSPCA director and treasurer Garnet Lasby stated, ‘Government, not the humane society, should be in charge of enforcing laws to protect animals and to prosecute offenders’; and

“Whereas, in 1989, the Ontario Federation of Agriculture ... formally requested the province to step in to remove police powers from the OSPCA; and

“Whereas, in 2006, the Ontario Farm Animal Council ... stated, ‘The number of questions and complaints from the farm community about specific cases and the current enforcement system continues to increase’; and

“Whereas the Animal Care Review Board, a tribunal staffed by volunteers, is the only OSPCA appeals mechanism available outside the court system; and

“Whereas the OSPCA recently received \$1.8 million from the province and is lobbying for additional long-term stable funding;

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

“That the Legislative Assembly direct the provincial government to ensure that members of the Animal Care Review Board tribunal are adequately trained in accepted provincial farm practices and have some legal training to rule competently on issues brought before them; and

“That the Legislative Assembly direct the provincial government to investigate the resignation of 29 OSPCA directors (including the chair and the treasurer) who in May 2006 urged ‘the province to step in and investigate insane abuse and animal cruelty charges’; and

“That the Legislative Assembly direct the provincial government to appoint an ombudsman to investigate allegations of abuses of police powers against the OSPCA.”

#### COMMUNITY MEDIATION

**Mr. Jeff Leal (Peterborough):** I have a petition to the Ontario Legislative Assembly, supporting community mediation.

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

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

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

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

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

I will affix my signature to this.

## HIGHWAY 26

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

“Whereas the redevelopment of Highway 26 was approved by MPP Jim Wilson and the previous PC government in 1999; and

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

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

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

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

Of course, I agree with and will sign that petition.

## FAIR ACCESS TO PROFESSIONS

**Mr. John Wilkinson (Perth–Middlesex):** I have a petition to the Legislative Assembly of Ontario.

“Whereas Ontario enjoys the continuing benefit of the contributions of men and women who choose to leave their country of origin in order to settle” right here “in Canada, raise their families, educate their children and pursue their livelihoods and careers; and

“Whereas newcomers to Canada who choose to settle in Ontario find frequent, arbitrary and unnecessary obstacles that prevent skilled tradespeople, professional and managerial talent from practising the professions, trades and occupations for which they have been trained in their country of origin; and

“Whereas action by Ontario’s trades and professions could remove many such barriers, but Ontario’s trades and professions have failed to recognize that such structural barriers exist, much less to take action to remove them, and to provide fair, timely, transparent and cost-effective access to trades and professions for new Canadians trained outside Canada;

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

“That the Ontario Legislative Assembly urge the members of all parties to swiftly pass Bill 124, the Fair Access to Regulated Professions Act, 2006, and to require Ontario’s regulated professions and trades to review and modify their procedures and qualification requirements to swiftly meet the needs of Ontario’s employers, Ontario’s newcomers and their ... membership, all of whom desperately need the very skills new Canadians bring working for their organizations, for their trades and professions, and for their families.”

I agree wholeheartedly with the petition. I affix my name and give it to page Eshan to bring to the table.

**The Acting Speaker (Mr. Joseph N. Tascona):** Further petitions? The Chair recognizes the renowned member from Haliburton–Victoria–Brock.

## HEALTH PREMIUMS

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** Thank you, renowned Speaker, for that.

“We Call on the Government of Ontario to Eliminate the Health Tax

“To the Parliament of Ontario:

“Whereas, according to the Department of National Defence, there are over 30,000 serving military personnel calling Ontario home; and

“Whereas, according to the most recent census data, there are more than 1.6 million senior citizens over the age of 65 living in Ontario; and

“Whereas the Progressive Conservative Party of Ontario plans on eliminating this illegitimate tax for all Ontarians after it forms government in 2007; and

“Whereas, as an interim measure, the illegitimate health tax should be removed from those who protect Canada and those who have built Ontario;

“We, the undersigned, call on the government of Ontario to immediately eliminate the illegitimate health tax, beginning with serving military personnel and senior citizens.”

I’ll give this to page Gloria.

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## SCHOOL FACILITIES

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

“Whereas the parents of St. Paul’s elementary school in Alliston have raised many issues regarding the security, cleanliness and state of repair of their school; and

“Whereas a 2003 condition assessment completed by the Ontario government identified the need for \$1.8 million in repairs to St. Paul’s elementary school; and

“Whereas the Simcoe Muskoka Catholic District School Board has approached the Ministry of Education with the intention of having the school deemed prohibitive to repair as they believe the school requires \$2.28 million in repairs, or 84% of the school replacement cost; and

“Whereas there are ongoing concerns with air quality, heating and ventilation, electrical, plumbing, lack of air conditioning and the overall structure of the building, including cracks from floor to ceiling, to name a few;

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

“That the Minister of Education immediately deem St. Paul’s elementary school prohibitive to repair, secure immediate funding and begin construction of a new facility so that the children of St. Paul’s can be educated in a facility that is secure and offers them the respect and dignity that they deserve.”

I went to this school from kindergarten to grade 8. My mother taught there for 33 years, as I remind people. Still, the government hasn't done anything about it. I've been doing this for over a year now. I wish they'd get on with fixing up St. Paul's.

I give this to page Shannon to bring to the table.

#### LONG-TERM CARE

**Ms. Shelley Martel (Nickel Belt):** I have petitions that have been sent to me by the Service Employees International Union. They read as follows:

"Whereas, in June 2003, Dalton McGuinty said Ontario Liberals are committed to ensuring that nursing home residents receive more personal care each day and will reinstate minimum standards, and inspectors will be required to audit the staff-to-resident ratios; and

"Whereas Health and Long-Term Care Minister George Smitherman, in October 2004, said that the Ontario government will not set a specified number of care hours nursing home residents are to receive each day; and

"Whereas Ontario nursing home residents still receive the lowest number of care hours in the Western world; and

"Whereas studies have indicated nursing home residents should receive at least 4.1 hours of nursing care per day; and

"Whereas a coroner's jury in April 2005 recommended the Ontario government establish a minimum number of care hours nursing home residents must receive each day;

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

"That the government of Ontario immediately enact a minimum standard of 3.5 hours of nursing care for each nursing home resident per day."

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

#### COMMUNITY MEDIATION

**Mr. Jeff Leal (Peterborough):** I have a second petition today in support of community mediation.

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

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

"Whereas the city of Mississauga and the town of Caledon have endorsed the Peel Community Mediation Service, and law enforcement bodies refer many cases to

the Peel Community Mediation Service as an alternative to a court dispute; and

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

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

I'll affix my signature to it and give it to page Philip.

#### BUSINESS OF THE HOUSE

**Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader):** Speaker, before you get to orders of the day, I would like to rise, pursuant to standing order 55, if that's okay, because I'd like to give the Legislature the business of the House for next week. This is the highlight of my week, I want you to know, Speaker.

On Monday, November 27, in the afternoon, third reading of Bill 65, Mortgage Brokerages, Lenders and Administrators Act; in the evening, second reading of Bill 158, Public Service of Ontario Statute Law Amendment Act.

On Tuesday, November 28, in the afternoon, we'll have an opposition day moved by the official opposition; in the evening, second reading of Bill 155, Electoral System Referendum Act.

On Wednesday, November 29, we'll have third reading of Bill 52, Education Statute Law Amendment Act (Learning to Age 18); in the evening, second reading of Bill 140, Long-Term Care Homes Act.

On Thursday, November 30, in the afternoon, second reading of Bill 62, Election Statute Law Amendment Act.

I'd ask one of the pages to come forward and give that to the table, please.

#### ORDERS OF THE DAY

##### ORDER OF BUSINESS

**Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader):** Before I call the order, I'd like to seek unanimous consent—I do believe we have it—to move a motion without notice concerning this afternoon's debate.

**The Acting Speaker (Mr. Joseph N. Tascona):** Do we have unanimous consent? Yes, there is. Proceed.

**Hon. Mr. Caplan:** I thank my colleagues for the unanimous consent.

I move that, for the purpose of this afternoon's debate on the motion for third reading of Bill 50, up to 50 minutes be allotted to each recognized party, and that

when the time allotted for debate has expired, the Speaker shall put every question necessary to dispose of the third reading stage of the bill and the Speaker shall then adjourn the House without question put.

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

TRADITIONAL CHINESE  
MEDICINE ACT, 2006  
LOI DE 2006 SUR LES PRATICIENS  
EN MÉDECINE TRADITIONNELLE  
CHINOISE

Mr. Smitherman moved third reading of the following bill:

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

**The Acting Speaker (Mr. Joseph N. Tascona):** The Chair recognizes the Minister of Health and Long-Term Care.

*Applause.*

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** Thank you, to the whip, for your extraordinary applause.

I want to say right from the beginning what a privilege it is to be here today to speak about this bill. I will inform members from other parties that I'm the only speaker who is going to be up on this, but I want to acknowledge that among all of my colleagues, the member from Ottawa Centre was hoping that he would have a chance but needed to be back in Ottawa today. He is an example, but only one, of a wide variety of investment, if you will, of important time and energy that a lot of members from all sides have made to bring this bill forward today. I want to say, right from the get-go, that we are very appreciative for their efforts.

Several of my caucus colleagues got this ball rolling, if you will, when they spent a considerable amount of time listening to the various points of view that were there and helping to give advice. That advice was brought forward in the form of a bill which has been, as a result of good process and committee work, amended in a fashion that I think is very positive indeed.

We don't always manage to send a message from this place, in tone or otherwise, that we have worked well together, but I am sincerely appreciative for the efforts that have been made, as I said, by members on all sides. I'm pleased to have here for the debate today the critics for health from the two opposition parties.

I want to welcome the traditional Chinese medicine community to the galleries today. It has been very, very exciting, I must say, to see the extent to which so many people have been engaged in this debate. It is not surprising; indeed, it's entirely appropriate, given that the

issue at hand is one that is of very decided importance to so many.

I stand before you and concede that I am among those who have been the beneficiaries of acupuncture services—in my case, and this will be controversial to some, delivered to me alongside care from a physiotherapist. The point is that we know that thousands and thousands of Ontarians, on a daily basis, gain benefit and support from the work that is done by practitioners of traditional Chinese medicine.

We know too, from scares that have been well presented in places like Quebec, that there have been safety concerns raised related to the provision of acupuncture services. We think it's important to move forward in a fashion that, for the first time since 1991—and just pause for one second to consider the historic moment we are on the cusp of. We are very, very close, not presuming but anticipating the support from members on all sides, that soon Ontario will have, for the first time since 1991, minted, brought to life, a brand new regulated health profession. This is something that we very much celebrate. In a certain sense, another way to say that is that we are here today—the Legislature of Ontario is here—and we are joining together to acknowledge that traditional Chinese medicine and acupuncture are an important part of our health care system. We do so in response to the reality that is well known; that is, many of our constituents are gaining benefit from these services.

**1530**

Regulation is the recognition that this is a profession that provides a contribution to keeping our Ontarians healthy. We thank all of those who are involved in that, and we send them a message from here today that we are profoundly respectful of the role they play. That is why we have spent this time and energy.

For people who follow legislative debate, I think they will see, as I said off the top, that there is proof in this bill of the capacity that when we commit and dedicate ourselves to working well together, we can make progress together. Evidence of this is to be found, as an example, in the work that went on at committee: efforts made by members on all sides doing very, very great diligence. We saw that, in the preparation for committee work, a series of amendments was tabled and brought forward from all three parties. In fact, in several areas all three parties brought forward amendments that were very similar. Again, I think this is a sign that people listened very carefully to the concerns that were raised.

What I propose to do for the balance of my time, which will not be all 45 minutes, is to address on point those alterations that were made through the committee process; that is, the alterations that were made to bring this bill back to this chamber in an improved form. Again, I thank everybody for their work.

We know forthright that acupuncturists were very, very concerned that they were not receiving adequate recognition, so we changed the name of the college to the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario. This is consistent with the Medicine Act, which includes the two protected titles of

physician and surgeon. Again, it's an example of how, when we listen well, we're able to move forward in a fashion that enhances the bill.

We know there was concern about granting the title of doctor with no accompanying controlled acts—"controlled acts" is another way of saying "scope of practice"—so we've added specific controlled acts that bring much more relevance to the granting of the title of doctor. The two acts were as follows: First, the controlled act to perform acupuncture. This gives the authority to perform acupuncture in the proposed TCM act, rather than through an exemption in the Regulated Health Professions Act.

The second is the controlled act of a TCM diagnosis using TCM techniques. We recognize that TCM does not view illness in exactly the same context as western medicine. That, I think, is a strong reason why so many people support it either as their primary form of medicine or as one that is complementary. Nevertheless, this particular controlled act gives the authority to the college to communicate a TCM diagnosis that respects their view of the body as an integrated and dynamic energy system.

What I really want to herald here is that it is not every day in western environments that we move forward with the adoption of techniques that have been so deeply and profoundly influenced by different philosophies. That's why I think we should be so proud. We speak very often in our province—as Ontarians, we brag a little uncharacteristically about the extent to which our communities have evolved to be so dynamic because of their diversity. It's appropriate that the floor of this Legislature, which has played a role for such a long period of time, be a place where we bring forward motions and legislation that reflect the nature of the way that our province has evolved. Not all regulated health professionals practise acupuncture, as it is not in their scope of practice. So we amended the Regulated Health Professions Act to list only those colleges whose members currently employ acupuncture within their practice. Another way of saying this is, we've listened carefully to the concern that any regulated health profession would be able to start to have acupuncture services on offer, and instead we have grandfathered right in the legislation: only those current regulated health professions that are in the business, if you will, of providing acupuncture services. This has been an important recognition, again, to the concerns that did come forward as we listened carefully in response to the bills.

These colleges will now also have to set their standards and qualifications for acupuncture. Acupuncture—we have to be clear on this: while it is one word, there are different ways in which it's used among the different regulated health professions. We think it's crucial, and we're very, very set on this, that different colleges are able to collaborate when procedures overlap.

I know that there is a concern about the equality, if you will, of the standard related to the use of acupuncture, and we agreed that it's very necessary that the various colleges work in a fashion which is collaborative. It's our anticipation that that will most certainly be the

case. That is why I signalled at committee that I will refer that very specific issue to HPRAC. We think this is area where we would benefit from some further advice. Again, we've heard the concern, we've sought to address it substantially in the legislation, but we believe that there is more that we can do to address this, and that's why we're going to ask HPRAC to assist us even further.

It's a pretty exciting time for traditional Chinese medicine and for acupuncture. If passed, Bill 50 would hand over the reins to the transitional council to make the decisions that will shape the future of TCM and acupuncture. On this point, I think it's incredibly important to acknowledge that many, many people will be called upon to work very vigorously to bring this new college to life. I know that my critic from the third party had the privilege of being part of a government that did such substantial work and amendment to the regulated health professions. Subsequent colleges came to life, and they have a lot of experience around it. We know from talking to the people who have been involved in these things before, these are not decisions or actions to take lightly. This is a substantial step forward, and it will require many people to work very hard. In recognizing that they will do so, we want to acknowledge that forthrightly and to thank them for it. They will decide who will be grandfathered into the college, based on criteria that they set.

I want to stop on that point for just a moment. I know that any time there's a change in the air, it's hard. Change is difficult. And sometimes when we hear that change is coming, our automatic reaction is to steel ourselves, to become tense or perhaps to have an inclination towards defending. The point here is that we are bringing to life a new college. A college is another way of saying self-governance. We are going to provide the tools for traditional Chinese medicine and acupuncture practitioners to make decisions about how their very profession evolves.

So I want to say to those who are long-standing traditional practitioners who have had some concern that their experience perhaps sometimes stands in greater stead than their formal education. This is my real world. I'm very familiar with that circumstance. My point here is, we're very sensitive to those issues. And the college, as it comes to life, must be so. It will be the college that can make decisions about whether exams, as an example, would be offered in how many languages or dialects. These are the kinds of decisions that self-governance and the college are going to have the opportunity to grapple with.

We think this is an appropriate signal about our expectations and our sense of the capacity, the maturity, if you will, of these practitioners to build their own college together. We know that there will be many, many hard decisions that are to be taken because this is a very substantial move forward. We recognize that. They will determine which specialities will be necessary so that TCM can grow. Tuina massage and herbal remedies play an integral part in TCM. It will be up to the transitional

council to determine if and how they will become specialties of TCM.

**1540**

In the last 10 minutes, I have had a chance to highlight some of the amendments—"improvements" is a better way to put it—that have been made possible as a result of the work of members in here. I want to send a signal one more time, really a word of thanks, to the members in here who have grasped the challenges in this bill and given us advice about how to improve it. I thank them.

To the people from the community, many of whom have been so dedicated to this issue and who have been here on a regular basis and who have been available to us to give us advice, we are so grateful for your willingness on behalf of the broad array of practitioners and especially on behalf those, I'm sure, hundreds of thousands of patients who are taking advantage of these services—we are so grateful for their passion and for their willingness to move this forward.

I'm one of those who believes that our country is great and made greater all the time by our willingness to be influenced by other experiences. If I look to my own riding, where we stand today, on any building, street corner or neighbourhood you will see that the whole world has come together in one place. Accordingly, it is appropriate today in this Legislature of Ontario that we move forward as the second jurisdiction in Canada, and one of decidedly few, to say that we will create the circumstances to allow a College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario to come to life, giving it the formal acknowledgment in law that the people of Ontario, by the droves, have already sent a signal that they respect.

This is about respect, and it is on that note that I want to say one more time to all of those who have worked so hard so far, thank you. We will move this bill forward and, in so doing, we will ask many who have already worked so hard to do that much more as they bring a new college to life and, as the opportunities for self-governance flourish, we will do so in a fashion that is respectful of this profoundly beautiful tradition and service. We recognize that its roots go back a long, long way, and we recognize as well the very clear distinction between these practices and some of the more traditional forms of Western medicine.

I give my assurance to all who are interested in this debate that for our government's part, we will ensure that as we move forward it is in a fashion that builds on the successes that we've achieved, which is listening carefully to concerns and doing our utmost to address those on point. So to all those who have done so much to get us to this point today, I close by saying one more time, thank you so very much.

**The Acting Speaker:** Further debate?

**Mrs. Elizabeth Witmer (Kitchener–Waterloo):** I'm very pleased to join the debate today on behalf of the PC caucus and our leader John Tory, on Bill 50, An Act respecting the regulation of the profession of traditional

Chinese medicine, and making complementary amendments to certain Acts.

This act, as we've heard, reflects that need to recognize a widely used form of complementary and alternative health care. I want to also, on behalf of John Tory and my caucus, thank the hundreds—and they are in the hundreds and hundreds—of people who have come together to send us e-mails and make presentations in committee.

There was a lot of strong feeling about different issues within the bill. At the end of the day, obviously, we had a chance to put forward amendments, as did the third party and the government. Although not all of the wishes of those people who had concerns have been addressed, I do believe that at the end of the day the amended bill does address some of the key concerns that were brought forward to our committee.

Notwithstanding the concerns that we still have about those issues that still need to be addressed, and certainly the need to reflect the concerns of those individuals, I will say that today we will be supporting this bill.

I want to, as I say, thank all those who came forward. I am very pleased that the amendment to change the name of the college was made and that we are now going to formally recognize acupuncture.

This bill has been in the making for a long time. The first request was made in 1994. When I was Minister of Health, the issue came up again and we sent it back to HPRAC, and it came back to our government in 2001. It was at that time that we received the final report and advice from HPRAC. I will deal a little bit more with that at another point in time. However, we're pleased that finally, although it has been a long process, we are where we are today, because it will give some feeling of assurance to people in Ontario that they will be receiving services that are regulated and are safe, and the quality of health will be protected.

Having said that, I want to mention that just recently, within the last hour or so, I did receive this pile of faxes from individuals who continue to have concerns about the legislation. I also want to tell you that there are a lot of submissions here from people who are being treated who credit their doctor with having an impact on the treatment that they're receiving. I think it points out that the treatment is widespread throughout the province of Ontario. Here's someone who is being treated for hypertension and arrhythmia; someone who's being treated for rheumatoid arthritis; someone who's being treated for a brain tumour; somebody here from Moncton; somebody here being treated for Crohn's disease; another cancer patient.

The interesting thing is that this is an alternative form of medicine that is being very, very widely used. I would also say that the people who have written to us, although they have some concerns in the bill about the bill in its present form, do come from different parts of the province of Ontario. There's one here from Toronto; I said Moncton; there's another one here from Toronto—what else did I see?—Huron county here; another one from Toronto; here's one from Kincardine. So I think you can

see that many, many people throughout Ontario are recognizing that traditional Chinese medicine and acupuncture can be very beneficial to their treatment and the way they feel.

Let me go back to the HPRAC recommendations of 2001 that were received by our government. They did recommend to the minister that the profession of traditional Chinese medicine be regulated with a distinct scope of practice and four controlled acts authorized to the profession, which included communicating a TCM diagnosis, performing a procedure on tissue below the dermis for the purpose of acupuncture, prescribing and dispensing natural health products and prescribing, dispensing and compounding Chinese herbal remedies.

Bill 50, in its original form, did not deal with these recommendations. In fact, even today the bill as written doesn't address the scope of practice in the same way as was originally recommended. In its first draft, Bill 50 didn't include authorization for any controlled acts to the profession. So we are certainly very pleased to say that after input from many stakeholders from the opposition parties, the government did agree to address the shortcomings by authorizing two of the mentioned controlled acts to the profession. However, some of the other key amendments have still been left out.

We did advocate very strongly for public hearings. I think it's obvious that as a result of having public hearings, the bill has been strengthened; the bill has been improved. So I think it demonstrates that public hearings are very important to making sure that you have the best bill you possibly can, despite the fact that there are still those who have some very, very strong reservations and concerns about the legislation.

When we were listening to the people who came forward on Bill 50, there emerged some very clear issues that the presenters and those they represented had with this piece of legislation. They did say that the scope of practice was too vague; they did say that a more distinctive scope was needed. They talked about the absence of access to any controlled acts. There was certainly a lot of concern about the different standards of practice among health professions for acupuncture.

#### 1550

Let's talk about the standards of practice for acupuncture. This is an issue that was brought to our attention by many of the presenters who appeared before us, and people certainly had different solutions. There were several different approaches that were presented to us to address this issue of concern regarding minimum standards. But at the end of the day, we overwhelmingly heard that the World Health Organization's guidelines of a minimum 200 hours of training for acupuncture were perhaps as appropriate as any. These guidelines were reflected in the amendments that we brought forward during clause-by-clause.

This issue still remains to be addressed. The minister touched on it today. We did receive a memo from the minister. Regrettably, we didn't receive it until November 7, which was the same day that amendments from all parties were due to the clerk. But the minister did write to

tell us that in his view "there is a potential opportunity for regulated health professions that have overlapping scopes of practice to work together to develop standards of practice in a collaborative way." I assume that the minister is referring to acupuncture, as he later writes that "this issue has been raised by some presenters during the hearings on Bill 50," although nowhere in the letter does he ever specifically mention acupuncture. He does indicate that HPRAC "recently provided extensive recommendations on a number of complex regulatory issues in its New Directions report. Some of its recommendations posed options for the health professions to collaborate in the development of standards of practice for the same or similar controlled acts, while respecting the competencies of the individual professions." That letter we received from the minister was our first indication that the government may have been trying to correct some of their oversights in drafting the bill and that they were going to revisit the controlled acts for TCM.

Finally the minister writes, "I intend to seek further advice from HPRAC concerning these matters, and how best to facilitate their collaboration." I hope that is indeed the case. At any time when you're creating a new college and you're taking a look at these issues, you obviously need to do what is in the best interests of the public. There is a need for extensive dialogue between ministry officials and the regulatory health colleges. Obviously, there is a lot of work to be done. This memo that we got from the minister, however, did not say that he was indeed going to make referral to HPRAC or when any of this might happen. So to this day, we're left wondering when this might happen.

I want to briefly talk about some of the outstanding issues with Bill 50 that people have continued to tell us are of concern to them. As I say, the controlled acts: We and all parties did bring forward an amendment that spoke about the ability to communicate the diagnosis, and it's an important one when we consider that the bill allows qualified members of the new college to use the "doctor" title. If you take look at the five professions that currently are entitled to use the "doctor" title under the RHPA, they are all authorized to perform the controlled act of communicating a diagnosis. To not allow TCM doctors access to this controlled act would be inconsistent. Of course, in 2001, the HPRAC report did recommend that a controlled act of communicating a diagnosis be authorized in the new college. This is also consistent with the regulation of TCM and acupuncture in British Columbia. This amendment was supported by the presenters: the Toronto School of Traditional Chinese Medicine, the Ontario Association of Acupuncture and Traditional Chinese Medicine and the Ontario Acupuncture Examination Committee.

The other amendment that speaks to the controlled acts was also brought forward by all three parties—I think you can see that people did work very hard together in order to make sure this bill could be the best that it was going to be—an amendment to allow performing of this procedure on tissue below the dermis and below the sur-

face of a mucous membrane for the purpose of acupuncture.

If we go back to the 2001 HPRAC report, there was a conclusion there that there is risk of harm from acupuncture and that this risk has gained significance given the increasing use of acupuncture by Ontarians and the variety of health providers who today perform acupuncture. Of course, British Columbia also authorizes a similar reserved act to its TCM college members. As the bill was originally drafted, however, acupuncture was treated only as a modality. It didn't recognize the risk of harm associated with this modality. So we are glad that this amendment was introduced.

If we take a look at another controlled act—to prescribe, dispense or compound Chinese herbal medicines and natural health products—this is supported when we look at the model in British Columbia. They also include “traditional Chinese medicine herbalist” as a protected title. Unfortunately, our amendment on this one was defeated during clause-by-clause. I know that there are some concerns that remain, based on input that we have received from stakeholders.

There are stakeholders in the province who have said to us that even with the amended legislation, they do not believe that the public is going to be properly protected or properly regulated. The minister has said that many of these issues of outstanding concern will be addressed by the transitional college. It would be my hope that that is indeed going to be the case. I think the transitional college is going to have its work cut out for it because there are many unresolved issues. There continues to be a lot of anxiety and angst among those who do practise acupuncture or Chinese medicine in the province. So we need to make sure that some of those anxieties are put to rest earlier as opposed to later.

Mary Wu, the president of the Toronto School of Traditional Chinese Medicine, is concerned about the lack of addressing the issue of Chinese herbal medicine. She writes that some “are very potent and toxic.” She says, “For example, concerning pregnancy, improper uses of Chinese herbal medicine without TCM diagnosis may cause severe adverse reactions,” and she goes on to speak to those. She makes reference to the BC act as well. I think that is important. Unfortunately, our amendment to allow access to that controlled act was not supported.

Another outstanding issue—again, Mary Wu, president of the Toronto School of Traditional Chinese Medicine—was around the whole issue of tuina massage. This is an issue that was not addressed. There was some desire on the part of individuals to add the title of “tuina therapist” to Bill 50, and that didn't happen.

When we take a look at acupuncture, there are still some concerns about the standards of practice and public safety that have been expressed to us. We heard from the Toronto School of Traditional Chinese Medicine that, in their 10 years of serving people in this province, they've had over 2,000 inquiries for their programs. They say that over 90% of the individuals who are health professionals are looking for short crash courses and that fewer than

10% of the people are serious about acupuncture and registered in the diploma program of over 2,000 hours. This concern remains about the standards of practice and protection of public safety. They still feel the amended Bill 50 is too loose. It still leaves the door open to 10 health professions without any control at the legislative level. They're concerned it will create multiple standards of acupuncture practice.

#### 1600

**Grandfathering:** The issue of grandfathering of course has come up. There was a desire on the part of those who appeared before us that grandfathering those who have been practising acupuncture for a long period of time with adequate and safe records and who meet the professional standards with proved knowledge, skills and judgment through assessment or examinations occur.

Some of the other people who wrote in about that or talked to us about that were the Canadian Society of Chinese Medicine and Acupuncture, the Canadian Association of Acupuncture and Traditional Chinese Medicine, the Canadian Society of Chinese Medicine and Acupuncture, the Committee for Certified Acupuncturists of Ontario, the Ontario Acupuncture Association, the Ontario Guild of Traditional Chinese Medicine and the Ontario Coalition for the Unbiased Regulation of Traditional Chinese Medicine and Acupuncture. These are all groups that have expressed some concerns over the standards of practice for acupuncture among the regulated health professions.

But the minister has indicated today, and I trust the minister is going to follow through, his intent to refer this entire issue of minimum standards of practice to HPRAC for their advice.

I guess at the end of the day a lot of people did come forward to express their reservations, their concerns, to offer their changes to the bill. Despite the fact that obviously not all of the issues have been addressed, the bill in its amended form does allow for us to move forward to the creation of this new college. It will mean that people in the province of Ontario, for the first time now, will start to be protected and will be able to have some confidence in the quality and safety of the treatments. So, although it's not what everybody would like it to be, certainly it moves us forward as far as safety is concerned and in the protection of the public. On behalf of our caucus, I want to reiterate that I appreciate the hard work of so many people. The ministry staff, I know, worked very hard on this bill. I have to congratulate Richard Patten. In speaking to him, I know he was very responsive to the concerns that we brought forward and to the amendments. We will be supporting this bill, and I congratulate the people who have been working on the creation of this new college since 1994.

**Ms. Shelley Martel (Nickel Belt):** It's a pleasure for me to participate in the debate this afternoon. At the outset, I'd like to thank several people who helped myself and the rest of the members during the committee process. They include: Philip Kaye, our researcher; Trevor Day, the committee clerk who scheduled all of the presentations; Ralph Armstrong, who did my amend-

ments and was also part of the legal counsel at the committee during the clause-by-clause; Christine Henderson, counsel from the Ministry of Health; Stephen Cheng, senior policy analyst from the Ministry of Health; and Tim Blakley, manager of regulatory programs unit from the Ministry of Health. All of these people did a great deal of work to assist the committee during the Bill 50 deliberations, and I want to thank them for the work they did.

I also want to thank the many people and organizations who came out to the committee hearings. It was a very short time schedule. People really had to rearrange their schedule in order to participate, and some of those folks are in the gallery today. I want to thank those people who came out, because I think as a result of people coming out, because of some of the concerns that were expressed, the government did have to move two amendments that they might not have otherwise, because certainly there are changes now in the new bill that weren't in place in the old bill. I think a great deal of that has to do with the fact that people took the time, came out, expressed both their support and their concerns, and the government was forced to respond. Indeed, all three of the political parties put forward amendments in some cases that were very similar to try to respond to those concerns.

Finally, there have been a number of people involved for a number of years in the effort to have regulation of TCM and acupuncture, and I want to thank them. As a member of a government that was involved in the regulation of a number of health professionals, I support regulation, both for the public safety aspect it brings, but also the clear recognition it brings that the health care services provided by that particular professional are important to Ontario's health care system. I remain very supportive of that and look forward, at the end of the day, to seeing another profession regulated, because we indeed will be supporting this legislation.

This afternoon, I want to review some of the concerns I raised at second reading and talk about how the government responded to those, and also some of the other areas that I continue to believe both HPRAC and the new college are going to have to address.

Let me go back to second reading and begin in this way. I recognize that acupuncture is not a controlled act and right now anybody can practise acupuncture. What the government was attempting to do was control who practises acupuncture. The government offered that provision up in section 18, which essentially allowed all the regulated health professionals in the province to provide acupuncture, both in accordance with the standard of practice of that profession and within the scope of practice of that profession.

There were a couple of problems with this, which I identified during the course of second reading. Number one, it's really difficult to look at the scope of practice of some of the professions and figure out if they can provide acupuncture. Frankly, acupuncture doesn't appear in the scope of practice of any of these regulated health professions. You have to dig much deeper into policies and

other things within each of the individual acts that regulate those health care professionals to try to make some kind of determination about who is most qualified and in the best position to practise acupuncture. So maybe it wasn't such a good idea to talk about scope of practice in the legislation, because it was—I don't want to use the word "misleading," because that's not the way it should be taken, but it was very difficult to use that and understand who could provide acupuncture.

I think the second problem I saw was that those regulated health professionals could provide acupuncture within the standard of practice of the profession, and it was very clear that the standard of practice of those regulated health professions currently providing acupuncture varied quite dramatically. Some colleges have very well-developed, very fulsome standards of practice; others are not so well developed or fulsome. So there was a wide variety in terms of the standards each college expected its members to meet in order to safely provide acupuncture. My argument has always been that if I, as consumer, am going to receive acupuncture from a TCM practitioner, a chiropractor, a physiotherapist, then I have a right to know what the minimum standard is in terms of the qualification of that health care professional as they provide me that service. That is matter of public safety that I feel very strongly about.

That, really, was what I raised during the course of my second reading debate. The idea of what the minimum standard should be was a point of great debate during the course of the public hearings. I'll deal with that in terms of how the government tried to respond to it.

The second concern I raised had to do with the doctor title and access to controlled acts. The original Bill 50, as drafted, said very clearly that the college would determine the qualifications of those who would be able to obtain or achieve the doctor title, but even if they did obtain the doctor title they wouldn't have any access to controlled acts. It seemed very strange to me that other professionals who have achieved a doctor title—doctors themselves, chiropractors, etc.—have access to some of the controlled acts, and yet doctors of TCM would have access to none. From my perspective, at least, what was the point of having the doctor title if there wasn't any kind of controlled act that flowed from it? It seemed rather bizarre to grant a title and not grant access to any controlled act. I raised that concern, and again the government had to deal with that during the course of the public hearings.

I raised concerns about grandfathering provisions—how that is structured—because we want to take into account the expertise of those who have been practising for many years and we need to recognize that the provisions have to reflect the many years they have practised and provided service to the community. Then we have to be sensitive about how we do that.

#### 1610

Fourth, I raised concerns about the language to be used in exams. We need to look beyond English and French. We need to be looking at Chinese and potentially other languages that people are able to take their

licensing exams in if we are not going to really limit or prohibit those who currently provide an excellent service from actually being able to continue to do that.

Finally, I raised the question during the course of second reading as to whether or not we should be looking at a distinction in the legislation between acupuncture performed by the TCM community and acupuncture performed by other regulated health professions in the context of pain management. I asked the question whether or not it was necessary to have a definition perhaps around adjunct acupuncture, to make that distinction between those who practise acupuncture as part of a TCM model, which from my perspective is quite different from those who practise acupuncture as part of their other practice, be it physiotherapy, be it chiropractic, as a form of pain management for their patients. Again, we heard a fair bit about that at public hearings.

Let me deal with the clause-by-clause and the changes that came about as a result of the presentations that were heard by all of us. Firstly, the question of who should be permitted to practise acupuncture and how we try to ensure that there are minimum standards they have to meet in order to practise acupuncture. During the public hearings I asked the Ministry of Health—because I remain convinced that the original language in the bill made it clear that all 23 regulated health professions could practise—to come back to the committee and tell us which professions in their opinion were the most likely, in terms of their scope of practice and standard of practice, to be able to provide acupuncture. The ministry came back with a list that included chiropody, chiropractic, dentistry, massage therapy, medicine, nursing, occupational therapy and physiotherapy.

As a result of getting some clarification around who were the most likely regulated health professionals to be in a position to provide acupuncture, both ourselves and the Liberals in fact moved forward amendments that essentially put in a restriction about who could provide acupuncture. I just want to deal with the amendment that we placed, and then I'll deal with the Liberal amendment. But I want to explain some of what we were after or trying to achieve in the amendment we put forward.

Our amendment around section 18 said the following: "A person who is a member of the following colleges is exempt from subsection 27(1) of the act for the purpose of performing adjunct acupuncture in accordance with the standard of practice of the profession, within the scope of practice of the profession, and in accordance with the regulations on the minimum standards to safely perform adjunct acupuncture as established by the Lieutenant Governor in Council and enforced by the college."

We listed those eight professions that the ministry had said to us were the most likely to be in a position to perform acupuncture. Those included: College of Chiropractors of Ontario, College of Chiropractors of Ontario, College of Massage Therapists of Ontario, College of Nurses of Ontario, College of Occupational Therapists of Ontario, College of Physicians and Surgeons of Ontario,

College of Physiotherapists of Ontario, and the Royal College of Dental Surgeons of Ontario.

During the course of the debate it became clear that the College of Physicians and Surgeons—the Medicine Act has particular provisions in it that don't allow it to become part of the schedule. I don't pretend to know all the legalese about that. I accepted the government at its word that there was a reason why medicine would not end up in the schedule. So the government schedule that was agreed upon has only seven of the eight that we proposed.

In our amendment I also tried to make some distinction between acupuncture provided by regulated health professionals and acupuncture provided by TCM practitioners. I talked about adjunct acupuncture but also went on to provide a definition of that a little later on in the same amendment. I'll get to that in just one second.

I also made it very clear that it's the college that has to enforce the standards etc. We heard a couple of times during the course of the hearings that there are a number of people who may go for additional training, and those things are very good, but there's not really a mechanism right now to ensure that they complete that training. So the individual colleges have to be responsible to ensure that the standards they set out in terms of qualifications and practice have to be met before they allow one of their members to practise acupuncture.

I said in this regard in terms of adjunct acupuncture, "adjunct acupuncture" means a procedure on tissue below the dermis for the purpose of acupuncture pain relief in conjunction with other modalities such as western medicine, physiotherapy and chiropractic adjustment according to human anatomy and physiology."

Our amendment was voted down, but what was interesting is that there were some similarities between ours and the Liberal amendment in terms of trying to respond to the concerns that we heard raised during the course of the public hearings. Let me work backwards through those.

Our last point in terms of our amendment was talking about enforcement by the college and why I thought that was necessary. The Liberal amendment, as it was voted on, makes it very clear that it will be the college that will have to set the standards and the qualifications, and the college will have to enforce that. So in subsection (4) it says, "A person mentioned in subsection (2) or (3) is exempt from subsection 27(1) of the act for the purpose of performing acupuncture only if he or she has met the standards and qualifications set by the college or the Board of Directors of Drugless Therapy, as the case may be." The second part is, of course, to refer to naturopaths.

I think there wasn't much difference between what we were trying to do and what the government ended up doing, which is to make sure that the college has a very singular, important role to play to ensure that qualifications of their members are met in terms of practising acupuncture and being allowed to practise acupuncture.

Secondly, with respect to adjunct acupuncture, it's interesting that Mr. Patten, who led this on behalf of the Liberals, said he quite liked my definition but the legal

advice that came back from the Ministry of Health was that we could not use such a definition of adjunct acupuncture; because it didn't have a definition in practice, it might present some restrictions etc. So all right; I live with that. But I think the way the government ended up trying to do what I was trying to do in the first place, although not quite as far in terms of having a distinct definition—I think the government was forced to move some way to try to provide a distinction between acupuncture provided by TCM practitioners and that provided by other regulated health professionals. The government does that in their amendment essentially through section 3.1 of the bill, where they say the following:

“In the course of engaging in the practice of traditional Chinese medicine, a member is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to perform ... a procedure on tissue below the dermis and below the surface of a mucous membrane for the purpose of performing acupuncture.”

So that's what appears in section 3.1, and the important points there are saying “engaging in the practice of traditional Chinese medicine” and the enhanced definition of acupuncture, which is “a procedure on tissue below the dermis” but also “and below the surface of a mucous membrane.”

If you go back to the Liberal change in section 18, you will see that in terms of talking about acupuncture with respect to the other regulated health professions, the government doesn't have such an expanded definition of acupuncture. The government doesn't reference TCM, in terms of within the practice of TCM. In terms of who in the regulated health professions can provide acupuncture, the government says, “a person who is a member of a college listed in column 1 of the table is exempt from subsection 27(1) of the act for the purpose of performing acupuncture, a procedure performed on tissue below the dermis, in accordance with the standard of practice and within the scope of practice of the health profession...”

So in terms of regulated health professionals, the definition around acupuncture has been limited and there's no reference whatsoever to undertaking acupuncture while engaging in the practice of traditional Chinese medicine. I think that's how the government got at this in a way that was different than mine, but I think it is clear now that there is some distinction that is important between acupuncture that will be provided by TCM practitioners and acupuncturists, and that acupuncture that will be provided by other regulated health professionals in the course of providing pain management.

Third is the important issue of the minimum standards. In our amendment, we made it very clear that we thought the Lieutenant Governor in Council, through regulation, should set the minimum standard. That was our way to try and ensure that as consumers we could be assured that someone had met certain qualifications if they were going to be allowed to practise acupuncture. So we said that they had to do all that, but in accordance with any

regulations around acupuncture that were established by the government.

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The government did this in a bit of a different way. The government, in subsection 18(4) of the bill says, “A person mentioned in subsection (2) or (3) is exempt from subsection 27(1) of the act for the purpose of performing acupuncture only if he or she has met the standards and qualifications set by the college or the board of directors of drugless therapy...”

There was quite a discussion about what this meant. The discussion around this came up in the context of the letter that had been sent to the committee members by the minister while we were in the process of submitting our amendments. The government has said very clearly that it's going to be the colleges, and not the government, that set the minimum standards, but I think the government was forced to admit that they needed to go further here to respond to the concerns. That resulted in the minister sending us a letter saying very clearly that he was going to refer this matter to HPRAC. I just want to read into the record some of that letter. I'm quoting from the minister's letter of November 7 to the committee with respect to New Directions in HPRAC:

“Some of its recommendations posed options for the health professions to collaborate in the development of standards of practice for the same or similar controlled acts, while respecting the competencies of the individual professions. I intend to seek further advice from HPRAC concerning these matters, and how best to facilitate that collaboration.

“This has been an issue raised by some presenters during the hearings on Bill 50 and has been a topic of discussion among ministry officials and the health regulatory colleges. I look forward to HPRAC's analysis of the issue in the best interest of the public and Ontario's health care system.”

We raised the minister's letter during the course of the clause-by-clause because it came to us while the committee was not sitting. At the start of the clause-by-clause, both myself and then Mrs. Witmer raised with the government what did they really mean by this letter, so we could get this on the public record, and what was the government's intention? Obviously, if the minister is sending this to us at the same time we're trying to do clause-by-clause, he must be trying to give us some signal. What is it, exactly, that he is proposing to do, and is it going to respond to the concerns that are out there about minimum standards? The question I raised with Mr. Patten at the time was, essentially, what did the letter mean? Mr. Patten said the following:

“The intent, of course, was to assure the committee that, while we will be short of time here to identify what all of the various health professions might see as a minimum standard, the ministry itself and the minister himself would be moving on contact with HPRAC to consult with the various professions—as you will see later as we go through the bill, there are six of them that in particular have identified that there is some use of acupuncture in

particular—and that there would be some collaboration. As you know, with HPRAC, the framework of the act is to encourage the various professions to work together and to acknowledge that indeed there is overlap, yet in the use of particularly acupuncture the function varies from profession to profession, as even the World Health Organization had acknowledged, and therefore it doesn't necessarily require the same standards. Nevertheless, the minister would move ahead on seeking the help of the council on contacting and moving in that direction."

To be really clear, I said to Mr. Patten again: "So what I want to be clear on...."

"Is the letter a commitment to this committee and to the community at large that the minister is going to do a separate referral to HPRAC, a new referral to HPRAC, specifically on the matter of what are the minimum standards of practice to do acupuncture for the colleges that have been identified as those most likely to perform acupuncture? I would like to be very clear on what is the process here with respect to what the minister has raised, and should we read into this that the minister is committed to colleges having some minimum standard of practice in acupuncture before they are able to practise acupuncture?"

I asked, "So this is a new referral?" Mr. Patten said, "Yes, it would be." That was confirmed also by Christine Henderson, legal counsel, that there would be a new referral and the point of the referral was to get at this issue of minimum standards for a practice that is similar across a number of regulated health professions.

That is the letter. That is the referral. We have not seen the referral yet. It might have been helpful if we could have seen that at committee. It might have been helpful to ease some of the concerns of those who continue to have ongoing concerns, particularly with respect to this matter. I understand from ministry staff that it is being worked on and it's supposed to go out in very short order. I really hope that we move on this so that it doesn't continue to be a point of contention and a point of concern.

I certainly hope that HPRAC is going to be in position to come back to the minister with some very useful suggestions about what the minimum standards need to be across these colleges in order for their members to be able to practise.

I want to go a little bit further in this regard with respect to these minimum standards, because I asked during the committee, "Does the government have any authority, sway or influence over what those standards will be, or can the colleges essentially develop those on their own and adopt them as a practice?" So I raised the question with Mr. Patten, "Is there a mechanism whereby the minister has to approve the minimum standards?" And Mr. Patten said, "Any regulations that are developed have to be put forward and reviewed by the minister and" they have to be "approved by the Lieutenant Governor in Council." To be really clear—because I know that a number of colleges came forward and said that their own council was developing standards, but it wasn't clear to

me that those standards had to be approved by the government.

I asked the question again: "Let me get this straight. Let me use chiropractors, because that's the clearest example for me ... they have been looking at a standard of practice for their members who want to practise acupuncture. They will probably agree, as a council, to move to the WHO"—the World Health Organization—"guidelines. Is it a requirement, then, for the college to submit those guidelines to the minister for approval before the college authorizes its members to undertake acupuncture? Is that a requirement?" And legal counsel, Ms. Henderson, said the following: "The colleges have the authority to set standards of practice and qualifications for many of the innumerable procedures that their members may perform in accordance with the RHPA"—the Regulated Health Professions Act—"and their health-profession-specific acts. If it's a regulation that the college is putting forward in terms of qualifications or standards of practice, Mr. Patten has outlined correctly the process." If I go back to what the government says in their amendment, it is the following: that a person who is in the schedule can perform acupuncture only if he or she has met the standards and qualifications set by the college.

It is my hope that what will happen here is that because qualifications are being set, there will then be some requirement to do that in the form of a regulation that will go to the minister and will have to be approved by cabinet and the Lieutenant Governor in Council. I think that is an appropriate way to do it. It ties in with some of the concerns we raised that said, "We think the government should set those standards." The government might not be setting the standards, but I hope the government has some mechanism through regulation to exert some influence in terms of ensuring that appropriate standards are met. So I hope what I'm reading into this is correct and that the ministry's response, in terms of Ms. Henderson's response to me, is that because qualifications are going to be involved here, there will be a regulation-making process and the government will have the final "aye" as to what will be put in place.

I just want to say that a number of colleges have already risen to the challenge of developing very good standards and very fulsome standards. We heard about that during the course of the committee hearings. I trust that, as this bill gets passed, other colleges that may not have standards that are as well developed or qualifications that are clearly outlined are going to rise to the challenge too, to make sure that what everybody is doing is ensuring that members effectively and safely provide acupuncture, because that is certainly what matters most at the end of the day.

Let me deal, then, with the concerns around controlled acts. The amendment that we put forward would have permitted seven controlled acts that should be provided to those who qualify to be doctors of traditional Chinese medicine. The government accepted two of those, and they were already read into the record: performing a procedure on tissue below the dermis and below the surface

of the mucous membrane for the purpose of performing acupuncture, and communicating a traditional Chinese diagnosis etc. Those are the two that were accepted.

I didn't expect that we were going to get all seven, but I certainly hoped that the government would have approved two more. One of those, as Mrs. Witmer has already mentioned, was the controlled act of prescribing, dispensing, selling or compounding Chinese medicines and natural health products. I say that because this was the recommendation that was already made by HPRAC in 2001 in its report to the minister. It was recommended that prescribing and dispensing be a controlled act, and I regret that the government wouldn't accept a recommendation made by a previous HPRAC board member to have that as a controlled act as well.

The other one I had hoped the government would accept is the following: "Moving the joints of the spine beyond the person's normal physiological range of motion, using a fast, low amplitude thrust." This was really to get at the amendments that we did move that would also have recognized tuina massage in the terms of scope of practice and protected tuina massage therapist as a protected title. Those amendments were regrettably voted down. But that particular controlled act is tied quite directly to what tuina message therapists do. I felt that the government should have moved on that as well, since there had been some discussion etc. about that among MPPs before in their report.

#### 1630

I noted that the government said today—because he referenced those two in particular—that the college will be looking at this matter. The college may well indeed move forward in bringing a recommendation to the government about adding these controlled acts to the ones that will already be allocated to doctors of traditional Chinese medicine.

The concern that I want to raise in that regard is this: It's clear that there are two ways for colleges to get increased access to other controlled acts. One of those is by the introduction of legislation in this chamber to amend the health profession act in question. Given that we're going to be passing Bill 50 soon, I don't think it's likely that we're going to be reopening Bill 50 very soon in terms of adding extra or new controlled acts. I'm sure that the transitional college or the new college, when it's set in place, may have this discussion, but I think it's unlikely that anywhere in the near future this act is going to be opened again to provide additional controlled acts. So I would have hoped that it would have gone in now, when we were already dealing with the act.

Secondly, the Ministry of Health's legal staff did also say that the other way that doctors or members of colleges who are doctors can get access to controlled acts is to exempt members of the profession or the activity from the controlled act provisions in subsection 27(2) of the RHPA, under the regulations. So maybe there is a mechanism through regulation under the RHPA that will allow for some further controlled acts to be provided to doctors of TCM.

As I say, I regret that the government didn't accept at least two more of the seven we put forward. I think they were realistic to put forward and they were legitimate to be accepted. I hope that if the regulatory route is real and if the new college comes forward with some other controlled acts, there will be an easier way to facilitate access to the controlled acts rather than opening up the bill again. I don't think that's going to happen any time in the very near future.

A couple of the other concerns that I raised at second reading are the grandfathering provisions and the language to be used in the licensing exams. Of course, those issues are going to be left to the new college to determine. Many concerns were raised about this. Since the new college is going to have at least six to nine members who will be elected from other members, so TCM practitioners themselves, I just have to assume that they're going to be sensitive to these matters and that they're going to deal with them in the right way.

Very clearly, there is a change coming, and there is great concern out there for people who have been practising a long time. Maybe the exam will be in English and they won't be able to pass it. These concerns are all legitimate. Because, essentially, the majority of the new college will be members of the profession themselves, I do hope they are going to be sensitive to that, that they're going to look for ways and means to accommodate their colleagues in a professional and safe way, but they are going to be sensitive to all of those concerns and come forward with grandfathering provisions that will take some of those concerns and fears into account and hopefully dispel them.

It's the same with respect to the language that's going to be used. I think there are opportunities here for languages other than English and French to be used. I'm hoping that those who are involved in the transitional college will deal with that as they deal with those provisions that are going to be necessary to give a certificate or licence to traditional Chinese medicine practitioners and acupuncturists after the new college is finally established.

I think there are two other issues that I just want to note on the public record. They were raised as concerns with me probably after the course of the public hearings. We did get some more information from legal counsel and the ministry about these. I think some of these have to be put on the record.

There was a specific concern around section 10 of the bill. That's a particular section that says, "Subject to the approval of the Lieutenant Governor in Council and with prior review by the minister, the council may make regulations,

"(a) prescribing standards of practice respecting the circumstances in which traditional Chinese medicine practitioners shall make referrals to members of other regulated health professions."

I think the key word here is "may." There certainly will be a mechanism to allow this to happen, but it doesn't have to happen. There was some concern that was raised with me that this didn't appear in other bills

where other regulated health professions were in fact regulated, so why was it coming forward in this bill? Was there a negative connotation that was attached to it etc.?

If I can find it here, I think I should probably read into the record the question I raised on this during the course of the public hearings with the ministry staff. I said the following: "Let me ask this question, then. A concern was brought to my attention by a number of people in the traditional Chinese medicine community that this item with respect to mandatory referrals doesn't appear in other regulated health professions and that it would seem that TCM practitioners are being treated differently under regulation in this regard."

Mr. Cheng, who is the senior policy analyst with the ministry, said the following—actually, let me refer to Tim Blakley, manager of the regulatory programs unit, who said the following: "The Nursing Act contains certain provisions with respect to mandatory referral and consultation by members of the extended class of nurse practitioners. When it comes to communicating a diagnosis, members of that particular class of registered nurses must abide by certain standards with respect to communicating a diagnosis.... There are certain standards about consultation that are set out in the Nursing Act itself."

I asked if it was set out in the Nursing Act under the discipline section or under the controlled act section. Mr. Blakley replied, "Within the controlled act section." Then I asked, "So in your opinion, it is not out of line or not inconsistent, at least with this act, to have this provision?" He said, "It's a similar concept in this case. It's actually a discretionary power for the council as to whether or not they make these regulations." Hence the word "may." "In respect of the extended class for registered nurses, it's mandatory that they establish a standard and make a regulation."

I hope that has allayed some concern, that this is not entirely something new just with respect to this profession, that I don't think it's singling people out in any unfair kind of way with respect to making referrals. It's very clear that the council may make regulations—it's not that they shall—and they will have to make those determinations in the course of all their deliberations. I hope that has gone some way to resolving some of the concerns that were raised.

The other concern that was raised with me was that once the bill was passed, then a number of people would not be able to practise anymore. This wasn't raised during the course of the public hearings in any of the presentations, but I did ask on the record, again just to try and deal with some of the concerns that had been raised: What did the effect of this particular section mean? I asked Mr. Patten if it was clear that when section 12, which is the establishment of the transitional council, goes into effect, this does not mean that practitioners will have to stop practising, that in fact the transitional council can continue to act as a real council, that they will issue licences etc. and do all of those things until such time as the new council puts into effect those provisions that they will require for licensure down the road.

Mr. Patten said very clearly, "My understanding is that it will have no effect on anyone at the moment. It will only have an effect when the transitional council, which, by the way, will carry and have the powers of a full council—but when the council has done its work, is in place and has its regulations ready to go. It would mean that until that happens, it's business as usual."

I know there's change coming, but I hope that by trying to get that on the public record for those who had concerns that suddenly when section 12 of the bill was passed, they would not be able to get a certificate anymore and they would not be able to practise, that is not the case. The transitional college will continue to deal with certificates. Certainly, at some point down the road when regulations are adopted about what the qualifications will be for people to be TCM practitioners and what the grandfathering provisions will be, then people will have to deal with those changes. But for the moment, once section 12 is passed, it will continue to be business as usual.

Let me conclude by saying that I think the public hearings were very good, even though they were contentious and controversial at times, because I think they forced government to move on a number of issues that were not in the original bill.

Number one, I think it was important that the practice of acupuncture be restricted to certain regulated health professionals, and not something that all could engage in. The bill very clearly restricts acupuncture to a small number of regulated health professionals that the ministry has told us have it within their scope of practice.

Second, I was glad that the government accepted our amendment to change the name of the college to the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario. I think that was much more appropriate in terms of elevating and ensuring appropriate recognition and respect for both TCM practitioners and acupuncturists.

Third, there weren't any controlled acts when we started; now doctors of TCM will have access to two. I had hoped the government would go further—they didn't—but at least we have two that we did not have before.

Fourth, there is confirmation that once section 12 of the bill is passed, it does not mean that practitioners will not be able to practise. TCM practitioners will absolutely and clearly be able to continue to practise until such time as the TCM college determines what the provisions will be for grandfathering and how people will have to meet those in order to get a licence.

Fifth, the mandatory referral section: It's very clear that the council may make regulations in this regard, but they don't have to. That will be dealt with by members of the new college.

Sixth, members of the regulated health professions who will be allowed to practise acupuncture are going to have to meet standards and qualifications that are set by their colleges. I do hope that, per discussions that went on in committee, HPRAC will come back with some good ideas in this regard. But I also hope that, because

we're talking about qualifications, this will have to come in the form of regulation so that the ministry will still have some final eye, some final look or some final regard to ensuring that the standard of practice is appropriate to protect the public.

Finally, the minister has said, of course, that he's going to send this to HPRAC and we will see the development of standards of practice for some and similar controlled acts. I really hope that HPRAC is going to be in a position to respond quickly to this matter, to try to ease the concern that still is out there about what those standards will be.

The bill is not quite everything I hoped it would be—obviously, a number of our amendments weren't accepted; one was—but I do hope that HPRAC and the new college will be in a good position to ensure safe standards of practice for acupuncture, both in the TCM context and in the context of those practising as regulated health care professionals; that some very good work will be done to develop standards for those who are going to be doctors;

that in putting in place the grandfathering provisions, real sensitivity will be shown to the needs of those who are currently practising TCM; and finally, that all those who are working on this, who have a great deal of work ahead of them, will be able to work together in a very effective way so that all members of the community who want to benefit from TCM and acupuncture are going to be able to benefit from that expertise and are also going to be able to do that in a way that effectively ensures the safety of the public.

**The Acting Speaker:** Further debate? Seeing none, Mr. Smitherman has moved third reading of Bill 50. Is it the pleasure of the House that the motion carry? Carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

Pursuant to the order of the House earlier today, I do now adjourn the House until 1:30 pm. on Monday, November 27, 2006.

*The House adjourned at 1644.*

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