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Thursday 24 April 2008

Jeudi 24 avril 2008

Speaker
Honourable Steve Peters

Président
L'honorable Steve Peters

Clerk
Deborah Deller

Greffière
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LEGISLATIVE ASSEMBLY
OF ONTARIO

Thursday 24 April 2008

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Jeudi 24 avril 2008

The House met at 1000.

Prayers.

**PRIVATE MEMBERS'
PUBLIC BUSINESS**

CHILDREN'S LAW REFORM
AMENDMENT ACT, 2008
LOI DE 2008 MODIFIANT
LA LOI PORTANT RÉFORME
DU DROIT DE L'ENFANCE

Mr. Craitor moved second reading of the following bill:

Bill 33, An Act to amend the Children's Law Reform Act / Projet de loi 33, Loi modifiant la Loi portant réforme du droit de l'enfance.

The Deputy Speaker (Mr. Bruce Crozier): Pursuant to standing order 96, Mr. Craitor, you have up to 10 minutes. The floor is yours.

Mr. Kim Craitor: It's with extreme pleasure that I introduce Bill 33 for second reading. My bill is An Act to amend the Children's Law Reform Act. It is commonly called the grandparents' rights bill, but I prefer to call it the grandchild's rights bill. It's a bill designed to ensure that children who have formed a positive and loving bond with their grandparents will have the opportunity to continue to do so if their parents get involved with a divorce or if for some other reason they are separated from their parents. This is the third time I've introduced this bill, and I am praying, along with the thousands or so of grandparents who are watching this debate on the parliamentary channel today, that three times will be lucky.

Let me talk for a moment about the technical side of what I'm proposing. I propose in section 24 of the Children's Law Reform Act, when the courts look at the merits of an application for custody or access to children, to insert two clauses. First, I propose to add a clause to reinforce to the courts the importance in a child's life of maintaining positive emotional ties with either set of grandparents. Secondly, I propose that the courts consider the willingness of each person applying for custody of a child to facilitate maintaining the child's positive contact with each parent and grandparent, as is consistent with the best interests of the child. It's just that simple.

Grandparents' access and custodial rights is an issue that was before us last session. It's back again, and it's

not going to go away. There are some very human faces of people watching us today who care passionately for and love their grandchildren, but they have been denied visitation access or are currently raising grandchildren after experiencing a lot of difficulty establishing their rights before the law and spending a lot of money in the courts.

Far too often, as many of you in this House may know, after a messy divorce, for example, access to children of the marriage has unfortunately been used as a lethal weapon. Spite, hatred, revenge and anger can be an awful thing, but no child—no child—should be used as a weapon.

Let me outline to you how I came to realize that far too often in this battleground, grandparents also lose access to their grandchildren.

When I was first elected, one of the first groups that came to see me in my community office were 12 grandparents. During the two and a half hours of discussion that followed, I truly realized the significance of problems that grandparents were having. Thanks to their help and help from grandparents from across Ontario and now across Canada, we sat down and felt that the best way to bring attention to this growing problem was to bring forward this bill to the House.

In fact, I want to tell you that a modified form of my proposed bill has already been considered in the Yukon and in six other provinces: Alberta, Saskatchewan, Manitoba, Quebec, New Brunswick and Nova Scotia. Nova Scotia, in fact, had its law reform commission look at the pros and cons of my type of legislation. What it concluded, like the current Ontario legislation we have now, was that there's nothing in the legislation that prevented access to and custody of children by grandparents. But they also said there was a real, practical need to highlight the maintaining of positive grandparental involvement in the disrupted lives of children, which is simply what my bill is doing.

On its face, Bill 33 really is a modest bill. In fact, it will cost the province nothing, not a cent. The bill is simply about grandparental access and the nurturing and development of children. It's nothing more and it's nothing less. They have a voice, and their voice needs to be heard: grandparents' and grandchildren's voices. We often forget that we must speak for the grandchildren, and that's what my bill does.

When I first introduced this bill in 2004, I was really blown away by the number of phone calls, e-mails, letters and people visiting my office to describe the pain and suffering that caring grandparents suffered as children's

relationships broke down in high-conflict matrimonial situations. In fact, my office was flooded with well over 2,000 contacts. Many of them came not only from Ontario, they came from other provinces across Canada, from the United States, and even beyond that.

Nearly four years later, that number has doubled. My office and I hear the pleas of grandparents daily who need the help of the House to allow them to see their grandchildren. In many cases, these grandchildren were first used as weapons in custody battles and then denied access to one or both of their grandparents.

The relationship of a child to their grandparents is in fact a beautiful and self-affirming association. Not all these situations are caused by divorce. I was particularly taken by a situation in my riding of Niagara-on-the-Lake. A grandparent wrote me a letter, and I want to share it with the House. I still remember reading the letter four years ago. I think of it every day and it has not left me, nor do I think it ever will.

It's a very emotional situation. Their daughter passed away far, far, far too young. For two years, in the painful time before her passing, the grandparents took care of their granddaughter and formed a very close mutual bond with her. The husband remarried shortly thereafter, and since then, with no explanation, has denied them the right to their daughter's child. I agreed with them when they wrote to me that nobody should have the right to deny children the love they deserve.

1010

I would also like the House to hear a couple of other e-mails because these are the realities of the bill that I'm proposing. They are about personal situations that grandparents are going through. Here's one that I received from Maurene White on behalf of Cangrands, a national organization that advocates on behalf of caring grandparents and their grandchildren.

"Dear Kim,

"Please give passage of private member's Bill 33 urgent priority.

"As you know, Bill 33 is An Act to amend the Children's Law Reform Act and has passed the first reading this session.

"It passed to the social concerns committee in the previous session, which ended before it was passed into law.

"More than 75,000 Ontario grandparents now remain denied of access to visiting with one or more beloved grandchildren.

"On fixed pensions, we do not have the financial resources to lobby extensively for this reform that your bill is proposing.

"For us and approximately 112,500 grandchildren in Ontario" to suffer the fact that they are being denied the benefits of relationships between their grandchild and grandparents "is surely one of the tragedies of contemporary society, and the result can only be damaging to future generations.

"In Quebec, article 611 of the civil code is a crucial tool for settling disputes. Bill 33 is more elaborate and

clearer than article 611. Once passed into law, Bill 33 will surely afford more efficient, rapid settlements.

"We have great hope you will see that Bill 33 quickly passes the remaining readings and proceeds to the social concerns committee to become law very soon.

"This could leave time for some grandparents and grandchildren to be reunited this summer.

"We urgently plead that you make this a reality for us.

"Thank you very much for considering our petition," and our concerns.

I could go on; I have over 4,000 of these e-mails, of these personal stories.

What am I asking for? What are the grandparents asking for? Something very simple: that when the courts consider custody or access, they look at grandparents. They are a very special type of individual. They provide a very special relationship with their children. I'm truly convinced that with a little prodding and encouragement, the courts and social agencies can provide real leadership in providing access to grandchildren.

I'm standing here simply to say to the House, to all of my colleagues, to the members: Please support second reading of Bill 33. In doing so, this bill will continue to go on to public hearings and grandparents' rights will be reinstated.

The Deputy Speaker (Mr. Bruce Crozier): Further debate?

Ms. Cheri DiNovo: I want to thank the member from Niagara Falls. I will say at the outset that we in the New Democratic Party are going to support this bill. I personally am going to support it. I think it's an important piece of legislation.

What I find rather sad about the situation is that it's taken this member from Niagara Falls three times to bring it before this House—three times. I know that other members, from this side of the floor, at least, have debated ad infinitum bills that have less import. I'm thinking in particular about some more objectionable bills, like Bill 35, the slush fund bill that we spent so many hours in this House debating, when very hopefully we could be passing something like this private member's bill.

So one asks, why is it a private member's bill and why is it not a government bill? Why is the weight of the caucus on the other side of the House not behind this? Why is the weight of the McGuinty government not behind grandparents and grandparents' rights in this province? I think that's a legitimate question to ask.

I certainly want to extend to the member from Niagara Falls our hope from this side of the floor that this time he is successful, and again, would that he were successful earlier and not have to go through this again and again and again.

In terms of the legislation itself, as he said, it follows on the heels of legislation that has been brought in in other provinces. In particular—and it's interesting that so often we look to Quebec for the lead on these things—certainly Quebec's civil code offers the strongest language. In their section 611, it states, "In no case may the

father or mother, without grave reason, interfere with personal relations between the child and his"—or her—"grandparents." That's strong language. Perhaps if this bill is given a chance, if it's not just fluffed off again, we can strengthen the language, if anything, in this bill where grandparents are concerned.

There is a caveat, however, and I do want to bring it to his attention, so that if the bill is looked at in committee, some of the language can be tightened up. The Ontario Women's Justice Network has written about such legislation. The women's justice network, just to give them a bit of a plug in this House—not that they need one—do amazing work and they do particularly amazing work where families are concerned, where the woman is on her own, where she is a single parent, where there has been an issue of abuse. They point out:

"The situation can become somewhat more complex where the parents have separated and have different agendas.

"For example, a mother leaving an abusive partner will want to ensure that her children's safety is protected. She may wish to limit access by the paternal grandparents because of concerns that the grandparents will not protect the children from their father or will bad-mouth her to the children. The father may see access by his parents as a way to get his own access, through a backdoor.

"In these cases"—again, I'm still reading from what they've done on this issue—"sometimes both the grandparents and the grandchildren are the pawns of the abuser—the grandparents may be genuinely trying to maintain a relationship with their grandchildren—and sometimes the grandparents are actively attempting to undermine the efforts of the mother to assure the safety and well-being of her children. It can be difficult for the court to sort out the motivation of the grandparents as well as the other parties."

So there is some sensitivity around this issue and there are ways of manipulating codes that have been brought in in other provinces to abet abusers and not prevent abuse. I just raise that as a bit of a red flag that we need to look at when we're looking at all the finer points of this legislation, if and when it goes forward.

The most critical phrase in this bill—and I can't stress this enough; the most critical phrase in any family law—is "the best interests of the child." That really dictates to whoever is doing the adjudicating what position to take. Every family is somewhat different in this regard. Every family has different issues. Again, because of the work that the Ontario Women's Justice Network has done around women who have been abused dealing with their abusers, trying to keep their children safe, seeing grandparents as a possible backdoor, I simply hold that out.

I also want to hold out something else they've done. We tend to be a litigious society—not quite so much as our neighbours to the south, but we are—and we have to own that. It's particularly egregious when families have to go through the court route to find some answer to their issues. One of the points that the women's justice net-

work makes—and they make it well, I think—is, "The law is seldom the best way to resolve the complex and emotional disputes that can arise among and between family members. The law is an important last resort when all other strategies have failed or when safety is an immediate issue, but it should not often be the first remedy sought."

I really would recommend that anybody watching this—all the grandparents are concerned, the parents are concerned, the children who are watching this are also concerned—go to the Ontario Women's Justice Network and read this, because they go into great detail as to ways to avoid the court alternative, ways of building good relationships, ways of keeping those relationships fostered and alive between different generations in one family. Again, that's critically important. They say things like, "Build a good relationship with both parents of the grandchildren, not just the one who is your child; avoid criticizing the parent(s) in front of the children; do not play the children off against a parent or use the child as a messenger; support the parents' parenting values and strategies and discuss disagreements in a constructive and supportive manner when the grandchild is not present."

1020

They go on also that when parents are separating, not to take sides; to offer help and support with the children, and of course, again, always to maintain contact with the children—it's so important—where they can, obviously. I know that the member of Niagara Falls is addressing situations where that's not possible, but one hopes that it doesn't automatically get to that situation, that there are steps that grandparents and parents can take before it goes down that dark road.

I wanted to take just a few minutes, only because I have my son in the House, to also give a little bit of a tribute to my own grandmother and his grandmother, who he never actually met. My grandmother was one of those custodial grandparents. She played a phenomenally important role in my life and in the lives of my siblings as well. We grew up in a fractious house with a lot of trauma. My grandmother was one of those incredible grandparents—I'm sure there are many who are watching today—who actually provided the stability that we needed, both financial and emotional.

She was there, not just for her family—and I know that others are ringing with what I say—but really, in a sense, for the family of humankind. We grew up in a house on Bedford Road, and Glenn Gould used to come into our house to play the piano. Other musicians would come and go. People who had no home would be housed in our big roomy house on Bedford Road. Everyone was always welcome to dinner. We had at least 10 at dinner every night. My grandmother always sat at the head of that table and presided over that table, again, with compassion and love, particularly to the children and to those who needed compassion and love. So she provided the example that allowed us to grow and to grow with some strength, to overcome hardship and adversity. I wanted to pay tribute to her, because she certainly made a huge difference in my life.

I want to also say, because I know we've also heard in my office from grandparents who would love to have access to the children and don't, that the hearts of not only myself but the entire New Democratic Party go out to you, and not only to grandparents but to all of those who play a really important role in the lives of other people's biological children. It's said these days that we're more family bushes than we are family trees, that we have extended relatives, that we have mentors, that we have people who come in and go out of our lives who really play significant roles. A small number of those are related to us biologically; a great number of those are related to us in a more universal sense.

It's so important to the lives of children that people parent, in a sense, other's children. You know, the old adage "It takes a village to raise a child" is absolutely true. I know that in the egregious issues of child abuse, this becomes life-saving or not—as the case may be—because we all know, I hope we all know, and I hope those listening know, that it is everyone's responsibility if they know of abuse, if they know that a child is going through a difficult situation, to take some role, to step up, to alert the authorities and to do what they need to do. No one is exempt from that role, whether related or not. This gives all of us in this House a chance to reiterate, for everyone who comes in contact with a child, how important their role is in the life of that child.

It's particularly important here, of course. It's interesting because those at home might not know we have pages in the House. We have children in the House as we speak about this bill and about grandparents and the role of grandparents in children's lives—I would describe their role as other parents in children's lives—all of those other parents: clergy; teachers; even members here, who I know play roles in Big Brothers, Big Sisters and other organizations that again can be, and often are, absolutely life-saving for children.

Again, to get back to the bill at hand: This bill from the member from Niagara Falls, coming back again, for the third time, is a critical piece of legislation. It's important. It needs to be passed. It needs to be passed speedily. I believe the language could be strengthened. I believe a couple of the red flags that I've raised about the back door—possibly for the abuser coming through the grandparents—angle on this has to be looked at and has to be tightened.

I believe that, again, "the best interests of the child" is the critical phrase here and has to always supersede anyone's consideration, and that includes grandparents—it actually should include parents' considerations as well, and I realize that too often, it does not. "The best interests of the child" is that phrase that is essential in this bill.

It's sad that it had to come to this House three times.

I don't know the inner workings of the caucus across the floor. I don't know why this isn't a government bill. I don't know why it doesn't have the weight of the Premier behind it. I don't know why it doesn't have the weight of the Minister of Children and Youth Services behind it. I don't know why the support isn't there for grandparents,

for those who are concerned or should be concerned and intimately involved in the lives of their children, if it's good for the child, if it serves the best interests of the child. I would wish that that were not so. I and, I know, the members of the New Democratic Party would love to see this bill come back as a government bill, and then we know it would be passed into law. We hesitate to see the day that the member from Niagara Falls brings it back a fourth time or a fifth time. Certainly, that's not what we're after here; we're after speedy passage. If there's anything we can do to affect that, including calling for unanimous consent for second or third reading, I'm absolutely happy to do that.

So, I leave that offer open for the member from Niagara Falls. Certainly, I look forward to hearing my colleagues from the Progressive Conservative Party speak to this, to see whether they would be amenable to something like unanimous consent on this bill.

When it's looked at in committee, I would support the strengthening of the language, similar to that in Quebec legislation, and also, of course, a little bit of a caveat, or perhaps just putting in bold "the best interests of the child," because we would hate to see this being used by anyone for something less than the best interests of the child.

It's been a delight to speak on this bill. It's been a great delight to do it in honour of my own grandmother, who played such a seminal role in my life, and all the grandmothers and grandfathers who play seminal roles in the lives of their children. We hope that we won't have to debate this bill again. We hope this is the last time we see it in this House.

The Deputy Speaker (Mr. Bruce Crozier): Further debate?

Mrs. Linda Jeffrey: I'm pleased to speak this morning in favour of Bill 33, An Act to amend the Children's Law Reform Act, and I'm pleased to be here again in the House for the third time while my colleague the MPP for Niagara Falls brings this forward.

We all know that children need stability, and we know that children need feelings of self-worth and it's vital that they form meaningful, long-term relationships. Unfortunately, there are times, as the member from Niagara Falls has mentioned, when families experience a traumatic event, either through divorce or separation or sometimes the unexpected death of an adult child. I believe that this bill will clarify the importance of children's relationships with their parents and their grandparents.

Family law issues, particularly as they relate to custody of and access to children, can be really difficult. This is no less so when dealing with the issue of access by grandparents to their grandchildren. Fortunately, in most cases, arrangements relating to the custody of and access to children, including access by grandparents and others, are settled without recourse to the litigation and the courts. The cases that do come before the courts, therefore, represent a very small percentage of the overall number of potential family law cases.

Historically, grandparents have had no legal rights of access to their grandchildren simply by virtue of their

biological relationship. Legislation in all Canadian jurisdictions now makes it possible for grandparents to apply for custody of or access to their grandchildren. There is no jurisdiction in Canada, however, which provides grandparents access as a right, which is usually referred to as presumptive right of access.

There is no question that in most cases, the continuation of an existing grandparent-grandchild relationship is in the best interests of the child. Similarly, relations between a child and other family members, such as aunts, uncles, siblings, step-parents, step-grandparents and step-siblings, can be and often are tremendously beneficial to a child's welfare, health and development.

Grandparents are a family's first reserve in times of crisis. They act as playmates for their children, role models, family historians and mentors, and they help lay a foundation for healthy self-esteem and security in children. They are an important safety net.

1030

Research suggests that grandparents play a significant role in the lives of children. In fact, ignoring the existence of a grandparent who has formed strong bonds with a child may not represent the best interests of that child. Studies have indicated that a grandparent's role is an integral part of a child's self-identity.

Only Quebec, British Columbia, New Brunswick, and the Yukon have access legislation that presumes that contact with grandparents is in the best interests of a child. This places the responsibility with the parents to show serious cause why access would not be in the child's best interests. All but three states in the US have laws permitting grandparents to petition for visitation upon death or divorce of an adult. This assures the grandparent the right to be heard in court, but it still remains for the court to decide if it is in the child's best interests to visit with that grandparent.

I'd like to use my remaining time here this morning to speak in a personal way about my relationship with my grandparents. My parents immigrated to Canada when I was three years old, leaving all of our extended family both in Ireland and England. There were a couple of visits back and forth over the years, but I didn't have the luxury of a Sunday night dinner to talk with my grandparents once a week. So for the most part, as a youngster, I got to know my maternal grandparents only through audiotapes, handwritten letters and parcels at Christmas-time. Although I didn't have their physical presence in my life as a child, I did feel the unconditional love and attention that all grandparents shower on a grandchild. They offered joy, love, fun, energy and context to everything I did. As their only grandchild, I basked in their approval and pride. I wish to recognize the special role and effort that my grandparents Rose and Frank Gray played long distance not only in my childhood, but later in helping me rear one of my own children.

I'm the parent of three boys. My second son is now 22 years old, but when he was very young, he had some significant challenges. He had fine and gross motor delays, as well as severe language and hearing difficulties.

My grandmother saw in Kevin a child who just needed time to blossom. She never accepted the fact that he was delayed, and spoke of the untapped potential that no one else could see at the time. She was unfailingly positive in championing his progress as he gradually mastered important milestones. Despite the distance, both grandparents cheered and loved unconditionally. I think that's the most special thing about grandparents.

My grandparents are no longer with us, but I would like to have it known that their influence was meaningful and their instincts—despite not being based on medical evidence of the day—were extraordinarily accurate in their predictions. My son is now following his dream to be a sports announcer. He's worked for the last two years in a small Manitoba radio station, and I attribute his success in part to the strong support in his early years by his great-grandparents. They were great in more ways than one.

Grandparents are a valuable resource, an untapped resource, and I support maintaining ties between children and their grandparents. I'm really pleased to be here again supporting my colleague from Niagara Falls in his attempt to amend the Children's Law Reform Act.

Mrs. Joyce Savoline: As a mother and a grandmother, I support initiatives that offer equal access to family members. It is really a sad state of affairs when we have to legislate access to family members, and I credit the member from Niagara Falls for bringing this issue forward and addressing it in this way.

I firmly believe that children should not be used as pawns, however, in any custody battle between adults, be it parents or grandparents. I cannot imagine being refused access to Olivia, my granddaughter, my own flesh and blood, and I hope that I never have to go through that.

Grandparents bring so much to a child's life. Grandparents have the time to linger. They linger over a meal; they linger over a discussion. They often are the best time for children to open up and share their day and their secrets. Grandparents bring the perspective of a different time, of a slower pace and, yes, a simpler life. They ground their grandchildren with a connection to their family history, to their roots and to their experiences in a different time and place. To remove or deny that experience to our youth would be devastating to those children who have been raised with grandparents in their lives. To know that your grandchild is within reach, yet you are denied the right to hold that child or visit that child, is too painful to imagine. My heart does go out to the grandparents who currently are experiencing this injustice.

We here in the Legislature are charged with the duty of creating a well-rounded legislation, and I take that responsibility very seriously. I need to set aside my perspective for a moment as a grandparent and ask the questions I'm duty bound to ask.

My first concern centres around the awarding of custody to a parent who is best able to facilitate access to a grandparent. This inclusion, if interpreted by the letter of the law, may, and I suggest would, discriminate against a

parent whose own parents are deceased. Our goal in amending legislation should be to remove that opportunity for any discrimination. Custody arrangements need to be determined in the child's best interest.

The role of grandparents should be considered in terms of enhancing the quality of life for the children who are being considered. They should not be lined up like little pawns on one side or the other. We exist to round out the lives of our grandchildren as grandparents, not to enhance the bargaining power in any custody negotiations.

No matter which parent is awarded custody, the grandparents from each side of the dispute should have equal access to their grandchildren. One grandparent should not be frozen out of the relationship because the custody agreement is not weighted in their own child's interest.

Custody negotiations, in the most amicable divorce situations, can turn into a nightmare for all parties, and the kids are caught like the meat in a sandwich. Children become pawns in a confusing situation of ownership. What I do not want to see is grandparents and children becoming pawns in a complex game of legal cat and mouse.

Grandparents have an even more important role to play in an acrimonious divorce. They are the Switzerland, let's call it, in the midst of a war. They are a neutral body who can offer an atmosphere of stability in a time of emotional upheaval for children. If we place grandparents on one side or another, children will lose this safety net or divorce-free zone in which they can relax and be themselves.

We all know that children hear and see much more than we give them credit for. Children of divorce know exactly who was on mom's side and who was on dad's side. That list should be kept for friends and neighbours, not grandparents. They should never be forced to pick sides. They should never end up on a list that negatively affects their relationship with their grandchild at a time when the grandchildren need them most.

I also feel that this could be a slippery slope if the impact or weight of the grandparents is not clearly defined. What I mean by that is, will the lawyers now be digging in the history of the grandparents for some skeleton to use to their client's advantage? Will the relationship between the parents and the grandparents be called into question or held to a certain standard to qualify? There is already too much muck in divorce proceedings as it is. We do not need to muddy the waters further with superfluous connections and decades-old scandals that the families have already recovered from once, a long time ago. Family Court needs to be able to operate in a swift manner, while respecting the interests of all parties at hand, but especially the children.

1040

Children need stability and they need to know what is happening to the family dynamic in order to feel safe and secure. I do have concerns that this legislation may set up another layer of bureaucracy that would delay judgments and interfere with the decision-making process. We have

enough legal hoops to jump through at the present time that are not always in the best interests of the children; I'm not eager to see us create more. I'm interested to hear what our stakeholders in the Family Court system feel about this legislation and I look forward to the opportunity to hear from them as this legislation proceeds, I hope, through the public consultation process. My information from the legal community is that judges and lawyers are already using these principles on a daily basis. As legislators, it would help us greatly to know if we are being asked to simply codify what exists in family law practice today or if in fact we are reinventing the wheel.

I feel for my colleague across the floor. This legislation seems to be, at first blush, a really good idea and I hope that his private member's bill has the opportunity to go through the entire process this time around. I know that the member for Niagara Falls has introduced this legislation several times before. It was entitled Bill 8 and it died the same death as my Bill 42. I hope the member opposite will be able to impress upon his colleagues the importance of allowing that public process and allowing the stakeholders on this issue to participate in the process. The McGuinty government appears to be afraid of public opinion. They are not ones to invite or seek out participation at all. In fact, it appears to me that they go out of their way to silence the public, as the recent changes to the standing orders suggest.

While I did my due diligence and connected with stakeholders that I'm familiar with, I would like the opportunity to hear from the people who raised this issue with the member for Niagara Falls. These individuals or groups were persistent enough in their efforts not to allow the McGuinty government to silence their mission and I believe they have a right to be heard. In support of my colleague across the floor, I look forward to the full public hearing for this bill that my legislation never had the opportunity to experience. And should, for some reason, his bill not make it through the gauntlet of the Premier's office, I will be there with a sympathetic shoulder.

I want to state for the record that the most important issue here is that the onus be placed on all parties to prove to the court that they are acting in the best interests of the child or children before them. My caucus colleagues and I believe that the best interests of the child are paramount—more important than anything else. That being said, the rights of the parents must be respected and the grandparents included to the degree that best meets the needs of the children.

I look forward to watching this legislation move through the process and I thank you for the opportunity to speak, as a legislator, as a mother and as a grandmother.

Mr. Khalil Ramal: I'm pleased this morning to stand up and speak in support of Bill 33, An Act to amend the Children's Law Reform Act.

I want to first commend the member for Niagara Falls for bringing this issue to the House for the third time,

which shows his determination about passing this bill. I believe it's a very important issue we're debating here this morning. We heard from many different speakers before my talking about the importance of this connection.

As you know, grandparents often become the family's first reserves in times of crisis. Grandparents act as fun playmates for children, role models, family historians, mentors, and help to establish self-esteem and security for children. All these elements are important for children, and we have no right, I think, from a human perspective, to disconnect this relationship.

When I was a young boy, my grandparents used to live in a different town. I used to look forward to every event, every vacation, to go and visit them, especially in the summertime, when I used to get the chance to spend the summer with them, on both sides—my father's side and my mother's side. Most importantly, we have a tradition in our family where we name the oldest boy or girl after their grandparent's name. For instance, my name is Khalil Jawad Ramal. My grandfather was named Khalil, and his grandfather was Khalil, so we pass on the tradition to our children. My son is named Jawad Khalil Ramal and my father is named Jawad Khalil Ramal. I was talking to my son the other day and was hoping he'd call his son, if he got married, Khalil. He said, "Don't even think about it."

For that reason, we established a good relationship with my grandparents. My grandfather used to love me so much. I used to go visit and he'd give me all the treats, whatever I wanted, because my name was like his name, and he thinks, in his mind, this has to pass the tradition on to me, and I would hope I've passed the traditional family to my kids and my kids' kids.

Like many people said who spoke before me, due to a divorce situation, the relationship between the wife and husband can get ugly. Who pays the price? Often, the grandparents. As you know, when according to the law the mother continues to be awarded sole custody of the children, the maternal grandparents will enjoy a closer relationship with the grandchildren, while the paternal grandparents will continue to be at risk, the connections with the grandparents.

I think if this bill passes, it will establish a good basis, a good continuation of the relationship between grandchildren and grandparents. It's very important, as I mentioned, that grandparents play a pivotal roles in our lives.

Ten years ago I was married, and for some reason, we got divorced. Out of this marriage we had a son, as I mentioned, named Jawad. I don't want my son not to have a good relationship with my ex-wife's parents, because I think it's very important to have that relationship. In the same fashion, my ex-wife encouraged my son to have a good relationship with my parents. Both of us believe it's very important to create that relationship—very important. Whatever happened between me and her shouldn't reflect on the relationship between my son and his grandparents on both sides.

It's important for all of us, for human reasons, to keep that connection. The member for Niagara Falls, due to his

determination, has brought this bill again—for the third time—to this House with the hope that this time it will get support from all the members and get the attention of the whole government bureaucracy, whatever it takes in order to pass this bill. As has been mentioned many different times, this bill already exists in many different provinces, like Quebec, British Columbia and Alberta, so why not in Ontario? Why not in Ontario?

I know there's some reservation about certain issues concerning this bill, but we can massage it, we can clean it up, in a fashion that can serve the aim of this bill, which will continue the establishment of the relationship between grandparents and grandchildren. It's very important.

Often, when you have some certain incident or accident—as I was reading in preparation for this bill, I went to the Internet and I downloaded different information. There was an incident of a mother who had a car accident and left an 18-month-old baby to her parents, but for some reason, when his ex-wife died, the father went and took the kid from the grandparents. The grandparents suffered a great deal because they had established a great relationship. They thought they were the natural parents after their daughter died. They could see their daughter through her children. In what fashion do we have the ability to disconnect that relationship?

I think it's a very important bill. I hope this bill, this time, can see the light and become law in Ontario. I want to thank the member for Niagara Falls for bringing it forward again. I hope all of us will support it. Thank you for allowing me to speak.

1050

Ms. Laurie Scott: I'm pleased to speak this morning to the private member's bill presented by the member for Niagara Falls, Bill 33, An Act to amend the Children's Law Reform Act. As mentioned, this bill has been brought forward three times to the Legislature. I hope that's a lucky sign that it may come forward in government legislation. I know I've supported it as it has come forward through the process, and here we go yet again. I'm sure the member is very sincere in bringing forward this bill today. My caucus colleague from Burlington has thoughtfully addressed some of her feelings of support and concern, both as a mother and a grandmother.

The explanatory note inside of the cover of the bill is clear: "The bill amends the Children's Law Reform Act to emphasize the importance of children's relationships with their parents and grandparents." Since I was elected an MPP in 2003, I have heard heartbreaking stories from grandparents who have phoned in and not had access to their grandchildren in very difficult situations. That always seems to be the first priority for grandparents and parents and aunts and uncles: to look after their families, to be caring and nurturing.

That comes a lot from extended families. We've heard here today many family stories. Certainly my grandparents had a huge influence in my life. Extended families were there when our parents were busy in this day and age, and that is so important. As the member from

Parkdale–High Park said, it can make or break children, and I don't think we should forget that. When there are situations and turmoil in a family and that support is cut off, that is a tragedy that some children will never recover from. They should never be used as some sort of human bargaining chip for adults. It's a very dangerous situation to put children in.

We are focused, as legislators here, on doing our best for the people of Ontario, what's best for families, the environment, health care, the economy, education, just to name a few. It's also about providing opportunities and protection for those who need that protection, whether they need that protection as younger children or not so young.

Two days ago, we had a committee on social policy. We brought forward amendments to the Access to Adoption Records Act, Bill 12. I know today's bill is 33, but it's certainly a relative to Bill 12. The motion put forward by the member from Mississippi Mills is to ensure that children who are physically or sexually abused and removed from their families for their safety would be protected from having their personal information disclosed to the abuser without their consent.

Certainly the Access to Adoption Records Act "would have allowed a disclosure veto to victims of child abuse who are removed from their parents by the children's aid society and later adopted. This means that children who have been sexually or physically assaulted, even tortured, by their parent can do nothing to prevent that parent from"—and this is a quote from the children's aid society—"To learn their names at age 19 and track them down." I think many of you who have heard very sad stories in your ridings realize that when you have a child who has been abused at a home and they turn 19 doesn't mean that all of a sudden they are really emotionally an adult at 19.

I think we all have to take that into account. This is a private member's bill; it's not as partisan. But I challenge the present government to really put down their partisanship and look at that seriously, because we want to protect children. Even as they become young adults, they still need protection, and we, as legislators, have that responsibility. It's not uncommon to have very nasty cases, and we need to protect those children.

As I said, Bill 33 is a relative of Bill 12, and we have that duty. So I put that out to the government to, please, look at this amendment and Bill 12 again, because it is not protecting children the way they should be protected.

I know that several members of the previous Liberal government who are now cabinet ministers supported this bill when it was brought forward before by the member from Niagara Falls, and now they are at the cabinet table. So I guess that brings us back to our political will, and that is to make this legislation. So I encourage those members on the government side who are supportive of this bill to take this to the cabinet table and make a decision that if this is what they want to bring forward, they should bring it forward. And it should go to committee, it should always go to committee, to public con-

sultations, for some improvements—stakeholders come forward.

As we've said, this bill is to deal with grandparents, to emphasize the importance that grandparents have in children's lives and to help them with access to their grandchildren where they need it. So thank you very much for this opportunity this morning.

Mrs. Maria Van Bommel: I also want to weigh in on this one as I'm certainly very much in support. As the grandmother of 12 grandchildren, I absolutely support what is happening here. I didn't know my own grandparents. I'm the child of an immigrant family and I never met them. I never had the opportunity to know my maternal grandparents. I met my paternal grandparents once. When I look at my own mother and my in-laws in terms of the impact they've had on my children, they are the bearers of the history of our families. They tell our children where we came from and why we came to Canada.

One other thing that I found my children will do, and I know my grandchildren do now, is come to their grandparents. The grandparents are an island of safety and a haven, where if you are in a bit of a dispute, especially as a teenager, and you're fighting with mom and dad because they won't let you do anything you think you should be able to do, you can go to grandma and grandpa—Opa and Oma—and talk to them, and they listen calmly.

People say all the time that we should have our grandchildren first. Every grandparent says that, and we all think that's so funny, because when people hear me talking and they don't have grandchildren, they don't understand why I can be so excited about 12. Every one of them is special and every one is unique. It's one of those things, and it's a proper way and a natural way. Grandparents are at a stage in their lives where they can enjoy them. They have the wisdom to deal with the children. They realize that the things that happen with kids at that age are just a small part of their lives. They will grow through those things; they just need to be supported through that. So grandparents play an important role.

I recognize the concern, as expressed by another member, in terms of this being a back door to allow potential abusers to have access to children. I can assure you, as a grandparent, I think most grandparents understand the difference between the adult and the vulnerable child. If I have to look at my own child and say, "You're the adult. You need to take responsibility. I'm here to protect the grandchildren because they are the vulnerable ones and they need my support," I don't think there are many grandparents in this province or in this country who would disagree with that.

The Deputy Speaker (Mr. Bruce Crozier): Further debate? There being none, Mr. Craitor, you have two minutes to respond.

Mr. Kim Craitor: I want to thank the members from Brampton–Springdale, London–Fanshawe, Parkdale–High Park, Burlington, Haliburton–Kawartha Lakes–Brock and Lambton–Kent–Middlesex for speaking.

It has been so interesting to listen to the personal stories that have been shared by many of the members supporting the bill, and some great suggestions by some of the members as to what we should be looking at. And I do believe that it should continue on through public and committee hearings—I certainly believe that.

One personal story—and I think I should share mine. You know, politics is a funny world. People sometimes think we do everything because it's politically what we do. I never knew my parents. I was raised through the children's aid society. Somehow, while I was going through that system, these two elderly people, for whatever reason, took me in, kept me and raised me. They were very elderly. To me, they're my parents, but in fact if you look at their age, they were really grandparents. I often wonder where I would have been in my life and what would have happened to me if those two kind people hadn't taken me in. When these grandparents came to see me and sat with me, some of those personal experiences that you have in your life come forward and you realize the significance of what grandparents mean and the roles they play in their grandchildren's lives. So that is also one of the motivating factors that convinced me that this was the right thing to do.

I'm so pleased to hear some of the members speak. Private members' time, I tell you, is one of the best experiences as a provincial member of Parliament, which I thoroughly enjoy, because around this room and during this time we really speak from our hearts, which is really nice to hear. Sometimes partisanship leaves this room for a short time, and that's an exciting thing to see.

Thank you for your support. I'm looking forward to this bill continuing on.

1100

UNLAWFUL FIREARMS IN VEHICLES ACT, 2008

LOI DE 2008 SUR LES ARMES À FEU ILLÉGALES DANS LES VÉHICULES

Mr. Colle moved second reading of the following bill:

Bill 56, An Act to amend the Highway Traffic Act and the Civil Remedies Act, 2001 to promote public safety and suppress conditions leading to crime by prohibiting driving on the highway in a motor vehicle in which there is an unlawfully possessed firearm / Projet de loi 56, Loi modifiant le Code de la route et la Loi de 2001 sur les recours civils afin de promouvoir la sécurité publique et d'éliminer les conditions engendrant le crime en interdisant la conduite sur la voie publique d'un véhicule automobile dans lequel se trouve une arme à feu dont la possession est illégale.

The Deputy Speaker (Mr. Bruce Crozier): Pursuant to standing order 96, Mr. Colle, you have up to 10 minutes. The floor is yours.

Mr. Mike Colle: Thank you for this opportunity to speak to Bill 56, which I introduced on April 9. My private member's bill, if passed, would give police officers the authority to impound a vehicle and suspend the

licence of a driver who unlawfully possesses an illegal firearm or a crime gun in their vehicle. The suspension and impoundment would occur immediately and last for seven days. In addition to charges laid and proven in court, there will be possible further fines of up to \$10,000, or imprisonment of up to six months. For further offences, there could be suspensions of up to five years, even a lifetime ban on driving in this province.

As you know, this plague of violence and gun violence affects many communities. There have been many attempts by our police forces and legislators—federally, provincially, and municipally—to do something about it. I am trying with my bill to give the police another tool to combat this scourge of gun violence, especially as it relates to illegal, unlawful guns. This act has, in essence, the potential to act as a deterrent so that these individuals will know that there will be an immediate consequence if they drive around on our streets with unlawful guns.

I would have to say that the bill I put forward has resulted from a number of tragic and recent incidents in my own riding. On March 14 of this year, six young men—innocent young men—who were just coming back from McDonald's were standing in front of their home and were gunned down in cold blood. Six young men—for no reason. In fact, the family of one of the young men that was killed was going to be here today, but they're in court for the bail hearing. This is the third or fourth time they've been in court for the bail hearing of the accused. So this bill is dedicated to the victims. In this case, it was Abdikarim Ahmed Abdikarim, an 18-year-old student at George Harvey Collegiate Institute.

Also, I've gotten a lot of support from Louise Russo, a mother of children who was, just like any other citizen, out on an evening going to the local deli, getting something to eat for her family. Somebody in an automobile decided to start shooting into the delicatessen. She is now confined to a wheelchair because of this horrible, horrible act. She is an amazingly strong person who continues to speak out against this type of gun violence. Louise fully supports my bill and any attempt to try and take these guns off of our streets.

I would also like to thank the men and women of the Toronto Police Services who have been very helpful in giving input in this bill. In one of my local divisions, 13 division, I would like to thank PC Mike Jander and PC Paul Coculuzzi, who have been great in supporting this bill, and Unit Commander David McLeod of 13 division, who has been very supportive.

The bill has received support in principle from the Toronto Police Services Board. Toronto Police Chief Bill Blair is supportive of the bill, and he thinks that this would be most helpful.

I'll just read you a quote from Police Chief William Blair of Toronto: "A private member's bill that would let police seize cars in which illegal handguns are found would provide significant help to Toronto police in getting guns off the street."

I also have the support of the president and general manager of the Ontario Safety League, Brian Patterson,

who thinks that the Ontario Safety League would be helped by this because Bill 56 would help ensure that the deadly mix of unlawful guns and motor vehicles is removed from our highways for the protection of our police and all of Ontarians.

This bill is, in essence, an attempt to look within the provincial jurisdiction. As you know, there's an attempt at a nationwide handgun ban, but provincially we have jurisdiction over motor vehicle licensing. Some of the ideas for my Bill 56 really came from the MPP from Willowdale, David Zimmer. In his bill, he in essence tried to do something about people who were drinking and boating. Under that legislation, which was eventually passed, people can have their licence suspended and cars impounded, if convicted of that.

Also, we passed a very effective piece of legislation which has similar provisions in it, and that's the anti-street racing legislation of Minister Donna Cansfield, whereby if you're speeding over 50 kilometres an hour on our streets, the police can impound the vehicle and can also suspend your licence. That's being done under provincial jurisdiction.

We can ask the federal government to undertake many measures, and some of them they have. I'm very glad that the federal government has now supported our call for a reverse onus on proving bail in a gun crime. That's going to really help the police.

This is also important in that it might help deter the smuggling of guns into this country and into this province. I am told by Police Chief Blair that most of—more than half—the guns that they seize in Toronto are smuggled, illegal guns. This bill would empower the police also to suspend the licence of another province's driver or a vehicle that's licensed in the United States, for instance. There are a number of incidents where guns are being smuggled in trucks, being smuggled in cars into Ontario, and are then sold and end up on our streets.

Look at the growing number of cases. I've done a recent media survey over the last while of drive-by shootings and people with road rage shooting at each other: In Brampton this year, a passenger in a silver four-door car was hit by a bullet that had been fired from a second blue vehicle driving on Goreway Drive; in Thornhill, three suspects held up a jewellery store at gunpoint at Promenade Mall, and the suspects fled the scene in a vehicle; in Scarborough, a black Ford SUV carrying two men—this was at Markham Road in Scarborough; in Toronto; in North York. This has just been in recent months where there have been instances of guns being carried in vehicles, shootings that occur, people cutting off people on the Gardiner Expressway. This is unacceptable behaviour.

It is too easy to have a gun. It is too easy to basically think that that gun empowers people. An unlawful firearm, that is, a stolen crime gun—the ones with the serials marked off, the ones that are, essentially, carried by these potential criminals. As I say, if they're carrying an unlawful gun in a vehicle, they're on the road to murder. We need to take them off the streets.

Provincially, we don't have all the powers over firearm control, but we do have powers over motor vehicle licences. This bill, if passed, would give us another tool in trying to make our roads and streets safer. It is not going to completely eliminate the gun violence, but at least it's a tool. The police on the street that I've talked to, the OPP officers I've talked to and the rank-and-file police officers in our divisions in Toronto think that this would give them an effective tool.

1110

It's too easy to say, "That gun in my car—I didn't know it was in my car"; "I borrowed the car"; "I rented the car"; "The gun was there"; "I had no knowledge of it being there"; "I didn't realize that my trunk had three guns in it"; "I just leased the car." They're getting away with it. There are so many excuses that they use to basically get off too easily when they have an illegal gun.

Why are they going in their vehicle down Keele Street with an unlawful gun in their car? Where are they going with that unlawful gun? This is not against people who have the legal right to carry guns, whether they be hunters, target shooters or police officers; this is against thugs who shouldn't be carrying guns.

The Deputy Speaker (Mr. Bruce Crozier): Further debate?

Mr. Garfield Dunlop: I'm pleased to rise today to speak on Bill 56, Unlawful Firearms in Vehicles Act, 2008, An Act to amend the Highway Traffic Act and the Civil Remedies Act, 2001 to promote public safety and suppress conditions leading to crime by prohibiting driving on the highway in a motor vehicle in which there is an unlawfully possessed firearm.

I have a few comments on this bill, and I know some of my colleagues do as well. I wanted to start with a few things around definitions and around just exactly what we're covering here. If we're covering all roads in Ontario, and that includes the streets of Toronto, the Queen's highways, King's highways, all county roads—all roads in the province of Ontario—then it would be interesting to see some explanation on that. It may have some impact on rural Ontario.

If we've got some thug driving around who's got a stolen gun or an illegal gun that he has purchased illegally, that isn't registered in any way whatsoever, I thought there were penalties to cover that. I still think there are. If you have an illegal handgun and it's not registered, and you're pulled over by the police, they can confiscate that handgun and there are some severe penalties for that.

The person with that particular gun—say the car is owned by a rental company like Hertz or whatever, or it's owned by a relative, then I have a little bit of a problem with taking someone else's vehicle, impounding it and having a severe penalty on that. It reminds me a lot of the photo radar, which was brought in a few years ago and our government removed it. Quite frankly, the photo radar did sort of the same kind of thing. It didn't matter who was driving the vehicle; the person who got penalized in the end was the one who got the bill in the mail, which was the owner of the car. I have a little bit of a

problem with that—particularly if a car is rented from a leasing agency—taking that car and having that person end up being responsible.

What I'm really concerned about, though, is rural Ontario. There still are a number of shotguns and .22s, that sort of thing, that are used for duck hunting and shooting a few groundhogs here and there. That's been part of the rural life forever. Some of them were not acquired under an acquisition permit years ago; they might be fairly older guns.

I would hate to think that if someone who has a collection of guns, and maybe one or two of them didn't have the proper certification under them, that person would have an opportunity to maybe have a severe penalty when they've had no criminal record whatsoever at any time in their past, and they'd suddenly lose their vehicle and have a very stiff fine. In fact, I think this even calls for penalties. I haven't any problem with any particular piece of legislation that goes after people bringing in illegal guns, that sort of thing, but I think we have to be very careful of our folks in rural Ontario.

The other thing that we should talk about a little bit in this legislation is the impact this will have on the policing community; for example, with the enforcement section of it. Obviously, every time you bring in a piece of legislation, there are more laws to enforce, and that requires more and more resources for the police services. I understand, from the member's statement, that he had the support of Chief Bill Blair. We haven't really heard an awful lot about that. I'm curious about what the Minister of Community Safety and Correctional Services is saying about this, and I'm also curious about what the Minister of Transportation is saying about this particular bill, because it obviously affects both of those ministries as far as enforcement.

With enforcement, we've already been told by the Minister of Community Safety and Correctional Services that he needs more police officers; he's said that. The federal government has been good enough to come forward in the 2008 federal budget with 2,500 new officers for Canada. That would be a kick-start program of 1,000 new police officers for the province of Ontario. I understand that the minister has signed on to that; that's \$156 million coming to Ontario. So if we're going to start passing these kinds of private members' bills and we're getting the support for them, then at the same time we have to have the resources in place by the police services to accommodate that. I know that in the provincial budget there was no allocation of more resources for police services, although the federal program calls for 1,000 new police officers in Ontario over the next five years, and as I said earlier, there's \$156 million that has been allocated towards that. So I'm hoping that if the Minister of Community Safety and Correctional Services is in support of this legislation, he's also in support of providing more resources for our police services in Ontario.

The model the Ontario Provincial Police are working under: They're asking for approximately another 500

officers over the next five years. That's something all of our parties are familiar with from the last provincial election. If we were to implement that program, the federal money, this year, we could actually have 1,000 additional officers in Ontario: 500 at the OPP under the non-municipal contract policing programs, just strictly for highway safety patrol etc.—the programs where the OPP need additional resources. It also would be nice to see that, if the minister is in support of this private member's bill, he'd be in support of adding those new officers towards which the federal government has provided at least 50% of the funds.

I look forward to hearing some of those comments as this bill proceeds forward. I suspect that the member has the support of his caucus to at least go to third reading. I don't know whether it'll die on the order paper or whether it'll be a bill that will be brought forward by the government. Certainly we haven't seen a lot of private members' bills in this House in the last Parliament, or in this Parliament, proceed, so it will be interesting to see how this bill does. But I do hope that in the end there are no implications for rural Ontario residents, particularly those who use firearms for hunting and fishing and who might make a mistake by having a gun or firearms in their control without an acquisition permit. That could easily happen. I don't think the intent of the bill is that, but certainly under the legislation there would be an impact on it.

That's really all I had to say today. I know some of my other caucus colleagues have a few comments they'd like to make, and it will be interesting to see how this bill proceeds through the House. I appreciate the opportunity for saying a few words.

Ms. Cheri DiNovo: Certainly, for the member from Eglinton—Lawrence, who introduced this bill, I understand the frustration that he feels, particularly with the deaths that occurred in his own riding. The first thing we in the New Democratic Party want to say is that our hearts and prayers go out to those who were affected.

1120

Will this bill stop those deaths? There's simple answer: absolutely not. I think the people of Ontario want to see criminals impounded, not their cars. When the police stop people in cars with guns, they want to put the people with the guns in jail, not the cars. That's what I think the people of Ontario want to see first and foremost.

I was trying to look for other examples of this. We had a shooting in Toronto just recently on the subway, so what are they going to do: take away his Metro pass? Will that really stop him? I don't think that's going to make much of a difference; I really don't. I think that when criminals decide they are going to do a drive-by shooting, they're not hampered by the thought that they might have their car impounded or their licence lost. Half the time, the cars they are driving aren't theirs anyway, and certainly, whether their licences are suspended, or, for that matter, taken away completely, really doesn't come much into play when they are thinking about drive-by shootings.

I know what the police work with, which is not much. Many members of this House have gone on drive-arounds with their local police forces; I certainly have, and I want to acknowledge the incredible work of 14 Division in my riding and also 11 Division. I had the privilege of driving around with 14 Division one night and seeing the computer light up with all the crimes in progress, and there's nothing more terrifying than seeing that. You see the lights, and I asked the sergeant I was driving with, "How many of these will you get to?" He said, "Maybe half." These are crimes in progress. That's terrifying.

There is something we can do to cut down on gun violence. One of the very critical aspects of what we can do, which the McGuinty government has promised and not delivered, is to have more community police out there. Certainly, there are fewer police per capita under the McGuinty Liberals than ever. Despite the promises to the contrary, despite the promises of a thousand new police officers, we don't see those police officers on our streets. The population has gone up; the number of police has not gone up in proportion. So when you call somebody at the police station, you might not necessarily get a response, because there are not enough bodies there. That's what the police in my two divisions are asking for: more money for more police officers and certainly more community policing, which everyone in both of my divisions is asking for. That would help make a huge difference.

I notice that he says "firearms" too and not "handguns" here, although I'm sure that the member includes handguns in his thoughts there. I recognize his frustration, because we in the New Democratic Party support a ban on handguns. We don't think there is any reason for anyone other than those who are licensed to carry handguns and should, like our police officers, have handguns. We know that about two thirds of the handguns used in crimes come over the border illegally, so we also recognize that a ban on handguns isn't the final answer to this, that perhaps we could also look at security at our borders in terms of preventing that illegal traffic, because that's certainly where a lot of the death that comes to Ontario is imported from. We don't think there is any reason for a citizen to carry a handgun unless they really need one and unless they are licensed to do so.

Finally, because I'm going to leave some time here for my colleague to speak about this, we also have to look at the broader picture. Why is there crime? I don't want to be alarmist because, quite frankly—and I don't know if this is the same across the province, but certainly it's true in the GTA and in my riding—crime has gone down. There is a significant decrease in crime. We remember the summer of the gun. There have been these pockets of violence. Of course, one death is too many deaths. The aim here is zero homicides, absolutely; there is no question. But when we look at the social substructure of what produces crime, we've got to look at those big issues, and this is something the McGuinty Liberals simply won't do.

We in the NDP brought forward a bill that we were hoping would get the support of this House, that \$75 million of health promotion go into community centres, saving our pools, rugby fields and recreation facilities for kids, for young adults, so that there's something for them to do after school.

Of course, members know I'm vested in raising the minimum wage so that young people can live on minimum-wage jobs so that they're not absolutely relegated to poverty just because they happen to work at an entry-level job.

Certainly, we want to look at issues that affect family life, like child care, which we don't have; the larger issue of poverty, where one in eight children in this province lives in poverty. We know that these are all factors that add to a higher crime rate—we know this. We know that housing, for example, adds to a higher crime rate—we know this. We know that when you starve the education system of necessary dollars, in response, more money has to be spent by the justice system. Yet we still see an education system that is not fully funded and a formula that has not been fixed from the Harris-Eves era. Again, why won't the McGuinty Liberals look at the broader picture and put money into prevention of crime?

The final comment I will make is, this is one of those bills—and I'll borrow from William Shakespeare on this—where sound and fury that signifies not much—I changed the line there—and certainly not much in terms of the caucus members and the cabinet. Why, if this government is vested in this bill, does it not, like the bill we saw previously, which was a good bill—and don't get me wrong, we're going to vote for it. But voting for it is like voting for a statement that guns are bad. Obviously, one would not vote against such a bill, but the question is, will it make any difference? I certainly assert that it won't, and if it did, and if the member felt it would, then where is the Premier on this, where is the cabinet on this? Why is this not a government bill?

Again, there's nothing that we in the NDP want more than a safer Ontario, but we don't think this is the way to go about it.

Mr. David Zimmer: It's my pleasure to rise and speak in support of the member for Eglinton–Lawrence's bill. I'm going to share my time with some of my other colleagues.

I just want to speak to one aspect of this bill. I could speak for a long time on the entire bill, but let me speak to one aspect of the bill, and that's the impounding the car feature of this bill. Most of these shootings involve young people. Often, they're teenagers—17, 18, 19, 20 years old. They use these handguns and other weapons in the drive-by shootings. A piece of the crime, in nine cases out of 10, is the use of an automobile. They need a car to get to the scene. They need a car to get home. They use the car in a drive-by shooting. They use the car in another aspect of the crime: The gun is in the car.

By some strange quirk, my friends who are child psychologists tell me that of all the things that young men—and it's typically young men who are involved in

these shootings—really value, strangely enough, it's this ability to have a driver's licence and own a car. That is a high status symbol in their peer group. The psychologists tell me that one of the things that these young men really fear, are really nervous about, strangely enough, when they're going around involved in these offences using guns is not so much getting caught with the gun or getting caught for the crime—because they get into the court system and they use the court system to their advantage—but losing their car, this status symbol that they have.

So what this legislation does—and it's only one aspect of it, because there are many other strategies here in Ontario to deal with guns and gun offences. We have the various guns-and-gangs strategies out of the Attorney General's office. There's a host of initiatives in the police departments and other investigative authorities. But if we can make these young men think twice about transporting a gun in a car that they own or that they're driving, if they've got a driver's licence, and put that status symbol, that thing that they really value, under threat, and we say to them, "Look, if you're going to transport an illegal firearm, if you're going to use a gun in the commission of an offence along with a car and you're caught, whatever else happens to you—and you may go to jail for the gun offence and other terrible things might happen to you—for sure, if you've got a car, we're going to take it away from you; if you've got a driver's licence, we're going to take it away from you for a long, long time"—through this strange sort of juvenile mentality, it seems that this makes them think twice. In this bizarre thought process that they have, they just give passing thought to the idea of putting a gun in their pocket or sticking it in the glove compartment of a car, but if they think they're at risk of losing this driver's licence or losing the car, they say, "My God, I don't want to run that risk. I don't want to lose my driver's licence. I don't want to lose this fancy car that I've got fixed up." It's a bizarre thinking process, but nevertheless that's what my psychologist and psychiatrist friends tell me.

1130

So, if we can do anything, if we can make any contribution to reducing gun offences and all the tragedies that flow from them, it's worth doing. This isn't the only strategy. This is one aspect of Ontario's strategy to confront guns and crime offences. For that reason, I support this member's private member's bill.

The Deputy Speaker (Mr. Bruce Crozier): Further debate?

Mr. Frank Klees: The member for Willowdale made reference to a bizarre thought process. I would suggest that whatever brought us to this bill was in fact a bizarre thought process.

I respect the member's intention. What I fail to understand is his proposed legislation. It talks about repossessing or impounding a car and suspending a driver's licence for someone who is found to have an illegal weapon in their car. Somehow this is to be a tool in the hands of police officers to combat crimes that are com-

mitted with illegal weapons. I don't understand. We have laws in place that make it illegal and that give us severe consequences for possessing illegal weapons. The police already have that tool.

The member for Willowdale makes reference to something that is of extreme value to young men who commit crimes with guns, and he says that his psychologists and psychiatrists tell him that it is the possession of a car and the possession of a driver's licence that is of greatest value. I would suggest that what is of far greater value to these young people is their freedom and that the loss of the freedom is what will be the deterrent, not the loss of a car or the loss of a licence.

That brings us to the heart of our problem in this province, and that is that there are no consequences to one's freedom for committing crime, regardless of what that crime might be.

If the member were to have brought forward a bill that says we, as a government, will ensure that our police officers have the resources—namely, another 500 or 1,000 police officers on the front lines—to help them deal with crime so that, as the member for Parkdale–High Park mentioned, when all the crime locations pop up on the computer, they could deal with all of them, not just half of them; and that when in fact an arrest is made, then the courts could properly deal with those criminals, those accused, and ensure that their crimes aren't bargained away or not dealt with at all, dismissed because there isn't enough resource within our system—that I could support, and I would wholeheartedly.

But public policy, when we create legislation here, is to go to the heart of the issue that it's intended to address. The second test of legislation should be: Is it enforceable? I believe that this legislation actually fails on both counts.

The intent is honourable, the objective is honourable, but at the end of the day, I believe that this is empty. It does not do what the intent is very clear about. So I will not vote for this legislation. I want to be very clear that I agree with the honourable member who brought it forward, in terms of his intent, but I will not vote for the legislation, because I can't stand by and allow people observing this Legislature to think that something is being done here about crime and safety on our streets and all we're giving them is some smoke and mirrors under the guise of legislation. Once again, the perception is that the government is protecting people when in fact the government is withholding resources from the police and they're withholding resources from our court system, so that the work that is being done by police is frustrated. Prosecutors are not able to prosecute, and we have gridlock in our courts, so that all too often, cases are actually thrown out rather than dealt with.

I go again to the heart of what the member from Willowdale spoke to. He is saying we have to deal with crime, and we have to send a signal to those who would commit crimes that something of value will be lost if they commit a crime. My point to him and to my colleagues here is that what is most valuable, and the real

signal we should be sending, is that what will be lost if you commit a crime with a gun is your freedom, that there will be consequences, that there will be jail time. What you lose is not just your licence or your car, but you lose the ability to continue to operate and to function within our free society, which is a privilege.

I will not vote for this legislation for that reason. This legislation misses the point. I believe it is really not much more than smoke and mirrors.

Mr. Gilles Bisson: I first want to say, as a member of the New Democratic caucus, I will vote in favour of this legislation. I believe that, yes, this bill needs to get to committee because we need to deal with some of the aspects of the bill that some would see as basically needing strengthening, or a change about how this thing is applied. But the concept of what he's trying to do—I understand where the member is coming from. I've known the member for some years. He's honest and he's—what's the word I'm looking for?—sincere in what he's trying to bring forward. He's trying to deal with an issue in his community. We can't take that away from the member. We need to understand that he is responding to something that has happened in his community. I think we need to give him the respect and the support to allow him to do that. So I want to say upfront, as New Democrats, we will support it.

Will the bill, at the end of the day, prevent that type of tragedy? I'm not convinced. It might. Who knows? I'm not going to say for sure that it won't, because who knows what people will do? It would be unfair for me to say I can absolutely read into the future.

But let's look at what the bill is intending to do under Bill 56. I'm going to read the explanatory note very quickly for those who haven't had a chance. It says it makes it an offence to drive "on the highway in a motor vehicle in which there is an unlawfully possessed firearm," and then it spells out the penalties.

1140

The first thing is, it was mentioned by a number of people that if a person's going to have a firearm, lawfully or unlawfully, and decides they want to go out and do something stupid, they're either in a stolen car for the most part, and if they're not in a stolen car, they really don't care. They're out there to do mayhem, and that's what they're up to. It's unfortunate, but people don't follow laws in our society; by a majority, they do. The vast majority of people, of course, are law-abiding. Unfortunately, you have a small percentage of people in our society who decide not to follow the law and do what I would term very hurtful and stupid things, such as committing crime and, in cases such as were raised, eventually leading to murder.

The question becomes, how do you deter people from doing those things? I was just having a discussion with one of your colleagues from London. We were having a chat about whether it necessarily means we have tougher laws as a way of deterring somebody from acting out a crime. I think there's a really good debate on both sides of that one. For example, the United States of America

has probably been a zealot when it comes to introducing legislation that incarcerates people for all kinds of things that we, in Canada, might incarcerate for a short period of time. They'll put them in for five, 10, 15 years for something that we may put somebody in for six months or a year. But does the United States of America, with tougher penalties, have less of a crime problem? I say no, it's completely the opposite. Canada has much less a crime problem as compared to the United States, and we have to ask ourselves why. Is it because the United States has tougher laws that should act as a deterrent? I think not. I think Madam DiNovo was right. The member from Parkdale–High Park basically said we need to deal with the causes of crime. I know my good friend Mr. Colle, the member for—and I forget—

Mr. Mike Colle: Eglinton–Lawrence.

Mr. Gilles Bisson: Eglinton–Lawrence. That's why I used your name. Sorry about that. That's why I'd never be the Speaker. I can never remember all the ridings.

I think you agree with me, that the way we really have an impact on making our society safe is by giving every child in our society the opportunity to grow up in a household where they are feeling loved and nurtured, where they're getting the support they need; that when they go into the school system, they get something of value and they build some values of respect for one another within our society. You do that by imparting those things, first, at the family level, then at the societal level through school and others.

Unfortunately, our society isn't perfect. There are families that are dysfunctional. You know them; I know them. They're not necessarily bad people. They're people who have had issues in their lives. It might be mental health issues. It might be a question of addiction. It might be a question that the person himself or herself had problems when they were younger and didn't have good parenting skills transmitted to them. What do you do with those children? That's really how you make a society have an effect on how much crime is going to take place, by doing all that we can as legislators, citizens, parents and members of our society to get at the root causes of crime.

I said at the beginning I will support this bill, as a member of the New Democratic caucus, because I understand what the member's trying to do. It's extremely frustrating, especially in a situation like yours, where you live in the city and see the tragedy that happened to this family. To stand back and do nothing and say, "Oh, well, there's a bigger issue here. I can do absolutely nothing," I think would be a disservice to your constituents.

I recognize and respect that you're bringing this forward as a means of at least having the debate and trying to figure out how we get at trying to eliminate the drive-by-type shootings that we've been seeing in this city and other places across Canada and the United States. I'm not convinced at the end of the day that the person jumping in the car with the unlawful or unregistered firearm is really going to take any consequence, but maybe there's a way of coming at it. This

is the beauty of the legislative process. We send this thing to committee. We have people who are more learned than us in these particular issues come before committee and tell us, "We understand what the problem is, but we think you need to do X, Y and Z. You need to amend whatever," so that eventually we end up with a product that maybe has an effect in the end. In that spirit, I fully support bringing this to committee, but I want to say upfront that I certainly don't think the way the bill is written is going to get us exactly where we want to go.

The only other thing I would say, in closing, in the last minute or so that I have left, is that the whole issue of firearms is one that's been difficult not only in Canada but also in the United States. There's a real sense that people have an ability—almost a right—to own a firearm for hunting or whatever it might be. It comes from a time of this country being a country that was much more a hunter-gatherer society, just to a certain extent, and that sort of value is transmitted. We struggle today, in this day and age, to find the balance between people's right to go out and hunt and do the things that they do with firearms, and the struggle of whether people should just have firearms for the sake of protecting themselves. I think it's a tough debate, because there are some really strong feelings on both sides of that one. All I know is this: We have a problem in our city, as we have across this nation and as they have in the United States. We're luckier than most in Canada; we have a pretty low crime rate compared to others. But we need to do what we can in order to try to deter these types of things from happening.

In the spirit of that, we'll support the bill and allow it to get to committee, and hopefully try to find ways of amending it to strengthen it so that in the end it really achieves the goal that the member is trying to reach.

Mrs. Laura Albanese: I would like to start my comments by thanking the member from Eglinton–Lawrence for his initiative on this issue. As you may know, Eglinton–Lawrence and York South–Weston share a border and some of our communities share similar priorities and challenges.

The Unlawful Firearms in Vehicles Act, Bill 56, is, to me, an important initiative. It is based on the proposition that illegal handguns should not be out on the streets—and I'm sure that's an idea we can all get behind—and that there should be immediate consequences and actions that can be taken when such an offence has been committed.

Under the Unlawful Firearms in Vehicles Act, when a police officer finds a gun in a vehicle, the officer would suspend the person's driver's licence and detain the vehicle. This does not take their freedom away but certainly limits it, and if the car is not his or hers, the driver's licence would still be taken away. In Ontario, driving is a privilege, not a right, so it would serve as a deterrent. As we have heard from my colleague, the bill proposes amendments to the Highway Traffic Act and the Civil Remedies Act, because these are the bills that deal with unlawful activity in motor vehicles.

The work of the bill would begin at street level, while the illegal guns are out on the streets, being carted around outside of the public's eye, and that is what is so compelling about this approach. I want to say that just last Thursday I was at a community police liaison committee meeting at 12 Division of the Toronto police force in my riding of York South–Weston—and I want to take this opportunity to thank all of the officers at 12 Division for the great work they do in our community. I was pleased to meet the new superintendent, Brody Smollet, and to get an update about some of the more serious incidents of crimes that the division is dealing with, as well as the crime prevention initiatives that are taking place in our community and that are largely led by conscientious local citizens.

The new superintendent did raise this bill at the meeting last week and spoke enthusiastically about it. The entire community police liaison group—everyone who was present in the room—responded positively to the action that my colleague from Eglinton–Lawrence is taking with this initiative. At the meeting, I also had the opportunity to learn about some of the youth-in-policing students that the division is going to welcome for the summer months, which will happen through this government's youth opportunities strategy. I want to say that I find that very important.

Another reason why I am pleased to speak to Bill 56 relates to a tragedy that affected Eglinton–Lawrence, the riding of my colleague, but also my riding of York South–Weston. This is the recent shooting death of a young man who lived in my colleague's riding but attended high school in my riding. I've had the opportunity to speak to the principal of the local school that the young victim attended, and he told me that the students of the school are hard at work being regular young people. They don't want to be labelled. They are ambitious. They are studying hard. They're looking forward to a bright future. This is an inspiring attitude, and I applaud the principal for providing leadership.

1150

I believe that this private member's bill, Bill 56, also shows leadership. While it is true that the federal government has jurisdiction over the ownership of firearms, we, as a provincial government, have jurisdiction over transportation and motor vehicle licensing and should always try to enhance public safety when we can. Although this bill may not be the total answer, this can be a strong step toward preventing crime in our communities, across the province, and showing leadership across the whole country.

On behalf of the people of York South–Weston, I reiterate my support for the proposed Bill 56 from my colleague from the riding of Eglinton–Lawrence, a neighbouring riding to my riding. This is an important step in the fight against gun crime. I thank him for his work in bringing this issue forward.

Mr. Tony Ruprecht: I am delighted to support this bill. A lot has been said about the ineffectiveness of it here today, which I find kind of strange. I'm glad Mr.

Klees is here today to listen to the details, because it was he who actually said this is just all smoke and mirrors and it's really very ineffective.

Just remember this: When you read the details of the bill, it's clear that beyond the impoundment and beyond the licence suspension, there's another section in here which is specific. It says there's also a fine of up to \$10,000 and/or imprisonment up to six months.

Interjection.

Mr. Tony Ruprecht: That's what it says. That's part of the bill.

Mr. Frank Klees: And/or.

Mr. Tony Ruprecht: And/or imprisonment up to six months. That's pretty effective. That takes away what the member was talking about when he said the value is on freedom and the restriction on freedom and not so much in terms of impoundment of the car. It's right here in the bill. The bill does say you will lose your freedom for up to six months.

The question should be simply this: In what way can we be effective here? In what way can we take unlawful firearms off the street?

The member for Eglinton–Lawrence has a great idea with Bill 56. It says specifically that if you're caught with an unlawful firearm, your car will be impounded and all the other items I was listing earlier.

“Toronto Deputy Police Chief Tony Warr says the propensity for violence has reached down from major drug dealers to minor drug traffickers who carry guns because they are afraid of getting ripped off or shot by their competition.

“Where in the past it would have been a fist fight, now it is a gunfight over the same minor issues. There seems to be an acceptance of violence more generally by the community and it is reflected in the way kids are acting in school, what we see on television and by these gangs where, if they have a problem, they shoot a person.”

I am very delighted to support and put my name to this bill as well, because to me, it is clear there are other items that are involved as well.

When we look at the Canadian Police Information Centre records, it shows clearly that 85,000 firearms—about half of them restricted, as in handguns—are missing or stolen in Canada. Imagine that. So it isn't simply a question of having a greater degree of support, a greater degree of maintaining some security, to maintain your firearms and to lock them up. It's a question of having them stolen and being found in the cars. If it's in the car, the car, according to Mr. Colle, should be impounded.

I am happy to read a quote from Toronto Police Chief Bill Blair. If Bill Blair is saying that this bill is good, then I would be happy to support it as well. He says that a private member's bill that would let police seize cars in which illegal handguns are found, would provide significant help to Toronto police in getting guns off the street—if the police of Toronto say this, then I would be glad to support this bill.

In closing, let me simply say this: We heard from the Conservatives and some of the members from the NDP. Some will support this bill; others will not. Some will support it because it goes to committee, and there they would hope that other areas of how to restrict unlawful guns should be included. This, of course, is not totally sufficient. This is not what Mr. Colle indicates when he says we should support this bill. No. Of course there will be other items and there will be other adjustments made. There could be recommendations made on the committee level. We, of course, would have our chance to add our voice to it. It is clear that on our side, we see the benefits of Bill 56. I would hope that all members will support it, in spite of what their recommendations might be.

The Deputy Speaker (Mr. Bruce Crozier): Mr. Colle, you have two minutes to respond.

Mr. Mike Colle: I do appreciate everybody's input. Just again, I'll read into the record from David Wilson, who's the president of the Toronto Police Association, who represents over 8,000 men and women in Toronto. What David Wilson says is: “We support your efforts to amend the Highway Traffic Act. We believe Bill 56 can be a valuable tool for police to use to combat gun violence and make the community safer.”

This is from the leader of the men and women on the streets who know that over and over again, they catch the same people with guns. They get away with it. They're out on bail; they're in the streets. The police are arresting the same people, because essentially you have no onus—the federal laws are so weak that if you commit a crime with a gun, you're basically out on the street in 24 hours. The federal laws are too weak on gun crimes, so that's what we need.

This helps with the reality within our jurisdiction, where at least they take the car off the street, their licence off the street, a \$10,000 fine and up to six months in jail. That's what we can do from our end. We're trying our best to do that. Certainly if you ask all of us who deal with this, what we have in place right now isn't doing the job. This will at least be a tool.

That's why the rank and file police officers support this bill, because they're the ones who are sometimes afraid to go to the door of a car. Who knows if that person is armed or not? It's happening more and more. Chief Blair says that almost every illegal gun they get on the streets of Toronto is in a car. We have to stop this nonsense.

They make excuses: Well, he borrowed the car or he leased the car. Some of the members opposite support it. Those are phony excuses. You have the responsibility. If you're driving a car and there's an illegal .38 in the trunk of your car, you shouldn't be allowed to drive. You should have no right to be on our streets in our communities if you're driving with a .38.

The Deputy Speaker (Mr. Bruce Crozier): The time for private members' public business has expired. We shall first deal with ballot item number 15, standing in the name of Mr. Craitor.

CHILDREN'S LAW REFORM
AMENDMENT ACT, 2008
LOI DE 2008 MODIFIANT
LA LOI PORTANT RÉFORME
DU DROIT DE L'ENFANCE

The Deputy Speaker (Mr. Bruce Crozier): Mr. Craitor has moved second reading of Bill 33. Is it the pleasure of the House that the motion carry? Carried.

Second reading agreed to.

The Deputy Speaker (Mr. Bruce Crozier): Pursuant to standing order 96, Bill 33 will be referred to—

Mr. Kim Craitor: I'm asking that Bill 33 be referred to the Standing Committee on Social Policy.

The Deputy Speaker (Mr. Bruce Crozier): Mr. Craitor has asked that Bill 33 be referred to the Standing Committee on Social Policy. Agreed? Agreed.

We shall now deal with ballot item number 16, standing in the name of Mr. Colle.

UNLAWFUL FIREARMS
IN VEHICLES ACT, 2008

LOI DE 2008 SUR LES ARMES À FEU
ILLÉGALES DANS LES VÉHICULES

The Deputy Speaker (Mr. Bruce Crozier): Mr. Colle has moved second reading of Bill 56. 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.

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

The division bells rang from 1200 to 1205.

The Deputy Speaker (Mr. Bruce Crozier): All those in favour, please stand and be recognized by the Clerk.

Ayes

Aggelonitis, Sophia	Dickson, Joe	McNeely, Phil
Albanese, Laura	Dombrowsky, Leona	Oraziotti, David
Arnott, Ted	Flynn, Kevin Daniel	Pendergast, Leeanna
Arthurs, Wayne	Hoy, Pat	Ramal, Khalil
Balkissoon, Bas	Jaczek, Helena	Ramsay, David
Bisson, Gilles	Jeffrey, Linda	Rinaldi, Lou
Broten, Laurel C.	Kwinter, Monte	Ruprecht, Tony
Brownell, Jim	Lalonde, Jean-Marc	Sergio, Mario
Colle, Mike	Leal, Jeff	Smith, Monique
Craitor, Kim	Levac, Dave	Van Bommel, Maria
Delaney, Bob	Marchese, Rosario	Zimmer, David

The Deputy Speaker (Mr. Bruce Crozier): All those opposed, please stand until recognized by the Clerk.

Nays

Hardeman, Ernie	Miller, Norm	Scott, Laurie
Klees, Frank	Savoline, Joyce	Yakabuski, John

The Clerk of the Assembly (Ms. Deborah Deller): The ayes are 33; the nays are 6.

The Deputy Speaker (Mr. Bruce Crozier): I declare the motion carried.

Second reading agreed to.

The Deputy Speaker (Mr. Bruce Crozier): Pursuant to standing order 96, Mr. Colle—

Mr. Mike Colle: If I could have the bill go to the Standing Committee on Justice Policy.

The Deputy Speaker (Mr. Bruce Crozier): Mr. Colle has asked that the bill be referred to the Standing Committee on Justice Policy. Agreed? Agreed.

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

The House recessed from 1207 to 1330.

MEMBERS' STATEMENTS

HALTON MENTORING PARTNERSHIP

Mrs. Joyce Savoline: I rise in the House today to recognize the progress and the incredible achievements of the Halton Mentoring Partnership, which held their mentor recognition event this past Tuesday evening. The mentoring partnership program brings skilled immigrants and local professionals together in an occupation-specific mentoring relationship.

When I was regional chairman of Halton in 2005, our council recognized the need for a program of this nature. Through the dedicated efforts of volunteer mentors from Halton region, the municipalities of Oakville, Burlington, Halton Hills and Milton, and of course, our corporate and community leaders, this initiative has been a rousing success.

As our population in Ontario ages, the integration of foreign-skilled professionals into their chosen professions in their new homeland is critical to the future of our economic growth here in Ontario. It was an honour and a privilege to see professionals from diverse cultures and experiences join together in a common purpose.

The volunteers and the program managers for this important initiative deserve our gratitude for the significant contributions to the program's success. I would like to recognize the professionals who stepped forward to offer their experience to new Ontarians. You are a credit to your community.

**WOMEN'S LEGAL EDUCATION
AND ACTION FUND**

Ms. Laurel C. Broten: As a long-time advocate for women's rights and gender equality, I rise today in recognition of a national charitable non-profit organization, the Women's Legal Education and Action Fund, also known as LEAF. LEAF works to advance the equality of women and girls in Canada through litigation, law reform and public education, using the Charter of Rights and Freedoms.

LEAF is an organization committed to advancing women's equality through public-interest interventions and legal education. Since its inception in 1985, LEAF

has intervened in over 150 cases, helping women win landmark legal victories. LEAF is the only women's organization in Canada that focuses on legal action to challenge laws, policies and practices that continue to discriminate against women.

Last Thursday was Equality Day, marking the coming into force of the equality provisions in the Canadian Charter of Rights and Freedoms on April 17, 1985. Several women, including my colleague the Honourable Deb Matthews and my former boss, the Honourable Claire L'Heureux-Dubé, retired justice of the Supreme Court of Canada, joined forces with LEAF to honour the work of a fellow advocate for equality, Justice Bertha Wilson.

In 1982, Justice Wilson became the first woman ever to sit on the Supreme Court of Canada. Her tenure was best marked by her pioneering interpretations of the charter and devotion to securing equality rights for women and disenfranchised and marginalized groups. They've started the Justice Bertha Wilson fund.

I'm very proud to have taken part in Equality Day last week.

HOCKEY

Ms. Laurie Scott: It gives me great pleasure to tell the Legislature that the young men of the under-18 Canadian hockey team are returning home today from the International Ice Hockey Federation Under-18 Championship with gold medals around their necks.

There are two very special members of that team who I am proud to say have learned to play the fastest game on ice in none other than Haliburton, Ontario. Centre Cody Hodgson was captain of the Canadian team and top scorer of the tournament with two goals and 10 assists. Many of the members of this House will know his father as the long-time local MPP and minister, Chris Hodgson. Forward Matthew Duchene was also an essential part of the Canadian team's championship with five goals and three assists.

Hodgson is eligible for the NHL entry draft in 2008 and is highly touted to be picked early in the first round. Duchene will be eligible for the 2009 entry draft and is also considered to be a prime pick for an NHL team.

Both of these talented athletes began their hockey careers in Haliburton and are now teammates on the Brampton Battalion of the Ontario Hockey League.

The success of these young men is rooted in the dedication of the parents, coaches and players of the Haliburton arena. As the member of provincial Parliament for Haliburton-Kawartha Lakes-Brock, I am pleased to congratulate the pride of Haliburton's hockey program: Cody Hodgson and Matthew Duchene.

Thanks to the valuable contribution of these two world-class players from Haliburton, Canadian hockey is right where it belongs: the very best in the world.

Mr. Dave Levac: On a point of order, Mr. Speaker: I seek unanimous consent to remove my jacket and show you the Allan Cup jersey.

The Speaker (Hon. Steve Peters): Agreed? Agreed.

Mr. Dave Levac: That's it. There you go.

The Speaker (Hon. Steve Peters): Members' statements.

HOCKEY

Mr. Dave Levac: Thanks to the House for this privilege of wearing the jersey that won the Allan Cup. On behalf of the constituents of my riding of Brant, I am proud to stand today to pay tribute to the Brantford Blast of Canada's senior AAA hockey league who, on Saturday night in front of a packed house at the Brantford and District Civic Centre, displayed incredible poise and skill, defeating the Bentley (Alberta) Generals 3-1 to win Canada's historic Allan Cup.

First contested in 1908, the Allan Cup is North America's oldest hockey tournament. As such, it's fitting that the city that gave us the Gretzkys, among other greats, hosted the 100th anniversary of this historic competition, defeating the Dundas Real McCoys, the Shawinigan Xtreme from Quebec and the Whitby Dunlops. The Brantford Blast thrilled more than 15,000 fans over a six-day period on their way to the championship.

Born and raised in Brant, I know that Brantford has a proud tradition of hockey and the Allan Cup, winning the championship twice: once in 1977 and again in 1987. We've done a three-peat.

I want to congratulate the team owner, president and manager, Peter Ham, his wife, Judy, coach Larry Trader and his staff and all the players for their hard work and determination this season and in the past six.

I want to thank my colleague Peter Fonseca, the Minister of Tourism, for the support from the Ontario government and, finally, I want to extend a tremendous thank you to all the volunteers and residents of Brant who worked so hard to make the 100th anniversary of the Allan Cup such a huge success.

Way to go, Brantford. We're very proud of you.

FISHING REGULATIONS

Mr. Randy Hillier: Once again the McGuinty government has broken another promise. On April 12, the Minister of Natural Resources met resort owners and learned of the crisis they are facing due to overregulation in eastern Ontario.

New panfish regulations are bankrupting our resort owners. On that day, she promised action within 48 hours, but we're all still waiting on the dock. Five days later, the minister added insult to injury when she voted to defeat Bill 57, a bill that would have eliminated red tape for the very folks she met with.

Ontario has over 5,500 fishing regulations—regulations that are bankrupting the little guy. The little guy is losing thousands of tourist dollars every day that the minister does not act. The minister's fault is not that she fails to get things right but that she's not even trying.

The resort owners are being played for suckers and they're trapped in the MNR's regulatory nets. The min-

ister must honour her commitments to the people of my riding. It's time for the minister to fish or cut bait.

HERITAGE CONSERVATION

Ms. Andrea Horwath: In the heart of downtown Hamilton, a mountain of rubble paints an apt picture of the McGuinty government's wilful neglect of heritage preservation.

The Balfour building, next door to the historic, yet sadly ignored Lister Block, collapsed last week. In large measure, the weight of the McGuinty government's inertia can be blamed, for it is the McGuinty government that had the power to expedite the Lister Block restoration and be a real partner in restoring a key heritage landmark. Instead, the neighbouring building is a scrap heap because of Liberal foot-dragging.

Hamilton and Ontario heritage activists are acutely unhappy about the building's façade being lost for all times because the McGuinty government refused to request a stop to the demolition. The government's overall lack of commitment and follow-through can't be masked. It's hard to believe that this is the very government claiming to want to revitalize downtowns and support the city's preservation of significant older buildings like the Lister Block.

1340

On January 10, I requested a copy of the Ontario Heritage Trust report about the Lister Block under the Ontario freedom-of-information law. I was denied access because disclosing it would reveal the specific advice and recommendations to the minister. The McGuinty Liberals should make the Lister Block report public and let Hamiltonians know what's behind the secrecy.

I sincerely hope the Minister of Culture will agree to meet quickly with Hamilton heritage preservationists. We need a minister with a commitment to saving these historical buildings, not one who's content at leaving Hamilton with a missing tooth in the face of its historic downtown streetscape.

MAZO DE LA ROCHE

Mr. Charles Sousa: I rise today to recognize the 200th anniversary of Clarkson village, as well as to honour Mazo de la Roche and speak about her remarkable contributions to Canadian culture. Mazo de la Roche lived from 1879 to 1961 and was a prolific writer whose works include novels, short stories, plays and an autobiography. While living in Toronto, she spent her summers in what is now south Mississauga. She was inspired by the wooded scenery of Clarkson village.

Her third novel, *Jalna*, was the first in a series of 16. Back in 1927, the book won the top prize in *Atlantic Monthly*, a prestigious American literary magazine, which earned her international fame. The series was translated into many languages and adapted for stage, screen and television, making Mazo de la Roche one of the most widely read and popular Canadian authors of

her time. Inspired in part by the woods of Clarkson and Benares, the *Jalna* novels chronicle the lives of the Whiteoaks family and their estate. Today, her influence is still very visible in Mississauga, from Mazo Crescent to Roche Court to the Whiteoaks community.

Recently, I attended a ceremony at Clarkson's Benares museum commemorating the national historic significance of Mazo de la Roche, where a monument in her honour was unveiled. This comes at an historic time for Clarkson, as this year marks its 200th anniversary.

I wish to acknowledge the important contributions by Mazo de la Roche, and I congratulate the Clarkson community on this historic milestone.

ABORIGINAL AFFAIRS

Ms. Leeanna Pendergast: I rise in the House today to speak about how the McGuinty government is strengthening partnerships with First Nations people. Earlier this year, Michael Bryant, Minister of Aboriginal Affairs, reached an historic agreement with our First Nations partners across Ontario. The agreement will mean more than \$3 billion over 25 years transferred to our First Nations partners; \$201 million has already flowed.

It means improved infrastructure, improved schools and housing, more training leading to more jobs, and greater economic development. The projects arising from this agreement will be selected according to priorities set by the First Nations themselves.

The McGuinty government is committed to our new approach to aboriginal affairs. This approach emphasizes a more co-operative and respectful relationship with Ontario's First Nations.

Ontario Regional Chief Angus Toulouse said that this agreement "begins to address educational shortfalls; it begins to address economic opportunity, seeding joint ventures; it begins to address some of the healing that First Nations people have identified." I am proud to say that the McGuinty government is making a real difference for our First Nations communities both now and in the future.

PASSOVER

Mr. David Zimmer: I rise in the House today to bring Passover greetings to my constituents in the riding of Willowdale and, indeed, to all Ontarians. Today marks the fifth day of Passover. This holiday, which lasts for eight days, is a time for celebration and reflection. It marks the Israelite exodus from Egypt and celebrates their liberation from slavery. More importantly, the Passover story carries a universal message to stand up to discrimination and persecution wherever they are found.

This year is unique. The celebration of Passover coincides with the anniversary of the Jewish uprising in the Warsaw ghetto during World War II and the 60th anniversary of the birth of the state of Israel.

Recently, a columnist for the *Jerusalem Post* wrote that Passover, the festival of freedom, represents

“everything we are proud of: survival against the odds; national identity; and a return to the Promised Land.”

I say to my friends, colleagues and constituents, that Passover is a very special holiday. It unites families through cherished tradition. I send my best wishes to all.

REPORTS BY COMMITTEES

STANDING COMMITTEE ON FINANCE AND ECONOMIC AFFAIRS

Ms. Leeanna Pendergast: I beg leave to present a report from the Standing Committee on Finance and Economic Affairs and move its adoption.

The Clerk-at-the-Table (Ms. Tonia Grannum): Your committee begs to report the following bill without amendments:

Bill 44, An Act respecting Budget measures, interim appropriations and other matters / Projet de loi 44, Loi concernant les mesures budgétaires, l'affectation anticipée de crédits et d'autres questions.

The Speaker (Hon. Steve Peters): Shall the report be received and adopted? Agreed? Agreed.

Report adopted.

The Speaker (Hon. Steve Peters): The bill is therefore ordered for third reading.

MOTIONS

PRIVATE MEMBERS' PUBLIC BUSINESS

Hon. Michael Bryant: I seek unanimous consent to put forward a motion without notice regarding private members' public business.

The Speaker (Hon. Steve Peters): Agreed? Agreed.

Hon. Michael Bryant: I move that notwithstanding standing order 96(g), the requirement for notice be waived with respect to ballot item 18.

The Speaker (Hon. Steve Peters): Is it the pleasure of the House that the motion carry? Carried.

Agreed to.

VISITORS

The Speaker (Hon. Steve Peters): I'd just like to take this opportunity to welcome a few guests to the Legislature today.

On behalf of the member from Nepean–Carleton, we'd like to welcome Gerry Coyle, who is the son of Toronto Star columnist Jim Coyle. He gets to observe from the press gallery today.

On behalf of the member from York Centre, we'd like to welcome the students from St. Raphael Catholic School, who are located in the west public gallery today.

On behalf of page Marcus Glennie, seated in the east members' gallery are Maria Iannuzziello, his mother, and Michael Smith, his stepfather.

On behalf of page Victoria Jennings, in the west members' gallery: Liz Morrison, her mother, Richard Jennings, her father, and Samantha Jennings, her sister.

On behalf of page Lucas Bongers, I would like to welcome the relatives who were looking after him while he was here in Toronto: Maria, Albert and Alistair Thorburn.

LEGISLATIVE PAGES

The Speaker (Hon. Steve Peters): I'd like to take this opportunity and ask all members to join me, as this current group of pages is completing its session. I'd like us all to show our appreciation for the great work they have provided to both members and staff for the past three weeks.

Applause.

ORAL QUESTIONS

Mr. Norman W. Sterling: I had hoped the Minister of Community and Social Services would have been here.

The Speaker (Hon. Steve Peters): Can you please stop the clock? Is the Minister of Community and Social Services on her way?

Interjection.

The Speaker (Hon. Steve Peters): She's on her way. If you'd like to stand down that question right now, please, we can take your next lead. Could you reset the clock to the full hour, please?

I'll recognize the member from Niagara West–Glanbrook.

ONTARIO ECONOMY

Mr. Tim Hudak: A question to the Deputy Premier: It appears that the Dalton McGuinty recession has now hit the province of Ontario, and the region of Ottawa in particular. Sadly, we heard that yesterday Dell announced that its Ottawa call centre will close, putting more than 1,100 people out of work.

The University of Toronto's Institute for Policy Analysis has announced today that now Ontario is in a Dalton McGuinty recession. The finance minister tried to deny this; the Premier has tried to deny this.

Hon. George Smitherman: I don't think U of T said that.

Mr. Tim Hudak: Well, I ask the Deputy Premier if Ontario is now in a recession—which should be called the Dalton McGuinty recession, as it's the only one of its kind in all of Canada.

Hon. George Smitherman: To the Minister of Finance.

1350

Hon. Dwight Duncan: There's no doubt that the Ontario economy faces challenges that are being felt throughout North America. In fact, that report wasn't released today or yesterday; it was released two days ago. Those challenges are related to the world price of oil, the state of the US economy and the strength of our dollar. So the member is right: There is no question that there are challenges in the economy. That's why our government has undertaken a series of policies that are designed to respond, as the provincial government can, to areas such as skills training, infrastructure and innovation, recognizing, as the University of Toronto study did, that this is not a challenge that is unique to Ontario and not a challenge that is within the purview of Ontario to solve. What is important is that the government respond with a multi-pronged approach to the economy, to the challenges within that economy, recognizing that our businesses and workers are among the best in the world.

Mr. Tim Hudak: I don't think the minister's answer will be any comfort to the 1,100 workers and their families in the Ottawa area that just got the pink slip as part of the Dalton McGuinty recession. It now appears that the job layoffs have expanded from the manufacturing and forestry sector into the high-tech industry and into the Ottawa region. The Dell announcement is irrefutable proof that this government's high taxes, runaway spending and increasing red tape are causing jobs to flee this province at a record pace.

I ask the finance minister, when will you get it? When will you realize that your tax-and-spend policies are bringing real harm to working families in Ottawa and across the province of Ontario? Will we see a change of course from this government?

Hon. Dwight Duncan: This government is concerned when any Ontarian family loses a job, loses its livelihood. There are far too many people who have experienced that. I would remind the member, however, that over the course of the last year we've seen a net increase in employment of 101,000 people in well-paying jobs. While there are no doubt challenges associated with what is going on in the economy, and as long as one Ontario family faces uncertain prospects, this government won't rest. I would remind the member that this government has a five-point plan.

We reject their idea. They want business tax cuts. Well, that's happening in Ottawa, yet nationally we're seeing a decline in the economy. So we reject that. The plan we laid out in our budget is the appropriate response, recognizing the needs of those families and communities that are experiencing the challenges in our economy.

Mr. Tim Hudak: You would think that the 1,100 job losses at Dell in the Ottawa region would be a wake-up call for the Dalton McGuinty government. When the Premier spoke to the Ottawa Chamber of Commerce on September 30, 2005, he was more than pleased to brag about how he personally brought these jobs to the province of Ontario. Well, it took just over two years for

Dalton McGuinty to close that down and put 1,100 people out of work with his high taxes, runaway spending and increased red tape. He wants to claim the glory, but he says, "I had nothing to do with the increase of job losses across the province."

I remind the minister that Ontario has the slowest rate of job creation in all of Canada, and now we hear about part of a Dalton McGuinty recession in Ontario. How many more jobs in Ottawa or in Ontario have to go before you reverse the course and start to reduce the tax burden on working families and Ontario businesses?

Hon. Dwight Duncan: The government of Ontario has one of the most supportive tax policies to high-tech business anywhere in North America. Let me just read to the member, who is up on his high horse again today, from the Ottawa Centre for Research and Innovation's most recent release with respect to technology jobs. According to their annual technology employment survey, "A 3% increase in technology jobs brings the total number of people employed in the advanced technology sector in Ottawa to 81,910—the highest recorded employment number yet."

We do empathize and care deeply about those families that lose their jobs. That's why we've laid out a plan that is about more than tax cuts for big business. It's about helping families and individuals face the challenge of our economy.

ADOPTION DISCLOSURE

Mr. Norman W. Sterling: My question is for the Minister of Community and Social Services. Under Bill 183, the former adoption disclosure bill, you had special protection for children who were severely abused, and were taken from their parents and subsequently adopted out through the children's aid society.

Yesterday, you gave the impression that the Information and Privacy Commissioner might be against my amendment and those sections which you removed from that act. The privacy commissioner has said she has no objection to those amendments or to the sections of the act that protected these kids before. In fact, she says she strongly supports privacy protections, especially for vulnerable persons or groups.

Fifty-three children's aid societies support my amendment. Minister, who doesn't support this amendment?

Hon. Madeleine Meilleur: I understand the concern of the member of the opposition party, but there are indeed existing mechanisms in our new adoption bill that address the concerns raised by the member. All adoptee adults—they are not children—can still submit a no-contact notice, and there is a \$50,000 fine attached to it.

The three provinces that have this legislation in place, and this no-contact provision in their bills, have not had one violation of this provision. So I think this provision does protect those whom the member is concerned about.

Mr. Norman W. Sterling: Minister, yesterday you told the Queen's Park press gallery outside that the sections with regard to the protection of these children were

rejected by the Superior Court of Ontario and were made null and void. That is patently wrong. Those sections—48.9 and 48.10—were not nullified by the Superior Court of Ontario.

Have you, in fact, read the decision or your legislation? Do you understand the lack of protection you are providing for these abused children?

Hon. Madeleine Meilleur: No one in Canada is doing what the honourable member is asking us to do. No province that has introduced legislation to open adoption records has included a determination-of-abuse clause in addition to a no-contact notice.

In Alberta, Newfoundland and British Columbia, they have this provision in their acts, and their fine is not \$50,000; it's \$10,000. British Columbia has had this piece of legislation in place for the past 10 years. There has not been any violation in British Columbia, Alberta or Newfoundland.

Mr. Norman W. Sterling: We know that the last thing in the world that the people who have been abused—children who have come of age—want is to be entangled in legal proceedings with an abuser or somebody who has acted criminally against them.

Our justice system would never, never provide a perpetrator of crime—a rapist, a person who had attempted murder, a person who had committed a serious assault—with identifying information about the victim. What makes this different? Why is a victim of incestuous rape any different from any other victim in our province? Why shouldn't we put control in the hands of the victim and not in the hands of the abuser? You are making it a legal right for an abuser to get identifying information about a child they may have attempted to murder or rape—

The Speaker (Hon. Steve Peters): Thank you, Minister?

Hon. Madeleine Meilleur: Again, this province is not different from British Columbia, Alberta or Newfoundland. They have this provision in their acts. They have open adoption, like we are moving forward with, and there has not been one violation.

I would have liked this member on the other side to have had the same concern about the well-being of our children when they, under their mandate, cut social assistance by 22%.

1400

ONTARIO ECONOMY

Mr. Howard Hampton: My question is to the Deputy Premier. Yesterday, in the Premier's hometown of Ottawa, Dell announced that it is closing its call centre, leaving another 1,100 hard-working Ontarians jobless. Through the McGuinty government's jobs plan—if you can call it that—we understand that Dell received an annual tax credit of \$5,000 for each of these jobs: in excess of \$11 million. Is this the McGuinty government's real jobs plan: big cash for corporations that lay off workers, and workers get the layoff slip?

Hon. George Smitherman: To the Minister of Finance.

Hon. Dwight Duncan: The McGuinty government's plan is to work with every industry in this province to help protect working people in Ontario. The member opposite and his party have put forward ideas, for instance, including a manufacturing tax credit, which is an idea that has some merit in terms of encouraging jobs here in Ontario.

We take a variety of perspectives on these jobs, which are relatively high-paying because they do require highly skilled people who can answer very technical questions. We will continue to work with industry through a variety of taxation and fiscal initiatives that are designed to enhance the ability of companies to do business here in Ontario and therefore to keep more Ontarians working.

As long as one Ontario family continues to look for work, continues to worry about their work, this government will continue to stand with them with a variety of tools aimed at improving the economy.

Mr. Howard Hampton: What workers see is that a large corporation gets millions of dollars in tax credits from the McGuinty government and then leaves town and leaves 1,100 workers high and dry.

It's not just those workers. The Institute for Policy Analysis at the University of Toronto says that Ontario's economy is officially in a recession. Economists at the institute say that Ontario's economy will shrink by 0.5% in the first half of this year.

With jobs vanishing by the thousands, will the McGuinty government admit that the Ontario economy is in recession and that, furthermore, this government has no plan whatsoever to take on that recession and help sustain jobs?

Hon. Dwight Duncan: It's interesting to hear the leader of the third party argue against governments investing in skills training, because that's what we did at Dell.

Interjection.

Hon. Dwight Duncan: It is bizarre.

We provided Dell employees with \$11 million over the last three years and created two new trades.

I recognize that the member may not have heard the president and CEO of Pronexus, Gary Hannah, when he said this morning on CFRA Ottawa, "I'm not sure how many we can absorb, but Pronexus will definitely be part of the solution."

By training these individuals, by investing in their skills, we help them to adjust in a very difficult circumstance. We will continue to invest in training because that's what helps working men and women and that's what's important to the future of our economy. Unlike the NDP, we wouldn't stop providing skills training.

Mr. Howard Hampton: I think the only real skills training here is Dell finding the skill to make off with a lot of public money while the workers find themselves unemployed.

Here is the reality. The growth forecast of this government of 1.1% is obviously far off the mark. The Institute

for Policy Analysis says that unemployment is going to rise by at least 0.5%. That means tens of thousands of more workers. Economist Don Drummond says that Ontario will have zero growth for all of 2008. Other governments that are more activist are doing much better.

Why is the McGuinty government being so reckless and irresponsible by ignoring the fact that tens of thousands of workers in Ontario are losing their jobs under the McGuinty government?

Hon. Dwight Duncan: There is no doubt the economy faces challenges and that far too many people are looking for work in this province, and that's why we're investing in skills training; that is why we're investing in infrastructure; that is why we're working with the CAW and other unions to incent the automotive parts sector to locate in Ontario; that's why we're investing in innovation; that's why the unemployment rate, in spite of these challenges, is lower than when we came to office; that's why 101,000 net new jobs were created last year.

There is no doubt that as this year progresses we face challenges. The solutions we've offered up are the appropriate solutions in those circumstances, recognizing that the state of the US economy, the price of oil and the value of our dollar will clearly affect all growth in Canada.

LEGISLATIVE REFORM

Mr. Howard Hampton: My question is to the Deputy Premier. I gather the McGuinty government is happy that Dell gets lots of tax credits and workers get unemployment.

Deputy Premier, this morning Graham White, a leading expert on the workings of this Legislature, said that your government's plan to change the timing of question period seriously undermines the opposition's ability to hold the government to account. Specifically Professor White said, "Moving question period into the morning would severely undercut its effectiveness." Is Professor White wrong?

Hon. George Smitherman: The government House leader.

Hon. Michael Bryant: Obviously Professor White is a very respected academic, not only in terms of his scholarly experience but because of his personal experience. His contribution to this debate is very important, and I certainly take his comments very seriously.

I would say that there are question periods across the Commonwealth that do begin in the morning. In the United Kingdom, question period one day is at 10:30, on another day it is at 11:30; in Saskatchewan, one day question period is at 10 a.m.; and in the federal Parliament, on Fridays, it begins in the morning as well. There is a significant amount of variation in terms of the way question period is held in a number of jurisdictions. I understand that there is an ongoing debate about this issue, and I look forward to the debate continuing.

Mr. Howard Hampton: The government House leader would know that across Canada federally and in

the territories and the British House of Commons, the vast majority of question period time is in the afternoon and it's there for the a reason. It is there so that there is time to prepare the questions and there is time to fact check so that question period is effective in terms of holding governments accountable. Professor White made it clear. He said that good questions require adequate time to research and fact check and that removing four hours of question period preparation would do serious harm in terms of holding a government accountable.

So tell me, when the rest of Canada says question period should be held in the afternoon so you can hold governments accountable, why does the McGuinty government want to push it in the morning, when it becomes very difficult to do the kind of fact checking and to make the kinds of contacts you need in order to hold the government accountable?

Hon. Michael Bryant: Question period in the House of Commons in Westminster currently takes place, yes, at 2:35 p.m. on Mondays and Tuesdays, but 11:35 a.m. on Wednesdays and 10:35 a.m. on Thursdays, and they are written questions. In Saskatchewan, it begins at 10 a.m. on one day and question period is shorter. In the federal Parliament, there is a morning question period, and question period again is different. There are different forms of question period in different jurisdictions. In this jurisdiction, we have the longest question period in the country.

I appreciate what the member is saying with respect to research that goes into questions. I'm very aware of that. I recall doing the same when I was in opposition. I would remind the member that the government and opposition members are doing that to prepare for caucus and cabinet scrums twice a week, on Tuesday and Wednesday mornings, as well.

1410

Mr. Howard Hampton: It's interesting to hear what the government House leader cites.

British Columbia question period: afternoon; Alberta question period: afternoon; the majority of Saskatchewan question periods: afternoon; Manitoba: afternoon; Quebec: afternoon; New Brunswick, Prince Edward Island, Nova Scotia, Newfoundland: afternoon; the federal House of Commons: afternoon, except for one morning.

Professor White is very clear. He says that no other Legislature in Canada or the UK schedules their question periods in the morning, as the McGuinty government wants to do, and he says that is because if you want to have an opportunity to hold governments accountable, you need the time to do the research, you need the time to do the fact checking, and the media needs the time to follow up as well.

So, I ask this: What is the McGuinty government afraid of? When every other Legislature in Canada is prepared to allow time to fact check—

The Speaker (Hon. Steve Peters): Government House leader?

Hon. Michael Bryant: It is very refreshing to hear that the leader of the third party feels he needs time to fact check; we agree.

In fact, Professor White did not say that every single question period, on every single day, in every jurisdiction, is in the afternoon. It is not the case.

I understand that is change. I understand this is different than the way in which we have been doing it in the past. I understand that tradition has said that question period will take place in the afternoon. This is proposing a different system, which I would argue provides for more access to the executive council, number one; secondly, it provide access before noon, giving an opportunity for the opposition parties to do the rebuttals and fact checks and other opinions that currently cannot take place.

Professor White also said that the quality and quantity of question period is in the eye of the beholder—

The Speaker (Hon. Steve Peters): New question.

NATIVE LAND DISPUTES

Ms. Laurie Scott: My question is to the Deputy Premier about the native protests that are now paralyzing developments in the city of Brantford.

I'll quote the mayor of Brantford, from an April 15 article in the Brantford Expositor: "Almost every day a business or the city receives demands and then threats if they fail to comply with those demands.... People are being hurt by this. They're losing jobs and could see their taxes go up."

Deputy Premier, you sat back and did nothing for the people of Caledonia until it was too late to save the businesses and homes. Brantford has begun to hit its stride after some downturns, and now that is being halted as would-be investors are being intimidated and turning away.

What is this government going to do to assist with the specific costs to the municipalities associated with this situation, such as policing?

Hon. George Smitherman: To the Minister of Aboriginal Affairs.

Hon. Michael Bryant: I appreciate the member's question. It's interesting, though, that the member didn't ask that question yesterday. I'm wondering if in fact the member was uncomfortable with expressing concerns about the activity of First Nations people while chiefs were sitting in the audience. It's odd that the member didn't ask that question yesterday. You ask it today, and here is my answer.

We are in ongoing conversations with municipal councils and mayors. With respect to the particular municipal council that the member is making reference to, I can say that the MPP for Brant—

Interjection.

The Speaker (Hon. Steve Peters): I just would ask the Minister of Finance to withdraw the comment, please.

Hon. Dwight Duncan: I withdraw.

Hon. Michael Bryant: We are in ongoing conversations with the mayor and council, as we continue to discuss ways in which we can assist that municipality.

Ms. Laurie Scott: I find that some of the minister's response was quite inappropriate.

Anyway, back to Brantford, which is the main part of the question here.

Brantford's local government home and business owners are watching their potential prosperity disappear because this government refuses to deal with the native protests that are hurting the social fabric and confidence in that city and frightening away new investors.

Brantford city council passed a resolution on Monday night to the Premier demanding "financial compensation for lost businesses, lost tax revenue and extra policing costs." This is all caused by the escalating protests at development sites in Brantford.

The Premier set the precedent in Caledonia, agreeing to millions in compensation to residents and businesses. Will this government agree to a similar compensation package for the residents and businesses of Brantford?

Hon. Michael Bryant: Working with First Nations leaders with respect to particular claims and with respect to changing the claims process is part of the broad set of issues that the member is raising with this question. That is something that is happening right now, and in my conversations with the federal minister of Indian affairs, we have agreed that we are having our ministries work together to try and improve the claims process.

Often, and certainly in the case of Haudenosaunee Six Nations, we are talking about disagreements and claims more than a century old and that primarily involve a disagreement or a claim, or a discussion in negotiation between the federal government on the one hand and First Nations on the other hand.

Be that as it may, that certainly does not stop the MPP for Brant, Mr. Levac, from doing the good work that he does to try and bring the community together, to try and work out solutions and assist the municipal council.

SCHOOL CLOSURES

Mr. Rosario Marchese: My question is to the Minister of Education. Four schools in Sault Ste. Marie are under school closure review. There are 17 in Durham. Limestone District School Board is reviewing five elementary schools. There is also one in Sarnia. These are but four school boards among many that are facing school closures. Meanwhile, Charles Pascal is considering kindergarten programs out of schools for lack of space. Why would you consider closing schools, when we'll need them to expand junior and senior kindergarten to full-time, as you promised?

Hon. Kathleen O. Wynne: I thank the member for the question. I know that the member opposite understands the way demographics shift, the way people move and populations change. The fact is that in Ontario, we're confronting significant declining enrolment over the next

few years and have been for the last couple of years. In fact, this year, 68,000 fewer students are in our schools. By next year, there will be upwards of 90,000 fewer students in our schools.

We've been investing \$465 million since we came into office in the face of that kind of declining enrolment. We've also shifted the funding formula away from a strictly per pupil formula to guarantee that small schools would have principals and secretaries. We've made those changes, but at the end of the day, school boards need to have the authority to make the changes based on the program that's best for their students that they need for their communities. That's the reality of the way school boards work in this province.

Mr. Rosario Marchese: Your solutions to declining enrolment have been completely inadequate. Good schools integral to communities are still closing: 2010 is two years too late to set up a review. It will be too late to save many of the schools that are closing.

I will ask you what Dalton McGuinty asked Elizabeth Witmer in June 2002. He said: "Does it not make sense to impose a moratorium on school closures, at least until you have reviewed the funding?"

Hon. Kathleen O. Wynne: Between 1998 and 2003, when the Conservative government was in office, there was an increase of 50,000 students in Ontario and 500 schools closed. Under the NDP, 155 schools closed. The reality is that schools open and schools close based on the decisions at the local level.

What we've tried to do is make that process more rational, so we've put in place pupil accommodation review guidelines that allow boards to make decisions based on the value of the school to the community and on program. By providing the resources to keep schools open when boards deem them viable, we've allowed boards to have a much more rational process. That's our responsibility. We're also putting in place a declining enrolment task force because we recognize that over the next decade, it's going to be very important in our communities to take a look at how we help boards deal with declining—

The Speaker (Hon. Steve Peters): Thank you. New question.

1420

SPORTS FUNDING

Mr. Bob Delaney: My question is for the Minister of Health Promotion. With the 2008 Summer Olympics just around the corner, I think it's important to highlight the personal sacrifices that Ontario athletes make.

Most athletes today are students putting themselves through school or college or university. They train every moment that they have with determination and with drive. In fact, years ago my sister was one of those.

However, a comment often made to me by high-performance athletes is that they need all the support they can get from the government. Political and business

leaders often express the need to support our athletes. Could the minister tell the House how Ontario is addressing the financial challenges faced by our province's high-performance athletes?

Hon. Margaret R. Best: I would like to thank the member from Mississauga–Streetsville for his question. Our government recognizes the sacrifices that Ontario athletes make. After many years of decreased funding for sport, our government established the Quest for Gold program in 2006. In our 2008 budget, we reconfirmed our support for Ontario's athletes by committing \$10 million to Quest for Gold. This brings our total investment to \$32.9 million. More than 8,000 athletes have benefited from the Quest for Gold program. Each athlete receives between \$3,600 and \$7,300.

When we launched the program, it represented the first time in 15 years that amateur athletes had received direct—

The Speaker (Hon. Steve Peters): Thank you. Supplementary.

Mr. Bob Delaney: In our own community of Mississauga–Streetsville, athletes from both the Ontario field hockey team and the Ontario Track and Field Association have benefited from the direct funding to support their training through Quest for Gold, but athletes of all types complain about the lack of high-performance training facilities. When they travel to other provinces, they often see the tremendous support that athletes in other provinces receive.

Minister, could you please share with the House what support Ontario is providing to high-performance athletes to allow them to train with exceptional coaches and compete at their best?

Hon. Margaret R. Best: I could not agree more with the member from Mississauga–Streetsville. Athletes need outstanding facilities to train in. That is why just last week I made an important \$2-million announcement about a partnership between our government and the University of Toronto. This funding will provide high-performance athletes access to use the new state-of-the-art facilities and sport medicine services at the University of Toronto's Varsity Centre. And just today I had the great pleasure of being with inspiring athletes to announce our government's investment in the Canadian Olympic Committee's Road to Excellence program. Alex Baumann is executive director of Road to Excellence, and he said today, "Thank you to the Ontario government for their leadership"—

The Speaker (Hon. Steve Peters): Thank you. New question.

ONTARIO ECONOMY

Ms. Lisa MacLeod: Mr. Speaker, 1,100 high-tech workers lost their jobs at Dell.

Interjection: Who's the question to?

Ms. Lisa MacLeod: It's to the finance minister; I was getting there. Another 250 will be laid off in the same

business park by Citel this June. This is devastating to the city of Ottawa: 1,350 people will be out of a job and on the unemployment line this summer because of your lack of planning, your high taxes and your big government spending.

Will the finance minister stop killing the high-tech sector and cut business taxes so we won't lose any more jobs in the city of Ottawa?

Hon. Dwight Duncan: It is difficult for any family or community to lose jobs; there's no question. The government of Ontario is here to offer support. In fact, our training, colleges and universities rapid response team is already out. We have invested in skills training, and we'll continue to invest in skills training to help those workers adjust.

For instance, in this year's budget, which you voted against, we have \$1.5 billion for skills training, which we think is important to respond to situations like this. We don't agree with you that a cut in corporate taxes for a big oil company is going to help those workers. What we think we need are investments in skills training and investments in infrastructure, and to continue to work through the high-tech sector; for instance, on the various tax incentives that we have given them that you voted against. We think that's the proper response.

We'll continue to work with the community and with the individuals affected because this government cares and gets it. That's why we're working with them.

Ms. Lisa MacLeod: While I support apprenticeship tax credits, it's a hard pill to swallow when you learn that Dell got up to \$4.2 million in apprenticeship tax credits just so they could lay people off. Ian Graham, a high-tech management consultant in Ottawa writes that the cancellation of the LSIF "has done a huge disservice to early stage, knowledge-based businesses in Ontario." Debbie Weinstein, whom I spoke with earlier today—a leading high-tech lawyer and former chair of OCRI—told CTV, "The Liberals don't treat high-tech fairly."

Will the finance minister heed the warnings of Ottawa's high-tech pundits and explain to this House why he created a crisis in high-tech by not properly planning a transition from LSIF, particularly now that we're in a recession because of his big spending and his high taxes?

Hon. Dwight Duncan: I would point out to the member opposite that we're eliminating corporate taxes for high tech in terms of new investment in Canadian technology. Those are the appropriate responses. We are investing in skills training. We are investing in infrastructure. We acknowledge and agree that any family that faces unemployment, any family faced with the kinds of challenges that those families at Dell are faced with, deserves a government that gets it and supports it. That's why we're moving on skills training. That's why we're investing the way we're investing.

We reject your solution of corporate tax cuts for big oil companies. We want to invest in high tech. We want to invest in infrastructure. We want to invest in education. I just wish that that member wouldn't have voted

against the very programs that are going to help those people from Dell, who unfortunately lost their jobs this week.

POVERTY

Mr. Michael Prue: My question is for the Deputy Premier. The government has been saying for months that public consultations on a poverty reduction plan will begin this spring. The anti-poverty activists are waiting; the poor are waiting; this Legislature is waiting. Why won't the Deputy Premier tell us when those consultations will start and where they'll be held?

Hon. George Smitherman: I do know that my colleague, the Minister of Children and Youth Services, who's chairing our government's cabinet initiative on this, would be pleased to offer more information to the honourable member. I regret that I don't have at my fingertips all of the detailed information that he seeks, but I can tell the honourable member that, as a member of that committee, the committee has been incredibly engaged in helping to develop the appropriate framework for those conversations, the initiative to be out and working with the wide variety of groups in the province of Ontario who share our government's and, I think, the Legislature's desire to make improvement on this—the groups that we intend to be in conversation with.

For my own part, I certainly look forward to the chance to participate in some element of that engagement strategy. More information will be forthcoming to the honourable member and I'll endeavour to get a message to my colleague to make sure that she's aware of the honourable member's specific interest.

Mr. Michael Prue: To paraphrase Ogden Nash, "Spring has sprung, the grass is ris; I wonder where the consultations is?" Why won't this government show Ontarians that it really wants a serious public dialogue on poverty by committing to hold province-wide consultations that will be widespread, accessible and immediate? That's what we want to know.

Hon. George Smitherman: I wish I had the capacity to respond with some poetic reference to the honourable—

Interjection: We'd take any response.

Hon. George Smitherman: Yes, evidenced by your—well, I won't say that.

I want to say that we thank the member very much for his interest. This is shared, of course, by Ontarians broadly and by all members of this Legislature. I can assure the honourable member that in the time since the Premier took the leadership to strike the poverty committee, many, many members of our government have been working very, very vigorously to develop the very plans that the honourable member is looking for. We've been very encouraged, for sure, by the widespread enthusiasm of groups in the province of Ontario to be involved in that engagement. That information is

specific, so what the honourable member is looking for will be available in very short order.

1430

CULTURAL PROTECTION

Mr. Dave Levac: My question is for the Minister of Culture. There are various ways in which cultural industries help us as a province to develop and grow. They innovate, they create and they participate right across the province.

Over the last few weeks, the Canadian Radio-television and Telecommunications Commission has held hearings to examine the current CRTC policies and regulations. I understand, as most people do, that there's a lot at stake at these hearings, and decisions could have a huge impact on our cultural industries. I ask the minister, what is the government doing to advocate on behalf of the cultural industries at the CRTC? If you could fill us in with some of that discussion that you had at the CRTC, it would be greatly appreciated.

Hon. M. Aileen Carroll: I thank my colleague and the honourable member for his very informed question. It is a vital issue for all of us, and particularly for my department. Our entertainment and our creative industries contribute almost \$20 billion to Ontario's GDP. We are the third-largest by employment in North America, after California and New York. This sector is growing faster than the overall economy.

The Ontario government has a very ambitious agenda to ensure growth in this creative sector by investing in infrastructure and technology and by fostering innovation. It is for those very reasons that, as a member of this government, as Minister of Culture, I made a submission to the CRTC hearings on Tuesday, in Ottawa, on behalf of Ontario's cultural industries.

Mr. Dave Levac: Contrary to some of the heckling that was going on on the other side, thinking that this is some kind of joke, this is serious business. Thank you very much, Minister, for telling the House that you did appear before the CRTC.

Interjections.

Mr. Dave Levac: You can hear the heckling.

I understand that you were the only member of any government in Canada to present. I thank you for the passion that you have. Ontarians and Ontario's cultural and creative industries will be pleased to hear, subsequent to those guys on the other side, that the sector is both critical and crucial to the quality of life and an important economic driver in our province. Indeed, the Canadian television content has played a vital role in maintaining the cultural identity of our country and our province.

Minister, can you please tell the House what you did recommend to the CRTC panel at those recent hearings so that the opposition can understand that this is an important topic and an issue to be serious about.

Hon. M. Aileen Carroll: I'm not sure I could add a great deal in my response to the excellent question, and

the excellent comprehension by my colleague of the importance of this issue. As he has tried to settle the opposition, I will also join him in that task because I think the point he has made is vital.

When the chair of the CRTC opened the hearings and looked at me, he made his thoughts very clear. He said, "Madam Minister, you are the only legislator in the country who has come forward to this commission." I think the reason he made that comment was because he understands, as does my colleague, as does this government, the tremendous political impact of those hearings and the tremendous economic impact on our province. So let me just say quickly that our argument was that the CRTC, the commissioners, continue to ensure that their policies reinforce Canadian content.

APPRENTICESHIP TRAINING

Mr. Jim Wilson: My question is to the Minister of Training, Colleges and Universities. Minister, on March 26 the Premier told this House that he would personally look into the matter of Ontario's artificially high journeyman-to-apprentice ratio, which, as you know, is denying thousands of young people apprenticeship positions in the electrical, plumbing, sheet metal, carpentry and stonemason trades. Given that it's been almost a month since the Premier promised to look in to this matter, can you tell us what's being done to fix the problem?

Hon. John Milloy: I appreciate the interest on the other side of the House in skilled trades in this province. We have a wonderful story to tell. We have approximately 110,000 apprentices currently being trained in Ontario. That's 50,000 more than in 2003. I think all of us were pleased with the \$1.5 billion that was contained in the budget, a portion of which is particularly geared to apprentices.

As the honourable member is aware, when it comes to the issue of ratios, all governments have left that to the PACs, the provincial advisory committees, which are made up of experts in the field—employers, apprentices and people who work in the field—to come forward with guidelines. In terms of the question that was asked at the time of the Premier about electricians, the PAC has been specifically tasked to look at the issue of ratios.

Mr. Jim Wilson: The local committees are controlled by big business and big labour. That is exactly what the Canadian Federation of Independent Business told our small business critic, Mr. Miller, yesterday.

I don't understand. You've lost a whole pile more jobs in Ottawa today in the high-tech sector. You've lost over 200,000 manufacturing jobs. Nine other provinces and territories have a 1 to 1 ratio. We need stonemasons; we need electricians. You've got thousands of small business employers who want to hire more apprentices. It could help your government. You would look good, you would help the economy and you would help these thousands of young people who have to work for five years with a journeyman. For example, an apprentice has to work with

a fully licensed electrician for five years in order to get a job. So why won't you make this small regulatory change and help these young people?

Hon. John Milloy: Perhaps it might be interesting to share with the House—the honourable member mentions construction and maintenance electricians. Under our watch, new registrations in this field have increased by 32% since 2003, completion rates have increased by 151% since 2003, and active apprentices have increased by 20% since 2003.

I'm proud of our record. I'm also proud that when it comes to ratios, we've listened to the advice of the committees. I'll give some examples. Under our watch, ratios have been changed for brick and stonemasons, architectural glass and metal mechanics, ironworkers—structural and ornamental—and sprinkler and fire protection installers. I'd like to point out that when they were in office, not one single ratio was ever changed.

CANCER TREATMENT

Mr. Peter Kormos: I have a question to the Minister of Health. Why is the McGuinty government forcing 35-year-old colorectal cancer victim Kevin Bigford to rely on community fundraisers to pay for his Avastin treatment?

Hon. George Smitherman: I appreciate the honourable member's question and the interest in patients in the province of Ontario.

With respect to the provision of drugs related to cancer treatment, over the last four years, our investments in drugs for cancer treatment have gone up by 300% or 400%. But indeed, I've always been clear to say that there will be new drug products which emerge which we are not always going to be in a position to be able to support.

On the particular patient matter, I can't speak to that. But on the particular matter of Avastin, I can tell the honourable member that there continues to be dialogue ongoing between the officials in the ministry who make these decisions and the company. Though I don't have further information to offer today, we're hopeful that those conversations might be able to lead to a subsequent listing.

Mr. Peter Kormos: Avastin was approved by Health Canada way back in 2005, and then by British Columbia, Saskatchewan, Quebec and Newfoundland. Why does this government continue to turn its back on Kevin Bigford and other colorectal cancer patients? Why do they have to wait, when people in British Columbia, Saskatchewan, Newfoundland and Quebec don't?

Hon. George Smitherman: Similar questions would be possible in other jurisdictions, speaking about the government of Ontario's funding decisions with respect to particular drugs. Lucentis, as an example, is a drug that the honourable member will know that we've recently added, with considerable additional cost, to the Ontario drug formulary to enhance our repertoire of weapons in the fight against disease.

As I mentioned in my earlier answer, this is a drug that is under active consideration. We had asked the company to supply us with what additional information they might have had.

I do want to remind the honourable member that I've always been very clear to say, as it relates to drugs and cancer drugs in particular, that there will be new drugs which come along from time to time that we're not in a position to be able to support. Our expansion of support in this area has been 300% or 400% over the last several years. I do think that, under reflection, that record stands very, very positively, considered with the honourable member's opportunities when he was in government.

1440

HOSPITAL FUNDING

Mr. Mario Sergio: My question is for the longest-serving Minister of Health. The government of Ontario has made a commitment to more than 100 hospital capital projects, some of which are under construction and the rest will be under way in the next few years. While this is good news for our health care system, these facilities require additional staff, especially qualified doctors and new nurses. Since this affects the Humber River Regional Hospital in my riding of York West, I and my constituents would like to know what the government is doing to see that our hospitals have adequate staff to facilitate the increase in demand for health care services.

Hon. George Smitherman: The honourable member represents a riding that is home to part of the Humber River Regional Hospital family of hospitals, at both the Finch site, with which he is most particularly familiar, and with respect to the replacement of the existing Church Street site. In 2009-10, our government will be investing hundreds of millions of dollars of additional resources to dramatically enhance the quality of the facilities.

At the heart of the honourable member's question is an acknowledgement, of course, that it's the people who make the biggest difference in the quality of the care that is delivered. That's why I'm so gratified to see the improvements in the number of nurses working in the province. Humber River Regional Hospital has taken advantage of the new graduate guarantee and hired 55 new nurses to supplement the ranks of nurses working there. We saw some exciting data this week from the College of Physicians and Surgeons of Ontario that demonstrate the growth in the number of physicians practising in the province. This is what gives us confidence that we can continue to add health care facilities, because we have more—

The Speaker (Hon. Steve Peters): Thank you. Supplementary.

Mr. Mario Sergio: I know that my constituents appreciate how hard the staff at Humber River Regional Hospital work, as well as all our health care providers across this province.

You recently made an announcement about \$667 million in new funding for hospitals across the province.

Humber River Regional Hospital in York West received more than \$2.6 million in funding for surgeries, MRIs and CT scans, as part of Ontario's wait time strategy. I'm happy to report that in this month's refresh of the wait times website, cancer surgery, cataract surgery, CT scan and knee and hip replacement surgery wait times have decreased at the Humber River Regional Hospital since we started measuring wait times.

Minister, tell me and my constituents how this new investment will benefit staff and patients at hospitals across our province.

Hon. George Smitherman: We want to thank and acknowledge the good work of the front-line staff in administration, who have teamed up with our government to reduce wait times at Humber River Regional Hospital.

The confidence we've gained and the lessons we have learned from the work that has been done in health care across the province of Ontario have earned us the equivalent of a gold star from the Wait Time Alliance. Last week they put out their report, and we got A's across the board. It gives us confidence that, together with the health care system and these partners, we can actually tackle some of the challenges that remain. We think there is tremendous potential to apply the wait times lessons to the challenges in Ontario's emergency rooms. Over the course of the next several years, the government intends to demonstrate, and thereby to build confidence with the people of Ontario, that we can apply these wait times lessons and further reduce wait times, with a particular focus on our emergency rooms. This will be a big part of our focus with Humber River Regional Hospital.

TRUCKING SAFETY

Mr. Frank Klees: My question is to the Minister of Transportation. Just this past week, a 75-year-old man and a 75-year-old woman were pronounced dead at the scene after a crash involving a dump truck on Highway 400. Two truck drivers are facing charges now. One is charged with two counts of criminal negligence causing death, and dangerous operation of a motor vehicle; the other is charged with dangerous operation.

On April 17, the Minister of Transportation announced here in the House that his government was setting tougher new standards for driver training for beginner drivers. Given the increasing incidence of crashes with commercial vehicles, I want to ask the minister this: Why have you not turned your attention to the need for tougher standards for driver training and licensing of truck drivers in this province?

Hon. James J. Bradley: First of all, I join the member. I'm sure he and I and everyone in the House express solemn condolences to the family, in particular, of those who were killed in this particular accident.

As he points out appropriately, charges have been laid, charges upon which I cannot make comment, but I can assure the member that, in fact, our attention has been

turned to this very matter. There are, as he would know as a former minister, some significant penalties that are available now for those who are in violation of the laws of the province of Ontario. People who engage—and, again, I have to be always cautious not to talk about a specific instance—in dangerous driving are subject to the kind of very strong penalties that he and I would agree are very important and should be applied appropriately, as seen fit by the police, and whatever the courts happen to determine.

I look forward to his supplementary question.

Mr. Frank Klees: The issue that I would ask that the minister address is what appears to be the scandalous state in this province of licensing and training of truck drivers.

In researching this issue, Global News reporter Alex Pierson managed to qualify for her AZ licence after just one week of training and taking a road test in an automatic pickup truck. That, Speaker, qualified her to get behind the wheel of an 18-wheeler, which she did 30 minutes after receiving her licence, and she didn't even know how to shift the gears.

The issue is this: When Alex Pierson tried to contact the Minister of Training, Colleges and Universities, he refused to answer her call on this issue.

Will the minister report back to this House on what he intends to do and what the government intends to do to address this issue, very serious—

The Speaker (Hon. Steve Peters): Thank you. Minister of Transportation.

Hon. James J. Bradley: Well, I want to assure the member first of all that, in fact, action has been taken on this particular issue. I have, on a number of occasions, as you know, been interviewed by the individual to whom you made reference today and have been available to talk about these matters. I think the minister of colleges and universities has conversed about this particular matter as well.

One of the things that will be changing is the actual curriculum that is applied. One of the rules that we will be implementing is the rule that, if you are going to drive an 18-wheeler, for instance, you would actually have to take your test on that 18-wheeler. We're making a number of other changes to the regulations which affect commercial drivers as well, which I think will result in a vast improvement over the days that existed with previous governments and earlier in our reign.

SCHOOL POOLS

Ms. Cheri DiNovo: My question is for the Minister of Health Promotion. Alex Baumann's hometown of Sudbury is seeing the closure of a pool, Falconbridge pool. In Toronto, it's 39 school and community pools. Why doesn't the minister agree that if she wants to produce Olympic swimmers, she must find a way to keep our community pools open now?

The Speaker (Hon. Steve Peters): Minister of Health Promotion.

Hon. Margaret R. Best: I refer the question to the Minister of Education.

Hon. Kathleen O. Wynne: I have said in this House in recent days that it's critical, obviously, that kids have opportunities to use sports infrastructure. That's why we have invested in our school system over the last four years. We've invested \$4 billion in education. As I said in an earlier question, that's in the face of declining enrolment.

On the issue of the swimming pools in Toronto—and, by the way, the Toronto District School Board is really the only school board that has swimming pools in their school facilities. There are a few in other boards, but the Toronto District School Board has the vast majority of school pools. We've invested \$360 million more each year in the Toronto District School Board. There's a \$5.4-million program enhancement grant that can be applied directly to the school pools. I really look to the board to make those decisions and set those priorities within the parameters, remembering that they have 31,000 fewer students than when we came into office and \$360 million—

The Speaker (Hon. Steve Peters): Thank you.
1450

PETITIONS

LORD'S PRAYER

Mr. Frank Klees: This is a petition to the Parliament of Ontario:

“Whereas the Premier has called on the Ontario Legislature to consider removing the Lord's Prayer from its daily proceedings;

“Whereas the Lord's Prayer has been an integral part of our parliamentary heritage that was first established in 1793 under Lieutenant Governor John Graves Simcoe;

“Whereas the Lord's Prayer is today a significant part of the religious heritage of millions of Ontarians of culturally diverse backgrounds;

“Therefore we, the undersigned, petition the Parliament of Ontario to continue its long-standing practice of using the Lord's Prayer as part of its daily proceedings.”

I'm pleased to affix my signature in support of this petition.

COMMUNITY COLLEGES COLLECTIVE BARGAINING

Mr. Peter Kormos: A petition to the Legislative Assembly of Ontario:

“Whereas part-time college workers in Ontario have been waiting for 30 years for bargaining rights; and

“Whereas thousands of part-time college workers have signed OPSEU cards, and the Ontario Labour Relations Board failed to order a timely representation vote; and

“Whereas the Ontario government must immediately make good on its promise to extend bargaining rights to college part-timers;

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

“The McGuinty government must immediately pass legislation legalizing the rights of college part-timers to organize, and direct the colleges to immediately recognize OPSEU as the bargaining agent for part-time college workers.”

I have affixed my signature.

FIREARMS CONTROL

Ms. Sophia Aggelonitis: I have a petition to the Legislative Assembly of Ontario:

“Whereas innocent people are being victimized by the growing number of unlawful firearms in our communities;

“Whereas police officers, military personnel and lawfully licensed persons are the only people allowed to possess firearms;

“Whereas a growing number of unlawful firearms are transported, smuggled and found in motor vehicles;

“Whereas impounding motor vehicles and suspending driver's licences of persons possessing unlawful firearms in motor vehicles would aid the police in their efforts to make our streets safer;

“We, the undersigned, petition the Legislative Assembly of Ontario to pass Bill 56, entitled the Unlawful Firearms in Vehicles Act, 2008, into law, so that we can reduce the number of crimes involving firearms in our communities.”

I'm proud to affix my signature and give it to page Jordynne.

LORD'S PRAYER

Mr. O'Toole: I'm pleased to present the literally thousands of petitions I'm receiving daily on the issue, which I will present to the Legislature and which read as follows:

“To the Legislative Assembly of Ontario:

“Whereas the current Liberal government is proposing to eliminate the Lord's Prayer from its” rightful “place at the beginning of daily proceedings in the Ontario Legislature; and

“Whereas the recitation of the Lord's Prayer has opened the Legislature every day since the 19th century; and

“Whereas the Lord's Prayer's message of forgiveness and the avoidance of evil is universal to the human condition: It is a valuable guide and lesson for a chamber that is too often an arena of conflict; and

“Whereas recognizing the diversity of the people of Ontario should be an inclusive process, not one which excludes traditions such as the Lord's Prayer;

"Therefore we, the undersigned, ask the Legislative Assembly of Ontario to preserve the daily recitation of the Lord's Prayer by the Speaker in this Legislature."

I'm pleased to sign this in support of the many constituents in the riding of Durham and present it to Ida, one of the pages, on her very last day here.

COMMUNITY COLLEGES COLLECTIVE BARGAINING

Mr. Rosario Marchese: "To the Legislative Assembly of Ontario:

"Whereas part-time college workers in Ontario have been waiting for 30 years for bargaining rights; and

"Whereas thousands of part-time college workers have signed OPSEU cards, and the Ontario Labour Relations Board failed to order a timely representation vote; and

"Whereas the Ontario government must immediately make good on its promise to extend bargaining rights to college part-timers;

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

"The McGuinty government must immediately pass legislation legalizing the rights of college part-timers to organize, and direct the colleges to immediately recognize OPSEU as the bargaining agent for part-time college workers."

I support the petition and I'm signing it.

FIREARMS CONTROL

Mr. Jeff Leal: I have a petition today from the good residents of Toronto.

"To the Legislative Assembly of Ontario:

"Whereas innocent people are being victimized by the growing number of unlawful firearms in our communities;

"Whereas police officers, military personnel and lawfully licensed persons are the only people allowed to possess firearms;

"Whereas a growing number of unlawful firearms are transported, smuggled and found in motor vehicles;

"Whereas impounding motor vehicles and suspending driver's licences of persons possessing unlawful firearms in motor vehicles would aid the police in their efforts to make our streets safer;

"We, the undersigned, petition the Legislative Assembly of Ontario to pass Bill 56, the Unlawful Firearms in Vehicles Act, 2008, into law, so that we can reduce the number of crimes involving firearms in our communities."

I agree with this petition and will affix my signature to it.

POPE JOHN PAUL II

Mr. Frank Klees: I'm pleased to present this petition, which was signed by Mrs. Matia Stepanenko, who was confirmed by Pope John Paul II as a child and who came

to my office to sign the petition in person. I submit her petition, along with many others. It reads as follows:

"Petition to the Parliament of Ontario:

"Whereas the legacy of Pope John Paul II reflects his lifelong commitment to international understanding, peace and the defence of equality and human rights;

"Whereas his legacy has an all-embracing meaning that is particularly relevant to Canada's multi-faith and multicultural traditions;

"Whereas, as one of the great spiritual leaders of contemporary times, Pope John Paul II visited Ontario during his pontificate of more than 25 years and, on his visits, was enthusiastically greeted by Ontario's diverse religious and cultural communities;

"Therefore we, the undersigned, petition the Parliament of Ontario to grant speedy passage into law of the private member's bill by Oak Ridges MPP Frank Klees entitled An Act to proclaim Pope John Paul II Day."

As a proponent of this petition, I am pleased to affix my signature and hand it to page Laura.

COMMUNITY COLLEGES COLLECTIVE BARGAINING

Ms. Cheri DiNovo: I have a petition to the Legislative Assembly of Ontario.

"Whereas part-time college workers in Ontario have been waiting for 30 years for bargaining rights; and

"Whereas thousands of part-time college workers have signed OPSEU cards and the Ontario Labour Relations Board failed to order a timely representation vote; and

"Whereas the Ontario government must immediately make good on its promise to extend bargaining rights to college part-timers;

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

"The McGuinty government must immediately pass legislation legalizing the rights of college part-timers to organize and direct the colleges to immediately recognize OPSEU as the bargaining agent for part-time college workers."

I agree with this and will affix my signature hereto.

HOSPITAL FUNDING

Ms. Helena Jaczek: This is from the residents of Ajax-Pickering.

"To the Legislative Assembly of Ontario:

"Whereas the Central East local health integration network board of directors has approved the Rouge Valley Health System's deficit elimination plan, subject to public meetings; and

"Whereas it is important to ensure that the new birthing unit at Centenary hospital, a \$20-million expansion that will see 16 new labour, delivery, recovery and postpartum (LDRP) birthing rooms and an additional 21 postpartum rooms added by October 2008, will not cause any decline in the pediatric services currently provided at the Ajax-Pickering hospital; and

“Whereas the significant expansion of the Ajax-Pickering hospital, the largest in its 53-year history, a project that could reach \$100 million, of which 90% is funded by the Ontario government—it is important to continue to have a complete maternity unit at the Ajax hospital; and

“Whereas it is also imperative for the Rouge Valley Health System to balance its budget, eliminate its deficit and debt and realize the benefits of additional Ontario government funding; and

“Whereas the parents of Ajax and Pickering deserve the right to have their children born in their own community, where they have chosen to live and work;

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

“That the Rouge Valley Health System continue to provide the current level of service; and

“That our Ajax-Pickering hospital now serves the fastest-growing communities of west Durham; and

“That the Ajax-Pickering hospital retain its full maternity unit.”

I will be giving this to page Jordynne.

LORD’S PRAYER

Mr. John O’Toole: I’m pleased to present a petition on behalf of my constituents in the riding of Durham, which reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas the current McGuinty government is proposing to eliminate the Lord’s Prayer from its rightful place at the beginning of daily proceedings in the Legislature; and

“Whereas the recitation of the Lord’s Prayer has opened the Legislative Assembly every day since the 19th century; and

“Whereas the Lord’s Prayer’s message of forgiveness and the avoidance of evil is universal to the human condition: It is a valuable guide and lesson for a chamber that is too often an arena of conflict; and

“Whereas recognizing the diversity of the people of Ontario should be an inclusive process, not one which excludes traditions such as the Lord’s Prayer;

“Therefore we, the undersigned, ask the Legislative Assembly of Ontario to preserve the daily recitation of the Lord’s Prayer by the Speaker in the Legislature.”

I am pleased to present this to page Michael Louws from my riding of Durham. He has enjoyed his time here. Thank you very much, Michael.

1500

ANTI-SMOKING LEGISLATION

Mr. Jeff Leal: “Children and smoke-Free Cars—Support Bill 11

“To the Legislative Assembly of Ontario:

“Whereas children exposed to second-hand smoke are at a higher risk for respiratory illnesses including asthma, bronchitis and pneumonia, as well as sudden infant death

syndrome (SIDS) and increased incidences of cancer and heart disease in adulthood; and

“Whereas the Ontario Medical Association supports a ban on smoking in vehicles when children are present, as they have concluded that levels of second-hand smoke can be 23 times more concentrated in a vehicle than in a house because circulation is restricted within a small space; and

“Whereas the Ipsos Reid poll conducted on behalf of the Ontario Tobacco-Free Network indicates that eight in 10 (80%) of Ontarians support ‘legislation that would ban smoking in cars and other private vehicles where a child or adolescent under 16 years of age is present’; and

“Whereas Nova Scotia, California, Puerto Rico, and South Australia recently joined several jurisdictions of the United States of America in banning smoking in vehicles carrying children;

“We, the undersigned, respectfully petition the Legislative Assembly of Ontario to approve Bill 11 and amend the Smoke-Free Ontario Act to ban smoking in vehicles carrying children 16 years of age and under.”

I agree with this petition and will affix my signature to it.

LORD’S PRAYER

Mr. Ernie Hardeman: I have here a petition sent to me by Jean Houghton from the great village of Belmont, Ontario. And of course, Mr. Speaker, you will know that’s in the Speaker’s riding. We present it on behalf of the constituents who signed it from that riding.

“To the Legislative Assembly of Ontario:

“Whereas the current Liberal government is proposing to eliminate the Lord’s Prayer from its place at the beginning of daily proceedings in the Legislature; and

“Whereas the recitation of the Lord’s Prayer has opened the Legislature every day since the 19th century; and

“Whereas the Lord’s Prayer’s message of forgiveness and the avoidance of evil is universal to the human condition: It is a valuable guide and lesson for a chamber that is too often an arena of conflict; and

“Whereas recognizing the diversity of the people of Ontario should be an inclusive process, not one which excludes traditions such as the Lord’s Prayer;

“Therefore we, the undersigned, ask the Legislative Assembly of Ontario to preserve the daily recitation of the Lord’s Prayer by the Speaker in the Legislature.”

I affix my signature and thank you very much for the opportunity to present it to you today, Mr. Speaker.

FIREARMS CONTROL

Mr. Mario Sergio: “To the Legislative Assembly of Ontario:

“Whereas innocent people are being victimized by the growing number of unlawful firearms in our communities; and

“Whereas police officers, military personnel and lawfully licensed persons are the only people allowed to possess firearms; and

“Whereas a growing number of unlawful firearms are transported, smuggled and found in motor vehicles; and

“Whereas impounding motor vehicles and suspending driver’s licences of persons possessing unlawful firearms in motor vehicles would aid the police in their efforts to make our streets safer;

“We, the undersigned, petition the Legislative Assembly of Ontario to pass Bill 56, the Unlawful Firearms in Vehicles Act, 2008, into law, so that we can reduce the number of crimes involving firearms in our communities.”

I support the petitioners and I will affix my signature to it.

ANTI-SMOKING LEGISLATION

Ms. Laurie Scott: “To the Legislative Assembly of Ontario:

“Whereas children exposed to second-hand smoke are at a higher risk for respiratory illnesses including asthma, bronchitis and pneumonia, as well as sudden infant death syndrome (SIDS) and increased incidences of cancer and heart disease in adulthood; and

“Whereas the Ontario Medical Association supports a ban on smoking in vehicles when children are present, as they have concluded that levels of second-hand smoke can be 23 times more concentrated in a vehicle than in a house because circulation is restricted within a small space; and

“Whereas the Ipsos Reid poll conducted on behalf of the Ontario Tobacco-Free Network indicates that eight in 10 (80%) of Ontarians support ‘legislation that would ban smoking in cars and other private vehicles where a child or adolescent under 16 years of age is present’; and

“Whereas Nova Scotia, California, Puerto Rico, and South Australia recently joined several jurisdictions of the United States of America in banning smoking in vehicles carrying children;

“We, the undersigned, respectfully petition the Legislative Assembly of Ontario to approve Bill 11 and amend the Smoke-Free Ontario Act to ban smoking in vehicles carrying children 16 years of age and under.”

It’s signed by many people from my constituency of Haliburton–Kawartha Lakes–Brock. I’ll pass it over to page Victoria.

FIREARMS CONTROL

Mr. Lou Rinaldi: “To the Legislative Assembly of Ontario:

“Whereas innocent people are being victimized by the growing number of unlawful firearms in our communities; and

“Whereas police officers, military personnel and lawfully licensed persons are the only people allowed to possess firearms; and

“Whereas a growing number of unlawful firearms are transported, smuggled and found in motor vehicles; and

“Whereas impounding motor vehicles and suspending driver’s licences of persons possessing unlawful firearms in motor vehicles would aid the police in their efforts to make our streets safer;

“We, the undersigned, petition the Legislative Assembly of Ontario to pass Bill 56, the Unlawful Firearms in Vehicles Act, 2008, into law, so that we can reduce the number of crimes involving firearms in our communities.”

I will have page Prakash deliver it to you, on his last day here.

ORDERS OF THE DAY

PAYDAY LOANS ACT, 2008

LOI DE 2008 CONCERNANT LES PRÊTS SUR SALAIRE

Mr. Duguid, on behalf of Mr. McMeekin, moved second reading of the following bill:

Bill 48, An Act to regulate payday loans and to make consequential amendments to other Acts / Projet de loi 48, Loi visant à réglementer les prêts sur salaire et à apporter des modifications corrélatives à d’autres lois.

Mr. Charles Sousa: It’s an honour to have this opportunity to discuss the merits of the proposed Payday Loans Act, 2008, an important piece of legislation introduced in this House by Minister Ted McMeekin on March 31, 2008. I wish to acknowledge and provide our best wishes to Minister McMeekin, who is recovering well—I’m please to say very well—from cancer surgery. At the time of the introduction, the member spoke plainly and passionately about the need to establish a regulatory framework for the payday lending industry.

It is part of the government’s ongoing commitment to protect Ontario consumers and families. The fact is, if this legislation is passed, it will be the most comprehensive of its kind in Canada, and will produce a fair and balanced approach to regulating the industry in Ontario. It would protect thousands of Ontarians from all walks of life, who rely on payday loans from time to time to help them through a short-term financial squeeze.

Furthermore, Mr. Speaker, you will recall that in the 2007 throne speech, the government made a commitment to begin tackling the substantial challenge of poverty in Ontario. So it is widely expected that a well-considered legislative framework for payday lending that includes limits on the total cost of borrowing would also benefit economically disadvantaged Ontarians who use these loans for emergencies or other purposes. The proposed Payday Loans Act, 2008, is indeed an integral part of this government’s intent to undertake the hard process of addressing the sources of sustained poverty in Ontario.

Cyclical debt is one of those sources, and we need to address it as we continue to seek better ways to protect

many of our more vulnerable consumers. There's a priority for us to give all Ontarians a solid understanding of the risks and responsibilities that come with being a consumer. It is a priority for us to give Ontarians the very best consumer information, and we want to make it available to them. It is a priority for us to provide security and confidence in Ontario's increasingly complex marketplace.

This bill would not only address increased public confidence in the integrity of the payday lending industry; it would also further our overall investment in Ontario's capacity for sustained economic growth and continued prosperity. We would achieve both of these goals through a competitive regulatory framework that protects both consumers and investors in our province.

A payday loan is a short-term, small principal instrument loan that is made to borrow upon the guarantee of a postdated cheque or a pre-authorized debit. The payday lending industry fills a gap that currently exists in the short-term lending market, suggesting that mainstream lenders are not very active due to perceived risks posed by the credit standing of those who use payday loans.

Regulating the payday lending industry is no small feat. There are approximately 700 payday loan storefronts in Ontario, accounting for over half of the estimated 1,300 storefronts in Canada. Based on a typical payday loan, these businesses lend at an annualized rate commonly in excess of 750% and sometimes even as high as 1,000%.

If this bill is passed, the maximum total cost of borrowing can be regulated. This legislation would create a licensing regime for payday lenders, create an enforcement regime, establish disclosure obligations and prohibit certain industry practices. It's a win-win situation for both the industry and consumers.

1510

We intend to create a stable, more open environment for persons using payday loans by establishing a limit on the total cost of borrowing for payday loan agreements in Ontario and allowing viable businesses to continue under a new regulatory framework. Most important of all, we intend to uphold our commitment to protect all Ontario consumers who make use of payday loans. Consumers should be able to enter a payday lending shop and be just that: informed consumers, not victims. Consumers need to be educated, empowered and confident in their use of these financial services. This proposed legislation would undoubtedly strengthen Ontario's economy.

Please allow me to provide some of the details inside this comprehensive proposed legislation. First and foremost, we want to build on the progress we've made since August 2007. That is when we required payday lenders to display clear and prominent signage in their stores outlining to customers the total cost of borrowing involved in payday loans. This proposed legislation would solidify our progress to date by creating a regulatory framework that encourages competition, while discouraging the now familiar cycle of debt dependency that can result from these loans, especially for those Ontarians who can least

afford it. If passed, the proposed legislation would deliver real and positive changes and increase public confidence in the integrity of this industry.

There are three key elements to this bill that I want to speak to. Yet, before I do, I should take a moment to further recognize the need for this legislation. Last spring the federal government enacted Bill C-26, An Act to amend the Criminal Code, and in so doing, provided provinces with the opportunity to regulate the total cost of borrowing for payday loan agreements. British Columbia, Manitoba, Saskatchewan and Nova Scotia have already passed payday lending legislation that meets the requirements for designations under Bill C-26. Our government held consultations last summer to gain needed insight from citizens, advocacy groups and lending officials on the direction Ontario should take in this matter. The message we received was clear: Citizens, advocacy groups and the payday lending industry itself all wanted regulation to create a level playing field.

This bill would act to protect consumers as a comprehensive legislative regime to regulate payday lenders, consistent with Bill C-26 requirements for designation. We were one of the first provinces to take action to protect consumers when we amended the regulations under the Consumer Protection Act, or CPA, in 2002 to provide rules for payday loan agreements, including those clear and prominent signs showing the total cost of borrowing per \$100 advanced, certain standardized disclosure in payday loan agreements and an immediate distribution of funds to consumers who entered into payday loan agreements.

In 2007, the consumer protection branch of the Ministry of Government and Consumer Services received 44 inquiry calls and three written complaints concerning payday loans. As a result, 43 proactive field visits were conducted, and of the 24 major payday lending businesses visited at 43 different locations, only eight were found to be in full compliance with the CPA disclosure agreements. This number was far too low and, as a result, lenders looked for clarification and we provided it. We received clear support to seek designations under Bill C-26 to regulate the payday lending industry. Over 75% of those Ontarians who made their voices heard during our extensive consultation processes were in favour of moving in this direction.

We have ensured that the approach taken in this proposed legislation is balanced and consistent with designation requirements under federal Bill C-26. So as you can see, there is a clear mandate and a present need to make this happen now. We have also done our homework in order to properly understand who those Ontarians are that most often use these loan services and why. Payday loan customers are typically younger than the general population, are often educated up to the secondary school level and have average annual household incomes ranging from \$35,000 to \$41,000. These borrowers have substantially lower household incomes and—key to our focus on Ontario families—are more likely to have dependents.

The reasons these Ontario consumers turn to payday lenders are numerous. Maybe they have poor credit history, or an inability to obtain overdraft protection; perhaps they have credit cards at their limits, or just a short-term need for quick and convenient service. Regardless, we understand that all consumers deserve equal and strong protections from harmful lending practices.

If passed, the act would create a licensing regime for payday lenders to ensure fairness in the provision of payday loans. Licensing would assist in weeding out individuals of questionable background from the industry. A business wishing to work in this type of regulated sector would need to meet stiff criteria in order to do business. Once licensed, lenders who do not follow the rules risk penalties, prosecution and, possibly, revocation of their licence.

This bill would remove dishonest operators from the industry and demand that all payday lenders and loan brokers in Ontario act honestly in the conduct of their business. Licensing payday lenders would immediately provide all users of payday loans with strengthened protections. Businesses seeking to be licensed as payday lenders or loan brokers would have to meet certain criteria, including that they have to be financially responsible in the conduct of their business and that they will operate their business in accordance with law, honesty and integrity.

We can rest assured that, with this proposed legislation in place, consumers can use payday lending services with greater safety and assurance. If passed, we will have the strongest payday lending rules in the country.

This proposed legislation would allow to us have a maximum total-cost-of-borrowing cap to limit the amount payday lenders can charge. We have decided to establish a maximum total-cost-of-borrowing advisory board to consult with the industry, consumer groups and with other experts, in order to recommend to the Minister of Government and Consumer Services what an appropriate limit would be to the total cost of borrowing for payday loan agreements.

Our friends in Manitoba and Nova Scotia are using existing utilities boards to consult and set rates. Saskatchewan will be hiring an independent consultant to advise the province on a total-cost-of-borrowing limit to be prescribed in regulation. For Ontario, setting the maximum limit to the total cost of borrowing for payday loan agreements in the regulation, based on the solid advice and recommendations of an expert board, is the smartest and most advisable route we can find.

The expert advisory board will consult with citizens and the payday lending industry and will come up with a recommendation on a limit to the total cost of borrowing for payday loan agreements. We know that many payday lenders support upper limits on the total cost of borrowing and want active involvement in setting the limits, while still others want less government involvement in the pricing of their service.

This proposed legislation would prohibit a variety of harmful practices that currently exists in the payday

lending industry, such as rollovers, back-to-back or concurrent loans, inflated default charges and hidden fees. And the list goes on.

For example, a 23-year-old who makes \$30,000 per year and has to use a payday lending company to get through some rough months can easily end up taking one loan after another for weeks on end. This all too often comes about because they could not complete the original loan term, paying an exorbitant interest rate on the original loan while falling into a cycle of debt that is almost impossible to stop.

Under this proposed legislation, payday lenders would be prohibited from making concurrent or back-to-back loans. These are the so-called rollover loans where a borrower takes a loan on a loan and is saddled with sky-high borrowing charges. These industry practices are alleged to be problematic because they increase the borrowing costs to consumers and encourage them to take out loans for which they most often do not have the resources to repay. The proposed Payday Loan Act, 2008, has been designed to prevent the lender from profiting from the borrower's inability to repay their loan.

We have already amended the regulations under the Consumer Protection Act, 2002, to impose specific requirements on payday lenders. The amended regulation requires payday lenders to post information to enable borrowers to compare lending costs, requires specific information to be clearly set out on the first page of the payday loan credit agreement, and requires payday credit agreements to be delivered to the borrower upon entering into the agreement.

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The final and perhaps most important element of our proposed legislation is the establishment of the Ontario payday lending education fund. The fund would be used to educate the public, particularly with respect to financial planning, and would result in more informed consumers. Payday lenders and loan brokers would support the fund, as the proposed legislation requires them to make payments to the fund.

The proposed legislation includes several provisions that are designed to protect consumers within the context of particular payday loans. For example, if a borrower takes a loan for \$300 but only receives \$280 from the lender because \$20 goes toward a document/administration fee, this is known as discounting the loan principal. This is a practice used by lenders to hide fees. The proposed legislation would prevent this by making it an offence to request or receive any payments from the borrower of any part of the cost of borrowing prior to the expiry of the loan term. Therefore, if the loan is \$300, the borrower receives \$300.

A very important part of the proposed legislation is that it recognizes a cooling-off period. The proposed legislation provides borrowers two business days to cancel the payday loan agreement without penalty or costs. The borrower may cancel within the cooling-off period without having to give a reason for doing so.

Where the proposed legislation prohibits a practice, places requirements that must be met when entering into a payday loan agreement, or sets limits to the total cost of borrowing, lenders must adhere to the rules or face the consequences. Where the lender ignores these rules, the borrower would not have to pay the cost of borrowing associated with the payday loan agreement. The borrower would only be obliged to repay the advance received from the lender under the agreement. In short, the payday lender would lose their profit.

This bill would bring clarity, accountability and greater assurance to this industry and its customers. It's as simple as that. However, our work does not end there.

A successful regulatory regime depends on setting clear rules. A successful regulatory regime must enforce the rules—and we will. We will be strict and tough in enforcing the proposed new legislation to safeguard the public interest.

The ministry's consumer protection branch will conduct inspections, investigations, respond to consumer complaints and administer the administrative monetary penalty provisions.

The proposed Payday Loans Act, 2008, provides that licences may be revoked or suspended in specified circumstances or if a licensee contravenes the legislation.

To recap: If the Payday Loans Act, 2008, is passed, payday lenders will have a regulated environment that affords competition and economic growth. Users of payday loans will be protected from harmful industry practices and will have remedies if payday lenders do not follow the new rules.

At this time, I would like to acknowledge all of the hard-working staff at the Ministry of Government and Consumer Services. There are many who contributed in the preparation of this bill and, on behalf of the minister, we thank them.

Ontario has led the country in looking at specific protections for consumers who use payday loans. This is an example of how we will continue to lead the country with our good work.

The proposed Payday Loans Act, 2008, most certainly complements the government's efforts to assist the most vulnerable members of Ontario's communities and aligns with the government's priority of strong people and a strong economy.

If the proposed legislation is passed, payday loan customers will be better informed, better able to protect themselves and enabled to make informed choices when it comes to short-term borrowing, and the payday loan industry will have the regulation needed to ensure a level playing field that encourages and supports honest operators and inspires more confidence in consumers. That is good news for all of us.

The Acting Speaker (Mr. Jim Wilson): Thank you. Questions and/or comments?

Mr. Bob Delaney: It's a pleasure to support the statements by the parliamentary assistant, whose work in Mississauga South I certainly have to commend. Not merely in a community such as the one the parliamentary

assistant hails from, in Clarkson and Port Credit, but even in my own communities of Meadowvale, Streetsville and Lisgar, one of the things that we've seen is the proliferation of these shops and malls that are essentially money stores.

I've gone into a lot of the schools and I've asked the kids, "Has anybody ever used one?" Now, typically the loan is about \$300, but, my gosh, the conditions that are attached to it—it seems that you are forever paying it off. When I've explained this to new Canadians and to young people, they've said, "Wow, I had no idea."

What Bill 48 aims to do is to provide a regulatory framework to make sure people understand that if you want to go into a payday loan store, here are the things that you're getting into; it requires the owner of the store to lay out the terms and conditions of the loan; and mainly it prevents the automatic rollover. There's got to be a period in between when one loan expires and another one starts, so that you can't get caught on this treadmill of continually paying interest after interest after interest.

There is a market for these risky loans that are not secured by anything. What this bill aims to do is not to drive the industry out of business or underground, but if they choose to remain in business in Ontario, to make sure that their practices are upfront, they're clear, they're transparent to the user, and that people understand what they are getting into, how to get out of it, and how much it's going to cost.

This bill is long overdue, and I certainly want to commend the parliamentary assistant for all the hard work that he's put into it and all the great work that he does serving his constituents in Mississauga South.

Mr. Tim Hudak: I would like to respond to the opening comments by the parliamentary assistant on behalf of the minister.

First, I think we all in this House wish Minister McMeekin all the best in recovery. Even though we're in different parties, I've had a good relationship with him—as a neighbouring member, by the way, on my west border, the border with Mr. McMeekin's riding.

I'm pleased to see that he has moved forward on payday loans. There's been a number of us in the Progressive Conservative party, as well as the third party, quite frankly, who have called for payday loan legislation. One of the things I had suggested was trying to follow the Manitoba model. The Liberals were a little slow in moving on this. The previous minister decided not to act on it. I'm pleased that Minister McMeekin has.

I'm very much looking forward to my colleague the member from Nepean–Carleton's comments. She's very well versed in this issue and, as you will see, will speak passionately about payday loans and the sectors it impacts.

There are a couple of things I think need to be brought into consideration and debate, and hopefully to committee. The federal government made changes to allow the provinces to set the rates and governance on this sector. I think in doing so, it's important to consult with those who operate in this sector as well as consumers.

The federal move has given the provinces the ability now to bring forward this type of legislation, as Manitoba had done some time ago.

Secondly, I think it's important that you recognize the good actors in the industry, that you try to raise the standards that are there and then shut down the fly-by-night operators. So, as opposed to having the government come in and dictate everything, I think it's important for government to work with industry to ensure that high professional standards are maintained in this sector that delivers services to some folks who don't use banks.

My last comment: Importantly, and I hope the parliamentary assistant will pursue this as well, credit unions are not exempted from this bill. They already have governing legislation that was actually before the assembly not too long ago. I do hope the real concerns of the credit unions are addressed.

Ms. Cheri DiNovo: I look forward to speaking to this bill. It's of course a reaction to a real bill, a stringent bill that came in with a hard cap, which was Bill 224 that the New Democratic Party brought in and that was not passed by this government.

I just want to correct a misperception that has been put forth in this House. We do not lead in this area at all. In fact, we follow far behind other jurisdictions, most notably Quebec, which has a hard cap of 35% and in which there are no lenders.

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Payday lending is a lovely term and I'm going to expand upon it. Really, what we're talking about is loan-sharking. It's not even legalized loansharking because it is not regulated. What this bill does is consult. It sets up yet another government bureaucracy, yet another committee, to look at something that has been looked at by a number of jurisdictions quite adequately in the States and in Canada. In fact, it will cost the taxpayers about \$1.5 million to \$2 million just to study what has already been studied to death across this country and across the United States.

Meanwhile, as we study, a host of people across this province will suffer. They will lose their life's savings, they will go into debt, and they do so day after day after day. I will tell you about some of my experiences with some of those people: the hardship; the horror. We're talking about children, we're talking families, we're talking about people who are preyed upon by an industry that anyone with any ethics would see is problematic. I looked up in the dictionary what loansharking is. It is excessive rates of interest. Usury used to be considered over 60%. What we're dealing with here is a usurious business.

I look forward to dealing with this. I look forward to speaking to it for an hour and, quite frankly, onward. We're not letting up and neither is—

The Acting Speaker (Mr. Jim Wilson): Thank you. Further questions and comments? The Minister of Labour.

Hon. Brad Duguid: I just want to say a few words to commend the Minister of Government and Consumer

Services, Ted McMeekin. Despite the fact that he has been in a good and full recovery, and thank goodness for that, he has continued to ensure that this legislation moves forward. I know he did a lot of work prior to his illness as well. We're all looking forward to having him back here for sure, but even in his absence—he may not be in this place—his work is still being carried out through the able work of the member for Mississauga South, his parliamentary assistant, who, as members in this House saw today, is a very able, well educated, informed parliamentary assistant who is doing a great job filling in for the minister, not only today but out in the community. This is a member who has graced us with his baritone voice in this Legislature; when he gets up, he distinguishes himself with that voice. He's a pleasure to listen to, a very articulate speaker. I commend him and thank him for the good work he's done already and for assisting Minister McMeekin in ensuring that his duties have been carried out. You're doing great work in that respect.

I want to comment briefly on this bill. I think it's an important bill that is another example of the McGuinty government's ensuring that we've improved on consumer protection—unlike the NDP, who no doubt are going to offer up some Pollyanna policy of probably zero per cent or something like that and think that's going to work. What that is going to do is drive the industry underground. People in very responsible positions in the area of helping those who are less advantaged are telling us to make sure, when we bring this bill forward, that we do it in a reasonable, fair and balanced way to ensure that we don't drive this industry underground. As a mark of previous McGuinty government legislation, we will ensure that it is fair and balanced and in the best interests of the public, protecting the most vulnerable in our society.

The Acting Speaker (Mr. Jim Wilson): The honourable member for Mississauga South has up to two minutes to respond.

Mr. Charles Sousa: I very much appreciate the comments made and I recognize some of the concerns that are raised. While this is a financial bill, in many respects it has great emphasis on the poverty agenda. But in fact this is more about the consumer and consumer protection, especially for those most vulnerable.

I should also recognize that we have some key stakeholders here in the House today. In fact, the Honourable Stan Keyes, president of the Canadian Payday Loan Association, who was previously a multiple minister in the federal government, is here in the House today. He and many others share the same concerns to ensure that we have a regulatory environment that enables us to protect consumers and ensure that they don't get caught in a further cycle of debt.

I'd like to quote the minister at this point, and he says it best: "We're not out to employ payday lenders—or destroy payday lenders. We're here to fulfill our mission to protect consumers. Protect them, we will"—Ted McMeekin.

The Acting Speaker (Mr. Jim Wilson): Thank you for your contribution to the debate. Further debate?

Ms. Lisa MacLeod: I'm pleased to lead off debate of Bill 48, the Payday Loans Act, on behalf of the official opposition. At the outset, I would like to acknowledge the Minister of Government and Consumer Services, who right now is at home recovering from a very important medical procedure. On behalf of the PC Party and our caucus, I wish him well. I'm very happy that he is recovering.

I would also like to acknowledge his parliamentary assistant, Charles Sousa, who I think did a great job in explaining the need for this legislation.

At the outset, Mr. Speaker, you won't be surprised that we do support greater consumer protection with respect to payday loans. This piece of legislation is long overdue. For years now, both the official opposition and the third party have been calling on the Liberal government to introduce legislation that would protect Ontario's consumers from the extremely high cost of borrowing with respect to the payday loan industry. Not only must we protect Ontario's consumers, but payday loans, which do fill a market need, must keep pace with the changing face of the industry in order to remain sustainable and viable. Of course, that means standards of protection must be introduced and adhered to by the industry, so that usurious and criminal rates are not charged to Ontario's consumers.

I must say that this legislation will need to receive public scrutiny. First and foremost, this is about the consumer, but we must also remember that the payday loan market has grown because it fits a niche in the Canadian economy. Whether we personally agree with it or not, it was created for a variety of reasons.

At this time, I'd like to acknowledge the work of two former Progressive Conservative critics and ministers who spoke very loudly on this issue from the get-go. I would like to first recognize my colleague the member for Niagara West–Glanbrook, a former minister of consumer protection, and the former MPP for Barrie, Joe Tascona, who both pushed this issue along in the Legislature in the interest of greater consumer protection.

In particular, Mr. Tascona introduced Bill 205, which would have amended the Consumer Protection Act, 2007, to include payday loans. Mr. Tascona's bill, had it been successful, would have established licensing requirements for payday lenders, which the bill before us certainly endorses. It would have prohibited lenders from demanding security for a payday loan. Borrowers would have had the right to cancel a loan for any reason within one business day after receiving the initial advance under the loan, which similarly is carried over in spirit in this legislation. New regulation-making powers would allow the government to set an interest cap. Mr. Tascona's bill was apparently ahead of its time. It is too bad that the Liberals decided to dawdle along when Mr. Tascona's bill had been there all along.

In review, Mr. Tascona's bill, in its explanatory note, says the following:

"The bill amends the Consumer Protection Act, 2002, to add a new part about payday loans. A payday loan is defined as a loan of money with an initial advance of no more than \$1,500 and an initial term, ignoring any extension or renewal, that is no longer than 62 days.

"A person is not allowed to offer, arrange or provide a payday loan from any location except if the person holds a licence issued under the act or if the person is employed by a licensee and acts on the licensee's behalf. A licence must specify the location involved. The regulations made under the act can specify the qualifications that a person is required to have and the educational and other requirements that a person is required to satisfy in order to be eligible for a licence. A registrar appointed by the minister issues licences"—again, very similar to what the Liberals have proposed here today.

"The registrar can refuse to issue or renew a licence or can suspend or cancel a licence for a reason specified in the act. If the registrar proposes to refuse to renew a licence or to suspend or cancel a licence, the licensee may request a hearing by the Licence Appeal Tribunal.

"The regulations made under the act can specify a maximum amount for the cost of borrowing in relation to a payday loan. A lender under a payday loan is prohibited from taking security for the repayment of a payday loan. A lender is also required to post signs at each of the lender's business locations setting out all components of the cost of borrowing and other information prescribed by the regulations.

1540

"A borrower under a payday loan can cancel the loan, for any reason, within one business day after receiving the initial advance under the loan. Upon cancellation, the borrower is required to repay the outstanding balance of the principal under the loan and the lender is required to reimburse the borrower for all amounts paid in respect of the cost of borrowing.

It concludes with: "A lender under a payday loan is required to keep the records that the regulations made under the act specify."

Just as the PC Party saw the need to protect consumers who made financial transactions years ago, we are still supportive of creating industry-wide standards today which will create a more viable industry and a less predatory environment for those who are using payday lending services. My colleague Tim Hudak, the former minister of consumer protection, was one of the first in Ontario to recognize the need for better consumer protection and industry standards in the payday loans field. He said years ago, "Ontario should follow the example set by Manitoba and bring in legislation to establish provincial control." He added that "our best approach is to ... make sure some of the shoddy offices in the industry are shut down."

Before I proceed with the debate, I'd like to take a moment to briefly explain to this House a little bit about the payday loan industry and what it does, particularly for those at home who are watching this debate. A payday loan is an unsecured, small-sum, short-term cash ad-

vance that is payable at or near the time of the customer's next payday. To pay the loan, the customer can either write a cheque or provide authorization for a debit transaction to their account. The average loan is approximately \$300. Loans do not involve credit checks. To be eligible for a loan, a person must show that he or she has a steady job, receives a regular paycheque and has a bank account. In addition to loans, payday loan companies may also offer other services, including cheque cashing, advances on tax refunds, money transfers, foreign currency exchange, bill payment and/or money orders.

For years this industry has been unregulated and has charged, in some cases, excessive and unreasonable interest rates. As I review this bill, indeed, the spirit of consumer protection is there. So I would be most hopeful that the spirit of co-operation among members in this Legislature will carry the day on this legislation in the true interests of consumer protection. It is important that our province plays a regulatory role in the payday loan industry.

Obviously, the biggest reason is because the federal government said so. On October 6, 2006, they changed the Criminal Code under section 347 to exempt provinces who introduce legislation that clearly lays out consumer protection measures for payday loan industries and that place a cap on the cost of borrowing. To date, three provinces have established regulatory regimes for the payday lending industry.

In 2006, the government of Manitoba required that payday lenders carry warning signs about the cost of obtaining a loan. The legislation also prohibits the signing over of future wages to loan companies and institutes a 48-hour cooling-off period. The provincial public utility board also recently established caps on borrowing.

Also in 2006, the province of Nova Scotia passed similar legislation to Manitoba and referred the job of rate setting to its utility and review board. An announcement on Nova Scotia's rate is pending. Quebec is expected to maintain the status quo, licensing only those payday lenders who can demonstrate that the cap on the total cost of borrowing does not exceed 35%.

Federal Bill C-26 stated that rate caps should be reasonable enough for a competitive and viable industry but not be so onerous as to gouge consumers. I think that is where we need to be in this debate today and I think my colleagues in the government would agree. This comes as relief, considering that the federal government's regulation of the industry was unsuccessful. Really, it was inadaptable to such short-term lending practices.

Regulating the payday loan industry will also place greater consumer protection ahead of the interests of the fly-by-night payday loan operators, who are the ones we know are scamming hard-working Ontarians. I think that is whom we should be focusing on as we proceed with this debate today. This is also why reputable payday loan companies and the Canadian Payday Loan Association are supportive of industry standards and enhancing consumer choice, among other lending options, such as

friends and families, banks, credit cards or store cards. While the majority of payday loan companies are in favour of regulating the industry, it must not be forgotten that the competition within this industry should also be encouraged.

Payday loans provide a financial service that many consumers need and value, whether we personally agree with it or not. As the Canadian Payday Loan Association outlines, "The availability of payday loans means consumers do not need to use more expensive options with less consumer protection, such as pawn shops or Internet loan providers." The CPLA also goes on to state: "Competition among payday lenders is the most effective means to ensure consumers have access to payday loans when they need them and at the lowest possible price."

When discussing the payday loan industry, as it were, I think it is helpful to bring forward research prepared by Canada's most superb research organization, the Library of Parliament. Andrew Kitching of the law and government division and Sheena Starky of the economics division of the Library of Parliament provided parliamentarians and Canadians with a very thoughtful dissertation called *Payday Loan Companies in Canada: Determining the Public Interest*. The objective and impartial findings of this research team conclude, "The payday loan industry presents an interesting situation for policy-makers, where both the public interest and the best course of action are somewhat unclear." They add an interesting observation in their conclusion: "Criminal prosecution, however, could eliminate the payday loan industry, and in the absence of increased servicing by traditional lenders, leave some consumers without access to credit or the convenience they desire."

That's an important point: "access to credit or the convenience they desire." It means the debate on payday loans is actually about choice; it means there is a demand by free, willing, able and thinking people in Canada and in Ontario. As the Credit Counselling Society wrote to the Honourable Stan Keyes—who I'm very happy is here today; he's a former Canadian Minister of Revenue who is now president of the Canadian Payday Loan Association—"We believe that consumers are better served in a healthy and competitive marketplace instead of a marketplace with few providers."

Later in the letter, Scott Hannah of the Credit Counselling Society writes, "While we are concerned that easy access to credit can potentially create financial difficulties to consumers, regardless of the source of credit (overdraft, line of credit, credit cards or payday loans), it is not practical to create regulations to protect consumers from themselves." He then adds, "I do believe it is up to the consumer to use credit responsibly." I couldn't agree more. That's why I'm supportive of regulating the industry to get the scammers, the bad seeds and the real loan sharks out of the market, but just as the Library of Parliament also pointed out, people in Canada and Ontario want access to the credit or the convenience they desire. It isn't up to us in this chamber to limit people's choice; it is up to us to protect them with a reasonable

regulatory regime and licensing framework, so that the choices they make are not detrimental to them or their financial well-being. It's a delicate balance. We're here today to protect consumer interests by eliminating the fly-by-nighters, but we should all be here with a view to protecting consumer choice as well. After all, it is their responsibility, not the government's and not any member of this Legislature's to tell people how to use their credit and use it wisely.

With the growth of payday loans across Ontario and Canada, we in this chamber would be naive not to acknowledge that the industry is filling a service gap in the financial services sector. In fact, according to the same Library of Parliament research paper I've been quoting, "It is believed the payday loan industry first emerged in Canada in the early to mid-1990s in response to a demand for small-sum, short-term credit." Since that time, the industry has grown rapidly. Currently, it is approximated that there are between 1,300 and 1,400 storefronts nationally, with almost half of those residing here in the province of Ontario.

With a proven demand, I think it is time to frame the debate around the reality, which is that payday loans do serve a niche in the financial service market, whether that so-called niche is the preference of some members or not. We need to focus on the reality of the situation in this chamber. It may not be the first choice of financial transactions for members in this chamber, but for Ontarians in our cities, villages and hamlets, payday loans are part of many of their financial planning days.

1550

In fact, a survey provided by Pollara to the Canadian Payday Loan Association indicated that a majority of its respondents—payday loan customers—reported that the most important reason for choosing to obtain a payday loan in the past, rather than using another source of financing, was because it was quick, easy and convenient; 51% said that. The second reason for using payday loans was that it was a more convenient location than a bank.

So as I look at the bill in front us, I see an opportunity to protect consumer rights while also protecting consumer choice. The Payday Loans Act, Bill 48, will regulate the payday loan industry. Some of the key provisions include:

- Payday loan providers will be required to hold a licence issued by a registrar who will deal with the compliance and complaints.

- It will set up an Ontario payday lending education fund, requiring all licensees to contribute to the fund, and will educate consumers on their rights and obligations.

- Borrowers will be given a 48-hour period to cancel loan agreements without charge or penalty.

- Payday loan agreements will be required to comply with the cost-of-borrowing limits prescribed within the regulations under the legislation.

- Fines will be established for the contravention of the legislation.

- A three-member, independent advisory board will be established to set the maximum total cost of borrow-

ing, comprised of a business representative, an academic and a social advocate.

While there is no question that this is indeed where the federal government expects us to be going in the context of section 347 of the Criminal Code, and indeed where the legitimate players in the industry and the borrowers of payday loans expect us to be, there are still more questions that need to be answered, and of course the usual concerns and suggestions coming from the official opposition, which I believe will only enhance the bill.

Until we receive substantive public consultation on this legislation, the debate will be confined in this chamber. I hope for the quality of debate that we stick to the facts and the evidence and not resort to the rhetorical and anecdotal. Having said that, I do have a few concerns with this legislation, and I'll outline them very briefly before I go in depth.

I am concerned that the Liberals have made this a social policy bill rather than an economic bill.

I am concerned that the advisory panel might be weighted too far to one side of the spectrum, that it will be heavily influenced by the ministry, and whether or not its recommendations will be binding.

I am concerned that the Ontario payday lending educational fund will be nothing more than bureaucracy and won't really reach anyone who needs to get their circle of debt under control.

If I may, I will begin with the Liberal's decision to call this an "anti-poverty bill." Fundamentally, I believe that whenever this chamber discusses financial matters such as is the case right now, it should be in the context of fiscal, not social policy. I think that the Liberals are doing a disservice to this legislation by lumping it into their anti-poverty agenda, primarily because the bill is now based on assumptions of borrowers that never really have been proven. Secondly, if the Liberals are serious about the root causes of poverty in Ontario, I would think that a stand-alone, thoughtful piece of legislation combating the root causes would actually be more realistic. But then again, I also adhere to the notion that a stronger economy with more jobs and more competition is actually the way to get people out of poverty and into better financial circumstances.

Having said that, I would like to take a few minutes to discuss those assumptions that the bill is based on right now. It's implied that all users of payday loans are poor, uneducated and have horrible credit ratings. That's quite an assumption to make, particularly when you consider that the industry has grown, as pointed out by the Library of Parliament, and that it does create a niche market for those looking for convenience and credit, not solely based on those who are out there who are, unfortunately, desperate.

I stated earlier that I had an opportunity to review polling data from Michael Marzolini, the chairman of Pollara. I must admit that I had never expected to be in this Legislature quoting such a well-known Liberal pollster, someone who, just a week ago, at a breakfast hosted by Enbridge gas, Warren Kinsella had said was

the best Liberal pollster out there. Nonetheless, I do like to read research, I do like to analyze it, and I saw some interesting findings.

The findings certainly fly in the face of the perception that the average payday loan user, whom this Liberal government considers poor, uneducated and with a horrible credit rating—that indeed is not the case. Mr. Marzolini is quoted in a press release saying this: “After years of surveys in the financial sector, I’m surprised by the sophistication and knowledge of payday loan consumers. This data puts to rest a number of widely held misconceptions about the payday loan industry,” and goes on to add that the research finally puts evidence before anecdotes.

The survey evidence indicates that a majority of payday loan customers are fully aware of the approximate amount they will pay for all fees, including administration fees and interest charges on their mortgages, savings and chequing accounts and payday loans. Of the payday loan customers, almost four in five reported that they paid back all of the loans they received in the past on time, while only 17 indicated they had paid back most of them on time. This information demonstrates that, contrary to conventional assumptions, the average payday loan customer is employed, educated and not singularly representative of low-income households. Surely, all this information and data prove that the average payday customer is neither poor nor uneducated, contrary to what some here may believe.

I not only reviewed Mr. Marzolini’s polling data, but also transcripts of focus groups in Nova Scotia and Manitoba, as they embarked upon their legislation. Consumers there were very forthright; they were also very revealing. One of the questions to the panel implied that people who use payday loans are generally poor, uneducated or don’t know what they’re doing. The answers were very interesting. One gentleman was a university-educated business entrepreneur who, by his own admission, was very successful, and one woman, was a student at her local college trying to balance her life. But the common answer from both of them as to why they use payday loans was that they were middle-class and making enough money, but things today are expensive.

Of course, Mr. Marzolini’s research was conducted with consumers who had borrowed from established members of the Canadian Payday Loan Association, and not from fly-by-nighters, who, I think everyone in this chamber will understand, won’t be in business if they continue these serious practices. But to go back: The common answer, when they use payday loans, is that they were making enough money and they were middle-class. It’s important to note that the CPLA has a strict code of best practices and does favour regulation in this marketplace so that only legitimate and reputable lenders are doing business in this sector.

Of interest in the research are the demographics of current customers of reputable payday loan institutions. The average age is 39—a little bit younger than you—

Interjection.

Ms. Lisa MacLeod: —and a little bit older than me. Close to 70% are employed, over 50% have a post-secondary education and they borrow an average of \$350 per loan. Furthermore, I found the reasons for borrowing to be quite interesting. Many in the focus group transcripts concurred with the polling data, which suggest that more than half of the customers cite emergency or unexpected expenses, 20% want to avoid service charges or bouncing cheques, 5% want to buy something and only 15% said they had no other option. This is fascinating stuff, and I think that the research is actually more reflective of the fact that this nation has become a credit-based economy, which I think speaks to all ages and income demographics. I don’t think we can single out any demographic that’s not using a credit card in this country. We have become a nation that has learned to live beyond its means, and to be honest, if you look at this Legislature and the budget we had, this government is living beyond its means. I think that addressing this issue is perhaps what should have been looked at as well.

But it is not just Mr. Marzolini’s research—which I’m astonished that I’m actually quoting, but it seems to fit the bill—that highlights findings in the payday loan sector. According to the Daily on Friday, April 20, 2007, “Four in 10 families who borrowed money through payday loans had spending that exceeded their income.” That’s largely why I think the passing of the bill should have been in the context of a financial plan rather than an anti-poverty plan. The anti-poverty plan should have been tabled during the budget deliberations here, but it wasn’t; it was called a pro-spending, pro-taxing plan, which is driving jobs out of the Ottawa economy. I think that 1,300 jobs are leaving the high-tech sector by the end of June, and I just hope that a bank will let them take out a loan, because there won’t be a paycheque. But I digress.

1600

My second concern is the three-member panel. While I’m not opposed to the three-member panel, I do have concerns with it. I would hope that the parliamentary secretary will be able to shed some more light on this. I’m hopeful that they will also consider Ontario-specific information. This is the largest province. It’s the most diverse province in the country. The cost of doing business here—thanks to our colleagues opposite—is higher than anywhere else in the country. Wouldn’t you agree? You’re the finance critic.

Mr. Tim Hudak: I agree.

Ms. Lisa MacLeod: He knows.

Mr. Tim Hudak: Excellent point.

Ms. Lisa MacLeod: He knows everything.

While there is little doubt that a panel of a social advocate, an academic and a financial sector professional is an interesting choice, it will be incumbent upon our payday loan industry to ensure that there are reasonable caps that protect the consumer, but also ensure that there is a viable industry, because, as the Library of Parliament pointed out, there is a niche market there; there is growth for a reason. Getting people to a reputable organization,

rather than an underground organization, is certainly more important to us. That's what we should be doing here. We should be protecting people. But then again, the fear is obviously of the unknown if people aren't dealing with a reputable organization.

Manitoba, under their Bill 25—their legislation containing consumer protection measures specific to the payday loan industry—had the public utilities board decide how to set the caps on rate fees for payday loans and it ultimately is hurting consumers because they are removing themselves from the market. We must take care so that small and medium-sized companies are not driven out of the business. If there is no payday loan industry or services for the majority who use payday loans out of convenience—

Interjection.

Ms. Lisa MacLeod: Well, they may go to a bank or they may not use the service at all. But the vulnerable, the truly low-income earners, may choose to go to a loan shark. I think that's what my colleague from Mississauga earlier stated. We certainly don't want that to happen. We don't want to drive people out of the business so they are going to un reputable firms. The viability and sustainability of the industry is the best way to keep predators out.

Finally, I'm concerned that the Ontario payday lending educational fund will just be another bureaucratic nightmare. I'm a supporter of fiscal literacy initiatives and I think we could be doing a better job than a fund that leaves much to be desired in terms of the details. The devil is in the details in this case and right now we don't have a lot of answers.

I think it would behoove the government to consider, with the Minister of Education, a fiscal literacy course, or at least part of a curriculum of math in grades 10 to 12, so that our students know, when they graduate and they get that shiny VISA from Scotiabank, that it's not free money, that they're going to have to pay it back at some point. I think the real root of this—if you want to talk about anti-poverty, I would urge that you consider that type of initiative and get to the kids earlier, so that they're not in this position after they have graduated. After they've graduated, they've got an enormous amount of money on a student loan that they have to pay back. But if they don't get a job or—uh-oh, worse—they had a job, but because of the high business taxes in Ontario their business has closed down, then they don't have a job, they've got high student loans, they've got high credit card debt and before they know it, these kids are just in a cycle of debt.

So we need to get to them earlier. If they're truly talking about anti-poverty and they're truly talking about getting people out of the cycle of debt, then what we need to be doing as a Legislature is considering fiscal literacy educational programs taught in the schools. I'm not saying this has to be a really difficult endeavour.

I just got a note here from our education critic, Joyce Savoline. She is going to knock everyone's socks off in this portfolio, I'm going to tell you. She agrees; we need

to be investing in life skills for our students and that includes fiscal literacy initiatives. I think we're missing an opportunity to truly educate the public unless we consider these fiscal literacy courses or at least integrate a fiscal literacy curriculum into existing school coursework.

Teaching children about balancing the books, paying their debts and earning a living can never start too early, when you consider that our economy is slowing and we are in a credit-driven economy. I think it's important now, more than ever before, to teach the next generation about proper financial planning. That's missing in this bill.

If the government is serious, as I mentioned, about the educational component in this bill, they really ought to consider implementing province-wide curricula that include some form of fiscal literacy.

They must also be more clear about how they do plan to fund credit counselling or at least better communicate to those who need it.

Today I received some correspondence from the Credit Union Central of Ontario, which is concerned with this legislation as well. I would like to take a moment just to add their concerns to the public debate we are having here within this chamber. They are concerned that:

“Credit unions and caisses populaires are not specifically exempt from Bill 48.

“Section 3 of the act states, ‘This act does not apply to persons, entities or payday loans or classes of persons, entities or payday loans that are prescribed.’

“Currently, credit unions are exempt from the provisions of the Consumer Protection Act, including the provisions of the regulations thereunder dealing with payday loans. Compliance with that statute is enforced by the Ministry of Government and Consumer Services.

“The credit union system is concerned about the possibility of having two different ministries regulating different but related aspects of the business.”

“We are of the view that it would be more efficient from the government's and taxpayer's point of view to have DICO and/or FSCO carry out all regulatory functions with respect to the operations of credit unions, rather than to assign this small part of its business to a different ministry.

“If credit unions will not receive an absolute exemption from the operation of the bill, then we are of the view that it would be preferable to add parallel provisions dealing with potential ‘payday lending’ by credit unions to the anticipated draft general regulations under the Credit Unions and Caisses Populaires Act (which haven't been released yet—but the new act passed in the 2007 budget bill), and”—

Mr. Jeff Leal: That's a good point.

Ms. Lisa MacLeod: Thank you. Did I just hear you say that I had a good point? Keep saying it.

Mr. Ernie Hardeman: I think it's working. They're listening.

Ms. Lisa MacLeod: It's working on them. I'm converting you—“amend the bill to deem compliance by

credit unions with their own legislative and regulatory requirements with respect to payday lending to be in compliance with the provisions of the bill.”

The Credit Union Central of Ontario also feels that “the government, taxpayers and the credit union system are better off exempting credit unions from Bill 48, and provide parallel provisions to regulate potential payday lending by credit unions under our own regulatory regime.”

I’m going to conclude now. I think I have made the point of my concerns in the bill that what we need to do is make sure that people have choice, that we have a regulated choice for them so that they’re not going into the backwoods, loan-shark dealers, that they’re going to reputable companies that are willing and able to play by the rules with a licensing regime and a regulatory framework that is going to protect people. Quite honestly, when you hear that people are actually using the reputable guys, like the Money Mart and the Cash Store, whatever they’re called, they’re using them because they’re convenient—a lot of people are. So the people who are most vulnerable are using the fly-by-nighters, and we’ve got to get them away from the fly-by-nighters. That’s what this bill does.

I’ve just left some ideas here for the government which I hope it will listen to. I’ll be very pleased to be part of the very public scrutiny and debate and put forward my own resolutions and amendments to this bill.

As the Library of Parliament points out, “A regulatory framework that makes it unprofitable to stay in business—some payday loan customers may turn to less desirable, underground credit options, including organized crime and loansharking.”

I have to ask members here: If we limit choice, is that what we want to see our constituents resort to? I’m thinking no; I don’t agree with that at all. Surely, I would expect, there is not one member in this House who wants that either.

While the official opposition does have concerns with Bill 48, we strongly support the introduction of legislation that would protect Ontario’s consumers from the extremely high costs of borrowing with respect to the payday loan industry. Bill 48, in our opinion, is a very important piece of legislation that has finally been brought forward in this House, and it is important for two main reasons. Not only is this a step forward for real consumer protection in Ontario, but it will also create a regulatory framework and ban—outright ban—controversial lending practices.

1610

This proposed legislation, if we get it right—and there are a few things we could do to get it right; there’s always room for improvement—will protect the people who use this service while keeping the industry sustainable and viable, but also with the highest standards of ethics and best practices, and I think we’ve started it today. I look forward to the public debate and I look forward to clause by clause. I look forward to protecting Ontario’s consumers.

The Acting Speaker (Mr. Jim Wilson): Questions and comments?

Ms. Cheri DiNovo: I listened with interest to the member from Nepean–Carleton. Again, I’m going to go into great detail, but I want to say one thing: Certainly she’s right: It’s not an anti-poverty bill. Second of all, we did consult. We consulted with an excellent consultant, Bob Whitelaw, who was the founding president and CEO of the Canadian Payday Loan Association. He seems to feel that the Canadian Payday Loan Association isn’t necessary, that Alterna and other credit unions can fill the gap, can provide what’s needed and can do it at 28% interest, even lower than what my bill and other jurisdictions call for.

There are other jurisdictions that meet my bill’s requirements and the Quebec legislative requirements as well. For example, Denver capped interest rates at 36%. By the way, the Pentagon caps interest rates at 36% for its military personnel. It’s interesting that the McGuinty Liberals are less progressive than the Pentagon. Also, New Hampshire has a 36% capped rate; New South Wales, 48%; Oregon, 36%; and Manitoba, Nova Scotia, BC and New Brunswick all have capped interest rates. All we are asking for in the bill that we put forward in the New Democratic Party, Bill 224, is a capped interest rate. The question is, why could this bill not have brought in a capped interest rate when so many other jurisdictions have done that already?

I also speak on the heels of an incredible study done by the United Way with some excellent researchers who point to a tenfold increase in so-called payday lending. We call them loansharking. I don’t see the difference, and I’ll go into that in a moment. Their increase is not in middle-class neighbourhoods, not in Rosedale; no, it’s in the poorest neighbourhoods of our city.

I look forward to speaking more about this.

Mr. Charles Sousa: I appreciate the comments made by the member for Nepean–Carleton, who wishes to maintain the industry’s existence, and I acknowledge the member for Parkdale–High Park, who recommends that it be eliminated entirely.

Further to our debate, allow me to highlight the key differences between Ontario’s approach and that of other provinces. We note that regulations have not yet been finalized in most jurisdictions, but a review of the proposed legislation suggests that there are differences between Ontario and the other provinces:

(1) Stronger enforcement tools, by including administrative penalties under an absolute liability requirement; that gives Ontario a greater ability to ensure lender compliance.

(2) Stronger consumer remedies: Ontario has established the principle in the legislation that borrowers do not have to pay any portion of the costs of borrowing in the case of a non-compliant loan.

(3) Consumer education: Ontario has chosen to empower consumers by establishing a credit/finance education fund through mandatory contributions from lenders.

(4) Maximum total costs of borrowing: In compliance with federal law, we propose that Ontario create that independent expert board for the exclusive purpose of recommending a limit to the cost of borrowing, a panel to be chosen in short order to deal holistically. Other jurisdictions are using existing public boards or are simply establishing the rate in regulation through an internal process.

What's important is that we do continue to serve the needs and provide choice for informed consumers, ensure economic stability and protect the most vulnerable. I think, on that, we all agree.

Mr. John O'Toole: I want to commend our member Lisa MacLeod from Nepean–Carleton for such a thorough review, looking at the federal implications that really cascaded this bill, with the changes back in 2007 defining, under the Criminal Code, certain things that require the province to set a regulatory structure in place, which I think is the appropriate thing to do.

To have Mr. Keyes here today was complementary to the process itself. I think, on all sides, it would be agreeable to say we are supportive. I want as well to compliment Mr. Sousa, from Mississauga South, for doing a great job in the absence of Mr. McMeekin, the minister. I wish him well.

This is not, by any stretch or any examination, a small bill. Like all Liberal bills, there is a lot of red tape in here. I'm just going to refer to a couple of things, without being critical. They tend to overdo things, as they would; they have lots of money to spend, usually.

If you look at page 39 of the bill, section 77, I believe there are a total of 37 sections that define and allow—if you look at the permission section, it says, “The Lieutenant Governor in Council may make regulations” with respect to a whole litany of things; it's huge. Not just setting up the registrar and all the oversight, and the review, investigation and inspection processes, but if you look at some of the sections, some of the powers need to be—for instance, section 5, dealing with the registrar, which is appropriate. He's going to be appointed; it'll probably be a political appointment.

Interjection.

Mr. John O'Toole: It says right in here, and I hope that person is qualified.

Section 6—licensing, the power of the licensing and the inspection process—is something. So keep an eye on the bill. It's a large bill. Don't be fooled by the agreement of the House.

Mr. Jeff Leal: I listened carefully to the comments of the member for Nepean–Carleton, and I thought it was a very thoughtful and positive address. She certainly has done her homework. She has reviewed Bill 48 and, I think, has provided some excellent commentary about where there may be some areas in the bill that need some amendment as it goes through various readings in this House and on to committee for an opportunity to look at it on a clause-by-clause basis.

There's no question in my mind today that when it comes to financial activities in our society and protection

of the consumer, there is a need for legislation. This area of payday loans is a very important issue. I've had people come to my constituency office in Peterborough who felt that, indeed, they had been ripped off by these fly-by-night operators who seem to be attracted to this kind of activity—the opportunity to make a fast buck, to prey upon individuals who often find themselves in very difficult circumstances. They go to these payday loan people—these sharks, as I call them—and pay an exorbitant interest rate to cash their paycheques. This is an area into which I think Bill 48 will play a big role, bringing regulation and oversight.

The protection of consumers in Ontario is not a partisan issue. There are times when pieces of legislation come forward in this House and there's an opportunity where I think there can be a consensus of the three parties to come together through the committee process to make some amendments and really put forward a piece of legislation that benefits consumers in Ontario.

The Acting Speaker (Mr. Jim Wilson): The member from Nepean–Carleton has up to two minutes to respond.

Ms. Lisa MacLeod: I appreciate the comments of my colleague from Parkdale–High Park, whom I want to commend. We may not exactly agree on this, but she has done an awful lot of work and I congratulate her on that.

I want to congratulate the parliamentary assistant. You did an amazing job; it must not have been easy. You're a new member and you did this when the minister was not here, and I commend you for that.

Obviously, my very good colleague, my friend from Durham has been a constant source of support for me. To my colleague from Peterborough: I appreciate that, because quite honestly, this piece of legislation is important. It's long overdue. There have been calls from virtually all corners of this Legislature to enhance consumer protection for those consumers who are using payday loans.

But I must remind everyone that we don't need to protect us from ourselves. We have to protect ourselves. My concern is that we are trying to micromanage people's lives in the name of consumer protection. I think that consumer protection also comes with consumer choice.

1620

I think the real issue in terms of people's credit is fiscal literacy. During this entire debate, I'm not going to let up; I'm going to be talking about fiscal literacy and how I think this government could be doing a better job. We're early in this process, so I'm asking you now to be partners with me and the official opposition and especially our education critic as we move forward in trying to make sure that children in this province learn at an earlier age what their responsibilities are with their own credit and with their own money, because I think that's where it starts. It's not up to the government to tell people how to live their lives and to eliminate their choice. It's up to us to make our own choices and make them responsibly, with the best information that we have available. I would urge the government to consider that.

The Acting Speaker (Mr. Jim Wilson): I thank the honourable member for her contribution to the debate. Further debate? The member for Parkdale–High Park.

Applause.

Ms. Cheri DiNovo: Thank you, my lone fan. And I look forward—

Mr. Rosario Marchese: Trinity–Spadina.

Ms. Cheri DiNovo: Trinity–Spadina. He wants to be acknowledged. Thank you.

To those at home, we have some time to walk through this issue. But first, before I begin, I do want to say something about the Minister of Government and Consumer Services.

I want to say that when I was a newbie here, when I first came to this House, he came over—and I just want to say that we share something in common, Mr. McMeekin and I: we're both United Church ministers. I have to say that his ordination vows stood him in good stead. He came over to me—the only Liberal, the only member of the caucus ever to do so—and apologized for the smear campaign that happened during my by-election. He was the most gracious and wonderful person to me. I try to extend that to other new members, so I want to thank him. I also want to let him know, as I have done, that we in the New Democratic Party certainly do wish him the very best, wish him a speedy recovery, wish that he come back to this chamber. My prayers are with you, Ted, and I hope you're listening.

I'm glad you've done something. I'm glad you've taken some step, because certainly a step needed to be taken. And I have to say at the outset that we are going to vote in favour of this bill. But, you know—and here's the big “but”—it does not go far enough. In fact, it doesn't go anywhere much at all, and that's the problem. That is the problem.

Carol Goar said in a wonderful article not too long ago in the *Star*, “1,000% Interest 1,000% Wrong.” I have heard my colleague from Nepean–Carleton and others speak about protecting those in the public from loan sharks, sending them instead to legitimate payday lenders. Well, I've got a dictionary and I suspect everybody watching at home has a dictionary. Look up “loan shark” and you will read next to “loan shark” this definition: “Those who charge excessive interest.”

Now I turn to the federal government on this, in Bill C-26. They define excessive interest. Usurious interest used to be considered 60%. Now, considering that extremely expensive credit cards charge 28% to 30%, one would have to agree with the federal criminal designation of excessive interest at 60%. Surely anything in excess of 60% should be considered, by any definition, loan sharks, loansharking. But instead of, you know, Tony Soprano and the Bada Bing on the corners of our poorest neighbourhoods, we have instead this industry, if I can call it that—well, industry maybe—this business, unregulated financial business, on the corners of our poorest neighbourhoods. They don't exist in Rosedale. You don't see them in Forest Hill. You don't even see them near Riverside Drive in my own riding. Where do

you find payday lenders? You find them in the poorest ridings, in the poorest places, and United Way has told us this. They've described a tenfold increase of loan sharks/payday lenders in the poorest neighbourhoods in the last 15 years, a huge explosion of unregulated loan sharks going by names that sound kind of nice, like they're your friends or something.

I remember very clearly a day when I was out campaigning in the last election. It was in a Toronto Community Housing building where hundreds of residents reside. Most of those residents collect their only income through the social service system; they're on ODSP or OW. A few of them work hard at minimum-wage jobs. They woke up one morning to a door hanger on every door in that building, a door hanger from one of the so-called reputable payday lenders/loan sharks. The door hanger said, “Free coffee and doughnuts,” just before the cheques went out.

I have heard that the average user of payday lenders is a middle-class person making between \$30,000 and \$70,000 a year. I have to say, that may be true somewhere, but it's not true according to the studies I've read, according to the studies that have been done by people like Chris Robinson at York University, a financial professor there. It's certainly not true in my riding. I think that anybody who has an area of poverty in their ridings will know that payday lenders/loan sharks target the poorest people.

I saw a wonderful film which I highly recommend. It's an American film called *Maxed Out*. In that film, they don't target payday lenders, interestingly enough; they target those who try to foist credit cards, as the member from Nepean–Carleton said, on the sometimes financially illiterate, sometimes just desperate—students and the like. A professor was asked to look at their lending practices and comment on them. This professor looked at their lending practices and said, to a room full of some of the largest banks and lending institutions in the United States, “If you just did not offer credit cards to this lower strata of 15% of high-risk borrowers, you would save over 50% of your bad debt loss.” A little hand went up. One of the CEOs in the back of the room had been listening intently, and he said, “And so would over 80% of our profit,” because what they know, and what the payday lenders/loan sharks know, is that where they make the greatest profit is from those who do not pay the loan back. Just like the credit card companies make their greatest profits not from those who pay their credit cards off in total every month but those who roll over the loans, who turn \$200 of a micro-loan into \$5,000 of debt or more: That's where the profit is. There's no question of that.

If you compare the 1,000% interest—and we're not inventing 1,000% interest, by the way. Again, it has been attested to by a number of journals, a number of articles, a number of studies: anywhere from 300% to 400% to 1,000% interest. It's hidden because it's in the secret little fees, the extra fees that are tacked on if you're late

etc., but that's what it amounts to, and everybody knows it: 400% to 1,000%.

If you look at who gets charged that, you're not looking at upper-middle-class, middle-class, wealthy people in Rosedale or Forest Hill; no, you're looking at people who are desperate for money, who can't pay their rent, who can't feed their children, who go because everybody else has turned them down and this is their last resort.

I'm a big fan of *The Sopranos*. Loansharking used to be the purview of the mafia and organized crime. Now it's not just their purview; no, now it's on your street corner and my street corner. But hey, that was the same reason that people went to Tony: because they were desperate and because all of the established lenders had turned them down. You don't pay 400% to 1,000% interest if you don't have to. That's the simple truth.

1630

In my riding, we have payday lenders/loan sharks set up across from drop-in centres for those on ODSP and those who are homeless. We have them set up as close as possible to Toronto Community Housing developments. We have them set up where recent immigrants first come to Toronto, first move in, in the lower south end of Parkdale. That's where they set up. I have over 24 and counting in my riding alone. No question about it.

Now, to talk about Bill 48, and the problems. This is one of those classic Liberal bills. I spoke about two others this morning. I described them as, in Shakespeare's words, a lot of sound and fury signifying, in this case, not much.

Mr. Rosario Marchese: "Fair is foul, and foul is fair."

Ms. Cheri DiNovo: Exactly, as my friend from Trinity-Spadina interjects.

Here we're consulting on the taxpayers' dime. There's no question about it. In fact, our friend Bob Whitelaw—remember, I mentioned his name. Certainly, he's been worth his weight in gold to us as we structured Bill 224 to put a hard cap of 35%, which is what we in the New Democratic Party think should go ahead, and also for the press conference. This is a man who brings a specialized knowledge. After all, as I said before, he was the founding president and CEO of the Canadian Payday Loan Association for two years, and also the former president and CEO of the Canadian Council of Better Business Bureaus. He says it's not a necessary industry. Mr. Whitelaw says that credit unions could provide this service charging no more than 28%, and they would still make a healthy profit. It stands to reason.

For those listening at home, when the payday lending/loan shark industry says to us they can't make a profit at less than 150% to 200% interest, one has to question who these people are. After all, credit card companies and banks seem to be doing all right these days. They're surviving; right? They're paying their bills, they're paying their rent, unlike the people who use the payday lending association.

It's interesting, and just an aside for the people at home—certainly Mr. Keyes has left the assembly; I hope he's watching on television—you couldn't have seen a more stark contrast in our visitors in the members' gallery today. On one side we had Mr. Keyes, very well dressed, I must say; a lovely suit, a lovely shirt and a lovely tie; a former Liberal revenue minister. One wonders why they're not moving too quickly on this issue, because they're consulting with the head of the payday loan association, who was a former Liberal revenue minister. Perhaps that's why they're not moving quickly to help the poorest people in this province.

So there he was sitting, looking very smug, I might say, listening to his industry spoken about in glowing terms. On the other side we had community activist James Wardlaw of ACORN, the Association of Community Organizations for Reform Now. I'm sure James will not be insulted if I describe him wearing a shirt, a T-shirt, and a lovely lady sitting next to him wearing a T-shirt. Ordinary people have been working with ordinary people, working with the poorest of the poor in some of our poorest housing developments. ACORN is a phenomenal organization that has organized in a grassroots way, not only in Canada but right across North America.

Mr. Rosario Marchese: And successfully.

Ms. Cheri DiNovo: Totally successfully, and which has been—and I should put this on the record—absolutely the real front runner on this issue, the one that has been there every step of the way. In fact, I took my lead from them. So we're delighted to have them.

Again, the stark contrast: the wealthy, the not so wealthy; those who are well-heeled and well-connected with the cabinet and the Premier, those not so well-heeled, not so well-connected with the Premier and his cabinet. And what is the result of that? The result of that is a bill that doesn't do much. Trust me, the only reason this bill exists is because of the James Wardlaws of the world and the incredible work that's been done, and—I have to give credit where credit is due—the *Toronto Star*, which came out in its editorial and supported my bill for a 35% cap on interest, which talked about others moving forward in this way.

Let's talk about those other jurisdictions. It's been said here in this chamber that we can't exist, first of all, without microloans, and I would say that there is some point there. Although I modelled my legislation on the Quebec legislation, with a 35% cap, I admit that we do not want to drive people underground. We do not want to drive people to pawnshops. We do not want to drive people to Tony Soprano, because although the interest rate might be better with Tony than it is with the payday lenders, we know there are some other consequences of dealing with organized crime that perhaps you don't have to face when dealing with the businesses called payday lenders. So we don't want that to happen. We want banks and credit unions to be able to offer microloans, and we have been fighting for this for a long time. There is a necessity for microlending in this country and in this province, no doubt. The only question up for discussion

here is, is it necessary to charge 300% to 1,000% interest to do it? If an industry says they can't make money without charging 300% to 1,000% interest, one has to ask about the very nature of the industry.

The state of New Hampshire wrote this preamble to their law. Again, the Americans seem to like 36%. Quite frankly, we, in the New Democratic Party, could live with 36%.

Mr. Rosario Marchese: It's better than 1,000%.

Ms. Cheri DiNovo: Big time. This is the preamble to their bill:

"Findings and Intent. The general court finds that the rates of interest charged by many title loan lenders and payday lenders are unreasonable and predatory. Statistics available to the general court demonstrate some title loan lenders charge annual percentage rates of interest of up to 350% and payday lenders are charging up to 1,000%," similar to here. "The general court recognizes that due to the extremely short term of title loans and payday loans, documentation fees of even a nominal amount will cause such loans to have a high rate because the fees are included in the annual percentage rate calculation. However, the rates currently charged are unfair and improper. Therefore, to continue to make these credit products available to individuals who are otherwise unable to obtain credit, rates permitted ... must be capped"

That's New Hampshire, that radical left-wing state.

Then, there's Oregon—hey, 36%.

I particularly like the example of the Pentagon. The McGuinty Liberals are less progressive than the Pentagon, which has offered a 36% cap to military personnel because they care about soldiers who have served their country and they care that they were being used and abused by the payday lending business. These are men and women who came back and were trying to establish themselves, who didn't have regular employment, who needed microloans and who were targets of the payday lending industry in the States.

So this is across the United States. If they can do it, if the Pentagon can do it, why cannot the McGuinty Liberals? It boggles the mind.

There's another dark side to the fact that we are so behind the curve on this, compared to other jurisdictions—of course, Quebec, as I've cited, with 35%; the American jurisdictions; now we've got Manitoba and others who are leading the way; and of course, as always, Ontario is following. The payday lending industry in the States is eyeing Canada. Why? Because we are a happy hunting ground. We're looking at, in fact, an explosive growth, according to Joanna Smith, of American loan firms moving across the border because we don't have regulations here.

"American firms are considering expansion into Canada as payday lending emerges slowly...."

1640

We're looking at "Advance America, Cash Advance Centers, a large payday-lending firm based in" South Carolina, which "opened 10 stores in Canada under the name National Cash Advance."

It's really interesting: They say down in the States that they see Canada as providing the "new growth opportunities" for stores that the American legislation has shut out.

Mr. Rosario Marchese: Can you believe it?

Ms. Cheri DiNovo: Of course. If you have states that are willing to take their citizens' needs and rights and their own responsibilities as legislators to heart and to actually move to address what really is legalized—well, "legalized" is a strong word—unregulated loansharking, and we don't, those businesses that are being driven out of Quebec, being driven out of Oregon, being driven out of New Hampshire, being driven out of one jurisdiction after another in the States will come here. So instead of having 1,300-and-some payday lenders across Canada, and 700 and growing in Ontario alone, we could see 3,000 while we consult, while we look at what we might be doing to actually bring in the necessary hard cap.

They're not resting; they're not consulting; they're expanding. They're not waiting for more experts to tell them what to do. They're smart business people. They see an opportunity and they're going for it. Their sights are firmly north, firmly towards Canada. So if you think it's scary now in your ridings where poverty exists, in terms of the numbers of payday lenders, let me tell you that the invasion has just begun.

Just to backtrack: This whole situation came about because the federal government had a criminal rate of 60%. Over 60% was considered criminal. It was considered loansharking; it was considered usury.

I hope that Ted is also listening because I'm going to appeal to Ted, who I'm sure is doing what he can. He has a cabinet to answer to. He has a Premier to answer to—his biblical nature. Because anybody of faith will know that all you have to do is look to all the great works of faith and you will find in those great works absolute statements about what usury and loansharking is. From the Koran, from the writings of Buddha, from the Torah, from the Christian Bible: All of these writings write about how criminal loansharking and usury is. We had a definition for what that meant in Canada at one time: anybody charging more than 60%. But the federal government downloaded to the provinces the responsibility of regulating that. So that's why we're having this discussion. We have been waiting and waiting for this government to regulate it, to pick up the mantle and to do something.

As I said, I'm pleased that we have an inch. I'm pleased that something has finally been brought forward. I'm also pleased that there will be consultation, in the sense that I hope that this government listens to the voices. I hope they listen to the voices, because some of the voices are pretty sad.

There was a story in my riding. I'll just bring it forward and I'll change her name. The press is always asking me for stories about people who have been used by payday lenders. There are hundreds of them, but it's one of those topics—and this is where I really suggest that people watch the *Maxed Out* film—that people feel

such a great degree of shame about. People don't want to come forward and talk about how they're in debt for \$5,000 for a \$200 loan. They don't want to share the fact that they've gone bankrupt several times and that they've been evicted yet again. This is difficult for people; that's why they don't come forward. That's why we as legislators, in a very real ethical sense, have to do the speaking for them. That's why we have to bring their stories forward. That's why we have to bring what they know to be true, to be true here for all of Ontario, to this Legislature and do something about it.

We were not elected to consult; we were elected to lead. We were elected to act. We were elected to move where the rights of individuals, the rights of communities, are being shaken to the core.

"Hartley, a courier who earns about \$600 a week, said he's recently declared bankruptcy—fallout from his divorce.... He has a bank account, but no line of credit.

"Two weeks ago, he fell behind on some bills and had to go for an advance at a payday loan company....

"You can only get half of what your paycheque is," he said."

The cost of \$300 for two weeks was \$60. I leave it to those with a head for math to figure out what that interest is on an annualized basis.

Here are the families that use payday lenders, according to those who have done the studies. Again, this is from the CBC. A study released Friday from United Way showed that "families with \$500 or less in the bank were 2.6 times more likely to have used payday loans than those with between \$2,000 and \$8,000." It doesn't sound too middle class to me.

"Families who had been refused a credit card were more than three times as likely to have had a payday loan than those who had been granted a card, the report said."

These are who are using payday lenders or loan sharks.

One woman's \$500 loan took five years to retire. In the end, the woman paid an additional \$9,500 in interest and other fees. This is what we're talking about.

If there's a different definition of loan shark, if there's a more generous one that I'm not aware of, that I'm not seeing in my dictionaries when I look up the term, if there's a more generous definition of usury than I see when I look to both the Biblical text, the Greeks before them and the dictionaries, I would love to hear that from the opposition members. I would love to hear what they think a loan shark is that we're saving people from to send them to payday lenders instead, because I warrant that what you'll find is exactly where they're going, which is what we call payday lenders.

Let's go to ACORN, because they produced a really definitive work on this. Again, I thank those who've done the work. I know that Chris Robinson, the York professor, was very engaged in this work. Here's something that I would suggest the people at home really take to heart. It's interesting that we in the NDP are the only party—I have to say that—standing up for the folk who produced this report. One might ask: Why? Why are we

the only party that is not in favour of payday lenders, who are in favour of people getting reasonable interest? By that, we mean 35% or less—nothing too outrageous—which is more than most credit companies charge. Why are we the only party that is standing up for those people?

I suggest that the answer to that question comes from where the other parties get their funding. If you were to go to a fundraiser of our colleagues the Progressive Conservatives and Liberals, who might you find there? It's interesting how things work in politics. You trace issues back to money always. "He who pays the piper calls the tune": We've heard of that. Interestingly enough, both parties have friends in banks, and interestingly enough, banks are invested in payday lending.

Toronto Dominion is more heavily invested in the predatory economy, owning over a million shares in payday lenders worth more than \$50 million, including 250,000 shares in Money Mart, the largest payday lender and cheque casher in the country. I found this shocking, I have to say. Anybody who is invested in the stock market should really check their investment portfolio right about now and see if they too are invested in payday lender/loasharking businesses.

1650

Let's see: Who else? Interestingly, Ernst and Young—I'm going to walk through the ACORN study, because it's excellent. In 2004, Ernst and Young prepared a study for the Canadian Payday Loan Association that found that each first-time customer would end up taking out an average of 15 rollover or rewrite loans. One thing that's clear is that payday loan customers don't just walk away from their loans; they can't. Ernst and Young—there's a study. We heard that the average customer is well-heeled, has other options. Not so much, I don't think, unless you want to take it up with Ernst and Young.

Going through here, most customers do not know about or did not qualify for conventional overdraft protection, which generally has about an 18% or 20% rate—significantly less expensive, of course, than payday loans. Interesting. So there you go. That's interesting. The Royal Bank of Canada and affiliates—and I was shocked to hear this because I'm a Royal Bank customer. I might think twice, as might others, to look at their holdings again and who they do their business with. The Royal Bank of Canada and their affiliates own a huge number of shares in Advance America, CompuCredit, Dollar Financial, EZCORP, First Cash Financial, World Acceptance Corp: again, predatory loan-shark payday lenders. This is shocking. I know Scotiabank also is involved in that.

Interestingly, the issue was brought to my attention by a person in my constituency office—and I should mention and give him credit too: Gregor Campbell—when he discovered that his own parents, unbeknownst to them, were invested in payday lenders through their stock portfolios. So, again, look at your stock portfolios, look at your banks, see where they're invested.

ACORN concludes with five very significant and, I think, simple recommendations:

“(1) Banks should divest their stocks from all institutions that are part of the predatory economy, such as subprime mortgage and payday lenders.”

You thought subprime was just an American problem? It's not. It's here.

“(2) Banks should seek ways to improve their current services and products to better meet the needs of consumers who use payday lenders.”

On that note, it's interesting. I was part of a wonderful pilot project in Parkdale, called the Parkdale Banking Project, in which we sat down with the banks and we asked them, “Why are you pulling out of poor neighbourhoods? Why can't people who primarily get their income through minimum-wage ODSP or OW have access to the banks the way they do in the wealthier neighbourhoods?” Actually, to give the Royal Bank its due, they did open a Cash 'N' Save on Queen Street in Parkdale as a result of that Parkdale Banking Project. No microloans yet, but one of the things—and it was significant—is that they loosened up the requirement around identification. Those who are homeless, those who are on ODSP, those who have any kind of challenge, whether it be physical or mental, sometimes have problems keeping enough identification and keeping their bank accounts straight. This bank offered to work with them. We wish all banks would do that, and make microloans. But, as you heard, we certainly have credit unions that are willing to do that—and at 28%.

The next point, and this ties in to ACORN's demand:

“(3) Canada's credit unions should implement alternative payday loan programs, such as those used by some U.S. credit unions.”

Again, I circle back to my main point, which is that nobody is saying there is not a market, or should not be a market, for microloans, and I'll have something to say in a moment about the poverty that, of course, breeds that market. But the need is there. We do need microloans. What we don't need is 300% to 1,000% interest for those microloans. Certainly, what we do need is a reasonable interest rate, which I think anybody at home, anybody who thinks about it for more than a minute, would agree is 35% or less.

“(4) Banks should learn from predatory lending problems in the U.S. and work to better serve those customers who are targeted for subprime mortgages.”

We'd better hope that we don't have the continuing downturn in the economy in Ontario; otherwise, we are a market also for the kind of insanity that has gripped our neighbours to the south. Anyone who's travelled to the States can attest to the fact—I came back from Florida with my daughter and saw dozens of houses owned by the bank, dozens of houses that had been repossessed. Why? Again, you're looking at people in great need of money who aren't getting it—not enough to live on. That's who this predatory industry—payday lenders/loan sharks—preys upon.

“(5) Banks that have a subprime lending division should implement policies so they are not just referring customers down to the subprime division from the bank,

but the subprime division refers customers with good credit up to the bank.” Thanks to James Wardlaw, who's here, and thanks to ACORN for the phenomenal work and the grassroots organizing they've done around this critical issue.

At the end of the day, the people who are preyed upon, who go to loan sharks and payday lenders, the people who are charged the 800% to 1,000% interest, are not the people from Rosedale or from Forest Hill, and they're not from Riverside Drive; they're the people who are desperate for funds.

I checked. You can get a loan for 4.75% these days if you have a good credit rating, if you have money. In a kind of strange sense, you can get an inexpensive loan if you don't need it. If you don't need it, you can get as much money as you want and be charged as little money as can be charged for it. If you desperately need the money—if you can't pay your rent, if you can't feed your children, if you're about to get evicted, if you can't make it because your \$8.75 an hour you make when you work 40 hours a week just doesn't pay for all of those things in any city in Ontario—then you get charged between 300% and 1,000% interest.

One has to wonder at the logic and the justice of this; one has to wonder at who this logic and justice serves. It certainly doesn't serve the folks who are making \$8.75, who are making the ODSP rates, who are on OW; it doesn't serve them. It doesn't serve those who use the payday lenders: Even if they're making \$30,000 to \$70,000 for a family, that's not a lot in the city of Toronto. People are finding that that's not a lot. It's true: We are increasingly destroying the middle class in this province; we are increasingly seeing a gap grow between those who are extremely wealthy, who don't need the loans but who can get the loans at a very cheap rate, and those who are very poor, who really need the loans but have to pay usurious rates to get them.

That's the background behind this discussion: The ugly background that nobody has addressed here in this House this afternoon is poverty—the poverty of the province of Ontario, where one in eight children are poor, where one million people on minimum wage make the poverty line or less and work 40 hours a week. That's the backdrop to this: The backdrop to this discussion is the 200,000-and-growing good manufacturing jobs that have been lost and the call centre jobs that have replaced them; the backdrop to this conversation is the utter misery of those families who just try to get by and can't. They cannot get by on what they earn. That is what the LICO, the poverty line cut-off, means.

But it's interesting that the government's approach to payday lending is the same approach they have taken to the issue of poverty in general. The approach they have taken to the issue of poverty in general is to strike a committee to study the problem. A housing activist said to me the other day, “What those who are in need of housing need”—the 170,000 on the housing waiting lists in Ontario—“is not to be addressed but to have an address. That's what they need.” But this government

isn't interested in that; they're interested in addressing them, not giving them an address, so they're consulting with them.

1700

We see in the budget that came forward not one line item for new affordable housing. There's \$100 million that fixes up, patches up, existing affordable housing across the province when Save Our Structures has asked for \$300 million for the city of Toronto alone, and that's just to patch up the housing we already have. Again, there are 170,000 households—not individuals—waiting on the list for affordable housing in the province of Ontario. That's the backdrop. What happens in such a scenario?

My father was a product of the dirty thirties, as he used to call it. When I was a little girl, he used to talk about growing up in the city of Toronto, in downtown Toronto. He used to talk about the days when they had soup kitchens and lineups for food. He remembers when there used to be people sleeping on grates in the city. I remember as a little girl saying, "No, not in Toronto the Good, not in the city of Toronto. People sleeping on the street? People lining up for food?" We all know in this House, we know at home, that that's our reality now. That's where we are right now. That's what we live with in the city of Toronto and across Ontario, just like then.

Back in the dirty thirties, as he called it, unregulated predatory lending became a real problem. We've all seen the movies that came out of the 1920s and 1930s, the gangster films. Predatory lending was the criminal response to the need for money by people who were starving, in some instances, going to bed hungry and certainly going without work. That was the response back then, and guess what? That's the response now.

There's a good reason why the payday lending/loan-sharking business is exploding across Ontario. It's exploding across Canada, where it's not regulated. The only place with a hard cap right now is Quebec, where there is not one payday lender. It's exploding where it can because the need is there, because people are going to bed hungry, they can't pay their rent, they don't have affordable housing and their children are poor despite the fact that they're working as hard as they can. That's the backdrop for all of this.

So what's the response—just to go back—of Bill 48? Again, just like the response to poverty itself, we have a response that says, "More consulting is necessary." It would be interesting to know how many studies have been done on poverty. I think the studies that have been done on the payday lending industry could probably compete with the studies done on poverty. We might be able to build houses out of them. That might be something useful from all the studies done, because I'm sure the studies done on defining poverty and what poverty means would pile from here to the top of this legislative ceiling—lots of studies; no action.

What does Bill 48 fail to do? It fails to put a hard cap on the criminal fees and interest rates charged by lenders. It legislates that payday loan agreements disclose to

borrowers the annual percentage rates—interest and fees. If you can't pay your rent and you can't feed your children, do you think that informing somebody who walks into a payday lender about how much they're actually going to pay is going to make a difference? I don't think it will. I think if you're desperate for that money, if you need that money or you face eviction, you just say, "Whatever," and you sign. It's not a question of posting the fees. It doesn't matter. The fees could be 2,000%. People who are desperate for the money, if that's the only place they can get the money, they'll get the money. They'll sign, because what other choice do they have?

It promises to increase the transparency of the industry by requiring an annual report to the minister on the use and cost of payday loans, complaints, default information and recommendations. Come on—like that's going to help. A usurious industry, an industry that really is a loansharking industry by any definition, reporting on what they're doing to a government bureaucrat is going help the person who's desperate and needs the loan. On what basis is that going to help anything?

Another thing it doesn't regulate is it allows interest to be charged on borrowers in default. Surely the very least you could do is to address that issue. One of the interesting differences between Bill 48 and Bill 224, which is the bill that we brought in to actually set a hard cap of 35%, is the maximum fine. Not only does Bill 48 not set a hard cap, but the penalties—and remember, we're talking about an industry that one can only imagine the profits that are being made. It would be very interesting to know exactly what profits are being made. One might suspect that when you're charging 300% to 1,000% interest, your return on investment, considering it's a storefront and people are probably being paid minimum wage behind the counter, is probably pretty great. It's probably pretty substantial, your return on investment there. The maximum fine charged to a licensee is \$10,000. We proposed a maximum fine of \$50,000 for individuals and \$250,000 for corporations.

Again, we see a typical McGuinty Liberal approach to a problem, any problem: Consult, don't act, and put no teeth in the legislation, so that even if it is passed, quite frankly, it's better as a business person, I would imagine, in the payday lending/loansharking business, to simply barrel ahead and pay the fine. Certainly we've seen other industries conduct business that way, because it just simply makes sense.

I have, believe me, nothing against small business. In fact, I had a small business, and I'm the small business critic. I want to see small business profit and prosper in the area of Ontario. These are not small businesses; these are some of the largest corporate-sponsored businesses we know. That's who's setting up in your neighbourhood and mine on the corners. They are the ones to be most frightened of.

I can tell you that in my riding, the small business retailers, the others who are sitting next door to them, don't like them. They don't want them there. They know that when you see the payday lender open up next door, it

means the whole tenor of the neighbourhood is collapsing. It means that people will be less likely to walk into their store because the payday lender is next door. It is a sure signal to the community, to the small business owners, that this neighbourhood is not so good. It's not looking so good.

Mr. Rosario Marchese: Time to move, eh?

Ms. Cheri DiNovo: Time to move. Quite frankly, that's not what small business wants. I don't see payday lenders showing up for BIA meetings in my riding. I don't know about you; I never see them at the table. I don't see them there consulting with other small business owners. I don't see them contributing to the community. I don't see them putting money into the community. I certainly see the money going out of the community, but I don't see them at the table when discussions are made around, for example, beautifying streetscapes or beautifying even the facades of their own businesses. They're not in those discussions, and they're not there for a reason. They know better than anyone who they are and what they're about. They know better than anyone what the true nature of their business is. We all know what the true nature of their business is.

The only question before us—because as I said, there's no question that we will support this because at least it's an inch. We'll support this because at least we're moving forward.

Mr. Rosario Marchese: What else are you going to do?

Ms. Cheri DiNovo: What else can we do? It's a majority government. They get to do what they want, when they want. We'll support any little crumb. I used the Oliver Twist metaphor at one point. We're like Oliver: "Please, sir, just a little more." Here we are again at the table: "Please, sir, just a little more." Anything, any crumb to help those who are in need food, is better than no crumbs at all.

1710

But I have to say this: When this consultation happens, I would love to see—I'll make some recommendations to you as to whom I'd like to see on there. I would like to see James Wardlaw there; I'd like to see somebody from ACORN. They're the ones who brought this forward.

Perhaps Bob Whitelaw; I can think of no more proficient expert in the field than somebody who was actually the founding president and CEO of the Canadian Payday Loan Association and is now working for the credit union industry. He should be on it for sure, because he's looked at both sides now. I think there's a song about that: "Both Sides, Now." He's looked at both sides now.

He's been working in the payday lending industry and he's now working for the credit union industry. So when he appeared on our panel, when I tabled my Bill 224, asking for a hard cap of 35%, he was a wonderful expert witness to have because he knew what every jurisdiction had done. He knew the profit margins. He knew and consults with the credit union industry because he knows

that you can make money at 28%, he says. You could make money at 35%. It's staggering.

I have to say that another group that's using payday lenders/loan sharks that hasn't been touched on is seniors. Seniors are some of the major users of payday lenders/loan sharks. They are, and they're on fixed incomes. Again, they don't read the small print. They're just desperate. They just need to get by, month to month.

He knows that you can make money charging what anybody would see as a generous rate of interest, and you can still make money. I have yet to hear anyone in the payday lending industry describe to anyone why you can't. If a credit union can make money at 28%, if a credit card company can make lots of money at 28% or 29%, why can't the payday lenders/loan sharks make money at 28% or 29%? Why? One has to ask, why?

It's interesting, in our riding, and I cite Peggy Nash for this: She's done a wonderful little project which is just to inform seniors and others that you can phone up your credit card company and just with negotiation—just negotiation—get a lower rate of interest. People don't know that. Hey, now you do.

Mr. Rosario Marchese: If you're a good customer.

Ms. Cheri DiNovo: If you're a good customer, and you're paying 28% or 29%, phone them up—there's lots of competition in the field—and say, "You know, Citi Card, around the corner, is offering 9%. Will you match it or come halfway?" Almost invariably, they do. So you can negotiate with some of the biggest credit card players in the industry.

It's funny, you can't negotiate with payday lenders, sort of like Tony Soprano in that way. You can't negotiate with them. You can't phone up your payday lender and say, "You know, 800% to 1,000% interest? I have difficulty paying it. Could we maybe get 350% interest instead?"

Mr. Rosario Marchese: "Okay, maybe we'll negotiate that."

Ms. Cheri DiNovo: You can't. Again, the true nature of this particular beast is shown, I think, in that very example alone. Just like Tony Soprano, you can't negotiate with payday lender/loan sharks. You just can't.

This is, finally, the situation we face. We face a lack of regulation still. Even if Bill 48 were to pass tomorrow, we would still have no hard cap on interest rates, which would mean you're still going to be paying over 300% in interest when you go to a payday lender, despite the fact that the downloading of this responsibility for regulation happened years ago, and that other jurisdictions, other provinces, have acted—and acted decisively, I might add, as in the question of Quebec, but certainly also in the question of Manitoba. One might ask, since Manitoba has already done the groundwork, why can't this government just look to Manitoba? Or, better, why not wait and bring in a bill that actually has a hard cap? Why waste taxpayers' money anymore? Again, that's what we're doing. Remember, we will be paying between \$1 million and \$2 million to consult on this issue. I bet the members of ACORN would like to share that \$2 million across the

board. If you just went to the members of ACORN and said, "Here's two hundred and fifty bucks each," I think they'd be very happy with that. They'd tell you everything you need to hear about payday lending. Instead, no, we'll be paying for consulting, we'll be paying for legislative time. It amounts, by the way—because there are about 700 payday lenders in Ontario—to just over \$2,000 per payday lender to study payday lending. Studies that have already been concluded in other jurisdictions, information that's easy to access—just go on the Internet. It's a stalling technique, and we get that.

I go back to that very pithy, I thought, example of the difference, just standing here in this assembly—looking at the one person who showed up to attest to this debate wearing a very nice suit, and the other who wears a work shirt. The one who has a very well-paid job, I'm sure, as the head of the Canadian payday lending association and probably a very well-paid job before that, as a Liberal revenue minister—contrast that with a grassroots campaigner, organizer and family person who's simply trying to help his neighbours out, who's simply trying to help all those who are being preyed upon by this industry.

Trust me, inaction, as I've said, is expensive. It's also expensive in two other ways. Number one, the huge influx from the United States of payday lenders, of loan sharks—I picture them amassing on the borders, as we speak, because as they regulate down there, with their 36% caps, they will come here to charge their 300% to 1,000% interest. Certainly, that will happen. But most importantly, what will happen from inaction, from not setting a hard cap, is that hour by hour, as we speak, as we sit, as we write, as we listen, as we legislate, people are walking in the doors of payday lenders and loan sharks right now; people who can't pay their rent, people whose children will go hungry if they don't get that microloan, people who will be evicted if they don't get that microloan, people who can't quite make it to the next pension cheque because they don't get that microloan. And once they get their hands on them, just like Mr. Soprano, they're not going to let go. While this government—there was an Emperor Nero, wasn't there?

Mr. Rosario Marchese: Yes.

Ms. Cheri DiNovo: My Italian colleague here remembers an emperor who fiddled while Rome burned. Bill 48, despite, I know, Mr. McMeekin's best intentions, is a form of fiddling.

Mr. Rosario Marchese: It's not about him. It's the Liberal Party, really.

Ms. Cheri DiNovo: It is. We need to lay that responsibility where it should be laid: not at Ted's feet, but at the cabinet and the Premier's feet, because we know where the decisions come from in this place. They don't come from this side of the House. They don't even come from that side of the House. They don't come from the backbenchers, many of whom, I know, have payday lenders in their ridings and wish they didn't. It comes from the Premier's office. That's where the buck finally stops; in this case, a buck that will rapidly become \$300 to \$1,000 in the hands of a payday lender.

I can't say it's been a delight to talk about Bill 48. I wish we were talking about a hard cap. I wish that we could walk from this place this day and assure all those people who are walking in and out of payday lenders, as we speak, that they're not going to be charged usurious loansharking rates, but that they're going to be charged something within the realm of reason. I wish we could assure people of that. We can't. We can't. We do what we can. We do what we can, so we'll work with this administration. We will work with this bill. We will try to give this bill the teeth it needs. We will try to fight for a cap of certainly no more than 36%, which seems to be the American answer to this problem—certainly no more than that; certainly, and hopefully, somewhat less than that.

More importantly, we in the New Democratic Party will work for the day when we don't need these lending institutions at all, because we here, who are not financed by banks and insurance companies, know who we speak for, and that is all of those who suffer, the ones who lost their jobs—the 200,000—those one in eight children who live in poverty. Those are the people whom we are fighting for. Those are the people whom we're standing here speaking about. Those are the people, finally, who need an answer, and they need action, not more talk.

1720

The Acting Speaker (Mr. Jim Wilson): Questions and comments?

Mr. Reza Moridi: I rise in this House today to speak about Bill 48, Payday Loans Act, 2008. Before commenting on this act, I would like to commend my colleague the member from Mississauga South and the parliamentary assistant for bringing this bill to this Legislature. I also wish to commend the minister for his initiative in bringing up this legislation—

Applause.

Mr. Reza Moridi: —and I wish the minister well.

The spirit of this bill is along the lines of the government's policy of reducing poverty. We know that people who use the services belong to the working class. They are poor people. They are not rich people. They are people who are on social assistance. They are working-class people. These payday lenders charge significantly high rates. Some of these people are back-to-back borrowing money from these lenders. Once they enter into the circle, it's very, very tough for them to get out of this circle. They enter into the circle and they remain in that circle for years and years to come.

I am pleased to hear that the NDP is supporting this bill, but I have a question. In the past, 14 years ago or 16 years ago when the NDP was in power, why didn't they bring in this bill? They had the time and they had the opportunity to bring in this bill, and even to ban payday lenders in this province, which they didn't at the time. But that's the past.

The spirit of this bill, when you look at it, is that we want to bring some discipline to this business, to this industry. Currently, there is no discipline. Currently, they can charge whatever rates they want to the borrowers.

The spirit of this bill is to help the working-class people of Ontario, to help the borrowers, to help the people who are on social assistance. When you look at the elements of this bill, you will see—

The Acting Speaker (Mr. Jim Wilson): Thank you to the honourable member. Further questions and comments?

Mr. Ted Arnott: I'm pleased to respond to the member for Parkdale–High Park with respect to her comments on Bill 48. I was interested to hear the response of the Liberal member from Richmond Hill, who seemed to suggest that the member for Parkdale–High Park should be responsible for the lack of action by the Bob Rae government between 1990 and 1995. It's ironic. I don't think I would blame the member for Parkdale–High Park for the inaction of the Bob Rae government from those years. Certainly, she wasn't here during those years, and it would perhaps be a bit unfair to blame her for the lack of action in that regard.

Certainly, in my riding, these payday lenders have proliferated in recent years. I've been quite concerned about it for some time. I think all of us in this House would agree that usurious interest rates should be prohibited. I believe, in many cases, people are borrowing money just to make ends meet until they get their paycheque, and in some cases, they have good reason to be very concerned about the interest rates they are paying. I think we should all be quite concerned, from a public policy perspective, as to whether or not the government must take action in this regard.

The Minister of Government and Consumer Services, Ted McMeekin, has brought forward this bill, and it's appropriate that he do so. But I also believe that there should be extensive public discussion on this issue, and I hope this bill will go to committee for public hearings. More work needs to be done. Certainly our caucus is prepared to roll up our sleeves and work with the government to try and get this bill right, to ensure that the public interest is protected.

I know the Minister of Government and Consumer Services quite well and I consider him a friend. I expect he's watching this debate and I want to wish him all the very best for a very speedy recovery, as he continues to get better, so that he can return to this House.

Mr. Rosario Marchese: I want to congratulate my friend from Parkdale–High Park for being unflagging in her advocacy and indefatigable in her defence of the poor and the vulnerable. She did this for a whole hour. It was an admirable kind of presentation of views that some people listened to and some people didn't.

Imagine having to defend why the interest rate that is charged to poor people shouldn't be more than 35% or 36%. I find paying more than 6% criminal, and here we are, trying to persuade the Liberals that it would be nice to put a cap of 35%, certainly no more than 36%, on interest rates, as if this was a big, big deal. It is a big deal for poor people. It's a big deal for middle-class people and it certainly is a big deal for wealthy people, who would never pay those kinds of rates, who would be here

demonstrating at Queen's Park should they be charged those kinds of rates. They would be rioting here and in Ottawa should they be charged those rates by banks or anyone else. Here we are, talking about the Liberals putting a cap—

Interjection: We're going to do better.

Mr. Rosario Marchese: This is not an attack on my friend for Mississauga South. He's just a PA; he's just ushering the bill. It's not an attack on Minister McMeekin. He's a nice guy. That's not the problem. It's a Liberal problem. It's the way Liberals do things: announce and defer, announce, reannounce and post-announce. That's what they do. Every little package of things becomes a remarkable achievement by Liberals.

All we're trying to do is persuade the Liberals that putting a cap of 35% is a reasonable thing. How can anybody think otherwise? Why wouldn't the member from Mississauga South defend that and say, "Yes, we're going to go with a cap"? That's what I expect the Liberals to do.

Mr. Charles Sousa: I'd like to thank my colleague from Richmond Hill, as well as the input from the members for Wellington–Halton Hills and Trinity–Spadina. I appreciate the comments of the member for Parkdale–High Park. I respect her passion on this critical issue. I am among those in the gallery who share a common concern to protect the consumer. I appreciate that the member acknowledges that she will be supporting the bill.

We spoke about the studies and the makeup. The studies indicate that payday loan users are younger than the general population and have an average income of \$35,000 to \$40,000. Environics and Ipsos Reid studies of the Canadian payday industry indicate that the borrowers' household incomes are lower than the general population, 49% of which have incomes lower than \$35,000. They're more likely to have dependent children—47% of them—and are less likely to understand the true costs of their loans: 37% believe that the cost is the same as or lower than credit-card interest. Significantly, there are studies commissioned by the industry that also reveal that approximately 25% of their clientele have household incomes that are near or below Stats Canada's low-income cut-off measure.

My respected colleague also spoke about the banks and credit unions, noting that they do not provide payday loans. Banks, trust companies and most credit unions have exited the small, short-term loans market. Most of their customers have other vehicles at their disposal to provide funding for the brief periods when they run short of money or experience an emergency. Examples include credit card cash advances, overdraft protection and lines of credit.

These financial institutions claim that they are unable to provide a payday-loan-type product profitably within the 60% rate permitted under the Criminal Code. Additionally, banks and trust companies are excluded from the amendment to the Criminal Code in federal Bill C-26, which creates conditions exempting payday lenders

from criminal interest provisions. Credit unions and savings unions have considered offering a payday-loan-type product as part of a full suite of their credit products for their customers. However, there's been no action to date.

1730

The Acting Speaker (Mr. Jim Wilson): The member for Parkdale–High Park has up to two minutes to respond.

Ms. Cheri DiNovo: First, to the comment about the former administration of Bob Rae, I quote the incomparable words of the member from Welland when he said, "We hope that Bob Rae does for the federal Liberals what he did for the Ontario NDP." So, carry that with you as you go home.

Second of all, there are a few facts to be corrected. Payday lending didn't start as an industry until around 1993 or 1995. It's hard to go back that far, but it really exploded on the scene in the mid-90s. The United Way has charted the course of payday lending as an industry and its explosion in that period of time. It wasn't around even in Bob Rae's time.

I want to say again to Ted McMeekin: Thank you for doing something; thank you for taking a step. I hope you get back soon. Our prayers are with you. Thank you for being a friend. Thank you for being a stand-up guy. This isn't your fault.

Thank you to the member from Mississauga South. Thank you for doing what you need to do as a backbench Liberal. It isn't your fault either.

Thank you, member from Trinity–Spadina. It certainly isn't your fault. You're speaking with passion on behalf of the poor, speaking with passion on behalf of what makes sense.

We are talking about the McGuinty Liberal government, which is showing itself to be less progressive than the Pentagon, which wants 36% for military personnel. Less progressive than the Pentagon: Carry that with you.

I want to thank ACORN for being here. I want to thank them for all the work that they've done.

I also want to thank the United Way for their landmark study, from which I drew in my hour-long presentation, and for showing that this is a significant part of the problem for the poor in poor neighbourhoods.

So, thank you to all. We in the New Democratic Party will continue to work. We'll work with what we can, but we wish we finally had a cap of 35% and had passed Bill 224.

The Acting Speaker (Mr. Jim Wilson): Further debate?

Hon. Harinder S. Takhar: I appreciate this opportunity to have the chance to speak about the act that is going to regulate payday loans.

First of all, I really want to thank my colleague from Mississauga South. He has done a wonderful job today and is a great addition to our caucus. We are so proud to have him in our caucus.

I also want to thank the minister—I'm sure he's watching somewhere—for moving so quickly on this bill.

We are very proud of the kind of work that he had done on this bill before he brought it to the Legislature and the consultations that he has undertaken to come to this stage.

This bill is important because it is about protecting the poor and the vulnerable in our society. That's why I think it's important for us to really move ahead with this legislation quickly: so that we can protect the vulnerable in our society. When people need money and sometimes don't have bank accounts, they go to these payday loan houses and borrow money. Sometimes the cost of borrowing that money is very high. We can't just talk about the interest; we need to talk about the total cost of borrowing. That's what this legislation really addresses.

Mr. Speaker, you may know that my background is in finance. I'm sure that when most of my colleagues go to the bank and want to borrow money, it's not just the interest that you look for; you look for the service fees, you look for the flat fees that the institution charges, and then you come up with that.

Let me just give you an example. If you are borrowing \$1,000, even at 17%, month after month after month, the yearly cost comes to about \$170, which may not appear to be a lot. But if, at the same time, there is a fee for the administration of the account, which could be \$8 per month, it adds up to another \$96 a year. Then there could be some other charges, like the cheque-cashing charges and so on. So, the total cost of borrowing could be quite substantial. It could be almost two and a half times the cost of the interest.

What is really important here is for us not only to look at the interest but to look at the total cost of borrowing. That is really important to everyone. That's why this legislation actually moves quite a way ahead on that front.

This legislation basically does some of the following things: It requires lenders and brokers to be licensed, and that's the right thing to do, so that we know that these people are the good people and they are regulated and licensed.

This legislation also suggests that there should be an authority to regulate or set the total cost of borrowing. In that regard, what is being proposed in the bill is an expert advisory board which will recommend the total cost of borrowing for payday loans. This advisory group will come from social and poverty groups, the business community and academic people. We are bringing all sorts of experts to say that what is really important here is the total cost of borrowing and what level it should be set at. So those people will give us some advice on that front.

The board will consult for input before they make recommendations on the upper limit of the total cost of borrowing for various payday loan agreements. Very soon, the interested parties will be able to make presentations and talk about where this limit should be set, if that's what is required.

But what is also really important is that, for the people who get into this trap—you know, they borrow this month, then they borrow next month, and so on and so

forth—this proposed legislation prohibits back-to-back and concurrent loans as well. What happens is, sometimes you do these things on the spur of the moment and you don't realize you have signed an agreement. It has happened to all of us at certain stages or certain points in our lives. What this legislation allows is that if you have entered into an agreement and you think it's not a fair agreement, it gives you at least 48 hours to get out of the agreement.

Mr. Jeff Leal: That's very important.

Hon. Harinder S. Takhar: As my colleagues here at the back says, it is really important.

Then again, it proposes some serious penalties for lenders who break the law. So on the one hand we are saying that we need to regulate them and then we are saying we will set up a total-cost-of-borrowing limit with the assistance of the experts. We are also suggesting that there should be no concurrent loans and that people should be able to get out of these agreements within 48 hours. It also imposes serious penalties. So it basically covers a lot of angles.

But we have to see why people do this. Some of these people who are borrowing money are the people who actually can't go to banks. They cannot borrow at rates that other people can borrow at. These payday loan houses also provide a useful service because they meet the needs of the people who need to borrow money when they really need it. We need to be fair to both: We need to make sure people are not being taken advantage of but at the same time we need to make sure that our small businesses are also looked after.

If we set an arbitrary rate—which is being suggested and which is also being proposed by some other provinces—let's just look at what will happen. If you set an arbitrary rate and you don't take into account the fact that business people have certain costs under which they operate—that's why we need to have this expert panel. It will take into account what will be a reasonable total cost of borrowing. If you don't do that and you just come up with an arbitrary rate in the legislation, what will happen? These houses will disappear. They will go underground. If there is a niche or a market need that they fill, how will that get filled if they go underground? Where will these people go to get money? What will happen is that these activities will still go on, but they will not be above-board, they will be underground. And if they go underground, the cost of borrowing will exceed even what is happening right now.

What we want to do here is to make sure that we are fair to the people who are borrowing money, but we are also fair to the people who are lending money as well. This bill actually does both of those of those things in a very reasonable manner.

1740

I think it's important for us to understand how important these small businesses are for us as well. In our province, 99% of our businesses are small businesses, and they create almost 50% of all the jobs. Most of the new jobs are also created by the small businesses. Not

only that, but I think \$230 billion worth of economic activity is being created by the small businesses as well. We want to make sure that the small businesses, not only the star businesses, thrive and that we create the right kind of environment for them as well, as we move forward.

So from my point of view, when I look at this, I will say this is very good legislation. It has been well-thought-out. They have done extensive consultation on that front, and I see there were 20 written submissions here; 76% of the respondents were in favour of seeking designation under federal Bill C-26, 69% of the respondents supported licensing and 87% of the respondents supported limits on the cost of borrowing. If you look at all of the submissions that we got and what is included in this legislation, you see that most of the submissions that were given to us have been taken into account.

In the end, I feel that this bill strikes a good balance. It strikes a good balance between the needs of the business community and protecting the poor and vulnerable in our society. We need to move ahead with this quickly, and that's why we need the support of everyone. I want to again thank my colleague from Mississauga South and the minister for the work that he has done on this bill. I'm very proud that I will be able to support it.

The Acting Speaker (Mr. Jim Wilson): Questions and comments?

Mr. Rosario Marchese: I want to react to the Minister of Small Business and his comments. He says, "Interest rates are not the only issue of concern"—and I agree with him—but what does he say about interest rates? I don't remember hearing what you said about that. I bet that if the Minister of Small Business had to go and get a loan and he was charged 35%, he'd just go ballistic—that would be my sense—and if he was charged 60%, he would go nuts; I am convinced he would go nuts. He would say, "This is insane"—and he's a financial guy. I know he would say that.

Yet when we're talking about poor people who have to go and get a loan because they can't get a loan from the bank, and they have to go to these other institutionalized sharks, he's saying, "No, interest rates are just not enough of an issue to worry about. There are other considerations." I say that interest rates are a huge consideration. If some of you are concerned about not fixing a number, why can't we go with 10%, 8% or 15%? We can adjust it another time. Why don't we do that for those who say, "We don't want to come back again; if we fix a number and we change our minds, we'd have to come back again"? Go with a lower number.

But, surely to God, it should be sinful in the minds of many Liberals that those who go—and they're not middle class; they're not financial planners; they're not rich bankers. No, they're people in need. The middle class go to the bank to get their loans because they get a good rate and a better rate. It's working people, and in some cases poor people, who go to get a loan. Why wouldn't we protect them from predators? Why wouldn't we make that effort? Why do we say it's okay?

This is what troubles me when Liberals speak about this, intellectualize and say, "Interest rates are not the only issue. There are other issues," yet do not comment that the interest rate at the moment is very high—

The Acting Speaker (Mr. Jim Wilson): Thank you. I thank the honourable member. Further questions and comments?

Mr. Mike Colle: I'd like to thank the Minister of Small Business and Entrepreneurship. He is a very practical, pragmatic person who has walked in the shoes of small business people. He has walked in the shoes of a newcomer to Canada. He has done it with his own blood, sweat and tears. He doesn't embellish things to the point of being unrealistic; he says, "We've got to do the best we can." This bill is a pragmatic attempt and a reasonable attempt.

Certainly there are some Pollyannish ideas out there about how we have to everything perfectly, but when they were in power, our NDP friends, they didn't even talk about this. They opened the floodgates and let them in when they were in power, and they blame one person. They were there in silence as they let all these people in. So we are trying to fix some of these things. We're not going to fix them perfectly, but it's a very valid attempt to correct a situation.

What I want to talk about is an interesting phenomenon that is occurring, and that's the responsibility of the banks. I don't know if you've noticed, but in certain areas or neighbourhoods that are a little marginalized, all of a sudden, the first to leave are the banks. I think the banks have some responsibility before they leave a neighbourhood, because they came into the neighbourhood when the neighbourhood was doing quite well, and they were doing quite well financially. Do they not have a responsibility to stay? I know I get complaints from some of my local residents and small business people who say, "I can't even go to a nearby bank anymore. I have to drive 20 minutes or a half-hour to make a small deposit in the bank," because the banks have closed their shops and many of their buildings are now auto parts stores, Pizza Pizza places. I think our banks have a responsibility to stay in our neighbourhoods to make sure that they help people who need reasonable loans and financial support. They shouldn't leave when the going gets tough.

Mrs. Joyce Savoline: I too want to congratulate the member from Mississauga South, who so ably carried this bill for the minister, and I too want to wish Minister McMeekin the best in his recovery. He has a riding adjacent to mine and we have many good conversations about hospital issues and other things.

I will be supporting this bill today; however, I think there is a bit of a double standard in here and that there needs to be some attention paid to how it moves forward through committee. The industry is relatively new. I mean, it's only really been going in Canada since the early 1990s, and it has been an unregulated industry. When all the fees are added, whether they are the set-up fees or the broker fees or the verification fees, and you

add that to the interest that is applied to the amount that's borrowed, it far exceeds any maximum rate that's permitted by law. I think that is a very unequal, unfair, unlevel playing field for those people who find themselves in the challenging predicament of having to take a payday loan.

So I think it's necessary to have the full public consultation, as I truly believe all of our bills should have, and what I would stress is that I feel the cooling-off period that's being suggested is the right thing to do. A person should have the right to cancel the loan within one business day of applying or of receiving the initial advance. There is also the ability of the government to set a cap on the rate of interest. I think those are very important elements that need to be considered.

The Acting Speaker (Mr. Jim Wilson): Further questions and comments?

The Minister of Small Business and Entrepreneurship has up to two minutes to respond.

Hon. Harinder S. Takhar: I'm very thankful to the member from Trinity-Spadina, the member from Eglinton-Lawrence, my colleague, and the member from Burlington.

When I talked about the total cost of borrowing, I didn't say that interest was not important. What I said was that what is really important is the total cost of borrowing, and the total cost of borrowing includes the interest cost, the fees and everything else that is included.

I think the member from Eglinton-Lawrence actually raised a very good point about the role that the banks need to play. Even in my role as the Minister of Small Business, I see sometimes that a business needs money and it's very hard for them to get money from the banks. We are having a lot of discussions with the banks on that front and saying, "Hey, it's really important for us to get the banks involved in providing those services." Even then, when you go to the bank and borrow money—you go to the bank or you go to the payday loan houses, wherever you go—you need to know what the total cost of borrowing is. You need to know what the interest rate is. You need to know what the service charges are. You need to know what the administration fees are. So at the end of the day, you need to say, "After taking all of this into account, does it make sense for me to borrow?"

1750

What we are suggesting in this bill is that we want to actually come up with some limit on the total cost of borrowing which will be fair to the borrower and also be fair to the people who are lending the money, so that the business can survive and thrive but, at the same time, so that we can also look after the interests of the borrowers, so that we can look after bond level and the poor of society.

As to some of the comments the member from Burlington made: I think a cooling-off period is important because sometimes people get into these contracts in a very hasty manner. If they have a 48-hour cooling-off period, at least they can think about it in a rational way and, if they have to get out of it, they can.

The Acting Speaker (Mr. Jim Wilson): Further debate?

Mr. Ernie Hardeman: I rise to speak to Bill 48. As I came into the chamber today to be part of the first day of this second reading debate, I came in expecting that I would be supporting the bill. As I have listened to all the debate, I'm starting to get concerned about what is in the bill and what isn't in the bill and whether it's going to do what the government said it was going to do.

When people at home ask me, "What is it that a member of the opposition does? The Queen must have had some idea why she wanted a loyal opposition," I explain it in two ways. One, our responsibility is to make sure that we tell the public what is in the bill: things the government does not want to talk about, the things that are not the positives of a bill. Every piece of legislation has some of that, something negative to it. It's our job to put that out. The other thing that's very important that a member of the opposition must do is to point out to the general public where the government is missing the mark, when it says one thing and does something else, or the bill doesn't do what they suggested it would do.

I just want to make a point. I listened to the presentation of the member for Parkdale-High Park and her concern about what the bill does. Some of the information she used was totally contrary to what the minister said in the introduction of the bill.

I'll just point out where they did concede that they came together. The minister, in the press release, starts off by saying, "McGuinty Government Protecting Most Vulnerable Consumers." That would mean to me that there was something coming forward in the bill that would regulate the cost to those vulnerable consumers. We all know that when it comes to the payday loan industry—at least I thought, when I came in—the primary consumer who uses that service is a person who needs a quick, short-term loan to pay for the necessities they have or things they need to do before the actual payday comes. Then, hopefully, they have the ability to pay that back with a reasonable fee to the company for providing that service.

I don't agree with the member from Parkdale-High Park, who suggests that we should just get rid of these places. As much as we may say that banks should do it, credit unions should do it, we all know that they don't do it. With no collateral, you can't get a loan from a credit union or from a bank to tide you over till Friday. They don't have a process in place to do that. It takes them longer than that to approve a loan. So we can't not have these organizations, but at the same time I would have thought, if the minister was serious when he said that this is to protect the most vulnerable consumers, that somehow this would do that.

We have heard that there is no cap. So, when I heard the member from Parkdale-High Park suggest that she wanted a cap of 35% or 36% interest, I thought that that sounded like a pretty high interest rate. I don't pay quite that high an interest rate when I borrow money. But of course we realize that it's short-term, that there's a lot of

paperwork to a small loan, so maybe there's some rationale to it. But when I looked in the bill, not only is there no hard cap; there are no figures in the bill, no numbers. It doesn't say whether it's going to be 100%, 200% or 300%. All it says is that they must post it. So what the bill really is—I guess we'll get into it a little more deeply as I go—is it gives the government the ability to license the payday loan business and, I expect, charge a fee to do that.

Then the bill talks about enforcement. It doesn't talk about dealing with a complaint where the consumer calls our constituency office and says, "I've been ripped off by this company. What can you do about it?" I guess I would say, "Call the Ministry of Consumer and Commercial Relations." That's not what it's called now, but I've been getting used to saying that over the years. But the answer is always, "Yes, that's covered under the act, but you have to get it enforced in the courts." If they're having a debate about an overcharge of \$100 on a \$200 loan and they have to go and see a lawyer to take that to court, that person is in trouble.

If we look at the reason that the bill is here, it's for consumer protection for those vulnerable consumers. We have just eliminated their ability to deal with this bill at all. I don't think that the answer to their problem is to make sure that the people they're dealing with are licensed if the licence does not direct how they must operate their business—and incidentally, in this bill it doesn't do that. If the government's intention was to do that, why wouldn't they have included some of that in the bill? Have a section in the bill somewhere—and it might be here; I can't find it. I found the sections on enforcement and licensing and that you can call them if you have somebody doing business without a licence. But there's nothing in the bill on what is required on behalf of the licensee—what it is they have to put up or what they have to do in order to get a licence. They just have to call up and say, "I've got enough money. I'd like to lend it to my friends and I'd like to charge 300%. Could you give me a licence?" I expect the minister would say, "If you have \$300, you give me \$150 of it and we'll let you lend the other \$150 to the consumer, and we'll all be happy." The licensor will say, "That's great stuff, because I'll soon get my \$150 licence back because on the first loan I will double my money." Everybody's happy except the consumer. We didn't protect that consumer whom we were talking about.

I just don't believe that the government is hitting the mark that they set out in this news release. It says, "The new Payday Loans Act, if passed, will enhance consumer protection by licensing all payday lending industry operators and banning controversial lending practices." I wonder where in the bill they have that. There's nothing in the bill that says that there's anything—they don't define what a controversial practice would be, and there's nothing that says, "We will stop all the lenders from controversial practices." Where would that come from? I don't think it exists. I don't think it does that. Again, I think they missed it.

“In a continuing effort to protect Ontario’s most vulnerable consumers in need of short-term loans, a process to place a cap on total costs of borrowing, an inspection and enforcement regime and an education campaign will empower consumers to make informed decisions and ensure integrity in lenders’ borrowing practices.” I would ask the parliamentary assistant—I know he’s listening intently—that, in response to my presentation, he could maybe explain to me where in the bill this is going to “ensure integrity in lenders’ borrowing practices.” It just isn’t there.

I’m sure that the minister, when he gets back from his illness—and we look forward to that being very soon and we wish him well—he’s going to say, “I’m going to do that in regulation.” Fair business practices, fair lending practices, are not something that has to change from day to day. Fairness is as fair tomorrow as it is today. It’s not something that you need to do by regulation. It’s some-

thing that you should put in the legislation—the very reason you brought the legislation into place. This isn’t supposed to be a bill about licensing people; this is supposed to be a bill about protecting the consumer. That’s not what this bill does.

Mr. Speaker, I know that the hour is fast approaching quitting time for this evening. We do have more to do, but I’m sure that with your good graces you will allow me to continue with the presentation at a future date, when this bill is called again.

Second reading debate deemed adjourned.

The Acting Speaker (Mr. Jim Wilson): I thank the honourable member.

I want to once again thank our pages for doing a great job. We wish you well in life.

It being 6 of the clock, this House stands adjourned until next Monday, April 28, at 1:30 p.m.

The House adjourned at 1800.

ERRATUM

No.	Page	Column	Line(s)	Should read:
L-28A	1093	1	2	Schreff from London Hydro for donating the light bulbs. I

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Continued from back cover

ORAL QUESTIONS / QUESTIONS ORALES

Ontario economy	
Mr. Tim Hudak	1362
Hon. Dwight Duncan	1363
Adoption disclosure	
Mr. Norman W. Sterling	1363
Hon. Madeleine Meilleur	1363
Ontario economy	
Mr. Howard Hampton	1364
Hon. Dwight Duncan	1364
Legislative reform	
Mr. Howard Hampton	1365
Hon. Michael Bryant	1365
Native land disputes	
Ms. Laurie Scott	1366
Hon. Michael Bryant	1366
School closures	
Mr. Rosario Marchese	1366
Hon. Kathleen O. Wynne	1366
Sports funding	
Mr. Bob Delaney	1367
Hon. Margaret R. Best	1367
Ontario economy	
Ms. Lisa MacLeod	1367
Hon. Dwight Duncan	1368
Poverty	
Mr. Michael Prue	1368
Hon. George Smitherman	1368
Cultural protection	
Mr. Dave Levac	1369
Hon. M. Aileen Carroll	1369
Apprenticeship training	
Mr. Jim Wilson	1369
Hon. John Milloy	1369
Cancer treatment	
Mr. Peter Kormos	1370
Hon. George Smitherman	1370
Hospital funding	
Mr. Mario Sergio	1370
Hon. George Smitherman	1370
Trucking safety	
Mr. Frank Klees	1371
Hon. James J. Bradley	1371

School pools

Ms. Cheri DiNovo	1371
Hon. Kathleen O. Wynne	1372

PETITIONS / PÉTITIONS

Lord's Prayer

Mr. Frank Klees	1372
-----------------------	------

Community colleges collective bargaining

Mr. Peter Kormos	1372
------------------------	------

Firearms control

Ms. Sophia Aggelonitis	1372
------------------------------	------

Lord's Prayer

Mr. O'Toole	1372
-------------------	------

Community colleges collective bargaining

Mr. Rosario Marchese	1373
----------------------------	------

Firearms control

Mr. Jeff Leal	1373
---------------------	------

Pope John Paul II

Mr. Frank Klees	1373
-----------------------	------

Community colleges collective bargaining

Ms. Cheri DiNovo	1373
------------------------	------

Hospital funding

Ms. Helena Jaczek	1373
-------------------------	------

Lord's Prayer

Mr. John O'Toole	1374
------------------------	------

Anti-smoking legislation

Mr. Jeff Leal	1374
---------------------	------

Lord's Prayer

Mr. Ernie Hardeman	1374
--------------------------	------

Firearms control

Mr. Mario Sergio	1374
------------------------	------

Anti-smoking legislation

Ms. Laurie Scott	1375
------------------------	------

Firearms control

Mr. Lou Rinaldi	1375
-----------------------	------

ORDERS OF THE DAY / ORDRE DU JOUR

Payday Loans Act, 2008, Bill 48, Mr. McMeekin / Loi de 2008 concernant les prêts sur salaire, projet de loi 48, M. McMeekin

Mr. Charles Sousa	1375
Mr. Bob Delaney	1378
Mr. Tim Hudak	1378
Ms. Cheri DiNovo	1379
Hon. Brad Duguid	1379

Mr. Charles Sousa	1379
Ms. Lisa MacLeod	1380
Ms. Cheri DiNovo.....	1385
Mr. Charles Sousa	1385
Mr. John O’Toole.....	1386
Mr. Jeff Leal.....	1386
Ms. Lisa MacLeod	1386
Ms. Cheri DiNovo.....	1387
Mr. Reza Moridi.....	1394
Mr. Ted Arnott	1395
Mr. Rosario Marchese.....	1395
Mr. Charles Sousa	1395
Ms. Cheri DiNovo.....	1396
Hon. Harinder S. Takhar	1396
Mr. Rosario Marchese.....	1397
Mr. Mike Colle.....	1398
Mrs. Joyce Savoline	1398
Hon. Harinder S. Takhar	1398
Mr. Ernie Hardeman.....	1399
Second reading debate deemed adjourned	1400
Erratum	1400

CONTENTS / TABLE DES MATIÈRES

Thursday 24 April 2008 / Jeudi 24 avril 2008

PRIVATE MEMBERS' PUBLIC BUSINESS / AFFAIRES D'INTÉRÊT PUBLIC ÉMANANT DES DÉPUTÉS

Children's Law Reform Amendment Act, 2008, Bill 33, Mr. Craitor / Loi de 2008 modifiant la Loi portant réforme du droit de l'enfance, projet de loi 33, M. Craitor

Mr. Kim Craitor.....	1343
Ms. Cheri DiNovo	1344
Mrs. Linda Jeffrey	1346
Mrs. Joyce Savoline.....	1347
Mr. Khalil Ramal.....	1348
Ms. Laurie Scott	1349
Mrs. Maria Van Bommel.....	1350
Mr. Kim Craitor.....	1350

Unlawful Firearms in Vehicles Act, 2008, Bill 56, Mr. Colle / Loi de 2008 sur les armes à feu illégales dans les véhicules, projet de loi 56, M. Colle

Mr. Mike Colle	1351
Mr. Garfield Dunlop.....	1352
Ms. Cheri DiNovo	1353
Mr. David Zimmer.....	1354
Mr. Frank Klees.....	1355
Mr. Gilles Bisson.....	1356
Mrs. Laura Albanese.....	1357
Mr. Tony Ruprecht	1357
Mr. Mike Colle	1358

Children's Law Reform Amendment Act, 2008, Bill 33, Mr. Craitor / Loi de 2008 modifiant la Loi portant réforme du droit de l'enfance, projet de loi 33, M. Craitor

Second reading agreed to.....	1359
Mr. Kim Craitor.....	1359

Unlawful Firearms in Vehicles Act, 2008, Bill 56, Mr. Colle / Loi de 2008 sur les armes à feu illégales dans les véhicules, projet de loi 56, M. Colle

Second reading agreed to.....	1359
Mr. Mike Colle	1359

MEMBERS' STATEMENTS / DÉCLARATIONS DES DÉPUTÉS

Halton Mentoring Partnership

Mrs. Joyce Savoline.....	1359
--------------------------	------

Women's Legal Education and Action Fund

Ms. Laurel C. Broten	1359
----------------------------	------

Hockey

Ms. Laurie Scott	1360
------------------------	------

Hockey

Mr. Dave Levac	1360
----------------------	------

Fishing regulations

Mr. Randy Hillier	1360
-------------------------	------

Heritage conservation

Ms. Andrea Horwath	1361
--------------------------	------

Mazo de la Roche

Mr. Charles Sousa.....	1361
------------------------	------

Aboriginal affairs

Ms. Leeanna Pendergast	1361
------------------------------	------

Passover

Mr. David Zimmer.....	1361
-----------------------	------

REPORTS BY COMMITTEES / RAPPORTS DES COMITÉS

Standing Committee on Finance and Economic Affairs

Ms. Leeanna Pendergast	1362
Report adopted.....	1362

MOTIONS

Private members' public business

Hon. Michael Bryant	1362
Agreed to	1362

Visitors

The Speaker (Hon. Steve Peters)	1362
---------------------------------------	------

Legislative pages

The Speaker (Hon. Steve Peters)	1362
---------------------------------------	------

Continued on inside back cover