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**Official Report
of Debates
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**Journal
des débats
(Hansard)**

Thursday 15 May 2008

Jeudi 15 mai 2008

Speaker
Honourable Steve Peters

Président
L'honorable Steve Peters

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Thursday 15 May 2008

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Jeudi 15 mai 2008

*The House met at 0900.
Prayers.*

ORDERS OF THE DAY

ONTARIO FRENCH-LANGUAGE
EDUCATIONAL COMMUNICATIONS
AUTHORITY ACT, 2008
LOI DE 2008 SUR L'OFFICE DES
TÉLÉCOMMUNICATIONS ÉDUCATIVES
DE LANGUE FRANÇAISE
DE L'ONTARIO

Resuming the debate adjourned on May 5, 2008, on the motion for second reading of Bill 55, An Act to enact the Ontario French-language Educational Communications Authority Act, 2008 and make complementary amendments to the Ontario Educational Communications Authority Act / Projet de loi 55, Loi édictant la Loi de 2008 sur l'Office des télécommunications éducatives de langue française de l'Ontario et apportant des modifications complémentaires à la Loi sur l'Office de la télécommunication éducative de l'Ontario.

The Speaker (Hon. Steve Peters): Further debate?

Mr. Robert W. Runciman: I appreciate the opportunity to participate in this debate on Bill 55, which, as I understand it, in essence is creating a stand-alone network to serve Franco-Ontarians.

Je suis un étudiant de français. Je ne suis pas un bon étudiant, mais je fais un effort. I'm not going to deliver my speech in français, but to suggest that we're not supportive of that community in this province would be totally incorrect.

Obviously we, on this side of the House, are fiscal conservatives. To put some points on the record with respect to the expenditures involved here, I gather, would be appropriate. I want to contrast it with what I consider to be some shortcomings and some areas that could stand to be improved in terms of TVO coverage and its linkages with TFO.

For some time, going back to the late 1980s, I've been a very strong advocate of increased and improved coverage of what goes on in this place, its committees, with the opposition parties, with private members' legislation—all the host of, I think, very interesting and in some cases complex and involved matters we deal with on a daily and a weekly basis as members of this Legislature.

TVO and TFO are arms, if you will, of the Ministry of Education—an education network; that's what it's all

about. I recall, going back many years ago—I won't mention the union, but they were having a lobby day at Queen's Park. There were a couple of folks from my riding, and they met with me for half an hour and discussed their issues. Then I asked them if they'd like to go in and watch question period. I gave them a couple of passes and they came in—I was in the third party at that point in my political life.

They came out after question period—these were ladies in their 40s—smiling from ear to ear. They thoroughly enjoyed themselves and said, “We didn't realize this happened in Toronto; we thought it only happened in Ottawa.” These were individuals who had been in the working world for 20 years, had gone through the Ontario educational system and were representing their fellow workers in a lobby day at Queen's Park, but didn't appreciate or didn't understand or didn't realize that we have a question period in the Ontario Legislature. That sort of elevated my concern with the coverage we get in this place.

If you fast-forward to today, we know what's happening with the decline in membership in the press gallery here. I was talking this week to Richard Brennan, who was here to see his daughter graduate as part of the Queen's Park security service. Rick, as some of you will recall, was also known as the Badger around this place—a very aggressive and, in many respects, fun-loving member of the press gallery at Queen's Park. He's now president of the press gallery in Ottawa. He was telling me that they have over 400 members in the press gallery in Ottawa, covering everything from who's dating the Minister of Foreign Affairs to whatever the hot national topic of the day might be.

What happens in this place? We see reduction after reduction. CHCH moved their reporter out of here, and now we have Randy Rath, who is a cameraman—a great guy, but he's doing double duty. We see TVO closing their Queen's Park bureau, which really deeply offended me. This is an arm of the provincial government, an educational network. Ontarians have increasingly limited coverage of what goes on in here, and increasingly underappreciate the responsibilities, the workload, the challenges that face all 107 of us sitting in this place. We should all be concerned about this.

Going back to the late 1980s, when I chaired the Standing Committee on Government Agencies, a fellow by the name of Peter Herrndorf was appointed by the Peterson government to chair TVO. During the review for his appointment, I asked him about the idea of TVO producing a show that focused solely on Queen's Park. I

used as a model a show I had watched for many years called *Inside Albany*, which is a PBS show covering affairs in the New York state Legislature. Mr. Herrndorf agreed with me; he thought it was a good idea and said he would pursue it.

To give him his due, he did pursue it. His answer was the Fourth Reading component of *Studio 2*, which was a very modest component, but it was helpful. It was helpful, but it was, what, a 15-minute or half-hour segment once a week? Mr. Herrndorf said afterward, "That's my answer to it," and I said, "Well, I appreciate what you've done, but it isn't what I feel should be done and hasn't been done over so many years." I contacted Lisa de Wilde, the new president or CEO—whatever her appropriate title is—of TVO, on a couple of occasions and have been spurned. Her answer is that this new show called *The Agenda* is the answer because they, on occasion, deal with provincial issues. Well, that's fine and dandy. *The Agenda* is an outstanding production, I don't think there's any doubt about that, but it's not what we need.

0910

What we need is a show that focuses solely on Queen's Park. I had the legislative library do a bit of research on this, looking at neighbouring jurisdictions. Virtually every other jurisdiction does something to cover the happenings in their state legislatures. We're alone in this. In fact, what TVO has done is quite the opposite: by closing down their Queen's Park bureau and losing Sue Kelley, who covered this place extremely effectively and is no longer employed by that agency of government.

I've talked about the coverage at the federal level and the inane topics that get unbelievably intensive coverage, while we are dealing with serious issues in this place. If you look at hospitals, if you look at the health care system, if you look at policing, if you look at education, primary, secondary, post-secondary—you can go down the laundry list—transportation, these are all provincial issues. We see this in our own constituency offices: the municipal government issues.

But we simply get very limited coverage or understanding of what's going on in this place. I think the Ministry of Education and the government have a significant role to play here and can do it through TFO and through TVO. Again, at the federal level, just look at the CBC politics show with Don Newman, and we've got Mike Duffy on a daily basis—these are daily shows—CPAC covering the federal scene in both French and English; and question period on CTV. There's intensive coverage of the happenings.

We have *Focus Ontario* once a week on Global. So that's it, folks. That's the kind of coverage. Maybe the government of the day appreciates that lack of coverage and lack of scrutiny of what they're doing, but I don't think it's appropriate.

And I don't think it's appropriate for this arm of government, this arm of the Ministry of Education, not to fulfill its mandate with respect to what's going on in this place. I think it's an obligation. If you look at the monies

going into the establishment of a stand-alone TFO network, I've heard the number of \$15 million being circulated. If that's wrong, someone can correct the record later.

Mr. Ted Chudleigh: I think it's \$60 million.

Mr. Robert W. Runciman: It's \$60 million?

Mr. Ted Chudleigh: Yes, I think—

Mr. Robert W. Runciman: That's a significant amount of money. I'm not minimizing the impact on the Franco-Ontarian community, but we know the viewership. I've seen these numbers over the years. All of us who have taken a look at those viewership numbers know they are relatively modest numbers; so \$60 million for a relatively modest number of viewers, versus ignoring what's going on in this chamber for year after year, and in fact, even diminishing it further by closing their Queen's Park bureau.

It's a slap in the face to Ontarians; it's a slap in the face to all of us sitting in this place. It really is. We know how we've downgraded our roles in this place over the years—all governments have been responsible for that—diminishing ourselves, and here we're doing more of the same by allowing TVO and TFO to walk away from this place, to join the mainstream media in walking away from this place, and minimizing coverage of very important decisions and very important consultations: Look at the committee work in this place, look at the roles of individual members, the kind of workload that individual members take on in this place, and the accomplishments of individual members, which get no recognition at all.

I'm pleading with the government members here to raise this issue with their Premier and with the Minister of Education. I sent a note to the Premier some time ago, prior to the budget actually, saying, "Here's an opportunity to put a reference into the budget with respect to TVO," and funding TVO, or requiring through the transfers that go to TVO now, saying that we want a production that's going to solely cover Queen's Park. They have the ability to do it.

Let's face it: If you're finding \$60 million to create a stand-alone network, you can find enough money to produce a weekly half-hour television show—*Inside Queen's Park*, or whatever you want to call it—that covers the happenings in this place.

I think that all of you should consider this a non-partisan issue. I've been an advocate for streaming of the proceedings on the Internet, and I want to compliment the Speaker for moving very quickly on this. I don't think I'm spilling the beans or anything, but the Board of Internal Economy approved funding for that yesterday. So that is going to happen, and that is going to somewhat improve the ability of Ontarians to find out what is going on in this place. But we know that Rogers has moved access to coverage of this place up into the sky, and *Star Choice* and many others don't even cover Queen's Park or make it available in terms of access to their network.

Ms. Laurie Scott: *Star Choice* does.

Mr. Robert W. Runciman: *Star Choice* does?

Ms. Laurie Scott: Bell doesn't.

Mr. Robert W. Runciman: Bell doesn't. Again, I think this is worthy of our consideration. It's worthy of us moving ahead on this and requiring—we have the ability, especially the government, obviously. You control the purse strings; you appoint the head of TVO.

I'm encouraging the members to take a serious look at this. This is a non-partisan issue. It should be a non-partisan concern about giving Ontarians a better opportunity to understand the role we play in this place: the debates, the discussions and the consultations. I think it would help us in terms of gaining a better understanding, in our own ridings and throughout the province, of the role we play and the serious issues we have to deal with on a weekly and daily basis.

I'll wrap up my comments with that. We are supporting the legislation. We obviously have some concerns about the decisions being taken at TVO and the failure to really, in my view, fulfill its education mandate with respect to this place, and we encourage them to do just that.

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

Ms. Laurie Scott: It's a pleasure to rise and comment on the great oratory we've just heard from the member for Leeds–Grenville; he puts out a lot of good points. We should be educating people more on what goes on in the Legislature. Our role has been diminished over the years, and we need to re-establish that in the public's eye. They need to see what we do here to engage them. It also helps us do our job a lot better. It is frustrating when there is less and less coverage of the Legislature. People at home really don't know what we do; the difference between MPs, MPPs and municipal politicians gets confused all the time.

We're not helping ourselves or the democratic process by diminishing any coverage that exists here. I know that when I first got elected to the Legislature, my mother wanted to watch at home—I was kind of discouraging that for the first while. We had to change satellite companies in order to get coverage so she could watch the legislative channel. She makes sure I'm at work when I'm supposed to be and probably watches more than the average person at home.

Since 2003, I've seen the diminishing of coverage of the Legislature, and I don't think that does anybody any good. The member from Leeds–Grenville made good points: This should not be a partisan issue; TVO/TFO is an arm of the government.

It was a big loss for Susanna Kelley to go. I remember when the Frost centre suddenly closed under the Liberal government. She helped all of us—the member from Peterborough, all parties—in getting that Frost centre up and going. She did a series. She went up to the Frost centre, to the riding of Haliburton–Kawartha Lakes–Brock, and to Parry Sound–Muskoka—we just about there. She covered that. She educated people. She helped us get the public on board. We've seen a great success story of FCI, with Al Aubry taking that over, educating youths, not only from this country, but internationally, on the import-

ance of environmental sustainability. That's a success story that TVO helped us bring forward to the public. I hope the government reconsiders that.

0920

M^{me} Laurel C. Broten: C'était très intéressant d'écouter le membre de Leeds–Grenville. La seule difficulté est que les débats aujourd'hui regardaient le futur de TFO, le programme francophone, qui est très important pour les familles franco-ontariennes, pour accélérer et avoir une avenue pour regarder et écouter des programmes francophones pour nos enfants et pour le système d'éducation en français.

Alors le débat est centré dans le domaine de TVO et le futur de TFO, ce qui est quelque chose de très différent d'un TFO indépendant. C'est quelque chose que je crois est très important d'exprimer pour les gens qui demeurent dans ma circonscription d'Etobicoke–Lakeshore qui prennent avantage d'une école francophone. On a beaucoup de gens dans notre communauté qui sont dans un milieu anglophone et essaient d'avoir des enfants et une famille francophone, francophile et franco-ontarienne. Alors c'est quelque chose où on doit mettre un effort pour s'assurer que nos enfants et les générations de l'avenir vont être francophones ici dans une province où on a une histoire bilingue.

Pour moi, encore aujourd'hui, je donne mon appui à un TFO indépendant et j'espère que tous ceux dans la législature vont aussi donner leur appui. Je remercie le membre de Leeds–Grenville de dire qu'il veut donner son appui, et j'espère qu'on va pouvoir filer en direct à chaque famille en Ontario, un TFO indépendant dans les jours qui viennent.

The Acting Speaker (Mr. Jim Wilson): Further questions and/or comments? Seeing none, the member from Leeds–Grenville has up to two minutes to respond.

Mr. Robert W. Runciman: I appreciate the interventions. The member for Haliburton–Kawartha Lakes–Brock hit a good note when she talked about constituents not understanding the different roles and responsibilities of MPs and MPPs. If we want to be honest about that, we in our constituency offices bump into that every week. I think it reinforces the point I'm making that TVO and TFO, as educational networks, have a responsibility here, in my view, to better inform Ontarians, starting with the educational system, of just how the provincial government operates, the roles and responsibilities of their MPP and the challenges, the legislation, how a committee works. All of those things can only benefit the people of this province, especially the young Ontarians who are currently in the education system. Again, I encourage the government members to take this seriously, to encourage their Minister of Education and their Premier to take this seriously and to undertake an initiative to ensure that TVO and TFO produce programs that will cover solely the happenings and responsibilities and undertakings of this great historic assembly.

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

Mr. Peter Shurman: I had the occasion to do the lead-off speech on this particular piece of legislation, and I'd like to take this opportunity—

Hon. David Caplan: No, you can't speak again.

Mr. Peter Shurman: I can speak again on this, can't I?

The Acting Speaker (Mr. Jim Wilson): I guess you can't, no. Sorry, I didn't know you had spoken before. Further debate?

Mr. John O'Toole: I think the member from Leeds–Grenville said most of what we wanted put on the record. The member from Haliburton–Kawartha Lakes–Brock also mentioned the importance of that voice for Ontario and the francophone community and its challenge with respect to the whole issue around assimilation. I think it's important to strengthen it.

My understanding is that most of the organizational changes that are recommended in Bill 55 indeed have happened and this is just an affirmation of what has actually gone on. TFO already has its own board of directors, an office in Toronto and manages its own budget of \$23 million per year. The total operating budget includes provincial funding combined with federal funding and revenues from cable subscribers. This is in place. It's a matter of formalizing and strengthening it.

If I want to talk in a sincere tone, like the member for Leeds–Grenville, who summarized pretty well how I feel about the bill, since the province is one of the partners in a non-commercial station, we should have a presence here at Queen's Park. The province of Ontario, the people of Ontario, the voice for Ontario: the unifying effects all transcend and happen right here in the dynamics of an opposition and a government and third party. In that, I can say that Susanna Kelley was actually a very sincere and genuine reporter who I thought did a very commendable job. Now, Steve Paikin, that's a whole other story, a whole other level. He's at the level of CNN. The best program on television, in my humble opinion, is *The Agenda*. That program is the most informative program on television for Ontarians and Canadians, and I commend it to anyone listening to this parliamentary channel. You might be wasting your time; if you want some real content, you should be listening to *The Agenda* with Steve Paikin. The producers of that show have a continuous blog, as well. It's a very interactive learning and dynamic channel in that respect.

I hope they have the same luxury of content in the French-language format. I would hope to engage people. I belong to the francophone committee here at Queen's Park to learn. Like most people, I don't have enough vocabulary. I understand general themes, but it's by listening and participating—and I'd encourage anyone, especially the young pages here. If you have one, two or more languages, so much the better. Having a second language is like having a degree; it's that valuable. So take advantage. Some of you may be in French immersion or in French-language schools, and so much the better; and whatever other languages in a global economy.

That brings me back to the fundamental premise of my comments today in support of TVO. The reason I say that

is that Mr. Runciman was right. As our leader here, he wasn't being critical of the station; he was critical of pulling out the anchor of this whole place. We have our parliamentary network, which may not be widely subscribed to. In fact, when Rogers reconfigured their cable service packages, I had to get another package to be able to get the parliamentary channels. I enjoy CPAC and other dialogue programming, and that's what I'm trying to say is important for the francophone community as well. We wouldn't be opposed to that. I think there is some discussion in things I've read, and I have some notes here which—perhaps some wish that I would stick to the notes.

Interjection: No, you're doing a great job.

Mr. John O'Toole: Actually, I'm waiting for one of our caucus adviser groups to tell me where this is going to go in committee before we stop talking about it.

I still go back to some of the important issues. I thought Steve Paikin's *Agenda* program on the 60th anniversary of the state of Israel and Palestine was phenomenal. They presented in a most professional, balanced and fair way, a very complex, often emotional and certainly very sensitive issue. You couldn't read and learn as much as they presented in the series of programs that Steve Paikin and his producers put together.

In fact, I'd go so far as to say I have some very good friends who are from the—my sister actually was married to a Jewish fellow. He, unfortunately, passed away within the past year. She's very integrated into that community. I said to her it's the most balanced program I have watched. There is a highly emotional debate in that whole discussion, but it's a lesson to all, as we become such a cosmopolitan or multicultural community in Ontario, and in fact in our country and globally: Where are the boundaries, where are the limits, where are the tolerances, and where are the thresholds?

0930

We're talking about a country that ostensibly is officially bilingual. I'm from the generation where that wasn't as advanced. In fact, I would say that even when our children were starting school and they had French immersion programs, it was rather shaky whether or not they would continue. So I would have put my oldest boy into French immersion, but it just wasn't quite on solid footing. He ended up going to the Royal Military College where, to graduate, you had to be functionally bilingual. So it was unfortunate that he hadn't had that background.

But I have a number of members of the family—in fact my first grandchild is now in a French immersion program. She just immigrated from Australia. So here's a young child who's three, four years old, whose first three or four years of her life were in Australia, which is a different language entirely.

Mr. Ted Chudleigh: Does she speak the language?

Mr. John O'Toole: She speaks Australian. Mr. Chudleigh, don't get me into trouble.

What I'm trying to say is that the world as we live in and inhabit is getting smaller. We must become more tolerant and understanding. TVO and TFO serve a func-

tion of educating us, thereby expunging ignorance and encouraging understanding. It's a responsible position.

I would say that if you look at the background, in June 2006, Minister Papatello oversaw the overhaul of TVO, with revamping of programming and conversion into a digital format and preparing to turn French-language TFO into a separate entity. According to a *Globe and Mail* article, on June 30, 2006, "The new content, to be rolled out over the next 15 months, is aligned with the Ministry of Education's priorities and follows a strategic review done at the request of the government."

So the government is hands-on trying to, in a policy way, direct this transformation of TFO, giving it a bit more strength and independence. At the time, our leader, John Tory, told reporters that "The cancellation of Studio 2 seems like an attempt to line up the political policies of the government with the editorial policies of TVO". This is the issue when governments actually start interfering, which has been talked about with the Caledonia issue, that the Minister of Aboriginal Affairs and the Attorney General could perhaps be involved in influencing things. We don't want that.

Some of the best programming is BBC. It's like TVO. It's high-class programming. Maybe some people don't like Coronation Street—I don't, but a lot of people do. But there is a lot of really good, global content. That is one of the global channels that I watch, because one of my daughters lives and teaches in London, England. I have another daughter who actually lives in the Isle of Man, which is in the Irish Sea, and she's taking her master's degree in England, at some school in England. It's not an executive MBA, it's a full MBA. I think it's an MBA or MPA, I'm not sure which, really.

My point is that I watch the programs because even there, when we talk to them, it's the importance of these mediums, it's so important to understand. When we talk to them on the weekends—a week ago, my daughter, the one from Isle of Man, was vacationing in Switzerland, and it's interesting—

Mr. John Yakabuski: You've got to be kidding me.

Mr. John O'Toole: Yes, she—

Mr. John Yakabuski: How did she like Switzerland?

Mr. John O'Toole: She did, she loved it.

Mr. Robert W. Runciman: Does she speak the language?

Mr. John O'Toole: Yes, in fact, she does speak a bit of French.

She was on Skype, and we were speaking to her from Italy on Skype on the computer, and in the background were the Alps. Do you understand? It's quite incredible when you think of the how small the world is getting. She was sending pictures of their trip through—they were staying in Geneva at the time so it's—I could go on.

The main reason I'm standing up here is that I've been given information that it appears we have all-party consent to have this go to a committee. I'm glad to see that TVO and TFO are progressing well, and that the French language and community are strong and strengthened in our community.

The Acting Speaker (Mr. Ted Arnott): Questions and/or comments?

Mr. John Yakabuski: It's certainly a pleasure to follow my esteemed colleague from Durham on some of his chatting and, how would I say, evaluations of not only the bill but the general human condition, you might say. He raises some very interesting points about the value of TVO today and questions why the McGuinty government would be yanking it from the precinct here—it's just unbelievable—and why the McGuinty government wouldn't have stood up and said no when those cable companies were yanking the legislative channel from basic cable. Now you've got to get a digital box in order to watch the legislative channel. I know my colleague talked about how much he enjoyed watching the Canadian Parliamentary Channel, but now he has to upgrade his cable package in order to get the legislative channel. Believe it or not—and I know a lot of those Liberals would wonder why—there are some people who actually want to watch this channel, because they find it interesting.

The other thing is—and I'd like to point this out about the legislative channel itself—why isn't the McGuinty government doing something to put pressure on Bell ExpressVu, for example, to bring that channel to people in rural Ontario? Bell ExpressVu, believe it or not, while it covers the Saskatchewan legislative channel, doesn't carry the legislative channel from the most populous, most prosperous province in the country, the one with the most important Legislature, the one that we serve in Ontario. Why is the government not doing something to pressure Bell to put that channel on ExpressVu?

Mrs. Liz Sandals: I'm really not quite sure what all this chit-chat is about regarding decisions made by Rogers Cable. I too am frustrated by the decision by Rogers Cable that you have to get a box to watch the legislative channel, but that has nothing to do with TFO. What is true of TFO is that it's on the mainstream cable service. It's a wonderful service to francophones in Ontario and it's particularly a wonderful educational service. I was actually just talking to page Isabelle Love's mother, who happens to be here to visit today. Isabelle's mom happens to be a principal in a French-language school in Ontario, and we were just chatting about what a valuable service TFO is for francophone students in Ontario.

This is an important bill. It's an important bill for the francophone community in Ontario. I hope we'll have people's support, and we need to get on with voting.

Mr. Ted Chudleigh: It's interesting that the member for Leeds–Grenville talked about the lack of coverage in this place. When we look at how government touches the people of Ontario most—is it the federal government where there are 400 members of the press gallery, or is it the Ontario Legislature that has a shrinking number from the press gallery?—the provincial government covers health, which touches people all too often; it covers education, which touches people daily; it covers major roads, bridges and construction of major thoroughfares, which touches everybody every day.

None of these things is covered by the federal government. People are hard-pressed to name one thing that the federal government does that touches their lives on a daily, weekly or even monthly basis, other than collecting income tax. They run the major courts, which don't touch individuals in Ontario on a daily or monthly basis, or perhaps in a lifetime. Most Ontarians who obey the law, who go to work and come home to their family every night are not touched by the courts.

Yet the federal government takes two thirds of your pay envelope in tax dollars. When you see that tax deduction, some of it comes to the province of Ontario but about two thirds of it goes to the federal government, yet they don't touch the lives of Ontarians in the same way the Ontario Legislature does. That's why I think it's a great shame that TVO and TFO don't have the kinds of coverage of this place that they should have, keeping the people of Ontario informed of how the majority of their tax dollars are spent in this province.

0940

M. Phil McNeely: Je suis très fier de voir que la Loi 55 est devant nous. Ça va beaucoup aider les francophones de l'Ontario, surtout pour moi avec 35 % à 40 % des francophones dans notre circonscription d'Ottawa-Orléans. Je suis très fier que notre gouvernement marche de l'avant avec la Loi 55.

Une chose qui est très importante, c'est que les distances en Ontario sont très grandes pour les francophones, surtout dans l'ouest et dans le nord. On est plus chanceux à Ottawa. On a à peu près 150 000 francophones dans nos trois circonscriptions : celle de la ministre Meilleur, de Jean-Marc Lalonde et moi-même.

Pour l'autre partie de l'Ontario, c'est très important pour l'éducation et la culture pour que les francophones aient de meilleures manières de communiquer. Je vois que l'office pour créer des programmes d'enseignement à distance est très important. On a eu ça à Orléans, le programme a commencé dans le nord et ça marche très bien avec ces programmes-là.

Alors, plus d'argent pour ces programmes va aider beaucoup les francophones : pour l'éducation et pour la culture. Ça va être très important pour avoir une francophonie plus forte dans notre province.

The Acting Speaker (Mr. Jim Wilson): The honourable member from Durham has up to two minutes to respond.

Mr. John O'Toole: It's very encouraging how the debate was awakened. All of a sudden, it's taken on a bit of life—to show the interest in this legislation.

I think the key point made by a number of speakers was the importance of the parliamentary channel itself. I know we're talking about TFO, and that's important. But in that whole discussion of the communications function, a number of points have been made about expanding that. TFO and TVO and CPAC and the legislative channels, in a nutshell, summarize the important functions that are going on here, whether it's health care, education, the environment—the next bill to be discussed is the Cosmetic Pesticides Ban Act, Bill 64.

For the people of Ontario to really engage, at whatever level they wish, whatever age they are, with the transformations in globalization and agriculture—all of these things are important. And in more languages, not less; and in more opportunities, not less. Rogers, as well as the parliamentary channel here, should be scolded for not putting that stuff out there so people can choose to watch good-content television. In fact, it's meaningful content and it's educational content. It breeds tolerance and acceptance through education. Ignorance is the enemy that we often deal with on important issues. But I commend the government for formalizing this.

There are a couple of points, just in a technical sense, while I conclude. The Lieutenant Governor in Council appoints the chief executive officer for a term of five years and can reappoint him. So there's the potential for political appointments here, which is often troubling. But qualified people who should go through the agencies, boards and commissions—I'm in support, in that respect.

The Acting Speaker (Mr. Jim Wilson): Further debate?

Seeing none, Mr. Bryant has moved second reading of Bill 55. Is it the pleasure of the House that the motion carry? Carried.

Second reading agreed to.

The Acting Speaker (Mr. Jim Wilson): Shall the bill be ordered for third reading?

Hon. David Caplan: I would ask that the bill be referred to the Standing Committee on Finance and Economic Affairs.

The Acting Speaker (Mr. Jim Wilson): Agreed? Agreed.

COSMETIC PESTICIDES BAN ACT, 2008

LOI DE 2008 SUR L'INTERDICTION DES PESTICIDES UTILISÉS À DES FINS ESTHÉTIQUES

Resuming the debate adjourned on May 12, 2008, on the motion for second reading of Bill 64, An Act to amend the Pesticides Act to prohibit the use and sale of pesticides that may be used for cosmetic purposes / *Projet de loi 64, Loi modifiant la Loi sur les pesticides en vue d'interdire l'usage et la vente de pesticides pouvant être utilisés à des fins esthétiques.*

The Acting Speaker (Mr. Jim Wilson): Further debate?

Mr. John Yakabuski: I didn't realize we were the first ones up to debate this. Normally, I thought it would be—

Mr. John O'Toole: It's supposed to be the NDP.

Mr. John Yakabuski: Okay. Well, we're here. No problem.

I recall when this issue came up during the provincial election of 2007, and the Liberals were saying they were going to ban pesticide use across the province, etc. Of course, I was asked, "Well, how do you feel about banning pesticides across the province?" What I basically

said was, "Based on what?" Based on the science that has determined that pesticides should be banned? No, we don't have that.

What we've got is a party that's looking for a political wedge any way it can get one, so they decided they were going to take the stand that they were going to ban the cosmetic use of pesticides across the province of Ontario, which, depending on your numbers, accounts for between 4% and 6% of all the pesticides used in Ontario. They're going to ban the cosmetic use of pesticides on the lawns of homes and businesses in the province of Ontario—the lawn here at Queen's Park.

I must tell you that I've got an interesting little letter here. I thank my colleague Sylvia Jones from Dufferin–Caledon for getting this. We asked the people at the precinct—I won't name names, because that would be unfair, although the name is here:

"Sylvia:

"You asked me to find the answer to the following question: What pesticides, insecticides, herbicides and lawn care fertilizers are used at the Legislative Assembly of Ontario?"

The answer came back, "I spoke with" so-and-so "at precinct properties." So-and-so "provided the following response.

"We have used no chemicals on the front lawn of the Legislative Assembly of Ontario for the past six years. That is why there are so many weeds on the front lawn. If you look at legislative buildings around the world, the lawns look beautiful because they use pesticides. We didn't use chemicals, and this is why our lawn is in terrible shape."

That came from a staff member here at the legislative precinct. Interesting stuff.

The one thing we do know we're going to get with a pesticide ban is a lot of weeds, and some of those weeds have been proven, not because Rick Smith from the environmental people says so, but because it has been proven by health professionals, to cause tremendous allergic reactions for people, and some can actually cause toxic reactions in people.

I'll tell you one thing: If this ban goes through, you might want to get to your stockbroker or call E*Trade Canada for that \$9 trade, or whatever it is, and buy a lot of stock in the people who make Reactine or Benadryl or any of those kinds of things, because the allergies in this province are going to be over the top. Everybody who suffers a little bit from allergies is going to be over the top. Then the McGuinty government is going to have to make some kind of excuse why everybody is walking around sniffing or choking or gagging or whatever. There are tremendous allergic reactions to a lot of natural substances in the environment, and that's one of the reasons that pesticides were ever asked for.

While I'm at it, I don't think there are enough people in this House, so I like to call for a quorum count, if I could.

The Acting Speaker (Mr. Jim Wilson): Do we have a quorum?

The Clerk-at-the-Table (Ms. Lisa Freedman): A quorum is present, Speaker.

The Acting Speaker (Mr. Jim Wilson): Continue the debate.

Mr. John Yakabuski: You just never know where those Liberals are going to appear from. I think a couple got out from underneath their desks. Anyway, back to the issue.

0950

Hon. David Caplan: On a point of order, Mr. Speaker: Where is the official opposition? There's only one member here.

The Acting Speaker (Mr. Jim Wilson): That is not a point of order. We're not to refer to the absence or attendance of members.

The honourable member from Renfrew–Nipissing–Pembroke has the floor.

Mr. John Yakabuski: You know, that minister's a cagey one. He'll do anything to steal some of my time.

We want to talk about the science. We go down a fairly slippery slope when we base legislation on politics, as opposed to science. If you're using that precautionary principle, if you asked somebody on the street, or tell them, or say to them, or you raise the issue, and they haven't done a whole lot of research themselves—I mean, people out there are very busy, they're trying to earn money, to make a living, support their families, whatever. They take some of this stuff at face value. They don't do a whole lot of investigation on that, because they're too busy. But the McGuinty government seems to have time to sit down with all of its stakeholders, the ones that they know they need—they want their support and they'll do anything to get it, to keep getting them elected. They'll base legislation on politics, as opposed to science. They did it with the greenbelt; they did it with the Endangered Species Act—and that's coming back to have some real detrimental effects on some of our forestry people. I hope the government addresses that, but I'm quite certain they won't.

They base these things on politics. If you said to the average person—and we'll just use a name, take a name out of the hat: "Do you know what, Mr. Leal? Those pesticides that people are using, and that are being sold, they're bad. They shouldn't use them. We have proof. We're not going to show it, we can't produce it, but we have proof that they're bad." If that person is asked that question in a poll, "What do you think about a pesticide ban?" they're going to say, "You know what? I've heard those things are bad. I've heard that we have to get rid of them. We have to protect our children. They can't be rolling on the front lawn, where pesticides have been used"—even if they've been used three weeks earlier and the rain has washed them in and blah, blah, blah. "You can't have that use." I know that I would make sure at any time—my kids are old enough now that I think they can probably make that judgment themselves. But if they were younger, I'd make sure that if I sprayed my lawn, they wouldn't be anywhere around it for several days, at least as many days as Health Canada—which has

approved these substances—would recommend that we not allow human contact, or pets, or otherwise. But no, the McGuinty government throws out that big scare. The reaction—not the Reactine—of people is going to be, “Hey, yeah, let’s err on the side of caution.” But the unintended consequence, or the unexpected consequence, for the public is what they’re not considering: what things are going to look like in five or 10 years.

Then the McGuinty government says, “We think these things are terrible and you shouldn’t have your children rolling around on the lawn when there are pesticides. However, if you don’t mind if your little four-year-old likes to hang on to your putter, or get you your tees on the golf course, no problem; take him out there. If he wants to roll around on the greens or on the fairways, that’s a great idea—some time for fathers and sons.” Oh, did I tell you? The golf course is exempt from the pesticide ban. So the McGuinty principles, again, always seem to be sort of like a teeter-totter: They’re up, they’re down; this way and that way, variable like the weather. So, “It’s okay, we’re not going to protect your children if they’re frolicking on the 18th green at Glen Abbey. We’re just going to tell you that we’re not going to let you put that weed killer on the lawn at home.” So we’re not going to take the kids to the golf course anymore.

I’m going to call up Uncle Joe and say, “I want the kids to get good, country-fresh air. I’m going to bring the kids out to your farm, Joe.” What could be more healthy, Mr. Speaker, than taking the kids to the farm? Oh, did I tell you—I may have missed that—that the farm is exempt from the pesticide ban? Goodness gracious me, don’t take the kids to the farm. They could come in contact with the pesticides. My goodness, now I can’t take the kids to the farm.

Do you know where I would be able to take my kids here in Toronto? No, they’re too old, but if they were between the ages of 9 and 15, I’d be able to take them to a graffiti school—that kind of activity. We can’t take them to the farm any more. Pesticides, so the McGuinty government says—bad for them. Can’t take them to the golf course—pesticides. Do you know what we can do, though? We can take them to a graffiti school here in Toronto where they can learn how to spray-paint graffiti on buildings. And they’re spending \$350,000 to teach that to kids. Excuse me, when I think about that I get a headache, so I’m going to ask for some water.

The slippery slope. What happened a couple of weeks ago? The Premier and the environment minister had a bit of a tiff.

Interjection: No.

Mr. John Yakabuski: Oh, yeah. Dalton and John weren’t kissing cousins that day. No, no, no. Because you see, what happened was that apparently either the Premier or the Minister of the Environment didn’t know what they had actually written in this bill. They got themselves kind of caught, which they do quite often, but I’ll tell you one thing: They are very good at wiggling out of things.

Ms. Laurie Scott: Professional squirmers.

Mr. John Yakabuski: Oh, they are the best squirmers you’ve ever seen.

They couldn’t seem to agree as to whether municipalities could have a tougher ban than this. The Premier and the environment minister seemed to contradict one another. Our understanding is—and of course these things happen behind closed doors. It’s like, if my wife and I have a disagreement—you can rest assured, she will win every one of them—they tend to happen behind closed doors. The Premier and the environment minister had that. We’ve heard rumours. Rumours are that the environment minister was, as we used to say back home, taken out to the woodshed. Yes, had to get a little education—a little education with the hames strap. Apparently he’s been whipped back into shape and is on board now. And whenever he sees it looks like the Premier is going to open his mouth, his automatically closes. It’s just like two coordinated robots. There is the environment minister and his mouth is open. The Premier shows up and his lips twitch a little bit, and the environment minister’s mouth closes, because he does not want to be caught contradicting the boss.

Mr. Bob Delaney: On a point of order, Mr. Speaker: Standing order 23(h) prohibits the making of allegations and the imputing of motives toward another member.

The Speaker (Hon. Steve Peters): I’ve listened carefully to what the honourable member’s been saying in this debate and I think his debate is appropriate. Carry on.

Mr. John Yakabuski: Thank you very much, Mr. Speaker. I would request that I get some time from the honourable member from Mississauga–Streetsville when he’s speaking. He’s almost as persistent as the Minister of Public Infrastructure Renewal—almost.

Industry is very concerned about this bill, because they’ve never really been consulted on it. They’ve never been asked for their input. The McGuinty government wants to ban these products because they see this as a vote getter, not as a health issue. That’s really a cynical way to operate the province.

1000

Anything the government does should be justifiable from a scientific point of view, not because they see there’s a constituency out there that, without giving a whole lot of regard to the meat of the matter, will say, “Hey, you know what? If they ban them, then we’re not taking any chance that they might be bad; we’re just going to get rid of them.” We’ve got little science that says that these pesticides, approved by Health Canada, are detrimental. I’m not suggesting that you fill the barrel in the backyard and wash your hair in it, but used as directed by Health Canada, we’re told they’re completely safe. The natural inclination for people is to say, “Well, if there’s a chance, let’s err on the side of caution.”

Do you know where we do have science? We do have science—and even the member for Peterborough has agreed with me on this many times—on smoking tobacco. There is no debate any longer about the dangers of smoking—absolutely. The member for Peterborough and

I agree on that 100%. I don't think there's a person in Ontario who would disagree that the proof is out there that tobacco is detrimental. It has been proven a hundred times, a thousand times, a million times. Yet does the government say, "We're going to ban tobacco"? No, no; nay, not so. Do you know why? Even though they're not getting as much revenue as they should because they're not doing anything about the illegal contraband tobacco that is being sold in the province, they still get billions in revenue from people smoking in the province of Ontario.

They talk about the environment. One thing the fellow in precinct properties here says is that we're going to have one heck of a mess on the lawn. We already have it; it's just going to get worse. Do you know what's going to happen? There are a lot of things you can do about weed control. One of them is to get out there on your hands and knees.

My yard is about an acre and a half, and I ain't getting out there on my hands and knees—although the member from Ajax–Pickering, I think it is, would suggest that I spend more time on my hands and knees, or at least on my knees, particularly praying for him. I know he makes that suggestion all the time. But I'm not going to be doing that on that one-and-a-half-acre lot.

Interjection: Why not?

Mr. John Yakabuski: Because it's just too big and I'm getting too old. It might work on a little postage-stamp lot like some here in the city of Toronto where the lawn's not very big, but it's a little hard in the country.

But there are ways you can control them. If you're not going to get out there and pick the weeds, dig them out or whatever, a lot of people will also opt to—you know what we can do? When we cut the grass more often, the weeds are there, but they don't show. So we could—

Interjections.

Mr. John Yakabuski: Would the member for Peterborough agree that we should cut the grass more often, maybe?

Mr. Jeff Leal: I pay my son 20 cents a dandelion.

Mr. John Yakabuski: The member for Peterborough is paying his son 20 cents a dandelion. I'll tell you what: I'll bring my son to Peterborough, and he'll do it for you next week.

But the member for Peterborough agrees that you could cut your lawn more often. So we cut the grass more often. What does that do? Well, that just gets more of those very inefficient small engines puffing out more fumes into our environment. So now we have a bill where we're worried about the environment, we're worried about health, and now we're going to have people who are out there more often with the little lawn mower cutting that grass because they can't stand the sight of it. They can't put anything on it. Or we could hire a goat or we could hire the member for Peterborough's son, who, for 20 cents a dandelion, will take care of your lawn.

I can't believe that I'm out of time. There's so much to be talked about here. I'd like another opportunity. If I could get unanimous consent for more time, I'd appreciate it.

The Acting Speaker (Mr. Jim Wilson): Are you asking for unanimous consent? Do we have unanimous consent to give—

Interjection: No.

The Acting Speaker (Mr. Jim Wilson): No. That idea didn't go too far.

Questions or comments?

Ms. Andrea Horwath: It's my pleasure to make a few remarks on the speech that was just delivered so eloquently by the member for Renfrew–Nipissing–Pembroke.

I have to say that there is no doubt that it's long past time for the province of Ontario to deal with the pesticide issue. We know that municipalities have been far ahead of the game when it comes to dealing with cosmetic pesticides in communities across the province. My own community has been dealing with putting bylaws in place around pesticide use, and successfully did so a couple of years ago. The reality is that the municipal sector is the sector that has been far and away the lead on this particular file.

It's very anguishing, then, for municipalities to realize that when the province finally catches up to the game, when the province finally gets the picture that this is an important issue for Ontarians, they put a bill together that basically says that even though municipalities were in the game far in advance—they had been on the ball on this issue, they had been leading the charge, if you will—if municipalities have pesticide bans that are more stringent or list more types of chemicals or pesticides in their bylaws, their bylaws no longer are usable. They have to go to the lowest common denominator, which will be set out here in this legislation. I think that's actually inappropriate, and I'd hope that when this bill is finished its debate at second reading it goes to committee and the government would consider some amendments that would give the municipal sector the respect and the due they deserve and take out that odious clause that prevents municipalities from getting ahead of the game on pesticide issue.

Mr. Kevin Daniel Flynn: It's a pleasure to join the debate and to pass some comment on the remarks of the member for Renfrew–Nipissing–Pembroke. Certainly, I think there was some wisdom in the words that he put out today for our consideration, but the problem is, it sounded like a speech from the 1950s or the 1960s. The attitude that we used to have toward pesticides and chemicals in our society is one that I think was fairly portrayed by the member there.

Certainly, times have changed. Society's attitude toward these pesticides has changed, and what Ontarians are asking for now is equal protection. A person in Renfrew or Nipissing and, of course, Oakville—

Mr. Jeff Leal: Barry's Bay.

Mr. Kevin Daniel Flynn: —or Barry's Bay should have the same protection as everybody else in Ontario when it comes to pesticide reduction.

What we've brought forward, we think, based on overwhelming positive public response, is a bill that is

very balanced. Should it meet the favour of the House, should it move forward, certainly if there are suggestions that are to be made by municipalities along the way, I know our government is open to hearing those things. If you look at it on balance, what it does and what I think is a major improvement over any other municipal bylaw in the province—we should thank the municipalities that had the foresight and the courage to move ahead in the first place in this regard and implement bylaws of their own in the absence of any provincial response from previous governments—is the fact that the province has the ability to ban the sale of pesticides. Municipalities never had that option, never had that ability. Certainly that, by default, makes the provincial law much stronger than any municipal law that's in effect without taking anything away from those communities that have had the courage to step forward on this issue.

1010

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

Mr. Ernie Hardeman: Mr. Speaker, I want to thank you for the opportunity to speak to the fine presentation made on this pesticide-ban law by my good friend from Renfrew–Nipissing–Pembroke. He made a couple of very important points that I think warrant reinforcing. One deals with the member from Oakville's comments about being equal to everyone, that everyone deserves equal treatment. If there's science to back up this piece of legislation, then equal treatment would mean there would be no exemptions in it, because obviously if you can spray it in one place and you can't spray it somewhere else, that's not equal and fair. If there's a science-based risk here, then obviously the elimination of that should be equal to everyone. I would be as protected on the golf course as I am in my backyard, and that doesn't seem to be what this law is doing.

I'm sure the member on the government side will produce the evidence, shall we say, the science base for this legislation, so we can make a decision based on whether it should be banned across the board or banned nowhere. I think that's a very important part.

The other part I just wanted to talk about was the difference in lawn sizes in rural Ontario. Obviously it's going to be very difficult to deal with the large areas that are presently being cut and used as lawns and the adjacent pastures or fields right beside them. If we can't control the weeds on large lawns—and the member from Peterborough suggested that we can pull all these weeds out by hand—if we can't control those weeds on this large acreage around buildings, we can't control them on the rest of our farms, and we have to spray more there.

I think much more work needs to be done on this legislation.

Mr. Paul Miller: There are some oversights in Bill 64, and hopefully the bill won't get shot down, like all our opposition bills do, in committee, even though they are good bills that we bring forward.

Our municipalities have taken the leadership role in pesticide control. The communities have done the heavy

lifting on this legislation. This bill needs some amendments that will be dealt with at committee. We, as team players, support this bill and legislation with the proper adjustments. We should not cancel out all the good work that municipalities have done in this province.

The Acting Speaker (Mr. Jim Wilson): The honourable member from Renfrew–Nipissing–Pembroke has up to two minutes to respond.

Mr. John Yakabuski: I appreciate the comments from the members for Hamilton Centre, Oakville, Oxford and Hamilton East–Stoney Creek and their input on the bill.

In two minutes I can't get back into everything, but clearly the science—the member for Oakville talked about attitudes changing. There's no question about it: Things should be based on science, and I want to talk about the agricultural industry when I wrap up.

One of the reasons agriculture is exempt is because this government knows that if we don't have pesticide use in our agricultural industry, we can't produce food. It's as simple as that. We cannot produce the amount of food we need.

I used to be in the hardware business. We sold products for home and garden use: pesticides, insecticides etc. Up in the Barry's Bay area, everybody got a little bit of garden. One of the things they plant, along with many other things, is potatoes. When the potato bugs roll in in the second half of the summer, if you don't treat those plants, you don't have any potatoes. It's as simple as that. The bugs are just wild. They're just rampant, the way they attack potato plants. So if you don't have some way of dealing with them, you don't have potatoes. Under this proposed legislation, all of these people who have a little garden are actually going to have to be licensed to get a pesticide or get a farmer's licence to have a little bit of garden, a small plot of garden just around their home, which is very common in rural Ontario.

The government needs to send this to committee. We've got to talk to people, not just base things on politics.

The Acting Speaker (Mr. Jim Wilson): Further debate?

Mr. Paul Miller: Mr. Speaker, I'll be sharing my time with the honourable member from Hamilton Centre.

New Democrats are pleased to be able to speak to the legislation, which aims at implementing a provincial ban on the sale and application of pesticides for aesthetic purposes. This legislation is long overdue, and given the time the McGuinty government has had to observe the leadership role of the municipalities, many of which have already implemented bans on the application of pesticides for aesthetic purposes, we would have liked to have seen the legislation introduced with a few more of the kinks worked out with amendments. But this is what the committee process is for, and New Democrats look forward to hearing from environment and public health groups as we move forward in ensuring the legislation is strong and enforceable.

Before offering our perspective on the bill's shortcomings, which we'll aim to address in committee, I

think it's important to discuss how we have finally arrived at this legislation.

The proposed provincial pesticide ban in context: When it comes to pesticide bans, it is extremely important that we acknowledge the leadership of Ontario's municipalities for their efforts in this area. We owe municipal leaders and the numerous community activists across this province and across the country a great deal of thanks for their tireless work to bring the debate on pesticides to Queen's Park. It is important to acknowledge that they have done the heavy lifting on banning the aesthetic use of pesticides in Ontario. Yet while the provincial government talks glowingly about the efforts of our municipal partners, why is it that the proposed legislation takes away their ability to continue their efforts?

We know pesticides kill indiscriminately, and it's estimated that only 5% actually reach their targets due to incautious application. The World Health Organization estimates that 200,000 people are killed worldwide each year—up from 30,000 in 1990—and another three million people are poisoned annually by pesticides, many of them children. So when we know of these dangers and of the leadership provided by our municipal partners on this issue, and because it's clear that the province is a late-comer to the dance, why would the McGuinty government bring forward a law that cancels out existing municipal bylaws? Environmental and health groups want this section removed, and New Democrats concur.

As stated earlier, in the case of banning pesticides, it is the municipalities who have led while the province followed, and the community activists are rightly concerned that the legislation as written will needlessly tie the hands of municipalities in taking future action with respect to pesticide use within their respective jurisdictions. For example, it could be the case that a municipality might want to ban the use of pesticides on golf courses. They would not be allowed to take such action under the bill as written. Having the province set a standard which must be met across the province is welcome, but only if the municipalities who in the future may wish to introduce a stricter standard are still able to do so.

The province can't talk about treating municipalities as equal partners, and then once again turn around and strip them of their jurisdictional powers to regulate their local environment regarding pesticides. Municipalities have been leaders in the area of protecting their citizens from pesticides and they should be allowed to continue in this vein. This bill needs some doctoring before it actually is put into law.

Ms. Andrea Horwath: It's my pleasure to take a few minutes to participate in the debate.

It's not surprising, I think, that there is a pesticide bill in front of us. I say that because all of us recognize that the municipal sector has been very active on these issues for quite some time. So it's not a surprise, it's not a shock and it's not in anyway difficult to understand why eventually so many municipalities have undertaken this work and that the province finally got the eureka moment that

they needed to put something together to deal with this, as it is an ongoing and significant issue around the province. Municipalities have, in fact, taken on the responsibility for the protection of the health and well-being of people living within their municipal borders when it comes to exposure to the toxins that are present in pesticides that are freely and openly used and marketed here in Ontario.

1020

This government's response to that grassroots movement that has taken place in a number of municipalities is to come up with this bill we're debating today, Bill 64, the cosmetic pesticide use bill. I'm certainly one who would say that I'm glad it's finally here. We're definitely pleased that the government has seen fit to do the right thing and, although coming late to the dance, finally getting here and putting before legislators a bill that would seek to address some of the ongoing concerns out there around the use of pesticides in municipalities and in every community across the province.

It's interesting, though. Where does this come from? When I say it comes from the grassroots, in Hamilton, the community I live in, the city council has been very active on this file. It's come from a couple of places—certainly the environmental movement. We have some great environmental activists in Hamilton. We have Environment Hamilton, run by Lynda Lukasik and Brenda Johnson; the Conserver Society; Friends of the Red Hill Valley; a number of different community-based activist groups that are always pushing the envelope, which is what needs to happen. In fact, I really believe that we wouldn't have a number of significant pieces of legislation or bills around, or anything at all, some of these environmental areas if it wasn't for the grassroots activists, the people in communities who become aware and raise awareness of legislators at every level and push and push and make sure that the issue stays on the front burner and not the back burner.

In many cities, including mine, this issue has been bubbling on the front burner for quite some time. Bylaws exist, but everyone knows that a big challenge is the raising of awareness, the education, and bringing people along and getting that commitment to happen.

I can remember when debates and discussions first started around pesticide use in my own community. There were a significant number of people who were skeptical, I guess I would say, not quite sure whether it was that big a deal: "Our lawns need to look picture-perfect, postcard-perfect, so we need to use pesticides." These were the kinds of discussions and reactions that were initially on the table at the community level when the pesticide ban was being considered.

There were also discussions around golf courses and sports fields, concerns about kids going over on their ankles if the fields weren't maintained, and the theory that the only thing that would maintain those fields was the regular application of pesticides on the playing surfaces. A couple of years have gone by, solutions have been found and changes have been made. The sky hasn't

fallen, but what has happened is that we've made our environment less toxic, particularly for those people who are more vulnerable to the effects of exposure to the various toxins that make up these kinds of pesticides.

The reality is that young children who are playing in sports fields—which ironically was the one place where people were adamant that they didn't think the ban should apply—are close to the ground, have smaller organs, smaller bodies, so the absorption of these toxins by a smaller person, a child particularly, would have a much more significant impact. It's very obvious that young children would be much more negatively affected than anyone else when it comes to pesticide use.

We also know that people who already have health concerns—people with asthma, senior citizens who sometimes have respiratory or breathing problems or other kinds of ailments—also would be more likely to be negatively affected by the use of pesticides.

There's no doubt that this bill will have great benefits. That is why many, many municipalities have already gone the extra mile, had the public debate at the local level, and dealt with all of the issues coming up. Again, it's probably safe to say that in most communities where there is a municipal bylaw dealing with the application of cosmetic pesticides, it is likely that grassroots community organizations and environmental organizations will have made that effort to not only educate the councillors, but to bring the public on as well.

It's interesting as well, because most of those organizations are volunteer-based. They don't have a lot of money. They don't have a lot of grants or operating funds, and they certainly don't have scads and scads of staff. They don't have that kind of infrastructure, if you will.

But darn it, those people really do deserve a great deal of thanks and respect from people like us. They fight in the trenches on these issues, they do the research on their own, and they do it on a volunteer basis. They do it out of passion and belief in the issues that they are tackling, whether it's cosmetic use of pesticides or whether it's one that came up recently at the public accounts committee—the issue of hazardous waste.

We were dealing with the auditor's report and the hazardous waste section of that report, which spoke to the ministry's lack of ability to track hazardous waste from the place where it's generated through the transportation process into the landfill site. At some point, there is a weight that's taken at the beginning of that process, and at the end of the process when the load gets to the dump or to the landfill site, the hazardous waste-land fill site, there is not as much weight. So somewhere between point A and point B, there was quite a possibility that hazardous waste was being lost or had gone missing.

Through the process of that committee, we learned about the systems, or lack thereof, that are in place. One of the things that I became aware of was, again, the fight that is being undertaken by a number of grassroots-based community environmentalists who are looking to other jurisdictions that have jumped ahead of where we are

here in Ontario. So just like the McGuinty Liberal government didn't have this on their radar, it took municipalities to take the leadership role, often based on community activism. Not dissimilarly, community activists are saying there are lots of places where the McGuinty government needs to pull up its socks in terms of the environment and environmental issues. I know my colleague who is our environment critic is often critical of the government for its lack of action on a climate change plan, for example.

Going back to the public accounts committee, I was surprised to know that other jurisdictions are quite wide open and transparent about the companies that are generating toxins. They have a website that's publicly accessible, which lists and shows quite clearly—for free—the companies that are producing toxins in the States. This is just south of the border, in the States. Their registry of toxin producers is as clear as a bell. It's there for everyone to see. In Ontario, on the other hand, you have to pay a fee to be able to have access to information about toxin producers.

It seems to me that control of pesticide use in this bill in particular, Bill 64, is definitely a step in the right direction. It's unfortunate that the government has decided in their—I don't know why and I'm really hoping, as my colleague from Hamilton East-Stoney Creek, Paul Miller said—New Democrats really are hoping—that after this bill finishes second reading and goes to committee, we will be hearing from many grassroots environmentalists, as well as municipal representatives.

1030

I certainly don't want to prejudge, but I suspect that we will have people coming to committee, to the public hearings, who will say, "Get rid of that clause in the bill that says that where municipalities have standards that are greater than the ones included in Bill 64, those standards will not apply; only the standards in Bill 64 will apply." I think that's a problem, and I think that's an issue we can probably overcome.

I'm hopeful that the government will see fit to acknowledge, respect and support the work of grassroots environmentalists and municipalities that have gone further than this province is prepared to go and will acknowledge that some municipalities are going to continue to take a leadership role and this bill shouldn't squelch that leadership role. This bill should support and encourage municipalities and communities to stay vigilant on the environmental file, to keep pushing, if you will, because the reality is, that's the only way that positive change will occur. I would really urge this government to please consider seriously getting rid of that clause, because it sends a wrong message on a number of levels.

I have to say, I think it was embarrassing for the Premier when he said one thing and the minister was saying something else and there was a whole bunch of confusion. Lo and behold, we found out that the Premier was incorrect in what he was indicating was in the bill. I think a lot of people are quite disappointed. They would have preferred that things were the way that Dalton McGuinty

thought they were. Hopefully, between that and the public hearings, when we hear from the community and from municipalities and others—I believe that at the end of the day it will only do us better as a province and do municipalities better as communities where people live and raise their children and work and engage in civil society—it will only help to have that clause removed and give the community and the municipalities the due that they deserve in terms of their ability to set higher standards, to require greater protection of the public. It's never a wrong thing to make sure that the health and well-being of young children and of people who are frail, people who have breathing problems—asthma and other kinds of respiratory concerns—are protected.

It's amazing the number of things that we now, at this point in time—we had the people dealing with cancers yesterday. The things that we now acknowledge and recognize that cause cancer or are directly related to the possibility of cancer being developed: 15, 20, 25 years ago, a lot of that—bisphenol A is one that very recently, in the last little while, has been banned in terms of its potential for causing cancer. Our environment is something that we really need to pay significant attention to, because if we don't—and this is what that message was yesterday for those MPPs who had the opportunity to hear from the people who were here. It's a matter of saying that we will certainly, at the end of the day, be in a much better position if we can control and end, as much as possible, the things that cause diseases like cancer. If we can't necessarily cure cancer, there have been great strides as well in the way that different types of cancers are managed. But the reality is, why don't we spend that money, why don't we spend that energy, why don't we make that effort in making sure that the things to which we are exposing ourselves and our children and all the people in this province and in this country—to get rid of those potentially dangerous exposures. Then you won't end up getting the kinds of cancers, or we'll start reducing the kinds of cancers that are prevalent in our society today, and a lot of pain and anguish of families and individuals will be reduced.

Yes, that means things like the cosmetic use of pesticides. But it also means a toxin reduction strategy that is forward-thinking and quickly implemented. I know that there is some kind of process that's going to take maybe the next year or so before it goes onto the Environmental Bill of Rights, the posting for the feedback. All of that is necessary, but let's make sure that we're staying on top of these files. Whether it's pesticide reduction, whether it's toxic substance reduction in our environment over all, it's really our obligation to ourselves, to our children, to their children, to make sure that we are maintaining the health and safety and well-being of people in our province. If that's not our job, our obligation, our responsibility, I don't know what is. I look forward to the government making sure this bill is stronger and not weaker.

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

Mrs. Maria Van Bommel: I'm certainly listening with great attention and interest to this debate. I think

there have been a few things that need to be clarified in this.

I certainly was interested to hear that someone seems to think that all farm properties are exempt, including the farm lawn, and that taking your kids to the farm is not a good thing to do. I happen to live on a farm, a very active, working farm. There is no exemption for my lawn. My lawn and my neighbour's lawn are being treated the same as our city cousins. We are not going to be able to spray our lawns either. I think that's proper.

I have 12 grandchildren who live within 20 minutes of the farm. They come to play there. I don't want to see them exposed to pesticides either.

Now, as a working farm, of course, we have an integrated pest management plan. My husband is licensed to use pesticides. He knows at what time they should be used and he knows the quantity. There is no concern, as a farmer, that there would be overuse. Anyone who understands the cost of these pesticides understands the reasons why farmers are very careful in how they use them and when they use them. It's a necessary and essential use of a pesticide. But nevertheless, it's not going to be on my lawn.

In terms of what do we do instead—the member for Peterborough talked about his son going out and pulling the dandelions—I might also suggest that you use more grass seed. Amazingly, grass does choke out weeds. So in the spring, Rene and I, before we roll our lawn, we put on more grass seed. It's not hard to do.

We use mulch around the trees. We have a tree that falls, we get it mulched, we put it around the other trees. There's nothing that can't be done naturally that we—

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

Mr. John O'Toole: I'm always pleased to participate and respond. The NDP are always passionate about these issues. I just caution members: Let's not get carried away. Bill 64 is one page. This bill here is one page. A lot of fuss being made about it; we don't know what they're talking about. Actually, the Premier, when he introduced the bill, had no clue. His minister standing beside him? No clue. The point is, this bill is all in regulation. Section 7.1 is being added.

Interjections.

Mr. John O'Toole: Let's be careful now, don't get too emotional.

It's all in regulation. We won't know until the regulations are established. I read—or am understanding—that Roundup, one of the most invasive products, may not be banned. So we don't know.

It is the right thing. It's sort of like motherhood and apple pie. It's all good. We support the idea. The problem here is that some of the exemptions simply don't make sense. I have to laugh. This is the problem. We have a feel-good type of government.

This is an article from the paper. It's not me saying it, it's not John Tory saying it. Here's what it says: "So it's fine to use the pesticides on crops we're going to eat, but not fine to use them on our gardens." That's in the St. Catharines Standard on April 26.

You have to wonder what the goal here is because all this material is regulated federally by Health and Welfare Canada. The province and the municipalities are all sticking their finger in the apple pie here. We need to get the regulations out. We need to have the Premier and the minister tell us exactly what the goal is here.

How come you're exempting golf courses? The ground runoff runs into the streams. You've got to look at this thing. I'm suspicious. I'm going to speak later on this bill.

1040

Ms. Cheri DiNovo: It's a pleasure to speak, if only for a couple of minutes, on this bill. First of all, as my colleagues have said, with great insight and great research to back them up, this is a bill that actually does less to ban cosmetic pesticides than what's already in place, for example, in a city like Toronto. It's set against a backdrop, I must say, of inaction on the entire environmental file. Here we have an environment minister who has not come forward with a climate change plan, which has been promised. We know about the travesty that accompanied the coal-fired plants, where they were promised to be shut down—what was it, 2007, and now 2011, or whenever; also, a government that's planning on putting \$40 billion to \$50 billion into nuclear reactors and that refuses to uphold the Kyoto protocol.

Again, we've called on them to do all of this. Instead, what do they do? They bring forward a very small bill here, a bill to ban cosmetic pesticides, when the city of Toronto already has stronger legislation in place that this would conceivably pre-empt, unless they do something about that particular clause.

Set against a background of inaction on the environment file, which is truly a sad commentary—a government that said that they were going to be proactive on this and have not been. No Kyoto protocol—

Interjection.

Ms. Cheri DiNovo: I'm being heckled by the Minister of the Environment, but he knows as well as I do: no action on the Kyoto protocol, no action on climate change, and yet a rush to nuclear reactors, to the tune of \$40 to \$50 billion. One has to hope that those nuclear reactors are not built in your backyard—whoever's listening to this—and certainly if you are listening to this, I would write in about that issue, if not any of the other issues that we've spoken to at great length in this House.

Again, it's a pleasure to speak to this bill. I wish it was stronger. I wish they had an environmental plan.

Mr. Bas Balkissoon: I'm pleased to join in on this debate on the Cosmetic Pesticides Ban Act. To be honest, this piece of legislation is long, long overdue. To give you a little bit of background, I got elected to municipal council some 20 years ago, and I know municipalities have been talking about this for a long time. But the bureaucracy used to always advise the elected officials that the sale and use of pesticides within a municipality is not within the council's realm of mandate to ban. We have to credit the municipality of Hudson, Quebec, because they ignored that bureaucratic advice and decided to pass a bylaw, which eventually went to court and the court ruled in favour of the municipality.

What is happening now is that a domino effect has taken place throughout Canada. I have to say that, as a member of Toronto council previously, it was difficult to accept this ban within the confines of the city of Toronto, because it was difficult to picture how you could ban it within a municipality yet it was available for sale at all the stores, including the municipality next door. I have to say, as a member of Toronto council, we did it. It did work.

What this government is doing today is going to strengthen that particular ban by municipalities, in fact, because the actual sale of these cosmetic pesticides will not be available in the stores anymore. So home use of it will definitely be controlled. I think if you speak to the experts in the medical field, they'll tell you that that was the biggest concern, the home use of—

The Acting Speaker (Mr. Jim Wilson): Thank you. The member for Hamilton Centre has up to two minutes to respond.

Ms. Andrea Horwath: I want to thank the members from Lambton–Kent–Middlesex, Durham, Parkdale–High Park and Scarborough–Rouge River for their comments on the remarks of my colleague Paul Miller and myself regarding Bill 64.

It's interesting, because one of the things that the member from Lambton–Kent–Middlesex talked about is the fact that we can use natural means to control weeds, and that's something that we all need to become more educated about. Having said that, it's interesting to note that in my own community, just adjacent to where my riding ends, is a producer, a manufacturer of pesticides. Interestingly, that manufacturer had a fire, and as a result of that fire, a creek nearby was contaminated with toxic runoff and a number of fish were killed. The reality is that the surrounding neighbourhood continues to this day to be quite concerned, because not only were the fish killed, but there have been rippling effects on the ecosystem around Spencer Creek since that fire took place.

So it's not only a matter of getting rid of the pesticides that we are using in a cosmetic way, but we also need to take a real hard look at where the manufacturing of some of these chemicals takes place. In this particular situation, these chemicals are manufactured right on a water system, on a creek that feeds into other water tables in the area. It's in a residential neighbourhood—literally right in a residential neighbourhood—and the impacts from not only the ongoing production but the possibility of a spill or a fire are significant and deadly.

The Speaker (Hon. Steve Peters): The time for debate has ended.

Second reading debate deemed adjourned.

INTRODUCTION OF VISITORS

The Speaker (Hon. Steve Peters): I'd like to take this opportunity to introduce a number of guests to the Legislature today.

On behalf of the member from Durham: Mr. Gary Cooke, past chair of Community Living Ontario.

On behalf of the member from Guelph: Richard Sandals, her son; Allison Dawes, her daughter; and William Dawes, her grandson, will be visiting this afternoon.

On behalf of the member from Parkdale–High Park: John Paterson, Sylvia Paterson and son Teddy Paterson, in the Speaker's gallery today.

On behalf of page Vanessa Chiarello: Augusto Chiarello, her father; Michael Chiarello, her brother; Vincenza Chiarello, her mother, in the west members' gallery.

On behalf of page Mikaela Henderson: Holly Henderson, her mother, in the east members' gallery.

On behalf of page Matthew Chaput: Audrey Chaput, his mother; and Norah Chaput, his sister, in the east members' gallery.

On behalf of page Hannah Jansen: Ellen Jansen, her sister; Colin Jansen, her brother; Val Millson, her mother; and Steve Jansen, her father, in the public galleries.

On behalf of page Isabelle Love: Linda Love, her mother; Chris Love, her father; Sebastien Love, her brother; Oliver Love, her brother; Rose Love, her grandmother, in the west members' gallery.

On behalf of page Thomas Parker: John Parker, his grandfather; Margaret Parker, his grandmother; Emily Parker, his sister; Michelle Parker, his mother; Alison Parker, his sister; Megan Durkin, a friend; Chris Parker, his brother; and Al Parker, his father, in the east members' gallery.

On behalf of the Minister of Community and Social Services, I'd like to take this opportunity to welcome the representatives of Community Living Ontario and Community Living Toronto, as well as community living agents, self-advocates and clients who are present today throughout the galleries.

On behalf of the member from Toronto Centre: in the east gallery, as part of the Community Living delegation, we'd like to welcome Jim and Dianne Turner here today.

On behalf of the member from St. Paul's, we'd like to welcome, in the east members' gallery, Elijah Harper, former Manitoba MPP and MP. Welcome today.

We'd like to welcome Murad Velshi, member from Don Mills in the 34th Parliament.

To everyone who wasn't introduced today, welcome to Queen's Park.

MEMBERS' COMMENTS

The Speaker (Hon. Steve Peters): On Thursday, May 8, the Leader of the Opposition raised a point of order during question period concerning comments that he said were being made over a period of time by members of the government benches which, he contended, were not accurate reflections of the policies of the official opposition.

The Leader of the Opposition indicated he would be writing to me to address this matter in more detail. I have now received his letter, and I thank him for that. In it, Mr. Runciman reiterates his concern that members of the government, when addressing the House, sometimes make reference to policies of his party in a manner which

he feels distorts them or, conversely, ascribes policies to the opposition which it does not have.

I hope the member will appreciate, and I think the undertone of his letter anticipates, that the Speaker is not really in a position to address what amounts to a difference of opinion between him and certain members of the government.

The Speaker does, though, have a role to maintain order and decorum in debate but cannot interject himself into the interplay of ideas that debate represents or attempt to referee the nuances or precision of everything that is said in the chamber. It is a given that all members are both assumed and expected to conduct themselves honourably, and I think it is sufficient for the Speaker to leave the matter at that.

1050

ORAL QUESTIONS

ONTARIO ECONOMY

Mr. Robert W. Runciman: I have a question for the Deputy Premier. It has to do with his government's inability to grasp the gravity of Ontario's economic situation, a crisis in many respects. Eleven hundred jobs lost at Dell in Ottawa, 300 at Sitel in Ottawa, 900 at GM in Oshawa, 325 at Quebecor, 1,400 at GM in Windsor, and today 27 in Cornwall—that's over 4,000 jobs in just two weeks. Four thousand people—that's the size of a small town, Deputy Premier—don't know how they're going to pay their mortgages, feed their families or put their kids through university. More and more people, on a daily basis, are becoming alarmed for their family's future.

Deputy Premier, your government's response seems to be to rearrange the deck chairs on the Titanic. Where's the sense of urgency? Where's the economic stimulus package that Ontario very clearly needs today?

Hon. George Smitherman: To the Minister of Finance.

Hon. Dwight Duncan: The economic stimulus package was voted on and approved yesterday by this House.

Let me remind the Leader of the Opposition: You voted against \$1.5 billion for skills training; you voted against investments in innovation that will create new jobs; you voted against a capital tax reduction that Ontario manufacturers will see this fall; you voted against partnership with the federal government; you voted against standing up for Ontario.

We laid out a plan that recognizes and begins to address the challenges in our economy that are portended by the world price of oil, by the state of the US economy and by the value of our dollar.

The McGuinty government has a plan; it has laid it out. It's a plan that works well. We need the federal Conservative government to stand up and protect Ontario the way we are, and we ask you to join us in that.

Mr. Robert W. Runciman: There's an old saying, "You don't have to be much of a musician to toot your

own horn,” and that certainly applies to the Minister of Finance. His government talks about a five-point plan. The five points are “duck, dodge, dip, deny and defer.”

These last two weeks have really laid bare the blinders this government has on when it comes to stimulating the economy. Throw \$235 million at GM, and GM throws 2,300 people out of work. Even if a small portion of that money that went to GM had gone to drop business taxes, it would have benefited all companies, big and small—saving jobs, creating jobs, encouraging investments.

Minister, your plan isn't working. You need to change your strategy. When are you going to come to your senses and do that?

Hon. Dwight Duncan: The Leader of the Opposition talks about the government wanting to talk about its plan. Let's hear what some other people say about the government's plan.

BMO, on May 12, reported this: “Job growth in Ontario has perked up to 2.2% in the past 12 months, above the national average and one of the strongest performances of the past four years.”

In the meantime, the unemployment rate has actually dropped three tenths of a percentage point from a year ago—and by the way, it's down almost seven tenths of a point from when that member sat on the government side.

There is no question that sectors and individuals and families are facing a challenge. What the people of Ontario know is that they have a government in Ontario with a five-point plan. What we need is a federal partner. What we need is a federal government that will answer the call of Ontario's challenge. Stand up with us and help us convince them of the need to invest in Ontario—

The Speaker (Hon. Steve Peters): Thank you. Final supplementary.

Mr. Robert W. Runciman: As a member representing Windsor, a community that's been really hard hit by auto sector closures, I think the minister should have paid attention to quotes that I've put on the record here in the past two days from a senior official in the auto manufacturing area saying that Ontario has become one of the most expensive jurisdictions in the world in which to produce automobiles.

That's your responsibility, Minister. You've been sitting in government for almost five years now. This is not simply calling on the federal government. It has to do with your policies, with your taxation, with regulation, with the onerous burden you've placed on every business doing business in this province. That's your responsibility, which you have continuously, on a daily basis, declined to accept.

Shape up. Start doing your job. Bring in an economic stimulus package and do it today.

Hon. Dwight Duncan: The member opposite voted against the capital tax cut that manufacturers will see in November. The member opposite voted against the tourism stimulus package, including the new Casino Windsor initiative that will open next month. The member

opposite voted against getting Ford Motor Co. to invest in Windsor.

There is no question that there are challenges in our economy. The people of Ontario recognize that their government, the McGuinty government, has come to the plate with money for training and skills development, with money for automotive and other investments in next-generation jobs, with appropriate tax cuts, properly targeted, that will assist all sectors in all communities.

This government has a plan; it's implementing it. What we need is a federal government that will respond to Ontario's very real challenges today.

Mr. Robert W. Runciman: He continues to play the blame game as jobs leave this province.

NATIVE LAND DISPUTE

Mr. Robert W. Runciman: My question is to the Deputy Premier regarding Six Nations Chief Montour's letter of April 29, thanking the Minister of Aboriginal Affairs for intervening with the OPP in Caledonia.

Today in the Hamilton Spectator, Chief Montour is quoted as saying, “I asked Minister Bryant if he had any influence on his fellow cabinet colleagues to look at ways we could relieve the situation.” He was referring to the blockade in Caledonia.

Montour quotes Minister Bryant as saying, “Look Chief, you know I can't act directly with anyone, but I'll see who I can talk to and see if something can be done.”

The minister said he would get involved, and the chief was left with the distinct impression that as a result of the minister's intervention, the OPP stood down.

Deputy Premier, will your government investigate what are clearly serious allegations?

Hon. George Smitherman: Minister of Aboriginal Affairs.

Hon. Michael Bryant: Chief Montour certainly didn't refer to any serious allegations. He referred to the efforts of the official opposition as a “witch hunt.” Chief Montour is of the view that in fact there was a peaceful ending, that it was positive, that there were open lines of communication between the OPP and Six Nations leadership. Commissioner Fantino has indicated that everything proceeded exactly as it should and that he has never been a part of or associated with interference in any fashion.

I would repeat again what Commissioner Fantino said: “At no time during this event, or in relation to any police operation, did anyone in government or elsewhere tell the OPP to stand down or direct the operations of the OPP.”

I'm sure that the member will accept the commissioner's word.

Mr. Robert W. Runciman: There's no question it is a hunt, but it's a hunt for the truth, and we're certainly not getting it from this government.

I have to say it's unbelievably inappropriate, when allegations are being made about a minister, in terms of his conduct, by a very credible individual in this province, that the question is referred to the individual in question. That is terribly, terribly inappropriate. How are

we going to get a straight answer with respect to whether or not there was interference with police decisions in this situation if the minister in question is having the questions referred to him? It boggles the mind.

Will the minister stand up and tell us who he did speak to, what was discussed, what else we are going to do? That's your position—you're referring everything to him. Get up and start answering some questions. Who did you talk to? What was discussed? Will you give us an independent investigation?

1100

Hon. Michael Bryant: The leader of the official opposition refers to Chief Montour as a very respected individual, and of course that's absolutely true, that's absolutely right, and I absolutely agree with him. I speak to Chief Montour on a very regular basis. I exchanged messages last night with him with respect to the new relationship fund that was established today, a very important fund that will allow the levelling of the playing field in discussions between governments and First Nations.

This very credible individual has referred to the efforts of the member, today and otherwise, in this House with respect to this issue as a witch hunt. So I would ask the member to take the word of the highly respected individual, Chief Montour, to take the word of the highly respected individual, Commissioner Fantino, and accept that everything happened exactly the way it ought to happen, and that at the end of the day, there was a peaceful resolution—

The Speaker (Hon. Steve Peters): Thank you. Final supplementary?

Mr. Robert W. Runciman: Not surprisingly, the minister again refused to answer the specific questions, and the questions raised by the chief in his letter. He assured the chief that he would get involved, he'd make some calls, he'd see if something could be done. We've asked him today to explain that, to explain what he said to the chief. He says the chief is a credible individual, and he's making some credible claims here that you have a responsibility to respond to. These are serious, serious allegations.

How many other times did the minister make a call to see if something could be done? Is that why we have had such lawlessness in Caledonia for the past two years?

If this government fails to commence an immediate and independent investigation into this matter, from here on, everything this government and the OPP do with respect to Caledonia is going to continue to fall under a cloud of suspicion. Will he call in an independent body to conduct an investigation and do it now?

Hon. Michael Bryant: Well, there we go. I think everybody heard loud and clear what the concern here is. It's not, in fact, that there were discussions between the government and the OPP, which did not take place; it's that somehow there have been peaceful results. It's that at the end of the weekend, as the member for Haldimand says, "There were no arrests in Caledonia. There were in Deseronto, but none in Caledonia."

There's been an independent investigation all right: It's called the Ipperwash inquiry. In the Ipperwash inquiry, there were findings and there were recommendations. Obviously one of the recommendations is that the police be independent. The Leader of the Opposition is absolutely wrong when he suggests that there has been any inappropriate contact between the government and the OPP. And who do I cite in support? I cite Chief Commissioner Julian Fantino, who says that at no time has there ever been interference. I will accept the word of Commissioner Fantino.

AUTOMOTIVE INDUSTRY

Mr. Howard Hampton: My question is for the Deputy Premier. Three years ago, the McGuinty government, with much fanfare and thumping of the chest, announced a \$235-million provincial government investment in General Motors. At the time, the Minister of Economic Development said that General Motors committed to maintaining an average of 16,000 workers in the province. When asked what would happen if they failed those commitments, he said, "If they don't meet their commitments by way of our Beacon project contract, we will claw back any funds that won't meet those commitments."

Three years later, General Motors has laid off thousands. They're now below the 16,000-workforce limit that was set. Why did the McGuinty government cave to corporate pressure and fail to negotiate tough job guarantees in its agreement with General Motors?

Hon. George Smitherman: To the Minister of Economic Development and Trade.

Hon. Sandra Pupatello: I'm happy to once again stand up for the automotive sector in Ontario. What's very important for the member opposite to understand is, yes, there were guarantees in a contract signed with General Motors and the Ontario government. What this member should recognize is the historic success of General Motors in Ontario. In fact, even the number that was calculated, at 16,000, is a figure that is met by General Motors. There is not one of our Ontario automotive investment strategies signed with assemblers here in Ontario that is in breach of contract. Let me say this again: There is not one contract signed with the Ontario government that is in breach. We expect that our companies will be strong and will continue to be strong in Ontario, because the Ontario government is supportive of the automotive sector.

Mr. Howard Hampton: There's only one way that could be true: Either the 16,000-employee base that was set wasn't true or the McGuinty government is not insisting on that 16,000 base being met, because General Motors is now below 16,000 workers. But Ford committed to retaining 4,000 jobs in return for a \$100-million provincial government investment. At least that's what the freedom of information document says, which we released a couple of days ago. Ford has announced layoffs totalling 2,700 workers. Can you tell us what are the specific clawback provisions that Ford has to deal with,

should they fail to meet their job commitments, and when will the McGuinty government enforce those clawback issues?

Hon. Sandra Pupatello: I think it's very important to note that the member opposite, despite feigning support for auto workers across Ontario, has absolutely no relationship with them or he would know that General Motors has been in excess of 20,000 for these last five years. What matters is, when we make calculations with our automotive partners, we talk about long-term averages. It's important to note what we can control and what General Motors can control as it relates to sales of their vehicles.

It is very important to note that we stand behind our automotive companies. It's important because we know that there's a worldwide change in that economy, and we are there to support them. They have provided good jobs for Ontario historically, but I think it's fair to say that back, in 2000, this particular member made it very clear what his relationship was with the CAW membership: "We could blow our brains out trying to talk to these guys. It's not worth it."

The Speaker (Hon. Steve Peters): Thank you. Final supplementary.

Mr. Howard Hampton: The reality is this: I think there's something wrong when literally thousands of auto workers are being put out on the street at the same time that the McGuinty government has handed over \$400 million to companies, and the McGuinty government has said to people at the time that these jobs are guaranteed, that these jobs are going to be sustained.

Now, it seems to me that the McGuinty government had a choice. When you handed over \$400 million, you could have insisted on strong job guarantees and you could have insisted on some clawback provisions. Why, if the McGuinty government says it cares about these workers, didn't you insist on strong job guarantees, and why didn't you insist on clawback provisions to protect those workers from being laid off and being put out on the street?

Hon. Sandra Pupatello: Let me assure this House and all auto workers who work for all of our assemblers, this Ontario government stands behind the auto sector. It is what made our manufacturing sector strong and has fed the nation in its GDP output for decades, and just now, when they are under fire around the world, this is exactly when these folks need to see that there is a government that stands behind them and prepared to invest, as they will invest again.

We recognize more than most that we are having a challenging year. We recognize, too, that our investments are what will lead to a better automotive sector: more productive, more innovation, better technology and higher automation. These are going to be the things that see us through. When we speak about General Motors, Ford or Chrysler, we've been through tough times before. But I suggest that this member ask Buzz Hargrove—surely you've had time to talk to him since Monday—and ask him how he feels about the Ontario government's role. He who really speaks—

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

1110

MANUFACTURING JOBS

Mr. Howard Hampton: To the Deputy Premier: New Democrats simply believe that if the McGuinty government is going to make \$100-million investments in companies, you have a duty to the workers who work there to get some job guarantees that workers are in fact going to benefit. But what we've seen is the McGuinty government is handing out hundreds of millions of dollars with no job guarantees.

My question to the Deputy Premier: Can the Deputy Premier tell us how many other companies received provincial money and then turned around and announced job cuts, worker layoffs?

Hon. George Smitherman: To the Minister of Economic Development and Trade.

Hon. Sandra Pupatello: I think, or at least I would hope, that the member opposite has watched very carefully the kinds of programs that this government has come forward with in our entire first term, with a serious focus on manufacturing Ontario, understanding where our strength is and also recognizing the partnership with industry, as they face challenges that they have never seen aligned like this before: a very high price for a barrel of oil, a very high and strong Canadian dollar, and a weakening US market, where 80% of all of our products across sectors go to the United States. That means that when we step forward, it's to help our companies be innovative, be more productive and understand the world challenges that they face. That is where we have put our funding on the table: to help bring those investments that need more productivity to be more competitive. Does that mean that we're not still going to face challenges in these sectors? Of course it does. Any one of you who knows this sector would know that's the case. We will backstop our manufacturing sector, because we will be strong again. That is something I expect from opposition benches—

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

Mr. Howard Hampton: I'm still waiting for an answer to the question, but let me help the minister out. In May 2007, she announced a \$2.5-million subsidized loan to Skyjack, a subsidiary of Linamar, another large multinational corporation. The minister said at the time: "We are partnering with Ontario's most innovative companies to generate new jobs and investment in the province." In December, Linamar announced that Skyjack would be laying off workers in Guelph. Last week, they announced that more workers at Skyjack were laid off, over 100 workers now. Tell me, does the minister think that was a good deal for those workers? The company gets government money, and workers get pushed out the door. Do you think that was a good deal for the workers?

Hon. Sandra Pupatello: I would hope that this member opposite took the time to understand exactly what our funding with Linamar was to do—Linamar, an international company with a footprint in many countries around the world, but housed right here in Ontario. This is a company that came to the government saying: “We can have a centre of excellence for the production of new products developed right here in Ontario, an R&D facility where we can take products and develop and commercialize them for sale around the world.”

These are the kinds of projects that our government stands behind, because we recognize that we are an export jurisdiction. So I ask the members opposite: When we understand the challenges in manufacturing due to a whole variety of factors that we wish we could control but can't, do we stand behind manufacturers? Do we stand behind them in ways that will make them stronger in the future? I say the answer is yes, we do.

Mr. Howard Hampton: I think what the minister just admitted is, yes, the McGuinty government gives \$2.5 million to the international corporation, and 100 workers go out the door, and the McGuinty government is fine with that.

Let me ask you about a couple of others. FibraTech, a company in Atikokan, received \$5.6 million in provincial grants and loan guarantees. On October 11, 2007, the day after the provincial election, the company suddenly went into receivership—another 100 jobs gone.

North American Charters received \$2 million in provincial grants and loan guarantees to build a three-storey building in the Thunder Bay airport. The building is empty, the company is gone and workers are out of work. Koolatron received \$2.3 million in provincial loan guarantees and then laid off workers. I'm asking you again, is this the McGuinty government strategy: millions of dollars for corporations, while workers get pushed out the door?

Hon. Sandra Pupatello: When members of his party and the official opposition would name particular companies, it became very clear that they in fact did not present the facts at committee, nor are they presenting the facts today in the House. That is really unfair to companies who are trying to move through some very challenging times—just like the numbers that they purport to bring into this House in fact are inaccurate, and every one of those job numbers that they get wrong means families that worry about whether they will have a job in the future. It is no thanks to this party whether they would have any look to the future for their sector.

This is in fact the only government, in the absence of federal support, where we can truly say that we support our manufacturing sector. We recognize and will stand with them even in these challenging times, because our manufacturers will be strong again. That, they can take to the bank.

ENDANGERED SPECIES

Mr. Norm Miller: I have a question for the Minister of Natural Resources. Minister, in 2007 your government

promised the Ontario Forestry Coalition—and that includes municipal leaders, First Nation communities, chambers of commerce, labour unions and industry—that your Endangered Species Act would complement the already significant stringent regulatory framework the industry follows.

Your then-Minister of Natural Resources said steps would be taken to provide a section 55 regulation that offers “specific recognition of the Crown Forest Sustainability Act and forest management plans as equivalent processes which plan for species at risk.”

Minister, have you honoured your commitment to our vital forestry sector by putting in place a long-term regulation recognizing that the current forest management in Ontario is world-class and meets all the objectives of the Endangered Species Act?

Hon. Donna H. Cansfield: I'm pleased to respond to the question by the member from Parry Sound. We've been working very closely with the forest industry. As you know, the Endangered Species Act comes into effect at the end of June 2008. We recognize our first obligation, of course, is to those species that are at risk, threatened or endangered. Every day, some 600 species are made extinct on this planet.

It is our responsibility and, I would suggest, our obligation to ensure wherever possible to work with our industries and with our companies—actually, with everyone in Ontario—to ensure we do everything we can to protect those species that are threatened or endangered. In fact, as I said, it is our obligation to do so.

We will continue to work with the forest industry. There is no question that excellent progress has been made through the forest management plan and we will continue to work with them as we integrate the species at risk into the forest management plan.

Mr. Norm Miller: Minister, you didn't really answer my question. Previously, your government said you would recognize the work that the forestry sector does. Now, they say you're breaking your word. They are saying the government has gone back on its word. They're saying that you're putting in place an unnecessary duplicate layer of red tape that will not only suck up more resources and revenues from a struggling industry, but, in fact, puts the entire forest industry sector on its knees.

In fact, Jamie Lim, president of the Ontario Forest Industry Association says: “The government needs to honour its commitment to 230,000 working families and develop a long-term regulation that recognizes the efficacy of the Crown Forest Sustainability Act and forest management plans in protecting endangered and threatened species and avoids the creation of crippling process that would bring the forestry industry to its knees.”

Minister, will you honour your commitment to our proud forestry-based communities and to the forest industry?

Hon. Donna H. Cansfield: Without question, the Premier was very clear that we will integrate the Endangered Species Act into the forest management plan. I believe we can coexist. We do have an obligation to both—not to

one in spite of the other, but to both—to the species that are at risk and to the industry. We have clear indication that many companies are already doing a phenomenal job of doing exactly that and I think a good example is the bald eagle. At no time will we put one at risk of the other. We can sit down, work through and manage to do what we need to do to coexist with species at risk and with industry.

DIALYSIS

M^{me} France Gélinas: My question is for the Minister of Health and Long-Term Care. I would like to know, when does the minister intend to expand nocturnal home hemodialysis to residents of northern Ontario?

Hon. George Smitherman: I do want to thank the honourable member for the question. I've heard about this matter a lot from the member for Sudbury, and his advocacy on behalf of his constituents has been extraordinary.

I do want to correct an impression that is sometimes advanced that this is a service that is advanced in southern Ontario and not in the north. This is actually not accurate. It's relatively available in very few places, but we do plan to make improvements on that. I don't have all the details at hand, but I can tell the honourable member that I've worked on these issues even this week and hope, in a matter of a relatively few short months, to be in a position to make announcements that would expand the capacity to support people with advanced kidney disease and the associated challenges that mean they need dialysis in a variety of forms. Advancing nocturnal dialysis most certainly is a priority amongst those, and I look forward to working with all members of the House on its expansion for the benefit of our constituents.

1120

M^{me} France Gélinas: Residents of northern Ontario, such as my constituents Homer Seguin and Richard St. Amour, have been urging the ministry to expand nocturnal dialysis to Sudbury for years. Groups such as the Sudbury Health Coalition, which represents over 20,000 people in the Sudbury area, have urged the minister to fund nocturnal dialysis at Sudbury Regional Hospital.

The minister claimed that the government cannot afford the program in northern Ontario. This completely ignores the benefit of nocturnal dialysis and is a signal to northerners that they should accept second-class health care services. Nocturnal dialysis has been available in southern Ontario for many, many years. Why is the minister refusing to provide nocturnal dialysis to residents of northern Ontario now and to force northerners to accept second-class health care services?

Hon. George Smitherman: It's very unfortunate that in light of the answer I gave, the honourable member still chose to read a second question that frankly bears a long way from reality. It is not that there is widespread access to nocturnal dialysis in southern Ontario; that's not an appropriate perception. I know that it is advanced sometimes in the north.

It isn't about two tiers or two classes; it's about making an advance in the province of Ontario that offers the benefits—which I agree with—in terms of nocturnal dialysis much more broadly to Ontarians, in all parts of our province. There are sporadic programs indeed, but overall this is an area where we have a strong opportunity to make an advance in a way that is good for health care because you don't have to build a building and is very good, of course, for the clients because they can get the care at home and aren't disrupted by going into satellite dialysis.

I can tell the honourable member: Since 2003, we've invested more than 158 million new dollars to expand access to dialysis. We have more work to do on nocturnal dialysis, and efforts on that front are forthcoming.

HIGHWAY SAFETY

Mr. Khalil Ramal: My question is to the Minister of Community Safety and Correctional Services. Minister, as my riding of London–Fanshawe is along the 400-series corridor, my staff and I, and of course the citizens of my area, including my constituents, spend a lot of time driving these highways to join with tens of thousands of other motorists as we drive back and forth across the province. The 400-series highways are among the busiest roadways anywhere in the world, with more than 420,000 vehicles making use of them each day. As you know, a lot of crazy drivers are driving this highway and cause a lot of accidents and cause a lot of damage to many other passengers and drivers. Minister, unfortunately the long weekend is especially dangerous for many drivers, and I heard that you funded the OPP for a special plan to make sure our highways are very safe. Can you tell the House and tell—

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

Hon. Rick Bartolucci: I want to thank the member for the question.

Listen: Highway safety is vital to everyone in this House. We all encourage and agree that we have to promote safety on our highways. That's why, just recently, we introduced the new aircraft enforcement program. It's an excellent program that allows the OPP, in a Cessna 206, to observe the highway patterns, the driving patterns, from about 2,500 feet.

Let me encourage every Ontarian to drive safely, to follow the speed limit on this long weekend, to drive defensively, because at the end of the day, we want what everyone wants: safety on our highways.

Let me tell the people of Ontario: I was up in the plane just recently. The eye in the sky will catch you if you're a reckless driver or a speeding driver.

Mr. Khalil Ramal: Hopefully this new tool will encourage those who would fly along the highway to put a curb on their reckless behaviour. I hear on occasion from frustrated constituents who try to report such careless drivers, only to see them pull off the highway or out of sight before they can get a full description of the offend-

ing vehicle. This plan will allow for the police to monitor these individuals more carefully.

Can you tell us what the government is doing to make sure those people will be monitored and pulled off the highway to make sure our highways are safe for the many people who enjoy driving back and forth or to go to work? I think it's a good initiative, but I want to ask the minister to tell us more about this initiative and how we can make sure all these people are monitored and pulled off the highway.

Hon. Rick Bartolucci: I refer to this the Minister of Transportation.

Hon. James J. Bradley: Even though Ontario was declared to have the second-safest highways in all of North America in the last figures available, behind only the Northwest Territories, there's much more that has to be done, without a doubt. For instance, let's give an idea of what consequences people could face.

Any driver found stunt driving or driving over 50 kilometres an hour over the speed limit has the vehicle impounded on the spot and the licence revoked for a seven-day period, and if convicted of racing, can face a maximum fine of up to \$10,000, the highest in Canada. When it comes to impaired driving, one of the sanctions is that they can have a 90-day licence suspension for drivers who blow over the legal limit and other consequences.

I also recommend that people listen to Sergeant Cam Woolley on the weekend and other police officers—

The Speaker (Hon. Steve Peters): Thank you very much.

INFECTIOUS DISEASE CONTROL

Mrs. Elizabeth Witmer: My question is for the Minister of Health. I regret that you and your government have been unable to grasp the seriousness of the C. difficile outbreak and the fact that more than 120 people have died as a result. Those are just the ones that we know about.

Recently Dr. Allison McGeer, director of infection control at Toronto's Mount Sinai, stated: "We've had hundreds of preventable deaths in Ontario because of C. difficile.... Joe Brant makes it clear that we do not have an adequate handle on the situation."

Minister, today our leader, John Tory, sent a letter to your Premier asking for an independent investigation into the widening C. difficile tragedy to determine what happened, why and where. Will you today, immediately, commit to appoint an investigator to take a look at this situation?

Hon. George Smitherman: No, it's not the intention of our government to do that, in large measure influenced by the fact that a coroner's inquest which is, I think everybody would agree, quite independent has been conducted very recently into events which occurred at Soo area hospitals in Sault Ste. Marie, which bear rather too much resemblance, frankly, to the circumstances that

have occurred and been publicized very dramatically recently in the Burlington community.

We think it's more important to get on with the action of implementation of the recommendations and building on the efforts that we've made so far. At Joe Brant hospital, we've had two infectious control officials, paid by the Ministry of Health, who have been there. We've initiated a substantial hand hygiene initiative in the province. We formed the provincial infectious disease advisory committee, created 14 infection control networks and more than doubled funding for public health in the province of Ontario. We know that there's a great degree of necessary vigilance on the part of those who operate our hospitals. We'll be working alongside them to enhance protection—

The Speaker (Hon. Steve Peters): Supplementary.

Mrs. Elizabeth Witmer: We know that our hospitals work as hard as they can. However, they can't do much if they don't have the support of the Ministry of Health and the appropriate resources.

Considering that more people have died from C. difficile—those are only the ones that we know about—than SARS, I ask you again, will you launch an immediate province-wide investigation into the C. difficile outbreaks in our hospitals and report back to this Legislature in 90 days? You owe it to the hundreds of family members who have lost loved ones, and you owe it to those individuals that you are putting in risk if you don't undertake this type of investigation now.

Hon. George Smitherman: The honourable member is on the one hand asking me to initiate an independent investigation and then commit today to returning within 90 days to report on what that independent investigation would look like. She earlier used the word "inquiry," and we all know those don't happen in 90 days.

The point is that a matter of urgency is there. It's being addressed substantively by the people on the front lines who run hospital organizations, but we'll be enhancing these efforts by moving for mandatory reporting of C. difficile as one of a wide range of indicators, and we'll be looking to establish clearer leadership, from the ministry standpoint, that can help to drive these initiatives in the hospitals.

1130

But the honourable member's credibility on these points where she asks for additional resources really runs up against the reality, which is that more often they're asking for health care spending to be reduced by \$3 billion through the elimination of the health premium.

I do accept that this is a big challenge for health care. We have the capacity to get on with it and to make progress on behalf of our patients. We will not delay it for a review to do that. We'll work relentlessly to implement the recommendations that have been advanced already from the coroners' investigations.

Mrs. Elizabeth Witmer: On a point of order, Mr. Speaker: We have never said we're going to cut health care spending.

The Speaker (Hon. Steve Peters): I remind the member that it's not a point of order. The issue was raised and I responded to it in a prior question period.

SERVICES FOR THE DEVELOPMENTALLY DISABLED

Ms. Cheri DiNovo: My question is for the Minister of Community and Social Services. I'm delighted today to have Teddy Paterson and his parents, John and Sylvia, here from my riding in the Speaker's gallery. Teddy was born with cerebral palsy, and John and Sylvia have been his loving and willing caregivers since birth. But in an all too familiar case, the immense cost of Teddy's support is crushing this family.

Teddy is going to graduate from high school soon. We're really proud of that, but he will require full-time assistant care. We're speaking here of 24 hours a day, seven days a week. He's not even able to operate a power chair. So my question for the minister is, what is her ministry prepared to do to help Teddy stay at home with his family?

Hon. Madeleine Meilleur: Merci beaucoup pour cette question. First of all, I wanted to commend the parents for the good service that they provide to their son. I know that it's very challenging. I want to let you know that this government is working towards helping families like yours with your challenge, to provide the best service that they can for you to be able to keep your son at home.

That's why, under our leadership, we have started this passport program. The passport program is exactly for that: to help, to support parents and to buy services for their loved one to keep them at home, or to provide them with services that are already offered in the community. This afternoon, this government is going to introduce new legislation that will enhance the service to those with developmental disabilities.

Ms. Cheri DiNovo: The minister knows all too well that there are over 5,000 families on waiting lists—and so is Teddy—for that very program. We have written letters to this minister and to the Minister of Health, and so has the family. We get letters back, but never any answers. We're asking you to meet with this family and actually look at their particular case. This hasn't happened, and this family is not being serviced.

Teddy doesn't want to go into an institution. What this government is doing is placing more and more young people in institutions, with people three times their age. We know that the minimum standard of care there is not even 3.5 hours a day. He needs 24-hour-a-day care, seven days a week.

So I'm going to ask again, and I would like an answer this time for Teddy—not a bureaucratic answer, but an answer for Teddy: Why won't this minister commit to this family so that they can look after Teddy at home?

Hon. Madeleine Meilleur: First of all, every case of developmental disability or handicap is being evaluated for the services that they need. I cannot, standing here in

this room, say that he will get this or he will get that. Every case is being evaluated.

This new legislation that we're bringing about will have a standard tool for assisting a case like this. I can say to you today that this government, every time we move forward with putting in money to improve the quality of service for those with developmental disabilities or the handicap—this party was always standing up and voting with the Conservatives against everything we offered.

NURSES

Ms. Sophia Aggelonitis: My question is for the Minister of Health and Long-Term Care. Minister, I know that you have been busy attending events and announcements to celebrate Nursing Week. I want to thank the nurses who work so hard in my riding of Hamilton Mountain, as well as nurses right across this province, who keep us healthy.

Minister, I have heard from some people who are concerned about retaining our new nursing graduates. What are you doing to make sure that our new nurses aren't leaving the province or country to find jobs?

Hon. George Smitherman: I want to thank the honourable member from Hamilton for her excellent question. One of the biggest challenges health care faced for a long time was that graduating nurses didn't get an opportunity to transition easily into full-time work. With last year's institution of the new graduate guarantee, we've made enormous strides. Thirty-two hundred new nursing graduates participated last year and, of them, 86% transitioned to full-time employment. Indeed, as I've been in a variety of health care settings this week, I've had the chance to meet so many of the impressive new nurses. In Hamilton alone there are 252 new nurses who have graduated into full-time employment—178 at Hamilton Health Sciences, three at St. Peter's and 71 at St. Joseph's health care—meaning that through the new graduate guarantee, with \$90 million a year of provincial government funding, we've solved one of the biggest problems, where we didn't take proper advantage of the skills of our newly minted nurses. We've made great strides and those improvements are paying results for patients and health care in Ontario.

Ms. Sophia Aggelonitis: I know how valuable nurses are to our health care system and their importance to our community, whether they are delivering care in a hospital, long-term-care home, in the community or any other location. In fact, next Tuesday I too will have the privilege of job-shadowing some of our nurses in the community.

Minister, I've heard concerns from my constituents about a shortage of nurses in Ontario. What are you doing to make sure that Ontario has access to enough nurses and that nurses currently in the profession are receiving the support they deserve?

Hon. George Smitherman: The data from the College of Nurses of Ontario demonstrate that there are thou-

sands more nurses working on the front lines of health care. We want to continue to build on that progress.

Of course, the new graduate guarantee is a foundation of success, because it means we don't lose our nurses to other jurisdictions. We intend over the next three years to invest more than five hundred million new dollars to create opportunities headed toward 9,000 additional nursing positions. This represents 17.5 million annual hours of additional service to the patients of the province of Ontario. In addition, working with nurse practitioners, we've created a very exciting new role—the first one of these is in Sudbury—of the nurse-practitioner-led family health care clinic. In addition, we're going to dedicate ourselves, working with the Ministry of Labour, to enhancing the workplace safety circumstances for our nurses. There are improvements that we can make in making healthier workplaces, and this is going to be a big priority in sustaining our nursing workforce.

TOURISM

Mr. Ted Arnott: My question is for the Minister of Tourism. The Victoria holiday weekend is upon us, and this is traditionally the beginning of the summer travel season in Ontario. What new initiatives can the Minister of Tourism announce today to provide leadership and give the industry hope as the summer begins? And what specifically is the government going to do to welcome back American tourists to our province?

Hon. Peter Fonseca: I thank the member for Wellington-Halton Hills for the question and the opportunity to share with this House all that's happening in tourism in the province of Ontario. First, our government is very committed to a vital and sustainable tourism industry. Two days ago I was up in Wasaga Beach, and we were announcing \$100,000 to PR the great Wasaga Beach. What a great family outing over that long weekend—the longest freshwater beach in the world. They see over two million visitors. We want to make sure that they continue to break records, to get more than two million visitors up there. We have a great cultural renaissance going on in this city: going to the ROM, the AGO, the Gardiner Museum. There is so much to do and see in Ontario.

Mr. Ted Arnott: The question was, what are you going to do to bring back the American tourist? It appears from the answer that the government has written off the American tourist market, which has traditionally been the mainstay of our tourism and hospitality industry. That important industry is facing multiple blows from a strong Canadian dollar, high gasoline prices and confusion at the border. The fewer tourists who are visiting are less satisfied with their experience here, according to the recent Toronto tourism report. In the five years since the McGuinty Liberal government has been in power, they have neglected Ontario's tourism industry in its time of need. When will this government take effective action so that Ontario regains its status as a destination of choice for the world?

Hon. Peter Fonseca: This government is very committed. In our fall economic statement, we pledged another investment of \$30 million to be able to promote this magnificent province and to those key markets in the United States.

We have a terrific marketing campaign—There's No Place Like This. It's been a huge success. Many of us, hopefully all of us, have seen it on TV. It's run in Detroit, Buffalo, New York, Boston. We are getting those American visitors to see all the great offerings that we have here in Ontario.

Our greatest market is actually within. We want Ontarians to travel and be tourists in your own town. Some 89 million tourist visits happen in and around Ontario.

1140

ABORIGINAL RIGHTS

Mr. Howard Hampton: My question is for the Minister of Aboriginal Affairs. Minister, Neskantaga First Nation sent a notice to your government and the mining industry asking that mining exploration companies meet with the First Nation before staking mining claims. Company X complied with Neskantaga's request and began a consultation process. Another company, Temex Resources, completely disregarded the First Nation, went on their traditional territory, started cutting lines and staking claims, even after the First Nation requested them to stop. The McGuinty government recorded the mining claim of Temex Resources, the company which shows no respect for the First Nation. The other company, which tried to show respect for the First Nation, is out in the cold. Is this the McGuinty government's idea of a mining exploration process that is fair to First Nations and fair to mining exploration companies that respect First Nations?

Hon. Michael Bryant: I can't speak to the specifics. I'm sure the member will understand. I know that the Minister of Mines would be in possession of that information. But I certainly can speak to the approach that has to take place, and as a starting point, it should be very similar to the one that the Assembly of First Nations signed with the Prospectors and Developers Association, which in fact did involve the appropriate level of consultation.

There have to be changes to the Mining Act—and the minister of mines and the Premier have said that—and we are going to change the Mining Act. As the member knows, it's over 100 years old. So we will consult with First Nations as we do the important work that has to be done to make the changes to the Mining Act in order to ensure that we, yes, support First Nations economic development, support the mining industry, but also support the rights of First Nations and Metis people.

Mr. Howard Hampton: Here's the reality: The McGuinty government talks; meanwhile, companies that actually want to show respect for First Nation rights and interests get pushed to the back, and companies that show

no respect for First Nations get their mining claims recorded by the McGuinty government.

This is how the chief and council at Kitchenuhmaykoosib Inninuwug wind up in jail—because they're dealing with a company that showed no respect. This is how the chief of Ardock First Nation winds up in jail—because they're dealing with a company that shows no respect.

This is not just a provincial issue anymore. The Financial Times, last week, ran an article pointing out the injustices of the mining exploration system under the McGuinty government.

When are we going to hear the end of talk and see some action from the McGuinty government? When are you going to stop giving companies that don't respect First Nations first chance at mining claims?

Hon. Michael Bryant: The member has asked questions before about the need for governments to consult with First Nations and engage in collaboration and consultation, and in fact that's why we are doing that with respect to the changes to the Mining Act. A unilateral approach, where the government just said, "Okay, here's what we're doing," may have been the approach many years ago, but it's not the approach that is undertaken today.

It's with that in mind that the government today announced the very important, I think, historic agreement to set up a new relationship fund, a \$25-million fund over the next two years that will provide First Nations and Metis people with the ability and the capacity to engage in the very negotiations that we need to engage in and the consultations that we need to engage in and the consultations that we need to engage in in order to make the very changes that the member wishes to make.

AIR QUALITY

Mr. David Oraziotti: My question is for the Minister of Environment. Recently, I had the opportunity to attend a public meeting in my community regarding environmental issues and emissions from Algoma Steel. Residents in Sault Ste. Marie are concerned about the air quality in our community. They want assurances that additional pollution control mechanisms will be on facilities at Algoma Steel. As the minister knows, I've raised the issue with him, his office and MOE staff on several occasions over the past few months. Minister, residents want to know, what steps will be taken to improve the air quality in the Soo and area?

Hon. John Gerretsen: First of all, I want to compliment this member on being very persistent and having raised this issue with me and the MOE staff on a number of occasions. I also want to compliment him on how he's worked constructively with our MOE staff in Sault Ste. Marie and the representatives from Algoma Steel, as well, on ensuring that Algoma Steel is in compliance with our government's tough air pollution regulations prior to the plant expansion.

Algoma has a recent initiative to install temporary baghouses, and we will be continuing to work with them

to encourage further environmental improvements in the future.

As I told this member previously when he raised this concern with me, the ministry is continuing to work very closely with Algoma Steel and community organizations to ensure compliance with the ministry standards and provide reports and background information to the local communities.

As a matter of fact, Algoma Steel is holding two public meetings next week and I encourage people to attend. Ministry officials will be—

The Speaker (Hon. Steve Peters): Supplementary.

Mr. David Oraziotti: Minister, as you're aware, Algoma Steel intends to restart blast furnace number 6. While my community certainly welcomes the proposed expansion at the steel plant, which will bring additional jobs and economic benefits, they want to know that safeguards will be in place before development occurs.

This is about air quality in the immediate area. Residents deserve the opportunity to voice their opinions and concerns before this project gets any approval from the ministry. I can tell you that what they will want to know is that the furnace will not be restarted until appropriate pollution control mechanisms are in place and that there's a certificate of approval that will protect the air quality in the community.

Will the ministry ensure that if this goes ahead, there will be the necessary pollution controls in place?

Hon. John Gerretsen: As the member knows, the process for certificates of approval for Algoma Steel to restart blast furnace number 6 is currently underway. I can assure him that the ministry staff will review the application to ensure that the plans for pollution control equipment will result in improvement of the air quality for the area residents.

He can also be assured that regardless of the local federal member's actions, the decision reached by the independent Ministry of the Environment officials will be based on sound scientific assessments rather than political rhetoric.

Regulation 419 sets out air quality standards that industries across Ontario must meet. Those air quality standards have been improved in 57 different ways over the last couple of years.

The member can tell his community that details of the application will be posted on the EBR registry for public review and comment.

Once again, I encourage everyone who is interested to submit public comments when the application is posted because the ministry will review and consider closely any comments that have been made.

SCHOOL TRANSPORTATION

Mr. John Yakabuski: My question is for the Minister of Education.

I've raised the issue of rural school transportation funding repeatedly, and the minister continues to ignore it. I recently warned her by letter that the day was fast ap-

proaching when her inaction and broken promises could lead to a loss of school busing in my riding entirely. Yesterday, school bus operators in Renfrew county said in a press release that “school buses in Renfrew county may be a thing of the past.”

Despite the minister’s promise to change it, she continues to support a transportation funding formula that severely punishes rural school operators. When will the minister abandon her plan to sit and wait while school bus operators have to decide whether they can afford to stay in business or not? Bring forth a fair funding formula now.

Hon. Kathleen O. Wynne: I have been exceedingly clear in this House and with the school bus operators and with school boards that we’re committed to providing funding so that small operators as well as the large operators can stay in business.

We have increased funding by 29% to school bus transportation since we came into office. We’re working with the school bus operators.

I’ve been very clear that in the go-forward we are committed to making sure that small school bus operators—and the School Bus Operators’ Association of Ontario knows that. They’ve met with me, they’ve sat with me, and they’re encouraged that we’re moving down this road. They’re part of the process, they’re feeding into the process, and we are committed to keeping those small operators, as well as the larger operators, in business.

1150

Mr. John Yakabuski: Minister, that is a load of you-know-what. She talks about increased money; school bus operators talk about skyrocketing costs—licensing fees, insurance, and fuel costs that have gone up 57% since last September. You know what they got from you? This year, it was 1.35%, with all of those expenses going up.

You continue to support a formula that treats urban school bus operators much more fairly than rural school bus operators. You are ultimately jeopardizing all rural school bus operators in this province, particularly those in Renfrew county, and ultimately you are jeopardizing the safety of children. Do something about this formula now or suffer the consequences. Take responsibility for what happens on your watch.

Hon. Kathleen O. Wynne: That was quite a performance. In fact, we just invested another \$10 million in the wages of school bus operators. We also provided \$15.4 million to deal with the rising cost of fuel. I am well aware that the school bus operators in this province need to have a fair deal. They need to be able to work with government and work with school boards in order to drive the thousands of children every day that they do.

I want to say that we owe a debt of gratitude to the school bus drivers in this province. They are terrific people, and I don’t think that they are well served by the kind of bluster that we’re hearing from across the way. What they need is a minister and a government that’s willing to work with them to make sure they have a fair wage and fair cost benchmarks. That’s what we’re doing in the interests of the kids in this province.

LEGISLATIVE PAGES

The Speaker (Hon. Steve Peters): I’d like to ask all members to join me. This is the final day within the Legislature for our wonderful group of pages. We want to say thank you for the great service they’ve provided to each and every one of us. We wish all of you all the best in your future endeavours. We trust that one day you will be here and you will have learned from your experience. When you are here, you will help to bring a new sense of decorum to this wonderful chamber.

Let’s thank them all very much.

Mr. Gilles Bisson: On a point of order, Mr. Speaker: The former pages who were here before know better.

VISITORS

The Speaker (Hon. Steve Peters): I just want to remind members as well—the changes that took place regarding the introductions: I am but a servant of this House. I do what the standing orders ask me to do. I would encourage you to talk to your own respective House leaders or the government House leader if you have some issues dealing with introductions.

PETITIONS

LORD’S PRAYER

Mr. Norm Miller: I have a petition to do with maintaining the Lord’s Prayer in the Ontario Legislature. It reads:

“To the Legislative Assembly of Ontario:

“Whereas Premier Dalton McGuinty has called on the Ontario Legislature to consider removing the Lord’s Prayer from its daily proceedings; 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 is one of forgiveness, of providing for those in need of their ‘daily bread’ and of preserving us from the evils we may fall into; 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 support this petition.

HOME CARE

M^{me} France Gélinas: It gives me great pleasure to introduce this petition of SEIU and the people of Brampton:

“Whereas the Ontario government has continued the practice of competitive bidding for home care services; and

“Whereas the competitive bidding process has increased the privatization of Ontario’s health care delivery, in direct violation of the Commitment to the Future of Medicare Act, 2004; and

“Whereas competitive bidding for home care services has decreased both the continuity and quality of care available to home care clients; and

“Whereas home care workers do not enjoy the same employment rights, such as successor rights, as all other Ontario workers have, which deprives them of termination rights, seniority rights and the right to move with their work when their employer agency loses a contract;

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

“We call on the government of Ontario:

“(1) to immediately stop the competitive bidding for home care services so home care clients can receive the continuity and quality of care they deserve; and

“(2) to extend successor rights under the Labour Relations Act to home care workers to ensure the home care sector is able to retain a workforce that is responsive to clients’ needs.”

I fully support this petition, will affix my name to it and send it with page Evelyn.

HOSPITAL FUNDING

Mr. Bob Delaney: I have a petition to the Ontario Legislative Assembly. I’d like to thank Dr. Tom Short for sending this to me, and also his patients for having signed it. It reads as follows:

“Whereas wait times for access to surgical procedures in the western GTA area served by the Mississauga Halton LHIN are growing despite the vigorous capital project activity at the hospitals within the Mississauga Halton LHIN boundaries; and

“Whereas ‘day surgery’ procedures could be performed in an off-site facility, thus greatly increasing the ability of surgeons to perform more procedures, alleviating wait times for patients, and freeing up operating theatre space in hospitals for more complex procedures that may require post-operative intensive care unit support and a longer length of stay in hospital;

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

“That the Ministry of Health and Long-Term Care allocate funds in its 2008-09 capital budget to begin planning and construction of an ambulatory surgery centre located in western Mississauga to serve the Mississauga-Halton area and enable greater access to ‘day surgery’ procedures that comprise about four fifths of all surgical procedures performed.”

I thank those who signed the petition. I’d like to sign and support it and ask page Emily to carry it for me.

LORD’S PRAYER

Mr. Jim Wilson: I want to thank the members of the congregation of the Lighthouse in Wasaga Beach for sending this petition to me.

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

“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; and

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

“We, the undersigned, petition the Legislative Assembly of Ontario to continue its long-standing practice of using the Lord’s Prayer as part of its daily proceedings.”

I’ve signed this petition and I agree with it.

FIREARMS CONTROL

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

“Whereas the growing number of unlawful firearms in motor vehicles is threatening innocent citizens and our police officers;

“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 being found in motor vehicles; and

“Whereas impounding motor vehicles and suspending driver’s licences of persons possessing unlawful firearms 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 agree with this, and I put my signature and give it to page Emily.

LORD’S PRAYER

The Speaker (Hon. Steve Peters): The member from Durham.

Mr. John O’Toole: Thank you very much, Mr. Speaker. Someone in the second row getting recognized this soon is surprising and rewarding.

I’m pleased to read a petition from my constituents in the riding of Durham, which reads 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 the Legislature.”

I’m pleased to present it to page Hannah on her last day here at Queen’s Park.

1200

HOSPITAL FUNDING

Mr. Joe Dickson: A petition 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 affix my signature to that and pass it to Emily.

HEALTH CARD RENEWAL CLINIC

Mr. Tim Hudak: I’m pleased to present a petition about bringing health card renewal services closer to Glanbrook residents.

“To the Legislative Assembly of Ontario:

“Whereas seniors, the disabled, families with young children and other Mount Hope and Binbrook residents are forced to drive to downtown Hamilton to renew their Ontario health cards; and

“Whereas the province of Ontario mandates that health cards be renewed on a regular basis and that an Ontario health card must be presented to receive OHIP health services; and

“Whereas the Dalton McGuinty government has increased taxes and fees on local residents but has not improved services;

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

“To work with the Ontario Ministry of Health to bring a mobile health card renewal clinic to the Mount Hope and Binbrook area so that residents can more readily renew their Ontario health cards without the drive to downtown Hamilton.”

In support, I affix my signature.

FIREARMS CONTROL

Mrs. Laura Albanese: I have a petition to the Legislative Assembly of Ontario.

“Whereas the growing number of unlawful firearms in motor vehicles is threatening innocent citizens and our police officers; 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, 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 agree with this petition. I therefore affix my signature and pass it to page Hannah.

LORD’S PRAYER

Mrs. Julia Munro: “To the Legislative Assembly of Ontario:

“Whereas the current Liberal government is proposing to eliminate the Lord’s Prayer from 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 is one of forgiveness, of providing for those in need of their ‘daily bread’ and of preserving us from the evils that we may

fall into; it is a valuable guide and lesson for a chamber that is too often an arena for 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 to this as I’m in complete agreement, and I’ve given it to Jillian.

HOSPITAL FUNDING

Mr. Jeff Leal: I have a petition today from Kathy Moorehead, who lives at 1560 Carrington Road in Mississauga.

“Whereas wait times for access to surgical procedures in the western GTA area served by the Mississauga Halton LHIN are growing despite the vigorous capital project activity at the hospitals within the Mississauga Halton LHIN boundaries; and

“Whereas ‘day surgery’ procedures could be performed in an off-site facility, thus greatly increasing the ability of surgeons to perform more procedures, alleviating wait times for patients, and freeing up operating theatre space in hospitals for more complex procedures that may require post-operative intensive care unit support and a longer length of stay in hospital;

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

“That the Ministry of Health and Long-Term Care allocate funds in its 2008-09 capital budget to begin planning and construction of an ambulatory surgery centre located in western Mississauga to serve the Mississauga-Halton area and enable greater access to ‘day surgery’ procedures that comprise about four fifths of all surgical procedures performed.”

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

POPE JOHN PAUL II

Mr. Jim Wilson: “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 ... An Act to proclaim Pope John Paul II Day.”

I agree with this petition and I have signed it.

HOSPITAL FUNDING

Mr. Joe Dickson: A second petition in reference to the Ajax-Pickering hospital:

“Whereas the Central East Local Health Integration Network ... has approved the Rouge Valley Health System’s deficit elimination plan, subject to public meetings; and

“Whereas, despite the significant expansion of the Ajax-Pickering hospital”—I’m going to just cut to the quick on some of this because of the time allocation—“this plan now calls for the ill-advised transfer of 20 mental health unit beds from Ajax-Pickering hospital to the Centenary” unit; and

That “would negatively impact on the quality care for residents of Ajax and Pickering; and

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

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

“That the Rouge Valley Health System continue to provide the current level of service to our Ajax-Pickering hospital, which now serves the fastest-growing communities of west Durham; and

“That the Ajax-Pickering hospital retain the badly needed 20-bed mental health unit.”

I will affix my signature and pass this to Hannah.

POPE JOHN PAUL II

Mr. Tim Hudak: I’m pleased to present a petition calling for the creation of Pope John Paul II Day. It reads as follows

“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; and

“Whereas Bill 194, the Pope John Paul II Day Act, 2007 did not pass before the Legislature was adjourned three weeks early for summer recess;

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

“That the Legislative Assembly of Ontario designate a day as Pope John Paul II Day in honour of his extraordinary contribution to our communities.”

In support, I affix my signature. This petition was sent by Our Lady of Perpetual Help Church in St. Catharines.

The Speaker (Hon. Steve Peters): The time for petitions has expired. This House stands recessed until 1 p.m. this afternoon.

The House recessed from 1208 to 1300.

MEMBERS' STATEMENTS

ALLISTON HORNETS HOCKEY TEAM

Mr. Jim Wilson: I rise to congratulate the Alliston Hornets hockey team for winning the all-Ontario 2008 Ontario Hockey Association's Schmalz Cup, an accomplishment that no other Alliston junior C hockey team has been able to do in the hockey club's 37-year history.

The Hornet's historic season came to an end the night of May 3, in the sudden-death overtime of game seven against the Essex 73's of the Great Lakes, when an unassisted goal scored by the Hornet's Kyle Brossard brought home the win to Alliston. This outstanding victory is evidence of the team's incredible dedication to the game of hockey and to sportsmanship.

In addition to the respect the players have earned throughout our community for their win, they are also being praised by opposing teams, coaches and fans for their performance on and off the ice. The team's clean and positive approach has gained them an admirable reputation throughout Ontario.

On behalf of the residents of Simcoe-Grey, I want to commend the team for the immeasurable amount of time, commitment and sacrifice made toward their sport. This accomplishment is something to be admired. They should all be very proud of themselves for a job well done.

The town of New Tecumseth is hosting a congratulatory party for the Hornets on Saturday, May 24 at the New Tecumseth Recreation Centre. I want everyone to know that they are more than welcome to come out and join in the celebration.

BOYS AND GIRLS CLUBS OF CANADA

Mr. Paul Miller: On behalf of the Ontario NDP, I'm honoured to welcome the Boys and Girls Clubs of Canada to Hamilton for their biannual national conference, from May 21 to May 24. This year's conference, entitled *Champions: Out in Front for Children and Youth*, is being hosted by my constituency group, the Hamilton East Kiwanis Boys and Girls Club. In support of the 2008 national conference, my colleague from Hamilton Centre, Andrea Horwath, and my federal counterpart for Hamilton East-Stoney Creek, Wayne Marston, will be attending and promoting a number of conference events.

For over 60 years, the Hamilton East Kiwanis Boys and Girls Club has provided recreational and social development programs for youth in Hamilton. Their efforts to level the playing field and make their programs accessible and affordable to all children are a model for other organizations. I am always very pleased to support the Hamilton East Kiwanis Boys and Girls Club because they stand for many of the same core values I uphold in my riding: inclusion, opportunity, respect, belonging, empowerment, collaboration and speaking out.

As well as welcoming the Boys and Girls Clubs of Canada participants to Hamilton for their 2008 national

conference, I encourage all members of this House to contact their local boys' and girls' clubs to wish them the best during their upcoming conference. After all, we are working very hard in Hamilton to make our city the best place to raise a child. I know that you will want to send the same message to your communities.

GOOD SHEPHERD

Ms. Sophia Aggelonitis: I would like to tell you about an organization in my community of Hamilton called the Good Shepherd. The Good Shepherd is a social service agency in Hamilton. They live by the motto, "Charity Unlimited ... Never Stop Loving." It is with this spirit that the brothers of Good Shepherd continue to help those that need it in our city. Through their hard work and commitment, they help troubled youth, abused women and children, the mentally and physically challenged, the hungry and the homeless.

Earlier this week, Minister McMeekin and I had the honour of welcoming the Minister of Community and Social Services to Hamilton to announce a \$5-million investment that will go towards building the Good Shepherd's women's centre. This funding will allow the Good Shepherd to continue to enhance the quality of life for women and children who seek assistance and support.

I would like to thank the minister for her continued commitment to organizations such as the Good Shepherd and for always recognizing how important these organizations are to our communities. I would also like to take a moment to recognize Brother Richard of the Good Shepherd for continuously addressing the needs of our community and supporting our residents.

C. DIFFICILE

Ms. Laurie Scott: I rise with full respect to the families of the victims of C. difficile in health facilities across Ontario. Today, the Minister of Health flatly rejected Ontario's Ombudsman, who has said that the minister's response to this outbreak has been inexcusably lax and deserves a public inquiry.

It should be noted that the minister has taken a completely opposite direction than the one he has in the past. In June 2003, George Smitherman is quoted: "There is no good excuse to reject the idea of a public inquiry." His response today is much different.

There's more. In March 2004, Mr. Smitherman said: "Ontarians are smart people and deserve to know the facts." Today, when asked if he is willing to share the facts with Ontarians through an inquiry, he refused.

This C. difficile outbreak, which the minister has chosen to ignore, has claimed more lives than the SARS outbreak in 2003, when Mr. Smitherman stated: "It's critically important that at a time and age where we know that there will be more complex situations like this that confront us, we take every advantage that we can, that we reach out to all of those who have a voice and we hear of their problems and we take them seriously and we act to

address those concerns, not in some review where nobody knows who's asking what questions and under what mandate, but under a commission of inquiry that is independent, thorough and transparent."

Today, this same person—so profound and courageous in opposition—has chosen to ignore the fact that people are dying of this serious infectious disease and is evading his responsibility. These are facts. The minister and Deputy Premier should explain himself to the victims of the tragedy.

LEON PAROIAN

Mr. Bruce Crozier: I rise today to pay tribute to Windsor lawyer Leon Paroian who died at the age of 71 Saturday morning after a lengthy illness.

With quotes from the Windsor Star, and on behalf of my colleagues Dwight Duncan, Sandra Papatello and all the residents of Essex–Windsor, I must say that Leon is remembered as a gregarious man, as a committed lawyer who often fought long and hard for the underdog and as someone for whom family and friends meant everything.

"No one loved his family more and no one was more generous with his friends," said Leon's son, Phil.

"Dad, I think, is someone who has changed all our lives in a way that will stay for good."

Phil said new friends often found it hard to believe that his dad was considered the quiet one in the family, but once they made their first visit to the home where his father would hold court, they understood.

Paroian's long-time law partner, Gabe Courey, commented that this buddy not only helped his clients, but helped him.

"My entire adult life Leon was my friend," Courey said. "There was never a burden I had that he didn't help me carry."

Former Ontario Conservative cabinet minister John Snobelen listed three passions he felt were most important to Leon: "family, law and justice."

Besides acting as a lawyer, sometimes against long odds, Paroian was gentleman farmer, a philanthropist and a past solicitor for the Windsor Police Association and the Police Association of Ontario.

Leon, you were highly respected and loved. You will be missed, but remembered. Our prayers and thoughts are with the Paroian family.

PREMIER OF ONTARIO

Mr. John Yakabuski: It appears that the good ship McGuinty is showing signs of corrosion and may have even developed a few leaks. It turns out the rusting is happening from the inside out.

A recent article by Robert Benzie of the Toronto Star pointed out that many of its sailors are tiring of the fact that Captain Dalton ignores their advice, choosing rather to listen to his advisors in port, most of whom have never actually been out to sea. While these sailors gleefully

took their orders from the captain's landlubbers on their first voyage, hoping for a promotion to the officers' club, they are coming to realize that the long-awaited call from the captain is not about to happen.

It has become apparent to the crew that the captain just doesn't trust them as much as his hand-picked advisors, and there are a lot of them. In fact, Captain McGuinty has more people in his land-locked office than he has on his ship. No wonder he has told his sailors: "You don't have to think. Just show up, keep up and shut up."

Many of the officers themselves are beginning to question whether or not Captain McGuinty himself has lost his edge, that he's losing his focus as his ship heads for stormy seas. They themselves are forced to consider their options: (a) get off at the first port of call; (b) check the lifeboats; or (c) dare I say, mutiny.

Stay tuned. Ahoy, I see an iceberg.

GEMS OF THE LAKESHORE

Ms. Laurel C. Broten: I'm very pleased today to rise to inform this Legislature about an initiative in my community of Etobicoke–Lakeshore, called Gems of the Lakeshore.

Following extensive community meetings, the Gems of the Lakeshore project was launched last year in partnership between my office, the Lakeshore BIAs and the Lakeshore Community Partnership to highlight the importance of strong and vibrant community organizations and innovative and unique businesses.

You see, south Etobicoke understands the important role that both businesses and service organizations play in our community, in particular when it comes to our collective and continued efforts to strengthen and revitalize our neighbourhoods.

1310

The Gems has given local residents an opportunity to recognize their favourite neighbourhood small business and community service organization. Collectively, we have been able to formalize the word-of-mouth advice and good news we regularly hear about these local groups from our family, friends and neighbours. In other words, it's a chance to say, "Thanks. You're doing a great job every day, and we appreciate that."

For the second year in a row, we join together to celebrate the success. This year, we were pleased to recognize Storefront Humber, Timothy's Pub, Jakeb Tyler Home Décor and Gifts, Lakeshore Village Mind and Body Integrated Medicine and Lakeshore Arts.

I want to extend my appreciation to the community for thoughtfully submitting recommendations and for taking the opportunity to acknowledge and pay tribute to the many gems that make our community sparkle every day.

JOHN BROOKS

Mr. Mike Colle: Canada's Jamaican community and all Ontarians have lost a great visionary, John Brooks.

Named to the Order of Canada in 1993, John Brooks was also a member of Jamaica's Order of Distinction and the Order of Ontario.

Most notably, he was the founder of the John Brooks Community Foundation and scholarship fund. Established in 1981, the fund provided financial support for hundreds of young students, primarily of Jamaican and African descent.

John was awarded an honorary doctorate from Queen's University for his contributions to education.

John was born in Stony Hill in St. Andrew, Jamaica, and moved to Canada in 1962 with his wife, Patricia, and worked as an electrician.

Brooks' dedication to improving the life of new arrivals to Canada led him to co-own and operate the Latin Quarter, one of Toronto's landmarks in the Yonge and Dundas street area.

He will certainly be missed by the Jamaican-Canadian community as an educator and mentor.

Anne-Marie Bonner, Jamaica's consul general in Toronto, said, "The community at large suffers a great loss with the passing of an irreplaceable stalwart."

Brooks leaves his wife, Patricia, children Doreen, Glen, Martinette, Donna and Richard, and seven grandchildren.

As Courtney Betty, a protegee of John Brooks, who's now one of Toronto's leading lawyers, said at his funeral, at St. Chad's church, "John is the reason why I succeeded in life, and without John's help, I couldn't have done it."

We miss you, John. Goodbye.

ANTI-SMOKING LEGISLATION

Mr. Jeff Leal: Mr. Speaker, I want to tell you that I'm absolutely astounded by comments made right here in this House yesterday. You just can't have it both ways: You either support protecting our children's health or you don't. I'm talking about Bill 69, the bill that's supported by Ontario Medical Association, the Canadian Cancer Society, the Heart and Stroke Foundation and other groups that know something about health care in this province.

Take yesterday as an example. On one hand we're told by the member from Thornhill that "your opposition friends will support the bill." Then that same member went on to call the bill "nanny state legislation," and suggested we're making it "illegal to be a moron in Ontario" because of the bill.

I wonder if he's talked to his caucus colleague, who just yesterday reminded us that she supported and would have introduced the legislation but for my friend from Sault Ste. Marie. I'm wondering, if she had introduced the bill, what would have happened behind closed doors in that caucus.

Let me tell you, my children and my friends' children and all those kids in my constituency of Peterborough deserve a lot better.

OFFICE OF THE AUDITOR GENERAL

The Speaker (Hon. Steve Peters): I beg to inform the House that, pursuant to section 28 of the Auditor General Act, I have today laid upon the table the audited financial statements of the Office of the Auditor General for the year ending March 31, 2007.

INTRODUCTION OF BILLS

SERVICES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES ACT, 2008

LOI DE 2008 SUR LES SERVICES AUX PERSONNES AYANT UNE DÉFICIENCE INTELLECTUELLE

Mrs. Meilleur moved first reading of the following bill:

Bill 77, An Act to provide services to persons with developmental disabilities, to repeal the Developmental Services Act and to amend certain other statutes / Projet de loi 77, Loi visant à prévoir des services pour les personnes ayant une déficience intellectuelle, à abroger la Loi sur les services aux personnes ayant une déficience intellectuelle et à modifier d'autres lois.

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

First reading agreed to.

The Speaker (Hon. Steve Peters): The minister for a short statement?

Hon. Madeleine Meilleur: I will keep my comments for the unanimous consent statement.

PROPERTY TAX DEFERRAL ACT, 2008

LOI DE 2008 SUR LE REPORT DES IMPÔTS FONCIERS

Mr. Shurman moved first reading of the following bill:

Bill 78, An Act to provide property tax deferrals to low-income seniors and low-income persons with disabilities / Projet de loi 78, Loi visant à accorder des reports d'impôts fonciers aux personnes âgées à faible revenu et aux personnes à faible revenu atteintes d'une invalidité.

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

First reading agreed to.

The Speaker (Hon. Steve Peters): The member for a short statement?

Mr. Peter Shurman: To date in Canada, property tax deferral programs are offered at the provincial level in British Columbia, Prince Edward Island and Nova Scotia. Similar programs are offered at the state level across the United States. In Ontario, property tax deferral programs are at the municipal level under the Municipal Act.

This bill, if passed, would create a province-wide and provincially administered program whereby low-income seniors and disabled persons can defer property taxes payable on properties used as their principal residences. This new program will help ease the burden shouldered by municipalities and provide an even playing field and one-stop assistance for low-income seniors. This is a win-win and has broad support from the seniors' community.

NORTHERN YORK REGION POWER
CONSERVATION ACT, 2008
LOI DE 2008 SUR L'ÉCONOMIE
D'ÉNERGIE DANS LE SECTEUR NORD
DE LA RÉGION DE YORK

Mr. Tabuns moved first reading of the following bill:

Bill 79, An Act to promote the conservation of power in Northern York Region and the Town of Bradford West Gwillimbury / Projet de loi 79, Loi encourageant l'économie d'énergie dans le secteur nord de la région de York et la ville de Bradford West Gwillimbury.

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

First reading agreed to.

The Speaker (Hon. Steve Peters): The member for a short statement?

Mr. Peter Tabuns: The bill prohibits the operation and construction of single-cycle generating stations with an electrical generating capacity greater than 30 megawatts in certain municipalities. The bill also requires the Ontario Power Authority to make every reasonable effort to implement conservation measures in those municipalities in order to reduce electricity consumption to meet the overall peak demand for electricity.

COMMUNITY LIVING DAY
JOURNÉE DE L'INTÉGRATION
COMMUNAUTAIRE

Hon. David Caplan: On a point of order, Mr. Speaker: I believe we have unanimous consent for a member of each party to speak for up to five minutes regarding Community Living Day and services for persons with developmental disabilities, following which a member from each party will speak for up to five minutes regarding the International Day Against Homophobia.

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

Hon. Madeleine Meilleur: This is a proud moment for me and for our government. Today I have the privilege of tabling legislation to create the Services for Persons with Developmental Disabilities Act, 2008.

With today being Community Living Day at the Legislature, introducing this bill today is both symbolic and significant: symbolic, because we are letting Ontarians know that the McGuinty government is taking the next big step in laying the groundwork for our long-term plan for developmental services; significant, because we are

demonstrating that we are a government of action, not words.

1320

Before I go on, I want to take a moment to recognize a number of people who are with us today in the gallery, people who have indeed made a real difference in the lives of many Ontarians with a developmental disability. Please join me in welcoming representatives from Community Living Ontario, Community Living Toronto, OASIS and Reena, to name a few. Welcome.

Monsieur le Président, la législation que nous proposons, si elle est adoptée, remplacerait la Loi sur les services aux personnes ayant une déficience intellectuelle.

Cette loi, qui est en vigueur depuis 1974, était à l'époque une législation modèle et importante. Mais avec le temps, cette politique est devenue désuète et archaïque.

It speaks to a time when we supported people in institutions, not communities. We need legislation that recognizes that people with developmental disabilities can live much more independently in their communities, with the right supports.

When we came to office five years ago, nowhere was the need for modernization greater than in the developmental services. We heard loud and clear from people with developmental disabilities, their families and community agencies that the system of supports needed to be easier to navigate, people needed services and supports closer to home, and they needed more choice and flexibility in the support they received.

Et nous nous sommes engagés à répondre à ces besoins. Nous avons élaboré un plan de réorganisation global visant à rendre le système plus équitable, plus accessible et plus durable. Nous avons annoncé la fermeture des trois derniers foyers gouvernementaux pour les personnes ayant une déficience intellectuelle, dès la fin de mars 2009. Et nous nous sommes engagés à développer un plan d'action pour l'avenir, un plan réaliste, novateur et évolutif.

Our proposed legislation will lay the groundwork for that plan. This is a bill with families in mind. It responds to what families and people with developmental disabilities have told us through our province-wide consultations, and builds on that advice.

Si ce projet de loi est adopté, il nous permettra d'améliorer les services, car les personnes n'auront à s'inscrire qu'à un seul endroit pour obtenir des services, d'offrir plus de choix, car les personnes pourraient recevoir des fonds directement et à la mesure de leurs besoins et, ce serait plus équitable car les personnes concernées utiliseraient la même trousse d'évaluation des besoins; la priorité serait accordée aux personnes dont les besoins sont les plus grands.

That's what this bill is all about. It's the critical next step in the evolution of services for people with developmental disabilities in this province. This province has come so far since 1974, when the current Developmental Services Act became law. But we have so much further to go, and we are committed to the journey. With the passage of this bill, we could really move forward.

Ce projet de loi est une évolution importante de l'engagement social de l'Ontario envers ses citoyens, envers des personnes qui ont une déficience intellectuelle, pour leurs familles et pour les personnes qui les soutiennent.

If this bill is passed, we will be able to look back and say, "We took a giant step forward in building stronger and more inclusive communities for all Ontarians."

I encourage all members of this House to support this important legislation.

The Speaker (Hon. Steve Peters): Responses?

Ms. Sylvia Jones: It is a pleasure to rise on behalf of the Progressive Conservative caucus to mark the ninth annual Community Living Day at Queen's Park. We need to celebrate the many innovative and meaningful community living programs across the province. I know about the fabulous work that is done in my community to support people with developmental disabilities, and I know that the focus is on their abilities, not their disabilities.

I would like to thank the staff who work in this rewarding field, individuals like Ann Smith, an employee of Brampton Caledon Community Living, who's been awarded the 2008 Community Living Ontario Inclusive Education Award by the Canadian Association for Community Living. For more than 25 years, she's been a tireless advocate and resource to students who have a disability and their families in Peel region.

I would also like to acknowledge and thank the families who care for their children into adulthood, volunteer to support programs and fundraise to make a difference. Families are an integral part of the support that people with disabilities need for a fulfilling life. We need to recognize and thank those parents, and ensure that programs and policies support their needs and goals for their children.

There are two wonderful community living agencies in my riding of Dufferin-Caledon. I've had the privilege of working with both for the past 15 years. For more than 50 years, Brampton Caledon Community Living has supported people with developmental disabilities, in partnership with their families, to lead enriched and meaningful lives. Their vision is that people with developmental disabilities have the right to live in the community, to enjoy all that their community has to offer and to make a contribution to community life. This vision is something we can all support and strive to work toward.

In Dufferin, we have an exciting new initiative. The Building Dreams Together Campaign is an innovative partnership between Community Living Dufferin and Theatre Orangeville. The campaign is being launched to support the construction of a new building, which will be shared by both organizations. An exciting benefit of this partnership is the opportunity for Community Living Dufferin clients to be involved in various aspects of the theatre's operation. Working together, they will be able to break down barriers and be a model for how persons with developmental disabilities can fully participate in our community. The two organizations have already

formed a groundbreaking partnership to create program for drama classes for people with developmental disabilities. It's called Creative Partners on Stage.

Today is a day to celebrate the many achievements of community living organizations. But at the same time, this Liberal government must not ignore the needs of families who care for children outside of community living agencies. These families are also caring for their children into adulthood, and should be given the same priority as other families. I'm hearing from those families that the new passport funding for 2008-09 to allow them to hire personal support workers and provide services for their children has been frozen. Many families are already on waiting lists and struggling.

Grassroots, family-governed organizations like Families for a Secure Future have been providing a valuable service by offering education and support to families. They have worked for many years to build a network of family support circles, and it seems a shame to allow this organization to disband because they are ahead of government in their transformation agenda.

Finally, today, government introduced amendments to the developmental services legislation. We asked the government House leader to provide us with a separate opportunity to respond to the bill, but this request was denied. I would have liked to have an opportunity to comment separately on those proposals, but I will reserve my comments for a later date.

Community living organizations across Ontario are dedicated to enabling people with disabilities to lead enriched and meaningful lives. They are reaching out to the community so that individuals can realize their full potential. It's all about the possibilities and the independence. I am pleased to have the opportunity to highlight their achievements and congratulate them on their advocacy.

Mr. Michael Prue: I rise to celebrate Community Living Day and to thank all of the people here from Community Living for being part of our community, for being the wonderful people that you are who show each and every one of us in this Legislature your commitment to the people of Ontario, your right to live with us and amongst us, and to be part of us as we are part of you. This is a monumental day, the ninth year that this has taken place in this Legislature.

1330

Community Living is an organization of inclusion. It stands for, in my belief, three things: all people are afforded human dignity; secondly, all people are given an opportunity to participate; and thirdly, all people have an opportunity to integrate within the community. If any organization in this province has been successful in delivering its mission, it is Community Living Ontario. They have done a tremendous job over all of these many years.

As New Democrats, we believe that everyone should have access. We believe that everyone should have the right to a decent income. For those who live on Ontario's disability plan and get their monies from there, we

believe that that money should be increased so that people can live in dignity. We believe that those who are able to work and to contribute to the economy should be allowed to keep the wages that they make without having them clawed back against the ODSP benefits. We believe that health care should be universal and that the health care that people with disabilities often require should be made more readily available. We believe that decent homes are the right of every single citizen of this province. We believe that people should have the dignity of real work and that real work should be afforded to them, and that groups like Common Ground, which sets up the baking of baked goods and the delivery of coffee, should be promoted and funded and enhanced in order to provide those opportunities. We believe in fair recognition of people for their jobs.

We celebrate this milestone today knowing full well that what happened last week is that Ecuador became the 30th country on the face of the planet to ratify the United Nations Convention on the Rights of Persons with Disabilities. That means that that is now the international law of this planet, that there is a convention that protects and enhances the rights of people with disabilities. It is now in force.

Sadly, Canada has not ratified that convention yet. We're usually the first of countries to ratify conventions from the United Nations. But I am pleased to say that some two weeks ago in the House of Commons in Ottawa, there was unanimous approval of a motion put forward by the NDP to ask Canada to commit itself to this convention. I think it's only a matter of time until the government of Canada does so.

There is much left to be done. In this province, I am sad to say that people with disabilities, including the people who are here with Community Living, are often treated as second-class citizens. They are treated that way because the ODSP levels are so low that they are forced, throughout virtually their entire lives, to live in poverty. They are treated that way, and their wages, if they can make any, are clawed back. They are treated that way, sadly, and I hope this bill which we've been given today does something about that.

Community Living has been on the forefront of these issues. Their work is essential. Their work is wonderful. I commit my party to work with them for all Ontarians to respect the gifts that each and every person brings to the province and that each and every person in this province can contribute to all of us. Because of your work this day, the day is fast approaching when people with disabilities will have equal rights with everyone else in this province. I promise to be on the forefront of making sure that happens, pushing the government to make sure it happens as fast as possible.

In terms of the minister's bill, as you can see—I don't want to use it as a prop, but it's just been put on my desk—it is about four inches, or 10 centimetres, thick. I haven't had an opportunity to read it. But I will state for the record that we will support the bill, provided it does a number of things, and I'll be reading it very carefully to

see that it does a number of things: first, that families who hire independent workers through these programs are put in the situation, and need to be protected from being put in a situation—to hire trained, supervised, disciplined workers; they need to be given that kind of experience and opportunity. Families are left vulnerable if the caregiver becomes ill or leaves, and we need to make sure there are provisions in the bill for this.

We need to make sure that a two-tiered system is not established between families who can function as effective employers and those who cannot. We need to make sure within the body of the bill that there is accountability in terms of the quality of care provided, which is of concern when wages too often, sadly, in this sector are too low. We need to make sure that an individualized system need not undermine the network of established community agencies; that it needs to create job stability, not instability for workers, and it need never reduce the quality of care. Last, but not least, we need to make sure that within the body and the four walls of this bill there is sufficient money set aside to make it actually happen so that the services, if purchased, are equivalent or better than the services that are being given now.

Having said that, I look forward over the next many nights, I'm sure, of reading this bill to making sure that it works on behalf of all of the citizens of Ontario who have disabilities.

Again, to Community Living, thank you very for coming here and sharing your experiences with us. You are always most welcome to come to this Legislature. We always need to hear your stories, and I guess you've just heard mine.

INTERNATIONAL DAY AGAINST HOMOPHOBIA

Hon. George Smitherman: It's my privilege today to rise and to speak, as a matter of unanimous consent, on the International Day Against Homophobia and to welcome a hearty cross-section of Ontario's gay and lesbian community to the galleries today in support of this. I must be specific in recognizing one distinguished guest, because my spouse is in the House and I want to acknowledge that my husband, Christopher, is here.

I rise in the House today to recognize International Day Against Homophobia, which will be commemorated on Saturday, May 17.

When it comes to respect, equity and acceptance, the world has taken its cue from Canada. Initially created by Montreal's Fondation Émergence, International Day Against Homophobia was first recognized by the National Assembly of Quebec in 2003. Since then, it has gained international momentum in jurisdictions like Belgium, France and Britain.

Once again, this day highlights the need to end homophobia on our streets, in our schools and where we seek health care. Each year when International Day Against Homophobia is held, organizers focus on one aspect of our lives where homophobia occurs. Previous years have

targeted home, work, school and even organized sports. This year's campaign aims to ensure that gays and lesbians can receive health services in a caring environment without facing discrimination.

Gay people have unique health concerns, and homophobia can have devastating repercussions for its victims. Rainbow Health Ontario was recently funded by the Ministry of Health and is designed to help advocate on those issues and influence the health care delivery system to align itself to the needs of the community in a supportive and affirming way.

In fact, as one example, the suicide rate amongst young gay men and women is much higher than for their heterosexual peers. A great number of gays and lesbians live in isolation, fearful of rejection and of discrimination. Transgendered and transsexual persons are often pushed to the fringes of society, with very few supports to turn to.

That's why it's especially impressive that today we can celebrate that in the Speaker's gallery is a group of students and staff from Peel and Halton district school boards, from the gay-straight alliance. These are young people working with staff in schools to address these issues proactively, and we welcome them to the Legislature.

A visit to the first floor would show maps which confirm the vastness of the land mass of the province of Ontario, and it's easy enough for anyone to feel lost. Imagine what it must be like for a gay person struggling with one's sexual orientation in downtown Toronto. Often, much more daunting are the circumstances faced by those in rural or remote Ontario, where no roadmap to access affirming health care exists.

Ontario has taken many steps over the last five years to ensure that people of all backgrounds are treated as equals. During Pride Week of 2007, the Premier announced funding for the creation of Rainbow Health Ontario. Its mission is to help Ontario become a province where sexual and gender minority residents have equitable access to health and wellness services and can live in healthy, supportive communities. Over the coming years, as Rainbow Health Ontario spreads its wings, we hope it will lead to greater networks of supportive health care professionals and more supportive environments.

1340

At the 23rd annual conference of the Gay and Lesbian Medical Association, representatives from HealthForceOntario travelled to Montreal to recruit American gay and lesbian health care workers. We are not only in the business of providing equitable, inclusive and accessible health, but also ensuring that that care is delivered by people from all walks of life.

Despite years of education, this community often finds itself fighting the same battles. "Homosexuality is NOT a sickness!" is the theme of this year's campaign, and our health care workers are among the best messengers to spread the word.

Our province prides itself on promoting access to quality health care for all. As a gay, married man, I am

proud to call Ontario home. This province has led the way with progressive laws such as the Civil Marriage Act, but there is still more we can do to improve access to health care. We will continue to work with organizations like Rainbow Health Ontario to build a road map highlighting where affirming care exists.

We commemorate this day and celebrate the diversity of the population, and we all join together in hoping that in the future, we can look forward to a day when an International Day against Homophobia is no longer required.

The Speaker (Hon. Steve Peters): Responses?

Mrs. Elizabeth Witmer: I am pleased to speak on behalf of our party. Certainly, this is a day that obviously is extremely important. I think the Minister of Health has spoken to this issue extremely well. In fact, he's in a better position than most to express the views and also the concerns and needs, and certainly we would support him. There is a need for respect; there is a need for equity. People need to be free from discrimination when it comes to health care, and obviously there needs to be equitable access to health services for all people in Ontario.

But I would say that I am somewhat concerned, because we in the opposition had asked today that there be an opportunity for us to respond to Madam Meilleur's statement and be given five minutes. We weren't allowed to do so. There was also to have been five minutes of unanimous consent on the community living statement today, and those were to be two separate opportunities for the opposition to speak to that particular issue. I guess the other request that had been made was for unanimous consent, since this is also Nursing Week, and we haven't been provided with the opportunity to do that. I would say, Mr. Speaker, that some of what is happening in the House today comes as a bit of a surprise and a disappointment.

I personally believe that all these issues that we are speaking to today are extremely important, and I am very disappointed that we did not recognize Nursing Week, as we have in past years, by unanimous consent in this House. I think it's important that we recognize our nurses. They are respected, vital professionals who provide compassionate care. On behalf of our party, since we have not had a chance to do so, as the request wasn't granted, I would simply say that we want to express our appreciation to all the hard-working nurses in the province of Ontario for their professionalism, for their dedication and for their exceptional contributions to patient care in Ontario.

Ms. Cheri DiNovo: It's an honour and a privilege to rise and speak on this day when we remember those who, through internalized or externalized homophobia, have lost their lives, and so I honour them. I particularly honour a person named Toby Dancer, a good friend to our church in Parkdale-High Park, and our music director; in fact, a transwoman who died an untimely death. We commemorated Toby with a stained glass window. I like to think that we're the only church in the world with a stained glass window dedicated to a trans

person. Then one of my congregants said, "But what about Joan of Arc?" So there are other churches that have commemorations of trans people.

I want to also honour some amazing people who are here—and also rejoice. We've received some happy news today, which is that sex reassignment surgery is going to be relisted. There are people here who have worked long and hard for this joyous day. I want to acknowledge them and the transhealth collective: Ann Travers, Susan Gapka, Martine Stonehouse, Nicole Nussbaum—Toby Dancer I've mentioned—and of course, we have in the gallery Brent Hawkes, who we all know and love, who performed the first same-sex marriage—really, that we knew of in the world—and was my inspiration for performing the second.

I rise to rejoice at that and also to remind everyone here of how this day came to be. On May 17, 1991, the World Health Organization removed homosexuality from its list of mental illnesses. The problem is that homophobia is still real, homophobia is still everywhere, and homophobia still kills.

The Minister of Health mentioned the number of young people who die from internalized and externalized homophobia. That cannot be exaggerated too much. It is the leading cause of suicide in our students, in our schools. It is the leading cause, in many schools, of bullying. It is the leading cause of depression in many instances. This goes on and on.

All members here—I speak to all members because we do represent all of Ontario in this place—have a responsibility on this day to carry this good news/bad news story back to our communities and to do something about it, not to just talk about it, but to do something about it. That means to speak up in favour of inclusion and diversity, wherever we are. So I look to my right, I look everywhere, and I know that every member here will take this to heart and will go from this place and do something about this in their community.

I've lived in many places in Ontario, and I can tell you that not every place is as inclusive as Church and Wellesley. There are lots of places in Ontario where it's very dangerous to be an LBGTTQ person—very dangerous indeed. That's the reality in which we all live, work, breathe and have our being. This day calls for action, not just talk. It calls for action. But it also, as I say, calls for celebration. I have to say to the Minister of Health, we certainly wished this day had come for SRS relisting five years ago, but, hey, George, we're happy it came—even five years late, so thank you.

I'd also ask the government. Last year, I put in a bill called Toby's Act, that asked that gender identity be in the Human Rights Code in this province. I know that Barbara Hall supports us on that. I hope that the government members do. I'd like to see that become law as well. I don't know what's holding it up. That's the next step.

One of the reasons we put that forward—certainly, the inspiration came from the transhealth collective on that—was that we wanted to see SRS relisted, but it's broader

than that. We still know that transphobia and homophobia is rampant. Trans people, in particular, don't have recourse if they're denied employment or denied habitation. So we need to move on that still.

But again, a day to rejoice, a day to mourn, a day to recognize all of those who have done so much in this community. Let us, as the Minister of Health said, work toward a day when we don't have to have a day like this, because the whole world is inclusive.

VISITORS

Hon. Kathleen O. Wynne: On a point of order, Mr. Speaker: I would just like to welcome the students of Rippleton Public School, Mrs. Ormos's grade 5 class, and all the volunteers who here with them today. Welcome.

The Speaker (Hon. Steve Peters): I too would welcome them. I remind the member that that was not a point of order. On the issue of introductions, as I made reference at the end of proceedings this morning, I would encourage you all to talk to the House leader. I enforce the standing orders of the House. I do not make those rules. I just remind all members of that and refer all those introductions that want to come afterwards to the government House leader, not to my office.

1350

PRIVATE MEMBERS' PUBLIC BUSINESS

STEVEN TRUSCOTT

Mrs. Liz Sandals: I move that, in the opinion of this House, given the unique circumstances in the case of Steven Truscott, who was unanimously acquitted of murder by the Ontario Court of Appeal, the province of Ontario should provide compensation to Mr. Truscott in recognition of the miscarriage of justice from which he has suffered for almost 50 years.

The Speaker (Hon. Steve Peters): Ms. Sandals has moved private members' public business regarding compensation to Mr. Steven Truscott.

The member from Guelph.

Mrs. Liz Sandals: I would like to welcome George Allain and his law students from Humberview Secondary School in Bolton. I think they're just coming into the House as we speak. George's law classes have been studying the Truscott case for several years. They hosted a conference on wrongful convictions, and they have been here at Queen's Park today talking to the members about the Truscott case.

I'd also like to welcome my daughter, Allison and my grandson William.

Interjection.

Mrs. Liz Sandals: I didn't say it was a point of order.

Mr. Peter Kormos: That was perfectly legitimate.

Mrs. Liz Sandals: Exactly.

In the early evening of June 9, 1959, it was a hot and humid evening on the air force base outside Clinton, Ontario. There were lots of folks out enjoying the weather. There were kids playing baseball at the schoolyard, there were kids riding their bikes up and down the county road, swimming at the local swimming hole and fishing at the Bayfield River.

Steven Truscott was out for a ride on his bike too, and met a fellow student, Lynne Harper. He gave her a ride on his bike out on the county road, past Lawson's Bush, and on up to Highway 8. He dropped Lynne off at Highway 8, then he retraced his steps back down the county road alone and was home to babysit his younger siblings by 8:30 p.m., just like he'd promised his mum.

By midnight that night, Mr. Harper had reported his daughter missing. Two days later, on the afternoon of June 11, Lynne's body was found in Lawson's Bush. She had been sexually assaulted and strangled. The police believed that Steven had turned off the county road and taken Lynne into Lawson's Bush and murdered her. They didn't believe Steven's story, that he had dropped her off at the county road, and they certainly didn't believe him when he said that when he stopped and looked back, he saw her get into a car and drive off.

Steven Truscott was taken into police custody on the evening of June 12, and he was subsequently charged with the murder of Lynne Harper. As of that point, Steven's young life was stolen from him.

The crown's case hinged on the time of death. If Lynne had died prior to 8 p.m. on June 9, Steven Truscott was almost certainly the killer. If, on the other hand, she had died after 8 p.m. on June 9, after Truscott returned to the school ground, the crown's theory collapsed; Steven could not be guilty.

At trial, Dr. Penistan, the pathologist who performed the autopsy, testified that he would put the time of Lynn's death prior to 7:45 p.m. on June 9. There was a host of other evidence about who saw who, when and where, but Dr. Penistan's testimony sealed Steven's fate. On September 30, Steven Truscott was convicted of murder and sentenced to hang. He was 14.

The Governor General in Council ordered that Truscott's death sentence be commuted to life in prison. Truscott was jailed at the Ontario Training School for Boys in Guelph, in my riding. While at the training school, Steven did not receive any meaningful education. After all, he was expected to be in jail for the rest of his life. At age 18, now an adult, he was transferred to Collins Bay Penitentiary in Kingston.

In 1966, responding to public pressure, the federal government asked the Supreme Court of Canada to review Truscott's conviction. At that time, the Supreme Court of Canada heard additional evidence relating to the time of death, but the majority still accepted Dr. Penistan's claim that death occurred prior to 7:45 p.m. on June 9. The Supreme Court of Canada upheld the conviction.

In 1967, government officials disposed of the physical evidence. There was no malice in this act. After all, the case had been to the Supreme Court of Canada, and they

had no way of knowing that, decades later, DNA testing would be possible. They had no way of knowing that they were destroying evidence that may have exonerated Steven Truscott. Thankfully, the written and photographic records were retained.

Fortunately, correctional officers at Collins Bay gave Steven the opportunity to train as a millwright. Steven was a model prisoner, and in 1969, by an act of Parliament, Truscott was granted parole and released from prison. Because he was still labelled a murderer, he was forced to live under an assumed name. He moved to my riding in Guelph, he married Marlene and raised a family, all under an assumed name.

Throughout the decades, Steven Truscott always maintained his innocence. His story has always been consistent. He had given Lynne a ride up the county road and dropped her off at Highway 8. He did not take her into Lawson's Bush. He did not murder her.

In 2002, the federal justice minister Irwin Cotler did listen to Steven Truscott. He retained the Honourable Fred Kaufman to investigate and provide advice on the Truscott case. Mr. Kaufman advised that there was clearly a reasonable basis for concluding that a miscarriage of justice had likely occurred. Based on this advice, the case was referred back to the Ontario Court of Appeal, with instructions that they should hear the new evidence now available.

Again, the case hinged on the time of death. If Lynne died before 8 p.m. on June 9, Truscott was guilty. If Lynne died after 8 p.m. on June 9, Truscott was innocent. The Ontario Court of Appeal heard from several pathologists, led by the chief forensic pathologist for the province of Ontario. The chief forensic pathologist reflected on scientific developments since 1959 and concluded overall that the time of Lynne Harper's death cannot be precisely determined and can certainly not be pinpointed to be between exactly 6:45 p.m. and 7:45 p.m. on June 9.

Interestingly, Dr. Penistan himself had come to this view. Two preliminary versions of Dr. Penistan's autopsy report have since been discovered. One preliminary report was discovered in 2005 at Stratford General Hospital. It would have placed Lynne Harper's death at about 12:45 a.m., after midnight on the morning of June 10. The other preliminary report was discovered in Dr. Penistan's personal files during the Kaufman investigation and would have placed the time of death between 4:45 a.m. and 10:45 a.m. on the morning of June 10. Most significantly, Dr. Penistan prepared a review of his testimony for the 1966 Supreme Court reference and submitted it to the OPP in 1966. Dr. Penistan ultimately concluded in his 1966 report that, "All findings are compatible with death within two hours of Lynn's last meal. They are not incompatible with death at a later time (up to 12 hours or even longer)." In other words, Dr. Penistan was saying that Lynne could have been killed anytime between the early evening of June 9 and the morning of June 10, just exactly what today's scientists are telling us.

1400

However, Dr. Penistan's revised opinion was not submitted to the Supreme Court of Canada in 1966. Dr.

Penistan's revised report was not disclosed to Steven Truscott's defence team, because in 1966 the crown was not required to disclose such evidence to the defence. Had Dr. Penistan's report been submitted to the Supreme Court of Canada in 1966, it is quite probable that this miscarriage of justice would have been recognized some 40 years ago. The Ontario Court of Appeal was presented with a host of other evidence, including archival police witnesses, which supported Steven's version of events. Of course, they weren't disclosed either back in 1959 or 1966.

Last August, as you know, the Ontario Court of Appeal ruled that, given the new evidence, Mr. Truscott's conviction cannot stand and must be quashed as a miscarriage of justice. The court further ruled that Mr. Truscott should be acquitted.

There has been much comment around the fact that Mr. Truscott has not been formally found factually innocent. Well, first of all, the physical evidence was destroyed years ago. There can be no DNA testing. Secondly, it wasn't legally possible for the court of appeal to find Mr. Truscott innocent. In the words of the court, "Counsel for the appellant acknowledge that a declaration of innocence has no statutory basis in Part XXI of the Criminal Code. They accept that it would be most extraordinary for an appeal court to make a finding of factual innocence. Indeed, counsel have not pointed to any instance in which a Canadian appellate court has ever made such a declaration."

Of course, he can't be found innocent. In other words, Truscott got the best ruling that was legally possible: He was acquitted.

As many of you know, Mr. Justice Sydney Robins is providing the Attorney General with legal and technical advice on the matter of compensation for Steven Truscott. The Truscott case has always attracted major public interest. My motion provides an opportunity for members of this Legislature to also provide advice to the Attorney General, on behalf of their constituents.

Steven Truscott has proclaimed his innocence for almost 50 years. For almost 50 years, he has been incorrectly labelled as a murderer. Steven's wife, Marlene, and thousands in my riding of Guelph and across Canada have supported Steven for almost 50 years. The Ontario Court of Appeal has finally recognized that Steven's conviction was a miscarriage of justice. It is appropriate that this Legislature also recognize that a miscarriage of justice has occurred.

I ask the members to endorse my motion in support of compensation for Steven Truscott.

The Acting Speaker (Mr. Jim Wilson): Further debate?

Ms. Sylvia Jones: I will be sharing my time with our justice critic, the member from Whitby-Oshawa.

I would like to welcome the students of Humberview Secondary School in Bolton, from my riding of Dufferin-Caledon, to the Ontario Legislature. Their teacher, George Allain, brought the students here today to observe the debate on the Steven Truscott motion. I am particu-

larly pleased that young people from my riding are actively involved in the political process. Students from Mr. Allain's law class have studied how the Legislature operates and have actively participated in the process for a number of years. I hope their exposure to parliamentary democracy will motivate them to remain involved in politics for many years to come.

As many members are aware, for over six years, successive law classes at Humberview have studied the Steven Truscott case and have lobbied to have his name cleared. At each stage of the judicial process, they've debated and discussed the evidence. Over the years, they've pushed to have the Ontario Court of Appeal expedite a hearing, and celebrated when the Ontario Court of Appeal acquitted Mr. Truscott.

As several members will recall, on December 8, 2004, students from Humberview came to the Legislature to present an Internet petition that the class had created. The students researched and wrote the petition and set up a website to distribute it. The petition called upon then-Attorney General Michael Bryant to expedite the Steven Truscott matter in the Ontario Court of Appeal. More than 11,000 signatures were collected and presented in the Legislature.

On November 25, 2005, Humberview students hosted a one-day symposium called *The Wrongfully Convicted*, with a focus on the Truscott case. Over 600 high school students from across Ontario attended that symposium. Workshops were led by front-line police officers, university professors and lawyers. After the workshops, which covered all aspects of the case, students, teachers and guests gathered in the auditorium to hear remarks from Steven Truscott. Mr. Allain's law class presented their research, as well, to the Progressive Conservative leader, John Tory.

In 2007, Humberview students also had an opportunity to attend some of the Court of Appeal proceedings. Their studies gave them first-hand insight into the operation of the Canadian judicial system. Last August, when Mr. Truscott was acquitted by the Ontario Court of Appeal, Attorney General Michael Bryant referred the matter of compensation to Justice Sydney Robins, a retired judge of the Ontario Court of Appeal.

Yesterday, my colleague and Progressive Conservative justice critic from Whitby-Oshawa asked Attorney General Chris Bentley about the status of the report. The Attorney General indicated that he had received Justice Robins's advice and he intended to "speak to this matter in the not-too-distant future." I believe all members of the Legislature need to know the contents of the report that has been delivered to the Attorney General. We need to have the benefit of Justice Robins's advice as part of our deliberations on today's motion. Since the government has the report, I would urge the Attorney General to release it today.

I would also like to commend Mr. Allain's class and the students of Humberview for their initiative and efforts to clear Steven Truscott's name. They have given great support to Mr. Truscott and his family.

I would like to let the Attorney General critic for the Progressive Conservative Party finish off.

The Acting Speaker (Mr. Jim Wilson): Further debate? I know you said you'd split your time, but we do go in rotation at this point.

The member from Welland.

Mr. Peter Kormos: I want to be very clear that New Democrats support this resolution. New Democrats have been outspoken about the efforts by Mr. Truscott and his lawyers to obtain redress, first, in terms of being declared innocent and, secondly, very much in terms of being compensated for the incredible, horrible, almost unthinkable injustice that was done to him. We quarrel only with one small portion of this resolution, and that is the reference to the unique circumstance in the case of Steven Truscott. Tragically, sadly, in this province and in this country, being wrongfully convicted is not as unique as we wish it was.

Most recently, of course, the case of Robert Baltovich: How many years did Mr. Baltovich have to wait before a far-from-perfect justice system finally served him? It's not the system, because when we speak about the plight of the wrongfully convicted—and I say to you, New Democrats are clear: Steven Truscott was wrongfully convicted—these are not so much flaws in the system as they are the failure of the Ministry of the Attorney General and its crowns to fulfill all of their responsibilities as officers of the court, and the failure of the police to be an independent, non-judgemental investigative body.

How many more times—you see, this case goes back to 1959; Baltovich is far more recent and, as we speak, the same injustices could be occurring. But when you have overzealous crown attorneys whose sole goal is to get a conviction at any cost—I know many crown attorneys, and the vast majority of crown attorneys are noble, hard-working, outstanding lawyers and officers of the court, who understand that their role is to ensure a fair trial, as much as it is the role of a defence counsel to do the same—police with tunnel vision, who fix on one suspect and then neglect to consider how many others? We talked about Aju Iroaga here, Mr. Klees and I did, a couple of weeks ago—once again, a case where the OPP, in the instance of the vanishing of a young university student working in the summer in northern Ontario, failed to even investigate to the extent of interviewing co-workers who were with him on the day that Aju Iroaga vanished.

1410

Surely, the only thing that's worse than the perpetrator of a horrific crime walking free is an innocent person being convicted. Look at the seriousness, the intensity of this: a 14-year-old boy sentenced to hang, and then imprisoned at a very tender age, still in his teenage years, to Collins Bay Penitentiary—a boy still—with some of the most dangerous and deranged prisoners contained in any prison in this country and on this continent.

I found it sad that the office of the Attorney General in this province did not take a clear position in front of the Court of Appeal with respect to Mr. Truscott, that he had

been wrongfully convicted, but rather forced Truscott and his lawyers to continue to fight. And yes, Mrs. Elliott, for whom I have great admiration and respect, only yesterday put to the Attorney General of this province the question as to what's being recommended by Judge Robins. Here we have this resolution; the Attorney General says he has the advice of Judge Robins, but somehow the Attorney General wants to play his cards close to his chest. I believe, especially in the context of this resolution being called today, that it would have been very appropriate for the Attorney General to tell us what Judge Robins had advised, and more importantly, to tell us what he, the Attorney General, was going to do.

I say that this House today will make it very, very clear that it is the unanimous view of every one of us in this chamber that Steven Truscott be promptly and thoroughly compensated for decades of his youth stolen from him, of his identity stolen from him, because, amongst more things, he was compelled, upon his release from prison, to live life under a pseudonym. We owe it to Truscott, we owe it to his family, and we owe it to all of the wrongfully convicted.

I know Rosario Marchese from Trinity–Spadina wants to speak to this resolution as well.

I do want to thank lawyers Jim Lockyer, a brilliant, brilliant legal mind, who has taken on some of the most difficult cases in this country and served the profession as a lawyer well, but more importantly, served justice well; and Marlys Edwardh, again, one of Canada's outstanding lawyers. Her assistance in the pursuit by Truscott for fair compensation must be acknowledged.

New Democrats join clearly, unequivocally and enthusiastically in this call for immediate fair and full compensation for Steven Truscott.

Mr. Monte Kwinter: I rise in support of the motion put forward by the member for Guelph regarding compensation for Steven Truscott.

My colleague from Huron–Bruce has asked me to read into the record the following statement. The statement reads: "I want to first thank the member for York Centre for agreeing to read this statement in my absence. To begin, I read the following statement into the record of the Ontario Legislature on November 16, 2004." This is a statement by Mrs. Carol Mitchell, Huron–Bruce:

"I would like to state that the people of Clinton wish to see the final chapter of the Steven Truscott case resolved quickly.

"As you are aware, this event took place 45 years ago in Clinton, Ontario, a small town in my riding, and many people today still feel a very strong attachment to this case. Justice Minister Cotler stated that there is a reasonable basis to conclude that a miscarriage of justice likely occurred in this case.

"Closure needs to be brought to the case that has weighed heavily on the people of Clinton for over four decades. The people of Clinton and Ontario wait to see the final chapter written." End of statement.

The member from Huron–Bruce goes on to say, "As you know, this past year the Ontario Court of Appeal

stated that there was indeed a miscarriage of justice in the Steven Truscott case. As the member from Huron–Bruce, I am supporting the motion put forward by the member from Guelph that implores the Ontario government to compensate Steven Truscott for the injustice that he has suffered through.

“I believe the final step in providing closure to Mr. Truscott, his family and the community of Clinton is for the government to provide due compensation to the Truscott family to atone for any damage this has caused over the past 50 years.”

That was the statement from the member of Huron–Bruce.

I just wanted to add my comments. As a parent, as most of us in this Legislature are, can you imagine the tragedy of having a 14-year-old child, your son, charged with rape and murder and sentenced to hang? Can you imagine the trauma of the friends, relatives and neighbours that in their midst there was this 14-year-old who had these very severe charges laid against him and that he was sentenced to hang?

His sentence was commuted to life imprisonment. He went through a series of judicial reviews. He spent a major part of his life living under an assumed name in a community that was strange to him, having to cope with the fact that he had married, had children and couldn't tell anybody about his particular situation. Finally, the Ontario Court of Appeal, after reviewing the evidence, declared that there was a miscarriage of justice and that he should have the charges withdrawn.

It's really a situation where, in my mind, there can't be any question that there has to be some redress for what this young person went through for the bulk of his life. He is now at the stage where this is a 50-year situation. I think that we have to, as a Legislature, make sure that there is compensation. We'll never be able to compensate him for what he has gone through; we will never be able to restore what has happened in that family, to his children; but I think that, at the very least, we should be in a position to encourage us as a Legislature and as a government to do the right thing for Steven Truscott.

Mrs. Christine Elliott: I too would like to welcome Mr. Allain and the students from Humberview here this afternoon. I think it's wonderful that you have spent so much time and study on this subject, and I hope you're finding your experience here today to be a good one and very educationally rewarding for you.

I'm honoured to speak on this issue today. This is one of the most important and well-known cases in Canadian legal history and one that stands out from my time in law school, as I imagine it does for Mr. Kormos, for the Attorney General and for all the other members of this Legislature who are lawyers, because the facts of this case were simply horrific. I agree with the honourable member who just spoke about how, at the age of 14, having been convicted of a crime and sentenced to death, you can't imagine the relief of having the sentence overturned. You can't even imagine what it would have been like to have spent many of your formative years in a

maximum security prison. So for many reasons, this case stands out in my mind.

This was all a harsh reality for Mr. Steven Truscott. After serving his sentence to the satisfaction of the justice system at that time, Steven Truscott was released from jail at the age of 24 and placed on parole.

1420

As we've heard, he later married but was forced to live under an assumed name for many years and to try to raise a family under the closest-to-normal circumstances that could be afforded to him, considering what had happened to him in the past.

He was jailed for 10 years and proclaimed his innocence from the moment of his first accusation until this very day. In late October 2004, it was found by the federal Minister of Justice that there was “a reasonable basis to conclude that a miscarriage of justice likely occurred.” The honourable minister then had the case referred to the Ontario Court of Justice. Steven Truscott was finally acquitted of the rape and murder of Lynne Harper by five judges in the Ontario Court of Appeal last year.

I'm sure that we can all agree that what Mr. Truscott had to go through was absolutely horrendous. He was the youngest Canadian on record ever to be handed the death penalty, and it wasn't until 40 years later that he was found not guilty. The circumstances here are unusual, to say the least. But today, the honourable member from Guelph is presenting to the House a private member's resolution to compensate Steven Truscott financially for the years of incarceration and social stigma that he has had to endure over the years.

I would like to cite an article in the *Toronto Star* written by Tracey Tyler which identifies that one of the factors often considered by governments in determining possible compensation on a case is the strength of a lawsuit or potential lawsuit that could be filed by the victim of miscarried justice. Nearly all compensation packages given by governments to a wrongly convicted person have been worked out between the government and the person's lawyer. I do commend this government for being proactive on this issue and considering Mr. Truscott's issues before any lawsuits were filed or even mentioned. I would also like to commend the member from Guelph for accessing the appropriate channels and finding out absolutely that the tabling of this motion would not interfere with any other ongoing legal issue being addressed on this matter.

But I must also remind the members of this House that the federal-provincial guidelines of course state that compensation cannot be considered unless factual innocence can be proven. We have heard from this case that, unlike several of the other ongoing cases that have been considered, that's not possible in this case. Unlike the cases of Guy Paul Morin and David Milgaard, where the victims were awarded substantial monetary compensation, they were actually able to be proven 100% innocent through the use of DNA evidence. That doesn't exist in this case because, unfortunately, the physical evidence that might have completely, absolutely exonerated Mr. Truscott was destroyed in 1967.

Last year, the then Attorney General asked Mr. Justice Robins to investigate whether compensation should be provided to Mr. Truscott. Mr. Justice Robins is eminently qualified to take on this issue, and he has been engaged in this process over the last number of months interviewing witnesses, presumably Mr. Truscott and the other parties to this whole tragic case, whom we haven't really mentioned yet—Lynne Harper's family. Presumably, there has been some thought given to interviewing members of her family. Of course, the impact of the guidelines have to also be considered.

There have been a number of matters that have been considered by Mr. Justice Robins, and I don't think that we should second-guess what his recommendations are. He has been the one who has had the benefit of collecting all of this information. We need to know what his report says. Maybe he's going to recommend compensation. It's hard to say at this point, because he does have to deal with the federal-provincial guidelines. Perhaps he'll choose to ignore them, perhaps he'll choose to make recommendations that they should be changed in these cases. But because of the fact that we, the government, asked Mr. Justice Robins to take on this task and to produce a report for our direction, in my respectful opinion, we should wait for that report before we make a decision on this. Even our Attorney General, Mr. Bentley, in response to my question yesterday, if I may quote from the Canadian Press, said, "I certainly will be very interested in what the House does.... I think it's important in my role to take the advice from Justice Robins, of course, and listen carefully to what the House says."

I would certainly like to reiterate my empathy for Mr. Truscott. There is no denying that what he went through was absolutely horrendous. But, in my respectful submission, there is something—we have tasked Mr. Justice Robins to produce a report for the direction of this House. Rather than vote on the basis of our sympathy, empathy or emotional response to this situation—in my view, it's premature to be making a decision without the full benefit of Mr. Justice Robins's advice, and I think it's premature to have a vote on that matter for that reason.

Mr. Rosario Marchese: I'm happy to join my colleague from Welland and echo many of the comments that he has made in support of the resolution that we have before us, where the resolution speaks of Mr. Truscott, who has been unanimously acquitted of murder by the Ontario Court of Appeal and proclaims in the resolution that Ontario should provide compensation to Mr. Truscott in recognition of the miscarriage of justice from which he has suffered for almost 50 years.

It is unimaginable to me what the wrongfully convicted must have gone through over the years—and in this case, 50 years of a battle to clear one's name. How do you live through it? How do you deal with it? How do you ever compensate for some wrong that has been done to you? It's so much easier for us, of course, not being in that person's shoes, to be able to rationalize and make intellectual arguments. But I can't imagine how difficult

it must have been for him and so many others. When do we learn and how do we learn, as crown attorneys, as police—and then those who are judges on the bench who, for so many reasons, create a view of the case or have a tunnel vision of somebody who they believe has committed the murder and they focus on convicting that individual? How, on the basis of those who have been wrongfully convicted, do we learn from the mistakes and hope never to repeat them?

I know how psychology works; most of us know how it works. We tend to create psychologically a view of a person's innocence or guilt, and once we have that view, we are fixated in that matter. And sometimes, as the evidence is presented, we transcend it because we believe that person is guilty. It's a serious, serious problem. And in this regard, I have to give thanks to lawyers like James Lockyer, who have been doing tremendous work over the years, on their own time and often free of charge, to defend people who have been wrongfully convicted. We need to congratulate and thank lawyers of that calibre for having the heart to represent people, and having seen the evidence, defend them, being able to overturn many convictions. I congratulate them for all the work they have done.

I, for one, am prepared to accept this resolution and to support it before I see the report by the former Justice Sydney Robins. I'm puzzled as to why, on the other hand, the Attorney General hasn't presented that report to us. He has it, has had it, has read it, and we're still waiting for the minister to pronounce himself on what it is that he's going to do on the basis of that report. I'm a bit critical of the Attorney General for not having announced a view on that report. But in spite of that, I believe, on the basis that Mr. Truscott has been declared a victim of a miscarriage of justice, that he deserves compensation, which is the least, in my view, that we can do and should do. So I'm prepared to support the Liberal member from Guelph and to support many other Liberal members who are going to support a resolution to push the Ontario government, through the Attorney General, to make sure that compensation is given to a man who has sought justice for 50 years to clear his name, for a murder he did not commit, and hope that we will have a unanimous resolution of all the members in this House to achieve this end.

1430

Mrs. Laura Albanese: I am very glad to rise to speak in support of the motion by the MPP from Guelph.

As a journalist, I followed the story of Steven Truscott throughout the years, and I remember the interest and the shock that Mr. Truscott's story sparked, and the compassion people feel when they still think about this case today. I remember when in October 2004, the Kaufman report led the federal Minister of Justice to find that there was a "reasonable basis to conclude that a miscarriage of justice likely occurred." After all those many years, the justice system once again was going to re-examine this case.

Finally, there was the beginning of acknowledgment that something had gone terribly wrong in the prosecu-

tion of this case. As many people, and perhaps especially as mothers would do, my thoughts immediately turned to my children. I imagined the little boy that Steven Truscott had been when he first got mixed up in the terrible tragedy for which he was later tried. What a terrible thing it was to realize that a little boy had not been protected, not been given the fair and impartial trial that we demand of our justice system. I asked myself, "What if that was my son?"

I know that many people were relieved to see the case referred to the Ontario Court of Appeal so that the process of justice could move forward once again. This case gripped our imagination. Then, of course, we know that in August 2007, this past summer, the Ontario Court of Appeal came to its conclusion. It set aside the conviction and acquitted Mr. Truscott.

I again found myself coming face to face with people who had been touched by the story of Steven Truscott. I live in and represent York South–Weston, a riding that is in the northwest part of Toronto, nowhere near the riding that my colleague the member for Guelph represents, and nowhere near where the original crime occurred. Yet, as I met and talked to people at their doors last summer, I found that some residents from York South–Weston who remembered that I had followed the story were once again putting themselves in the shoes of Steven Truscott and were commenting on the story. We wondered if such a fate would have been possible today, especially considering the recent advances in forensic sciences. But we all know that's not what happened in Steven Truscott's case.

The motion that I am supporting today put forward by the member for Guelph recognizes that the acquittal of Steven Truscott was the best legal decision possible, given the circumstances. But beyond the legal decision that applies to Steven Truscott, we as a society must go some way to reconciling the miscarriage of justice that he has suffered. Providing compensation will go some way towards ensuring that our justice system is held accountable. It would also provide some resolution to this case that has gripped us for so long. Thank you to the member for Guelph for tabling this motion.

Mr. Mike Colle: I also want to thank the member for Guelph for giving us the opportunity to be part of history here today. I think it's quite a daunting task to try and bring justice to Steven Truscott, and I commend her for doing this.

I also want to thank George Allain and the students at Humberview high school in Bolton here for also being part of history. They're not only participating in this private member's motion today, they've actually moved awareness toward getting more appreciation of the injustice done to Steven Truscott.

The member for Welland mentioned James Lockyer and his great work in this area of giving justice to those wrongfully accused. I also want to recall the great work done by Arthur Maloney, who long before many of us were here represented many convicted persons in Ontario. He fought day and night his whole career to end the death penalty. As a result of his pioneering work done at

that time, Canada eventually eliminated the death penalty.

You can see what could have happened. We all know about, as the students from Humberview call them, the three Ms: David Milgaard, Guy Paul Morin and Donald Marshall Jr. They would have been put to death if the death penalty had been left in Canada.

Judges, juries, prosecutors and lawyers are all human. They all make mistakes. We know that through DNA there are all kinds of people every day being freed. There was just a gentleman in the United States who spent 28 years in a Texas prison, and through DNA he was finally proven innocent. Thankfully, the death penalty wasn't applied in this case to this 14-year-old student. There are a lot of students here today. Just imagine what it's like.

The thing I could never figure out was—sometimes we hear lawyers talk and we hear technical and forensic experts talk: How can they have convicted this 14-year-old boy based on the contents of a stomach? The whole argument, in my layperson's viewing of the case over the last number of decades, was that it all hinged on the contents of a stomach and the timing of the disintegration of certain bacteria in the stomach. That was essentially the whole case that the crown had in convicting this 14-year-old boy. Then we found out later that even this evidence about stomach contents was, at best, very uncertain. Yet this young 14-year-old spent so many dark days behind bars.

This motion gives us an opportunity to correct a wrong. By standing up here today and voting in favour of the motion, we put aside all those arguments about the contents of that poor person's stomach—the victim's—and we put a human face on this tragedy and say, "Yes, this 14-year-old student, his family and now his children will finally get some justice."

Again, I thank the member, I thank the students and I thank the advocates who have stood behind Steven Truscott through all these years. Maybe we, in our own way, as members of the Legislature, can say, "Let's right this wrong here today."

Mr. Frank Klees: It's a very important issue before the House today, but what is disappointing to me is that not only does it show that there is a failure in our justice system; it shows a lack of leadership on the part of this government.

What I would question today and ask people across this province to consider is why, if the Attorney General of this province has a report in his hands that he has read, that he is privy to, and he has not shared that information with members of this House who are today being asked to debate the very issue that was put to a justice in this province to make a recommendation to the Attorney General—why are we, as a Legislative Assembly, being asked to debate an issue about which the Attorney General already has an opinion? He is now asking us to render a decision. I think it's highly inappropriate.

I would simply ask this: If the Attorney General felt that this was an appropriate forum, why is he not here to participate in the debate? If we believe that it's the role of the Legislature to make a decision like this, then why

would the Attorney General ask a justice to render his opinion?

I believe that we have a serious question about our jurisdiction here, and I'm concerned about how this government has failed to show leadership on this issue.

The Acting Speaker (Mr. Jim Wilson): Ms. Sandals, you have up to two minutes to respond.

Mrs. Liz Sandals: I'd like to thank my colleagues from York Centre, York South–Weston and Eglinton–Lawrence for their remarks, and from Dufferin–Caledon, Welland, Whitby–Oshawa, Trinity–Spadina and Newmarket–Aurora for their remarks. I would particularly like to thank the member from Huron–Bruce, who I hope members realize is the member from Clinton, for sending in her written remarks. I know that Mrs. Mitchell wanted to speak this afternoon, but she had an event that she was committed to in her riding.

1440

I think it's really, really important that the citizens of the community in which Steven currently lives, and the citizens in the community in which the original crime took place, are both saying, "Yes, there should be compensation."

I do want to take issue with the comments of the member from Whitby–Oshawa. In the first place, yes, it is true that there are federal-provincial guidelines for compensation that speak to the issue of factual innocence being proven. But it is not true that that has traditionally been what has been required. There have been numerous cases where compensation has been awarded that factual innocence was not proven, and many cases, then, where the federal-provincial guidelines have been ignored.

While I'm not a lawyer, I can certainly figure out when—excuse my language—the law is being a bit of an ass. We've got a situation here—

Mr. Peter Kormos: Never mind the lawyers.

Mrs. Liz Sandals: Peter gives me permission.

We've got a situation here where the law says—or at least this guideline says—that you should prove factual innocence, and then to send the case off to a forum where it's legally impossible to prove factual innocence. Of course, there is no factual innocence. The court acquitted him. He should be compensated.

The Acting Speaker (Mr. Jim Wilson): Just for members of the audience and the students here, the vote on this matter will take place about 100 minutes from now. We have two more ballot items to deal with.

LORI DUPONT ACT (DOMESTIC
VIOLENCE PROTECTION), 2008

LOI LORI DUPONT DE 2008
SUR LA PROTECTION CONTRE
LA VIOLENCE FAMILIALE

Mr. O'Toole moved second reading of the following bill:

Bill 10, An Act, in memory of Lori Dupont, to better protect victims of domestic violence / Projet de loi 10,

Loi, à la mémoire de Lori Dupont, visant à mieux protéger les victimes de violence familiale.

The Acting Speaker (Mr. Jim Wilson): Mr. O'Toole, pursuant to standing order 97, you have up to 12 minutes for your presentation.

Mr. John O'Toole: I want to first start by recording a bit of background on this particular case. The issue of domestic violence and the statistics in Canada over the last five years show that 1.2 million Canadians were victims of domestic violence. We need to look beyond the statistics and look at individuals and their families, and how we can best protect them as legislators.

We can give vulnerable people immediate access to court orders that will safeguard their lives and the lives of their loved ones. We can give vulnerable people immediate access to court orders. As well, applications for emergency intervention orders, as described in Bill 10, would be available 24 hours a day, seven days a week. That's access to justice. That's the theme of the entire legislation.

What draws my interest to this particular bill is looking even locally in my own constituency. The first instance was Jennifer Copithorn. Ten years ago, Glen and Brenda Copithorn lost their daughter Jennifer in a tragic accident outside her workplace in Bowmanville. In fact, it was across the road from my constituency office, and it reminds me each day I walk past there how we are all affected by these tragic events. Her boyfriend was charged with first-degree murder. Although this tragedy took place, as I said, years ago, it reminds us how vulnerable families can be.

Another case is Arlene May. In 1999, the court of Ontario held an inquest into the murder of Arlene May by her boyfriend, Randy Iles. Arlene May was murdered in March 1996 by her former boyfriend, who then killed himself. Arlene's murder followed months of abuse, threats and harassment, which she had reported to police numerous times. At the time of the murder-suicide, her former boyfriend had been charged with several offences against Arlene and was free on bail that prohibited him from having any contact with her.

Another sad case was Gillian Hadley. Gillian Hadley was murdered in June 2000 by her husband, Ralph Hadley, from whom she was separated. He had assaulted her and her disabled child, and had criminal charges pending against him. He had been charged with criminal harassment after stalking her following their separation. He was under a restraining order at the time of her murder, the issue here.

Lori Dupont from Amherstburg applied for a restraining order in April 2005 against Dr. Marc Daniel, an anaesthesiologist with whom she had had a relationship until it ended acrimoniously. But the man contested the order, and a court date to hear the case was set a month after her death. She was killed at her workplace, Hôtel-Dieu Grace Hospital, on November 12, 2005. She left behind her daughter, age 11, and her parents, Barb and John Dupont.

Domestic violence prevention in our community: We must pay tribute to the hard work in our communities on

a day-to-day basis. Laws are important, and that's why we're discussing Bill 10 today, but prevention of domestic violence is also a matter of education, awareness, support for victims, access to justice and other support issues. It takes hard work and dedication for an entire community.

In my own community of Durham, I, Mrs. Elliott and the other members from Durham, I'm sure, have worked closely with the DRIVEN program—Durham region's intimate-relationship violence empowerment network—and Detective Tracey Marshall of the Durham Regional Police, and the work they do on an ongoing basis. DRIVEN is hosting a domestic violence disconnect workshop on June 18. I have attended and worked with the organization and have respect for the work they do.

Bethesda House, executive director Jaki MacKinnon: I've worked with her, as well as the ministry, in supporting shelters and other services they provide.

Luke's Place: executive director Carol Barkwell, and the work she does.

Women's Multicultural Resource and Counselling Centre: Esther Enyolu.

Neighbours and friends and all of the families I've mentioned play an important part of the education, outreach and support that I have mentioned.

Importantly, Ron Dancey, who is the retired director of health and social services of Durham region, is a strong advocate on social issues within Durham region at all times.

I would like, with your indulgence, to take a few minutes and acknowledge an e-mail that I received today from Barb Dupont, the mother of Lori. It says:

"Thank you so much for keeping us informed of the status of the bill and your invitation to attend the second reading. Unfortunately I have a previous commitment ... in memory of my daughter, Lori. Physically, I will not be present with you on Thursday, May 15, but I will be there emotionally and thinking about what is taking place as a result of my daughter's tragic death."

In fact, I believe she's presenting a bursary for Nursing Week this week. Her daughter being a nurse, it was appropriate for her to be there to celebrate that recognition.

I have an e-mail from Greg Monforton, the lawyer for the Dupont family: "I sincerely applaud your efforts on behalf of all those within our province impacted by the blight of domestic violence. It may very well be that Lori Dupont's tragic murder could have been prevented if she had access to the type of measures contemplated by your bill."

In fact, the bill comes right out of the recommendations of the inquest. This was one of a number of a number of recommendations that was picked up, and that's indeed the genesis of the bill itself.

Karen Bertrand, local coordinator for ONA, the Ontario Nurses' Association, local 008—Lori was a member of this particular local—took the time as well, and she says: "I received a copy of Bill 10, An Act in memory of Lori Dupont, that you have introduced as a private

member's bill in the Ontario Legislature. I am writing to offer my full support of this bill and want to thank for your initiative. What a powerful way to effect positive change in Lori's memory."

That's really the most personal aspect of this, and why it's named the Lori Dupont Act. "I do believe"—she goes on to say—"that Bill 10 will make a difference and provide some protection to those who are in domestic situations that threaten their safety. It is important that the protection can be accessed any time, day or night. And I note your bill speaks to Sunday situations as well."

One of your colleagues, our colleague the member from Glengarry–Prescott–Russell, Jean-Marc, wrote—and I appreciate that as well: "Jean-Marc had to be in the riding tomorrow but had asked me to let you know" that he was in support of the bill.

I'd also like to recognize the work of my son and his good friend who actually came up with the idea when we talked about it as a family. I have three daughters, and my wife and I feel drawn into their families, and we were discussing the tragedy in my community and this whole domestic thing. Erin, my oldest boy, who is a practising lawyer, came up with the idea and looked at the history.

1450

The history is that there has already been a bill in the Legislature. It's really important that we take note of that. I believe it was Bill 117, introduced by Jim Flaherty back in September 2000. It received royal assent, but it has never been proclaimed. I've inquired with Mr. Bentley, the Attorney General, and I'm curious to this day why it has not been given assent into law.

By doing this, all of us, with our voices today, can perhaps get the Attorney General the support he needs to move forward and act on this bill, so we can all feel a part of doing the right thing. That's an empowerment we often don't share in the Legislature, which many times works more in a political manner rather than working for the rights of the people of Ontario.

Domestic violence is a crime against abused people. It deeply affects children who witness violence in their families and destabilizes the family itself. Domestic violence is a crime against the very foundation of an orderly society and strong family units.

I have previously mentioned the figure of 1.2 Canadians affected by domestic violence. This means that in real terms an estimated 653,000 women and 546,000 men encounter some form of domestic violence. Bill 10 would provide prompt intervention to protect victims of domestic violence similar, as I've said, to Bill 117, passed in 2000 but never proclaimed into law. Requests for frequent intervention orders could be made 24 hours a day, seven days a week. Designated judges or—and this is important—justices of the peace would be available to hear applications for emergency intervention orders.

Think of the cases where someone has applied for an order and has to wait for a court date. In the intervening time, as happened in Ms. Dupont's tragic circumstances—the least suspecting person of all, thinking the justice system is there for them—there's no method of

bringing action against someone until that order is actually executed. Applications or sworn statements by telephone would be accepted. Non-emergency applications would be made through the family court system.

Respondents to cases where a spouse or domestic partner fears for their safety because of abuse, threats of violence against themselves or family members, or stalking—victims and their respondents have 30 days to request a hearing to change or halt the emergency intervention order. Domestic violence intervention orders are similar to the restraining order for abusive partners or ex-partners. However, under the Domestic Violence Protection Act, they could be clearer, more enforceable and more accessible, and would allow for criminal charges when breached. What the ultimate charges would be for breaching the order is very important.

In the December 2007 inquest into the death of Lori Dupont, there were 26 recommendations including initiatives to protect workers from domestic violence in the workplace. In fact, I have written to the Minister of Labour on the issue of making harassment a health and safety issue within the workplace. Much of what we've talked about is tolerance and is best dealt with by educating people. That's what I hope to hear today, as I hope the Attorney General does as well.

Some of the things an intervention order can do, as I've said, would include preventing the respondent from approaching the victim, their relatives or their family, and preventing the respondent from communicating with the same. It may require the respondent to get counselling, which I think is extremely important. It may require the respondent to vacate the applicant's residence.

There are a number of initiatives that I think are important. But most important of all, each of us has a responsibility to educate against domestic violence in whatever form. Violence in any form is an assault on society itself. We can have major disagreements in this Legislature, but we can still respect one another. That's what I think we should take out of today.

I'm in hope that the discussion today will assist the Attorney General to leverage the bill that exists, Bill 117, into law. Nothing more than doing the right thing would be the outcome.

I appreciate the opportunity to listen to other voices on this today, and I look forward to the debate. At the end of the time, I hope the minister does the right thing and moves this into law.

The Acting Speaker (Mr. Jim Wilson): Further debate?

Ms. Andrea Horwath: It's my pleasure to rise this afternoon and speak a little bit about Bill 10, the Lori Dupont Act (Domestic Violence Protection), 2007. I think, first and foremost, it's important to acknowledge that the member has brought forward a bill for a very important reason, and that is a bill that is to protect people who are experiencing domestic violence, to find ways to provide the supports and the assistance that are needed, the pieces that we can actually get to through legislation, so that at every possible turn, there is an

opportunity for a person—most often a woman; let's put the facts out there—to be able to escape a situation of family violence, domestic violence, woman abuse or spousal abuse. There are many ways that we say the words oftentimes, and the women who are active on these issues would rather we say it straight out. If it sounds ugly, that's okay, because it is ugly. Sometimes words like “domestic violence”—it doesn't sound as brutal.

Mr. Rosario Marchese: It sounds euphemistic.

Ms. Andrea Horwath: It almost sounds euphemistic, my friend from Trinity-Spadina says. So we use words like woman abuse, violence against women and those kinds of terms to actually state out front the brutality of the kinds of experiences, unfortunately, that many women have at the hands of their partners. Lori Dupont was one of those women—Lori Dupont was one of those many women, as the mover of the bill actually indicated in his remarks. The reality is that there are women today who are experiencing domestic violence as we speak, and there will be women tomorrow who are being battered by their spouses or by their significant others. It goes across every socio-economic strata. It goes through every ethno-cultural community. There's no boundary, if you will, to the women who will experience domestic violence in their lifetime. In fact, the statistics are staggering.

It's interesting: What this bill, really, is trying to do is get the government to move on a bill that has been put in the Legislature in the past. There had been a bill introduced, Bill 117, that had gone through a great deal of work here in this Legislature. It passed third reading, but the bill was never proclaimed. So it would be pretty easy, actually—my friend Peter Kormos says that he was the justice critic at the time, and he sat on the committee that reviewed that bill at the time, and he says, quite clearly, that this can be addressed pretty much immediately. All the government needs to do is proclaim Bill 117.

I don't purport to have depth of knowledge about Bill 117. I know that my friend the member for Welland has gone through that process. He assures me that there was a lot of great stuff in Bill 117. There was a lot of good work done there, and that at that time, we were supportive of Bill 117.

But the issue that has to be kept in mind is that any number of pieces of legislation that we have are only beneficial to the point that they're actually utilized and brought into a living sphere to help the women in communities across this province who are facing this kind of abuse. I have to say, there is a lot of work that needs to be done in that vein. We have huge situations—I guess I can call them situations. We have had a number of lobbies. We have the Step It Up! campaign, where the women's movement has come here and put 10 steps in front of us of what this government needs to do to start addressing domestic violence. We know some of the huge gaps in service that exist. We know that women's shelters are absolutely underfunded. We know that sexual assault centres are absolutely underfunded. If I'm not

mistaken, sexual assault centres are one of the only organizations or groups that provide service in Ontario of this nature—which is an absolutely important and immediate support for victims of violence—that are required to fundraise a significant amount of their budget. They don't get a basic operational budget. They are required to, as part of the pact or relationship with the government—and I'm not saying that it's just this government; I'm sure it's an historic issue.

1500

The reality is, these services are needed. They're necessary, and as a society, we need to take care of these women and provide the opportunity for them and their children to escape violence. That opportunity includes things like full funding of sexual assault centres and transition houses. We lost 28 transition houses in Hamilton—28 units gone because the government wasn't prepared to maintain the funding. So we're losing services.

The government puts forward programs that tell families, neighbours and friends that if you're seeing a situation of domestic violence—and here's what it looks like—then you should intervene and get that person help; you should send this person to a website or give them a phone number. But the problem is, if women actually take that advice from their neighbours, friends and family members who are intervening on their behalf, guess what? Sure, they can go and lay charges. Sure, they can do all that kind of thing. But guess what? There are no services for them once it's done. They can't get into a shelter. There isn't any transitional housing. There are no supports: no employment supports, no clothing allowance, no travel supports. Alberta has all those things, but of course I would be naïve to think that Ontario would want to have anything that Alberta would have when it comes to programs for domestic violence. Shocking that we actually don't have programs as good as in a place like Alberta, but nonetheless—

Mr. Rosario Marchese: Legal aid, for example.

Ms. Andrea Horwath: We don't have legal aid supports for women who are leaving domestic violence situations, women who are trying to escape. Legal aid—who's kidding whom? We don't have enough legal aid for anybody, but in this situation particularly, the financial burden that a woman is already facing when she makes the decision to finally leave—because we know that it sometimes takes two or three times before a woman is actually able to leave an abusive situation. When they finally get to that point where they leave, lo and behold, they find out that all the things that are talked about, and indicated in all the rhetoric that these things are available to women, are not available.

One of the things that happened in Lori Dupont's horrific situation: As we know, she was a nurse and her ex-partner was a doctor, an anaesthetist, I believe, who worked in the same hospital. She had told her employer many times that she was being threatened and felt uncomfortable and was worried about that situation in the hospital. The inquest came out with a number of specific

recommendations, and it wasn't new in terms of these kinds of violent situations that then translate into the workplace, because there have been others that have had the same experience in the past, where a supervisor or someone in a position of power in the workplace in these cases were sexually harassing these women, but the bottom line is the same. In a workplace environment, when we know there is harassment and violence going on, it's not good enough for the employer to just walk away from that, to close a blind eye and pretend that there is no obligation.

In fact, one of the things that I've done myself—I used to have a similar bill in Lori Dupont's memory, around sexual harassment in the workplace, and I've recently reintroduced it. It's about harassment and violence in the workplace. So it's expanded a little bit, but it's an amendment to the Occupational Health and Safety Act, which is actually one of the things that are in the jury recommendations on the Lori Dupont inquest. One of those recommendations includes the right to refuse unsafe work or that the Occupational Health and Safety Act be reviewed to determine whether there can be amendments made that would give protection of women, or protection of people but women most often, so that they can refuse to work if they think their life or well-being is threatened. It's a simple measure. Simply adding that to the reasons for work refusal: harassment and violence and bullying in the workplace.

Many other jurisdictions have already done this. In fact, in some of the Scandinavian countries, there are healing centres where workers go if they've had that experience, and they get counselling and supports.

There's another thing, putting aside Bill 29 and going back to Bill 10: The reality is that women who are leaving domestic violence situations, women who are leaving a situation where they are being abused in their home, don't have access to the kinds of counselling, their children are not getting access to the kinds of counselling, that are necessary. This violent behaviour, this abuse, does a lot of things to a woman and it does a lot of things to the children who witness it, a lot of things emotionally and psychologically. It causes a great amount of trauma and a great amount of distress, not only physically, yet the supports that are necessary to make sure that women can become whole again, that they can begin to rebuild their lives, that they can begin to go back to work, that they can begin to go back to being nurturing parents with their children after leaving that traumatic situation—those supports aren't there. The counselling doesn't exist. I shouldn't say it doesn't exist, but there isn't enough of it there to support women as they leave these situations of abuse.

This bill might have a few problems in it. There are some things that we're a little a bit concerned about. We really think that this bill deserves a hearing at a committee level. I'm really hoping the member is successful in getting this bill into a committee so that we can review it in greater detail and get some input from particularly women and women's organizations, who have been

working so hard in this field for a very long time here in the province.

Ms. Laurel C. Broten: I'm pleased to join in the debate on Bill 10, An Act, in memory of Lori Dupont, to better protect victims of domestic violence.

I want to start by expressing my sincerest condolences to the Dupont family, to the extended community and to the professional community, which have suffered as a result of what is a tragic loss.

I want to talk about the fact that I've worked in this field for many, many years. My first volunteer experience, as a very young teenager, was working in a domestic violence shelter, observing and seeing the tragedy of women fleeing abusive relationships. As a young lawyer, it was a very large part of my practice. I would have to say to you, Speaker, that I sought and obtained more restraining orders than I care to think about.

In obtaining those restraining orders to protect women and their children, I often sat at my computer drafting the documents that we would need to obtain that court protection with tears streaming down my face. My clients were telling me horrific, heart-wrenching stories, and we were taking that information and using the justice system to the extent that that system can be used to protect women and their children who seek to flee abuse.

When I came into this House, I was pleased that very early on in our first mandate, under the leadership of the Premier, I was asked to develop a comprehensive domestic violence action plan. As part of that plan, we invested \$82 million in a four-year domestic violence action plan that sought to emphasize prevention and better community support for abused women and their children. Not to say that we did not do a great deal of work to improve the legal protections for women and their children, but as a lawyer who understood firsthand that only about 30%—30%, 35% or 36%—of women will seek protection from the justice system. There is so much more to do.

As part of that domestic violence action plan, we sought to improve restraining orders, to work with the justice community and the community partners to make changes to improve that system so that it could be turned to by women in circumstances such as Lori Dupont's, because Lori Dupont was in a very clearly identified high-risk group. She had recently separated and she had had what was a historically difficult relationship, an abusive relationship, with her spouse.

The work that we did was comprehensive in terms of making sure that there is a variety of initiatives put in place amending the Children's Law Reform Act to require courts to consider, for the very first time, domestic violence when making orders relating to custody and access—it's a significant improvement; reviewing the proposed standard form for restraining orders; spending \$1.4 million to fund the partner assault response program and to strengthen victim support; to expand the bail safety project; to allocate funds for domestic violence within the francophone community and other identified high-risk communities; to expand the domestic violence

court program to all 54 jurisdictions in Ontario; and to make sure that we had a new early victim contact program and additional funds for supervised access. In the time allotted, I'm not able to go through all of the achievements that were made to improve and protect women who are, unfortunately, victims of domestic violence. But what I do say to you is that there is always more work to do.

1510

Community groups in my community of Etobicoke–Lakeshore: MicroSkills, helping women who are fleeing abusive relationships gain those critical skills so that they have the economic independence to establish themselves on their own, look after their children, and make sure that they have a safe place to go. Women's Habitat is doing incredibly important work in that regard.

As I worked to develop the domestic violence action plan for the province, I went to those experts to talk to them. We had some 30 roundtables in a number of months to ask, "What do you think are the areas of importance that the government should take action on?" One of the things that was clearly identified to us was that there was a great deal of concern with respect to the proposed bill, the domestic violence protection bill, that it would not be workable on the ground.

So I stand today to say that there is obviously more work to do. We need to hone in on how we can best protect women, because there's no doubt in my mind that every single member of this Legislature is going to stand up and say that they want to better protect women. But we need to take guidance from those experts to make sure that whatever we put in place can truly be used to protect women and children, and that we make sure we put in laws and protections that are workable. That's my goal here today.

The previous speaker to this bill talked about a private member's bill that she had put in place. I would say to you that I too put in a bill that examined specifically protecting against violence and workplace harassment. It was Bill 131, which was to amend "the Occupational Health and Safety Act to impose duties on employers, supervisors and workers" when it came to workplace violence and harassment. I based that bill on ideas raised by the Centre for Research and Education on Violence Against Women and Children, entitled Workplace Harassment and Violence. In that bill, I provided some clear detail and a concrete set of formalized policies and procedures to be put in place in workplaces with specific regard to acts of violence in the workplace, and that we should have a process whereby the employers would understand the severity of the threats and potential violence against an individual in their workplace.

I would suggest that the place for us to go at this point in time is to have a dialogue again on how we can refresh our laws that protect women. Because we always need to continue to increase those protections and make sure that we keep our workplaces free from violence and bullying. We have made amendments with respect to the Ontario Human Rights Code, and some of the experts that I've

worked with over some 20-plus years have indicated that they believe that will be an avenue of increased protection. We need to make sure that our judiciary, our crown attorneys, all of those in the criminal justice field and protection field are best able to protect women.

We all want to keep them safe in all aspects of their lives. Today is a good day for us to talk about further steps that we can take by this Legislature. I look forward to being involved as we continue to do more, as we always should, to better protect women and their children around our great province.

Mrs. Joyce Savoline: I rise in the House today in support of my caucus colleague from Durham on Bill 10, An Act, in memory of Lori Dupont, to better protect victims of domestic violence. I congratulate my caucus colleague for taking this initiative, but I also want to extend my sympathies to the family of Lori Dupont, who are left to bear this burden and this horrible tragedy.

It is sad that Ms. Dupont's tragedy is not an isolated incident. There are similar cases across this province, and I am proud that my colleague from Durham is taking action on this.

In Burlington, we have a very special facility within the confines of Joseph Brant Hospital, and it's called Nina's Place. Nina's Place is a sexual assault and domestic violence crisis centre, named in memory of Nina de Villiers. Nina was the victim of a tragic assault in Burlington in 1991. Nina's Place provides specialized care, police services and agency referrals for men, women and children who have experienced sexual assault and domestic violence within the past 72 hours. This is a safe haven that protects both the rights and the needs of the victim.

It was just last week that I attended an open house at Nina's Place, and I continue to be so impressed by the endless compassion and quiet optimism demonstrated by the staff and volunteers. Nina's place staff and volunteers work tirelessly to assist victims of domestic violence cope with the tragedy they have experienced and, hopefully, to help them heal.

It is a testament to the strength and courage of a mother, Priscilla de Villiers, that victims of sexual assault and domestic violence not only have a safe haven in which to seek shelter and care, but the approach of law enforcement officials and corresponding legislation has been impacted in a positive way by this courageous mother.

We can offer victims of domestic violence much-needed peace of mind by supporting Bill 10. These victims have witnessed our justice system fail them time and time again. As legislators, we have a tremendous opportunity, but also a responsibility to prevent a tragedy from occurring by giving victims of domestic violence access to emergency intervention orders 24 hours a day. Emergency intervention orders are a help to the risk of victims. These orders will have the power to restrict someone who is threatening or harassing a former domestic partner from contacting that partner or their family.

I don't want to use too much time with statistics, but there are three that I think are really important on why Bill 10 ought to be supported. They're very disturbing: First of all, 64% of female homicide victims are killed by their current or past partners; 87% of sexual offenders are actually known to their victims; in Canada, four out of five people murdered by their spouses are women murdered by men.

As a mother and a grandmother, when I read these statistics, I am quite appalled. These numbers are much too high, and action must be taken to stop these incidents before they start. Bill 10 offers that extra layer of protection in a complex and emotionally charged situation. It's been my pleasure to speak to this bill today.

Ms. Leeanna Pendergast: I'd like to begin by complimenting my colleague from Durham, who mentioned that this is about education. As a teacher, I say, yes, it is. It's about educating our society and our community about domestic violence.

Our government is committed to finding better ways to protect women and children from domestic violence. Each year, this government invests more than \$190 million in support to protect women from violence, including counselling and support services. The McGuinty government is investing \$82 million in a comprehensive, four-year domestic violence action plan. It emphasizes prevention and better community support for abused women and their children, as we heard under the guidance of my colleague from Etobicoke-Lakeshore.

I'm reminded of a quote. Of course, as an English teacher, I always have to give you a quote. This one today is from George Santayana, who says that we must always remember the past so that we're not condemned to repeat it. I'll say it again. We have to always be reminded of the past so that we're not condemned to repeat it.

So let us remember the tragic story of Lori Dupont and always honour her memory. But we must never repeat it. We must always remember so we're not condemned to repeat it.

1520

This government, the McGuinty government, has a plan. We have a domestic violence action plan, supported by \$82 million over four years, to protect women and their children from domestic violence.

Let me share with you some of my personal experiences in this area to illustrate our government's commitment to support for victims of domestic violence. On April 17, I had the honour of participating in an announcement with Attorney General Chris Bentley and Minister Matthews, the minister responsible for women's issues. It was an announcement of \$8.2 million in new funding to ensure that women who are victims of abuse and their children get help faster and are better protected from future harm.

Two weeks ago, I had the privilege of launching, on behalf of Minister Matthews, the Neighbours, Friends and Families for York region along with Chief Armand La Barge and Superintendent Pederson. Let's be clear:

Domestic violence is not a private matter. It touches all of us and we all have a responsibility. Neighbours, Friends and Families is designed to help people recognize the warning signs and the risk factors. Again, it's about teaching people how to reach beyond the doorsteps and help people in their community.

Our government recognizes that breaking the cycle of domestic violence is complex. There are no easy answers. In Kitchener, we have a one-stop shopping model, and it exemplifies the community partners working together. The family violence project of Waterloo region is a one-stop shopping model. By entering the door, the victim can connect with a person they can trust, who will guide them through a number of services, all in a caring and supportive environment.

It's housed in the Catholic Family Counselling Centre in Kitchener under the leadership of Cathy Brothers and Andrew Wilding. Pam Mank coordinates the services. Waterloo Regional Police Service houses their domestic violence unit right in Catholic family counselling, under the leadership of Staff Sergeant Sean Tout. The crown attorney is under the same roof, Theresa Donaldson; and Mary Zilney, with women's services is, again, under the same roof.

This one-stop shopping model exemplifies several key aspects of this government's commitment to ending domestic violence, including a living model of community partnerships. Collaborative partners are committed to working together to end the cycle of domestic violence. Not only will we not repeat a past that had no plan to deal with the complex problems of domestic violence, this government is leading in finding better ways to protect women and their children from domestic violence.

Ms. Laurie Scott: I'm pleased to join the debate this afternoon on Bill 10, An Act, in memory of Lori Dupont, to better protect victims of domestic violence. I wanted to thank the member from Durham for introducing this bill that would give victims of domestic violence access to emergency intervention orders 24 hours per day. The orders would have the power to restrict someone who's threatening or harassing a former domestic partner from contacting the partner or their family.

It could have made all the difference in the case of Lori Dupont, and thus, the name of the bill today is in memory of Lori Dupont, who was a nurse at Hôtel-Dieu Grace Hospital in Windsor. In November 2005, she was stabbed to death by her former boyfriend, who was a doctor at the hospital where they both worked.

I think that most of the members here know that I was a nurse for over 20 years, and now, as a legislator in the province, I feel strongly that it's my role and the role of everyone here in the chamber today to do what we can to protect those who can't protect themselves, whether they're nurses, home workers, spouses—anyone who can't protect themselves.

In the case of Lori Dupont, according to the Windsor Star, Ms. Dupont was accompanied by her mother, a friend and her nursing union representative. They went to the courthouse on Monday, April 11, 2005, and applied

for a restraining order against Dr. Mark Daniel. The doctor subsequently opposed the action, which forced a hearing before a justice of the peace that was eventually scheduled for December 22, 2005. That was more than a month after Lori Dupont's murder.

Had Ms. Dupont been able to get proper intervention, as outlined in the member for Durham's private member's bill today, the story would have had a completely different ending.

The Windsor Star also pointed out that this tragedy was considered a workplace harassment issue because the management of the hospital had scheduled Lori Dupont and Dr. Daniel to work the same shift. Ms. Dupont's family, the Chatham-Kent Sexual Assault Crisis Centre and the Ontario Nurses' Association were very disappointed when the Ontario Ministry of Labour decided not to launch an investigation into workplace harassment and ministry spokesman Matt Blajer concluded the matter was a murder.

In December 2007, the inquest into the death of Lori Dupont made 26 recommendations, which were welcomed by the Ontario Hospital Association, and included initiatives to protect workers from domestic violence in the workplace.

I commend the member for Durham for doing his part in taking a horrible tragedy, a very unjust situation, and coming forward with something that will increase the protection of victims and provide a further line of defence for victims of cowardly violence.

Mr. Peter Shurman: I rise as well to speak in favour of this private member's bill on behalf of my colleague the member for Durham.

Like all members of this House, I wish there wasn't a need for the Domestic Violence Protection Act or the Lori Dupont act. However, domestic violence is a blight that continues to mar our community, making legislation like this sadly necessary.

The House has heard the estimate, which my colleague has brought forward, that there are approximately 1.2 million cases of abuse like this in Ontario. I find that hard to believe, frankly, because that is based on what is reported in estimates that our enforcement people bring forward. I would surmise that it's significantly larger than that.

I personally support less government and laws that protect me from you and you from me. That sort of protection was never afforded to Lori Dupont, and she paid the price. She lost her life. Lori was a devoted mother to her daughter. She was a dedicated nurse at Hôtel-Dieu Grace Hospital in Windsor. She was also a victim of domestic violence, and the bill honours her and, in her name, attempts to end that cycle. What a fond hope.

Her case revealed tragic shortcomings in our legal system as it pertains to the issue of domestic violence. These shortcomings crossed her life, but I have to point out that domestic violence didn't just cost Lori her life; it crosses all lines. It crosses the lines of religion, race,

colour, family income and whether someone lives in an urban or rural environment.

Dupont was so fearful of her killer—her former boyfriend, and a doctor who was also employed at the hospital—that she asked for security escorts to her car after her night shifts at the hospital. Dupont applied for a restraining order against the doctor in April, but he contested the order and a court date to hear the case was set for December, denying her a key tool of protection. This bill addresses that flaw—the flaw that cost her life. It doesn't matter where she was. She happened to be in Windsor. It could have been Thornhill, it could have been Mississauga, it could have been downtown Toronto.

Officials from Hôtel-Dieu said they earlier considered firing the doctor—the boyfriend—after she complained that she feared for her safety and was being harassed when they ended their relationship. The hospital concluded that there wasn't sufficient evidence to take action, and that's so often the problem—the time delay. How serious is this? In Lori's case, the answer is clearly obvious.

The act would allow for designated judges or justices of the peace to be available to hear applications for emergency intervention on the basis of 24/7 access, and allow non-emergency applications to be made through the family court system. That is essential. Under this act, intervention orders will be clearer, more enforceable and more accessible to those in need, and would allow for criminal charges when breached.

Two final points: The provision for emergency intervention orders is key to this legislation and key to stopping this cycle. It allows action to be taken immediately, without prior notice to the offender. We have too often protected the perpetrator and too seldom protected the victim, whose rights need protection to begin with.

Lori had to wait for her restraining order. If emergency intervention had been available, it could have protected her.

1530

Mrs. Christine Elliott: I'm very pleased to have the opportunity to speak, for a few minutes anyway, on Bill 10, An Act, in memory of Lori Dupont, to better protect victims of domestic violence.

I would like to commend and congratulate my friend and colleague from Durham for bringing this matter forward, to basically revive and again bring forward Bill 117 with some changes to further strengthen it. Of course, I'm proud that this bill was originally brought forward by the previous member for Whitby–Oshawa.

What comes through to me, in all of our discussions this afternoon, is how many times we have heard about this happening. How many times have we heard about this cycle repeating itself with people like May-Isles—the May-Isles tragedy was the initiation for Bill 117 in the first place—Gillian Hadley, a resident of Durham region who was murdered in her front yard by her former husband, and now, of course, Lori Dupont, who is the subject of this particular case coming forward? What

haunts all of us, I think, is the what-ifs: How close they were to safety, how, if they had only had the safety of an intervention order in this case, their lives might have been saved and, in many cases, their children would have been left with a mother.

I think it's important that we take this time to pause and reflect about what we really are doing in this situation. We like to talk about it a lot, we like to have a day to talk about how domestic violence is terrible, and it is, but what are we actually doing to put our money where our mouth is?

I'd like to say, with all due respect to the member for Kitchener–Conestoga, who was talking about all of the wonderful things that the McGuinty government is doing to prevent domestic violence, if they were really serious about it, why didn't they proclaim into force Bill 117? Why have we not acted on it? Why do we just have another website to call? I totally agree with the comments made by the member for Hamilton Centre, who indicated that we need to have more resources to support women who find themselves in these situations. We need to put more money into shelters and housing for them to transition into employment and so on so that they can get away from these circumstances and be able to live in safety with their children.

I think we need to seriously take a look at this legislation. I do hope that all members on all sides support this. We need to take a step in the right direction and we need to start to move toward action for victims of these terrible crimes.

Please support Bill 10. It's important, and I think that many women in the province will be very grateful for the support they will get by having immediate access to intervention orders.

The Acting Speaker (Mr. Jim Wilson): Mr. O'Toole, you have up to two minutes to respond.

Mr. John O'Toole: I would like to thank all of the members who participated here today, members for Hamilton Centre, Etobicoke–Lakeshore, Kitchener–Conestoga, Whitby–Oshawa, Thornhill, Burlington, Haliburton–Kawartha Lakes–Brock and Dufferin–Caledon. In fact, I would say to all of them that the haunting stories we've heard today are the reminder and the purpose for this bill this afternoon.

By no means is it the whole solution, but it is the right solution, and it's one of the solutions. It's one of the recommendations from the coroner's report. I would encourage all members not to think of this as a perfect solution. What I'm calling for is your support to have hearings on an important social issue and allow the Attorney General and all the stakeholders to look at this as something that's a priority. It's a social consequence for all of us in some way in our communities as elected members and leaders. And it should be a non-partisan discussion. Some did bring that part into it. But doing the right thing today is just sending this out to further hearings and further consultation, among the many less important issues that are before us, some of the current legislation that may be occupying our time. This is

important. This is about people's lives. It's about giving the stakeholders the right tools and the respect to find solutions.

I would say that after this debate today I am encouraged that, even when speaking earlier with the Attorney General, they get it as well, by sending the right signal in unison here today. Not just the police but the courts are the right place to resolve some of these disputes. Counselling may be important. It isn't like there's one solution for all of these domestic issues, except we can send the message today that it's important to us that our children and families are safe in Ontario.

APOLOGY ACT, 2008
LOI DE 2008 SUR
LA PRÉSENTATION D'EXCUSES

Mr. Orazietti moved second reading of the following bill:

Bill 59, An Act respecting apologies / Projet de loi 59, Loi concernant la présentation d'excuses.

The Acting Speaker (Mr. Jim Wilson): Pursuant to standing order 97, Mr. Orazietti, you have 12 minutes for your presentation.

Mr. David Orazietti: I appreciate the opportunity to be here this afternoon to speak to this bill. I'm going to read the legal jargon, and then I'm going to talk a little bit about the importance of this bill and why we need to pass this.

"The bill provides that an apology made by or on behalf of a person in relation to any civil matter does not constitute an admission of fault or liability by the person or an acknowledgment of liability in respect of a claim in relation to the matter, does not affect the insurance coverage available to the person making the apology and is not admissible in any judicial or quasi-judicial civil proceeding."

That's the legal framework of this, but I want to spend a few minutes talking about the importance of the bill and why we need to pass it.

First of all, we're talking about our civil court system in Ontario. We are not talking about criminal courts in any way.

If we're going to pass this bill and say that someone who makes an apology in relation to an issue—it does not come before the court—it can't be used against them. But it doesn't take away anyone's rights and it does not preclude anyone from seeking a remedy in the court that they feel is appropriate. I want to make sure that we're all clear on that because that's an important aspect of this piece of legislation. It was also an important aspect when it was discussed in other provinces in this country and when it was passed there as well.

I see this bill as being complementary to our court system. It gives people the opportunity to have closure, to speak frankly in relation to an issue, whether it's a health care issue or a legal issue or some other matter, without having those comments that they're making used against

them in a court of law. This has been very constructive in other provinces and it has been very constructive in many US states, and I'm going to talk a little bit about that. But it does not prevent someone from seeking a remedy in the courts, whether or not an apology has been made. So it's certainly not taking anyone's rights away, and I really see this bill as being complementary to them.

I want to talk a little bit about the jurisdictions in which this type of legislation has passed.

It's relatively new in this country. In May 2006, British Columbia was the first province to pass this type of legislation, as a stand-alone piece of legislation. It was passed in Saskatchewan as an amendment to their Evidence Act in May 2007, about a year later. It was subsequently passed in Manitoba, it being the most recent province to pass this type of bill, in November 2007.

It was introduced in the Legislature in Manitoba by a fellow by the name of Jon Gerrard, who was actually a physician and saw a need for this. He said that he was hearing from many people over the years who felt aggrieved that they had failed to get a simple apology—speaking from his profession—from a physician or a nurse even though their conduct had been condemned by a professional association or even the court system. So he saw this as an individual who is a physician in Manitoba as an important way to help resolve some of the issues around—whether it's the health care sector or others—and create an opportunity for a remedy and resolve issues outside of the court system, but, again, not precluding somebody from having the opportunity to take their issue to the courts.

In the United States, there's a little longer experience with this, and there's more comprehensive legislation that has been passed, and it has been passed in a couple of different ways. Thirty-five US jurisdictions have some form of apology legislation. They've passed it in two different ways. For example, in states like Massachusetts, Texas, California, Florida, Washington, Tennessee, Hawaii, Missouri and Indiana, they've decided that they would have a comprehensive apology bill or legislation. In other states, the more populous states, they've limited it to the scope of health care alone. Let's talk about the differences just for a moment. In the states where they have comprehensive apology legislation—you can think of examples, obviously, outside of the health care field. Let's say we're at a construction site and there's a crane operator who's moving some heavy equipment around and something happens on the site and someone is seriously injured. The crane operator knocks something over and injures someone. It might be a colleague or a friend that they've worked with for 20 years. If they run over to their side, as most people would, to try to help them, to get them some medical attention and to say they're sorry, that it's their fault, they didn't mean to do it—those comments, if there are other people around, can be used against them in a court.

1540

So in many US states, they've decided that comprehensive legislation is appropriate. That's really what this

bill would be about. In Manitoba, Saskatchewan and British Columbia, apology legislation was passed in a comprehensive form. That means it's applicable to all Ontarians. Any Ontarian would be able to express remorse or regret or speak frankly on an issue without having their comments used against them in a court.

There is some evidence here with respect to experience and what this has meant. If we take a minute and ask ourselves: Is there any benefit to doing this? What are the results of doing this? Is this meaningful? We don't have a lot of experience in this country, because we're only talking about the last 18 months to two years in terms of having this in place, and in the province of Manitoba only six months or so. So we don't have a lot of experience with it, but we can anticipate what's taken place based on some of the US experiences.

I want to reference some of those US examples that we can talk about for a moment.

"In 1987, after losing two medical malpractice cases that cost a total of \$1.5 million US, the Veterans Affairs Medical Center in Lexington, Kentucky, a 400-bed hospital, changed its approach to medical mistakes. It adopted a policy of full disclosure and apology. The approach is credited with reducing lawsuits, settlement costs and defence costs. Seventeen years later"—after they've changed their policy—"only three cases have gone to trial and the average settlement is \$16,000, as compared to the national average for veterans' affairs"—hospitals in the United States—"98,000. In addition, cases closed in two to four months, significantly below the average of two to four years" in the US. So their experience has been positive.

According to the Missouri Medical Law Report of 2005, "Since 2002, the hospitals in the University of Michigan's Health System have been encouraging doctors to apologize for mistakes. Malpractice lawsuits and notices of intent to sue have fallen from 262 filed in 2001 to about 130 a year and their annual attorney fees have since dropped to one-third from \$3 million to \$1 million."

A US survey found that "in situations when moderate medical errors occurred, only 17% of patients would sue if the physician informed the patient of the error. If the physician did not inform them ... 29% of patients would sue if they later learned of the error." Thirty per cent of all plaintiffs claimed that they would not have sued if there had been an apology.

According to the American Journal of Pharmaceutical Education, they "found that 37% of patients and family members bringing suit may not have done so had there been a full explanation and an apology, factors more significant than monetary compensation."

I know there are going to be some other folks speaking to this, and some who have backgrounds in the medical field and the legal field, and I appreciate and certainly welcome their comments this afternoon.

We know that professional organizations and associations, for obvious reasons, counsel their members not to apologize and not to recognize errors that may have been

made because of the liability relationships that go along with that. Their insurance may not be provided if they do that and they are in effect putting themselves in jeopardy if they do that. But that's not necessarily the right thing and it's not what the professional wants to do. They want the opportunity to be able to speak frankly—for example, if we're talking about the health care field—to the patient they're dealing with, and the patients obviously want to be able to receive those types of comments.

When this was introduced in BC, the Attorney General there made some comments around the importance of apologies being made irrespective of all the monetary settlements and the financial compensation; that this is a natural thing to do, a humanitarian response, and we shouldn't allow our legal wrangling to get in the way of that. We shouldn't be hamstringing people for something that is a natural response from what they want to be able to do in a specific instance.

The other comment I want to make is that there is widespread support for this legislation in Ontario, and I want to reference a few of those individuals very briefly.

Phil Hassen, as you know, is a former Deputy Minister of Health in the province of Ontario. This is about what patients need from a health care perspective, although it has broader implications right across all sectors in the province:

"An Apology Act is an important step forward for the people of Ontario and it is consistent with our recently released Canadian Disclosure Guidelines, which aim to increase honest and open communications among health care professionals, patients and the public." Those are comments by Phil Hassen, who is now the CEO of the Canadian Patient Safety Institute, which is based in Edmonton.

"The proposed Apology Act and guidelines are proof of a cultural shift underway in society, recognizing that offering a sincere apology or expression of regret is simply the right thing to do in often very difficult and emotional circumstances. It's a sign of caring, compassion and empathy—not blame or guilt."

This is about allowing the opportunity for individuals to both receive apologies in certain circumstances or those individuals who want to be able to make an apology without having their comments used against them.

Dr. Willet, who's the president of the Ontario Medical Association—she's back practising medicine now in our riding of Sault Ste. Marie and has just made that transition—is on record supporting this, as is Tom Closson, president of the Ontario Hospital Association; Wendy Fucile from the Registered Nurses' Association of Ontario; Doris Grinspun, the RAO; Preston Zuliani, the College of Physicians and Surgeons of Ontario; and Greg Goulin, who's the president of the Ontario Bar Association.

The Ontario Bar Association has been very supportive of this as well. Last year, the Uniform Law Conference of Canada passed a resolution saying that they wanted this passed across the country.

I want to encourage members to support this. This is the right thing to do. This is an important piece of legislation. Not only does it help reduce our costs in our public sector but, more importantly, it allows us to put a human face on issues that are very crucial to people in this province.

The Acting Speaker (Mr. Jim Wilson): Further debate? The honourable member from Whitby–Oshawa.

Mrs. Christine Elliott: If I may, with your permission, trade speaking spots with Mr. Kormos, the member from Welland.

The Acting Speaker (Mr. Jim Wilson): The honourable member from Welland.

Mr. Peter Kormos: I thank Ms. Elliott for indulging me and assisting me so that I can get to a 4 o'clock commitment.

This is an interesting piece of legislation. When it was introduced, I recall expressing some significant interest in it, and I continue to have significant interest in it on behalf of New Democrats here at Queen's Park.

Let's understand that there are, in my view, two very distinct communities that have an interest in this type of legislation. One is the alternate dispute resolution community—mediation, primarily. Mediators continue to be fearful that they are not protected by the settlement privilege rule in the common law. Mediators recognize that an apology can be a very effective part of a dispute resolution process. They find themselves clamouring for apology legislation. The other context, of course, is litigators—parties who are engaged in litigation.

It's an interesting arena. I tell you: We are going to support this on second reading. We very much want this bill to go to committee, but we have some concerns. I believe that the committee would be an arena in which those concerns should be and will be best addressed. I anticipate pretty comprehensive committee hearings because this is not as straightforward as it would appear to be, notwithstanding that it is a relatively brief bit of legislation.

1550

This is modelled on the BC legislation, which is the Uniform Apology Act, which is being touted across Canada, but understand that the BC legislation is the most comprehensive apology legislation in the world. There are two very distinct parts to it. One is the apology simpliciter, as Mr. Zimmer might refer to it—he's going to be speaking to this, and he might use Latinisms because he's a lawyer. That's the bare-bones apology.

I should tell you that I want to thank Richard Sage, in legislative library research, who put together some of these scholarly works on apologies. There's a huge wealth of research, with roots in anthropology and psychology among other things, around the social and broader impact of apologies.

In view of the fact that an apology is currently admissible in a civil proceeding, some would argue that the first one, the bare apology, is not an apology at all. In a paper by Prue Vines, *The Power of Apology: Mercy, Forgiveness or Corrective Justice in the Civil Liability*

Arena, the argument is made that an apology does very little to indicate culpability or liability.

When your dog dies, I say to you, "I'm sorry your dog died." That doesn't mean I killed your dog or that I'm in any way responsible for your dog's death. We console each other at various times—when we're ill, when a family member is ill, when somebody dies—and say we're sorry. That's an expression of regret that's taken very much colloquially to be perceived as an apology.

Now, I put to you that if you're a pedestrian who gets mowed down by a speeding driver, it's one thing for a driver who has just mowed you down to come over to you and say, "I'm sorry." You're lying there, battered, bruised and bleeding. I, for one, would support legislation that prohibits the utilization of that bare apology from being used as evidence of anything, because it really isn't evidence of anything.

The danger is that a trier of fact, be it a judge or jury, might read things into it that simply aren't there, that you can't read into it. "I'm sorry you're lying there bloodied, battered and bleeding," is a mere human response and should not, in and of itself, be taken to acknowledge liability. The exclusion of that is a fair thing.

However, I've got to tell you that if I'm the innocent accident victim and the driver of the car comes over and says, "I'm sorry, I didn't mean to go through the red light," especially if there are no witnesses, I darned well want that to be admissible as evidence. I'm going to be seeking compensation, and I deserve compensation. I'm an innocent victim.

The problem with the former, the bare apology, that's identified in the material, in the research, in the scholarly discussions, as a regret apology, as distinguished from a regret admission apology—two very different things. What are we doing enacting legislation that protects the wrongdoer, who admits not only his or her regret, but liability? What are we doing protecting them from the impact of that admission? It indeed boggles the mind that we would even contemplate that.

Any number of jurisdictions have adopted safe harbour apology legislation, where the regret apology is excluded from evidence by virtue of being deemed inadmissible. This, as I say, is modeled on the broadest—this is a huge net and potentially a very, very dangerous one.

Now, let's go to alternative dispute resolution, and let's understand that settlement privilege applies to all discussions and admissions made in the course of efforts to settle, including an admission of liability. For instance, in the course of mediation, it might well be a very productive thing for the negligent party to admit liability, as well as apologize, to break the logjam in terms of negotiating a settlement. I'm also fearful of pseudo-apologies. As if Bill Clinton hasn't denigrated the *mea culpa* enough already, we've witnessed over the course of the last decade or two decades this rash of pseudo-apologies from political leaders, from celebrities—be it Mel Gibson or any number of other celebrities—who somehow think that they can absolve themselves of all

responsibility for highly inappropriate conduct. Mr. Clinton, after all, did not have sexual relations with that woman. It ended up, of course, he lied, and the apology was clearly nothing more than an effort to extract himself from a very politically unappetizing—as well as the conduct itself—position.

Aaron Lazare, who's in some respects a successor, he in fact makes note—and I've read the book *Mea Culpa: A Sociology of Apology and Reconciliation* by Nicholas Tavuchis. But Lazare, in a far more recent book, talks very specifically about the pseudo-apology. There are fears that this type of legislation gives rise to the pseudo-apology: apologies that are merely tactical, that have, on the part of the person making the apology, no real intent to effect or demonstrate any remorse or any genuine concern, or any genuine sympathy or empathy. It's the lawyer who sits down with a client and says: "Look, here's the apology. I've written it out for you, and this is how you're going to say it," and that person reads from a text.

This type of legislation has the capacity to further denigrate the apology, which is a very important thing, a functional thing in a civil society, because, you see, the pseudo-apology is far from a real apology. It trivializes apologies. Lazare writes, "People who offer a pseudo-apology are unwilling to take the steps necessary for a genuine apology; that is, they do not acknowledge the offence adequately, or express genuine remorse, or offer appropriate reparations, including a commitment to make changes in the future."

Heck, even Fisher and Yuri recommend the apology as an effective tool, as a ruse in getting to the end goal in the course of negotiations. Don't they, Ms. Wynne? Again, this is the pseudo-apology, because if the purpose of the apology is to induce people to settle more quickly and to settle for less than what would be fair and appropriate compensation, then I say to you that that, in and of itself, is a gross injustice. This type of legislation encourages the use of a pseudo-apology to dupe innocent victims, who are inevitably the weaker party. They don't have the deep pockets. They don't have the high-priced lawyers. They're the injured victim. As long as you've got mediators who insist on this concept of detached neutrality to the point of being neutered, who refuse to perform a role that includes looking out for the weaker party and/or ensuring a just and fair settlement in the course of a negotiated settlement, people are going to be victimized. People are going to be duped.

New Democrats will vote for this on second reading. I wish I had more time now. We'll be looking forward to committee, and we'll be looking forward to what I'm sure will be a huge range of witnesses who will be wanting to come forward. But when I see organizations like the Ontario Medical Association supporting this legislation, like the Ontario Hospital Association—these people are interested in covering their butts. In fact, some of the literature talks about the economic argument, which is one that seems to prevail, and that is, we need this type of legislation to encourage settlements so that

we'll be resolving more cases rather than trying them. That, in fact, is a false economy, because that can lead to gross injustices where weaker parties are left uncompensated. That's not our job to facilitate that.

1600

Mr. David Zimmer: Mr. Speaker, I'm going to share my time with my colleagues from Oak Ridges–Markham, Bramalea–Gore–Malton and Etobicoke North.

This is good legislation. This is long-overdue legislation. We ought not to be frightened by this legislation.

In fact, leading jurisdictions in North America have adopted similar legislation. In Canada, British Columbia has adopted similar legislation, as has Saskatchewan and Manitoba, and in the Yukon, similar legislation is pending. In the United States, which is, from many points of view, the home of excessive litigation and huge litigation costs, some 35 states have adopted similar legislation. Some of the leading states that we think of as being very litigious states, with huge amounts of civil litigation, personal injury litigation—the light going on—like Massachusetts, Texas, California and Florida, are the homes of some of the most, if you will, extravagant forms of litigation. Those states and those other provinces see merit in this. Ontario is merely adopting the very best legislation and modelling it after that legislation.

In addition, there's widespread support for this legislation, across the board, with the various health care providers, and I could go through a list of hospital heads and health care providers who recognize the need for this legislation.

Some suggestion has been made that the lawyers in this province acting for the insurance companies, who are the defendants in a lot of this litigation, aren't supportive of the legislation or that somehow the lawyers who represent the plaintiffs and the defendants aren't happy with this legislation. But the president of the Ontario Bar Association, which is the umbrella organization representing all lawyers, both from the plaintiffs' bar and from the defendants' bar, recognizes the need for this legislation. In fact, Greg Goulin, the president of the Ontario Bar Association, says the following: "The Ontario Bar Association (OBA) supports Apology Act legislation and has advised the Attorney General of their desire to see such legislation pass the House." That's from the president of the umbrella organization representing both plaintiffs' lawyers and defendants' lawyers.

From my own personal experience—and I did a lot of work over the years acting on behalf of plaintiffs and on behalf of defendants—I can't remember the number of times I had this conversation with the plaintiff or the defendant or indeed both parties: that they were looking for some way to get out of the litigation. Often, I would hear, "If only I could tell the other side how I really feel, if I could really apologize"; or the party being sued would say, "I want to get an apology out there because it's the right thing to do," but there were all sorts of technical barriers to doing it, and that just kept the litigation going on and on and on.

Anything to reduce the amount of litigation to ensure that we get early and fair settlements is worthwhile. This legislation is a step in that direction.

Mrs. Christine Elliott: I do appreciate the opportunity to speak to Bill 59, An Act respecting apologies.

Let me say at the outset that this bill has really challenged me, because my basic training as a lawyer has conditioned me that this is not a good thing to do. As lawyers, we are trained to protect our clients, to act in their best interests and not to have them say or do anything that might jeopardize their position. So it is something that I have struggled with. On the other hand, of course, there is no question that a sincere apology can bring about a healing and closure for people in a way that no money award ever could. So I've really struggled with this and thought really carefully about it and hope that I will be making some helpful remarks in this context.

As has already been mentioned, there has been apology legislation already enacted in three Canadian provinces: British Columbia, Saskatchewan and Manitoba. There are different types of apology legislation, as has been talked about, and there are different standards that apply, depending on whatever type is chosen. The Ontario legislation that's being proposed does in fact mirror the Uniform Apology Act.

The act basically indicates that an apology cannot be admissible in civil proceedings in court for the purposes of proving liability or as an admission of liability, cannot be used as a confirmation of a cause of action to extend a limitation period and cannot be regarded as an admission of liability for the purpose of voiding an insurance policy. Certainly, the whole question of insurance is really important in this context, when we look at the types of situations that an apology might apply to. I'm thinking in this case particularly of motor vehicle accidents, medical malpractice actions and the like.

So why are we even considering apology legislation? There are a number of groups that have expressed their views on the subject. A discussion paper on apology legislation that was prepared by the Ministry of the Attorney General in British Columbia stated:

"When we act in a way that results in harm to another, an apology is seen to be an appropriate ethical response. It is also recognized that an apology can have a therapeutic impact on the person injured, facilitating the healing process and the process of reconciliation and closure.

"Anecdotal evidence from those involved in dispute resolution and litigation is clear that an apology can go a long way toward resolving a dispute. In fact, mediators report that, for many plaintiffs, a sincere apology is the most valuable part of a settlement."

Indeed, there is no question that a sincere apology can be therapeutic for both parties. It's important to note that the proposed legislation has been advanced and endorsed by the mediation community.

The other major consideration in favour of apology legislation is evidence which suggests that legislated protection for apologies would encourage dispute resolution

without recourse to the courts. It's been estimated that up to 30% of all plaintiffs would not have sued if they had been given a sincere apology and explanation.

So again, the discussion paper that was prepared for the British Columbia Legislature on the issue of litigation suggests this: "Evidence and experience suggests that many disputes could be resolved earlier, more effectively and less expensively if apologies were promoted within our legal system. Taking into account the research outlined above, British Columbia proposes to adopt the broader form of apology legislation. This could be accomplished by enacting legislation preventing liability arising out of an apology, by making the apology inadmissible for the purpose of proving liability and by providing that an apology does not constitute an admission of liability."

Certainly, anything that can allow parties to resolve disputes without having to go to the courts, would, on the face of it, be beneficial to both plaintiffs and defendants, and allow access to justice for all regardless of income level. But the problem is that it's not as simple as that. I'd just like to present for the consideration of the members of the House who are here for this debate some of the things that might argue against apology legislation, because it does, again, on the face of it, seem like it's a good idea and a way to go.

In this case, I would like to refer to the work that has been done by two lawyers who are in the commercial litigation group of Lang Michener, one of the pre-eminent legal firms here in Toronto. Benjamin Bathgate and Joseph C. D'Angelo wrote a paper called *Better Safe than Sorry? The Role of Apologies in Litigation* in March of this year. One issue that they raised, and it was also raised by my colleague, the member for Welland, was that apologies could be trivialized if we adopted this kind of legislation.

Their paper indicates, "Another concern is that apologies can become trivialized and meaningless if the defendant knows that they will not be admissible and the mere act of apologizing could either prevent a lawsuit from being commenced or reduce the amount of potential damages for which the defendant is liable.

"The answer to this concern is that (a) human nature being what it is, if the defendant truly believes he has done nothing wrong, he is unlikely to apologize; and conversely (b) if the plaintiff believes the apology is insincere, he is unlikely to accept it."

So there is a real concern here that what we will end up with are sort of boilerplate, template types of apologies that won't really have the significance that they are meant to have, and won't achieve the purpose that they are meant to achieve.

1610

The other issue I would like to raise—and this is in the context of a legal action—is what happens if you have both a civil action and a criminal action arising out of the same occurrence. Let's take, for example, the context of a motor vehicle accident where someone is badly injured, reaches over the threshold—because we have no-fault

insurance here in Ontario—but is permanently and seriously injured and has the ability to sue in a court for civil damages. In that case, an apology, if rendered, would not be admissible in the civil court.

But let's say the person was also charged with dangerous driving and the matter went to criminal court. There is nothing in this act that prevents that admission of liability, being the apology in this case—assuming they said, "I'm sorry that I ran into you"—from being admissible in the criminal courts. The criminal conviction could then be entered into the subsequent civil action and therefore have the effect of both providing an admission of liability inadvertently and, not only that, voiding the contract of insurance, rendering the person who is the defendant in this case personally liable for any damages that might be rendered in favour of the plaintiff.

So there is some potential here for damage to be done inadvertently when you have those sorts of dual situations where you have both a civil action and a criminal charge arising out of the same incident.

Finally, the other point I would like to raise—and I know I don't have too much time left—is that there may be some apologies that might make people who are emotionally vulnerable or in positions of lesser power than the other party to either cave in and not sue or to accept a damages award that might be far less than what they are otherwise entitled to receive. I say this in the context—using it only as an example—of medical malpractice actions where you might have someone without significant resources who is up against a very difficult situation in terms of making a claim. If they've been given an apology, they may decide that it's not something they want to pursue: to seek damages they may—and I say "may"—otherwise be entitled to receive.

There are lots of situations that I think this legislation hasn't really addressed, though it seems like a really good idea on the face of it. I am prepared to support it in principle, because I think it does have potential. I think there are some great aspects to it but I do have some serious concerns. So with those caveats, I am prepared to support it, but I think it really is important, as the member from Welland indicated, to get this into committee and get the perspective of the many parties who have an interest in this legislation and direct knowledge of these kinds of actions and the experience that has happened in some of the other jurisdictions, in order that we can get a well-rounded sense of what this legislation is going to achieve.

I note that the Ontario Bar Association, through the president, Mr. Gregory Goulin, for whom I have the utmost respect, has indicated that the alternative dispute resolution section of the Ontario Bar Association, the ADR, has endorsed this legislation in principle. But I believe it is also important to get the views of the civil litigation section, the insurance section and the other parts of the bar that may have more experience in the courts with legislation of this type, to have them come forward and give us their perspectives. There will also be people from the health care sector. I look forward to

hearing from representatives of the Ontario Hospital Association and the Ontario Medical Association, to hear their perspectives on it in a more fulsome way, so that we can consider all of the aspects of this legislation before making a final determination on it.

I would urge the government members to ask for significant hearing dates, perhaps travel on this, because I think we're going to have many interested parties who are going to come forward and make representations on this. I would urge the member from Sault Ste. Marie to consider that in the course of this debate and recommend it to the members of the government.

Ms. Helena Jaczek: I'm very pleased to rise in support of our colleague from Sault Ste. Marie's bill, Bill 59, An Act respecting apologies. When I first heard about the honourable member's proposal, I was immediately struck by it, having practised as a physician for many years and having been a member, as my physician colleagues will have been, of the Canadian Medical Protective Association. That is the organization that insures physicians from malpractice suits. I was always struck by their regular communications to their insurees, and those communications always emphasized, "If ever you are in a situation where you may have made an error, some sort of mistake, cease all communication with the patient and their family; say nothing, and come and consult us."

I'm very happy to say I never had to actually take their advice or was in that situation myself, but I always felt this was extremely counterproductive, because a physician-patient relationship is essentially one of open communication and trust. The patient essentially gives their trust to the physician to help them with their health problems, their health issues, and obviously to advocate on their behalf as necessary. So it seemed counter-intuitive, where there might be a completely innocent mistake, not to acknowledge that.

I remember a number of situations—certainly none that led to any harm done—where lab reports were put in the wrong file, where the wrong hip was identified as the fractured one, where disinfectant wasn't appropriately diluted; all sorts of errors that were done, just as people will occasionally make mistakes. They were all caught in time, and perhaps, in this day of improved technology, those sorts of errors are no doubt far fewer.

To me, that kind of straight-from-the-heart, "I'm sorry for the situation"—not an admission of guilt, but simply having that kind of human interaction—would be very useful. Therefore, I support this bill.

Mr. Kuldip Kular: Let me say at the outset that I'm supporting this bill.

I'm going to describe to you an incident from my own medical practice. A few years back, when I was on summer vacation, a fellow physician from eastern Canada was covering my medical practice as a locum physician. He saw one of my patients who used to come regularly to my medical office. He examined him and gave him some medication, and that medication gave an acute allergic reaction to that patient. The patient had to be admitted to hospital. The patient was in the hospital

for two or three days, where he was treated. He recovered, but with some residual effects.

The patient sued that fellow physician, and the case went to court. During that period of two years in the courts, the physician had to travel from eastern Canada to Toronto to look after his case. At the end of the case, the judge ruled that it was not a case of malpractice, it was a case of mal-communication. The physician had not communicated properly to the patient.

I couldn't intervene because the case was before the courts. After the case was finished, I tried to intervene. I asked the patient why he sued the physician. The patient told me, "What I was looking for from the physician was an apology." The physician never apologized, and that's why he sued.

That's what Bill 59, An Act respecting apologies, does. If you feel that you sincerely apologize for any errors you have made, I think that's the best way to do it. It's the right way to do it. I support it and I urge all the members of this House, on a non-partisan basis, to support Bill 59.

1620

Mr. Shafiq Qaadri: I'm of course honoured to share time with not only the sponsor of this bill but my physician colleagues here in Parliament.

At the outset, I'd like to compliment our esteemed colleague David Oraziatti from Sault Ste. Marie for bringing not only this important legislation but also using very effectively his ability, in his capacity as a private member, to move forward legislation that not only benefits his local riding residents but also broadly across the profession, certainly in medicine and probably beyond.

As you can see from the explanatory note that Mr. Oraziatti has prepared on Bill 59, An Act respecting apologies, "An apology made by or on behalf of a person in relation to any civil matter does not constitute" admission of guilt or liability.

For me, this bill is ultimately about enhancing patient care and, as a subset of that, enhancing patient communication, because, as we have heard repeatedly through different domains, through the examples cited by my colleague from Bramalea-Gore-Malton, from some of the words that my honourable colleague physician Dr. Helena Jaczek of Oak Ridges-Markham mentioned, if a patient suffers an untoward reaction of different levels—be it mild, moderate, severe; be it irredeemable; be it one that requires hospitalization; be it on an emergency level—the thing that's missing, the thing that they crave, the thing that will hopefully remedy the situation largely, as has been shown in other jurisdictions in Canada, other jurisdictions in the United States and across the world, is if the physician and the health care team broadly have an opportunity to sit down, admit the fact—which, of course, is purged in medical school—that they are human and potentially prone and liable to particular errors; that admission, that communication, that sharing of pain and perhaps even participating in the grieving process moves that entire health care team into a new space, into a new domain where they are able to heal together, pick up the pieces and move forward.

This bill, of course, has various ramifications. I commend the NDP colleagues for finding yet another corporate conspiracy on behalf of insurance lawyers who are attempting to reduce litigation costs with a simple apology. I compliment them on finding yet another sinister motive. But from our perspective, as a matter of patient education, patient communication, this is a very important addition to the conversation on medical care in Canada.

I would once again, on behalf of the physicians of Ontario and other domains that will benefit from this legislation, salute David Oraziatti, the MPP for Sault Ste. Marie, because I think the patients of Ontario will benefit.

The Acting Speaker (Mr. Jim Wilson): Further debate? Seeing none, Mr. Oraziatti, you have up to two minutes for your response.

Mr. David Oraziatti: I want to thank members of the House this afternoon for their comments on the bill; in particular, the member from Willowdale, who, as you know, is a lawyer, and the members from Oak Ridges-Markham, Bramalea-Gore-Malton and Etobicoke North, who are all physicians in our caucus speaking from their practical experience. Also, I want to commend the NDP—the member from Welland—and the member from Whitby-Oshawa, who added her comments as well this afternoon. Thank you for your remarks this afternoon.

I also want to see this bill go to committee. I think there's a great opportunity to move forward with this. But I want to talk just for a moment about the importance of it, because I think that when we talk about pseudo-apologies and how this is complicated and we're treading on thin ground, this is going to resolve many issues in the legal community and in the medical community. This is something that Ontarians want and embrace.

When I listened to Phil Hassen, whom I have the utmost respect for, who represents the Canadian Patient Safety Institute, the public at large, the average person on the street who wants the opportunity to receive an apology or frank discussion from an individual, and, frankly, the nurses and physicians and other health professionals who want the opportunity to be able to make those comments to patients who may be adversely affected—I think we do them an injustice when we don't allow that to happen in a meaningful way or when we say, "Your comments are going to be held against you in a court of law." I don't think that's productive. I think we've seen numerous examples, both in Canada and the United States, which has a longer history with this legislation—a very, very positive experience.

We can't legislate sincerity in the Legislature; we know that. It's up to the individual who would be receiving the apology to determine whether or not it's meaningful and they believe that it's given in sincerity.

I want to thank the members today for the comments, and hopefully we can move forward.

The Acting Speaker (Mr. Jim Wilson): The time provided for private members' public business has expired.

STEVEN TRUSCOTT

The Acting Speaker (Mr. Jim Wilson): We will deal with the first ballot item, ballot item number 22, standing in the name of Mrs. Sandals.

Mrs. Sandals has moved private member's notice of motion number 28. Is it the pleasure of the House that the motion carry? Carried.

Agreed to.

LORI DUPONT ACT (DOMESTIC VIOLENCE PROTECTION), 2008

LOI LORI DUPONT DE 2008
SUR LA PROTECTION CONTRE
LA VIOLENCE FAMILIALE

The Acting Speaker (Mr. Jim Wilson): We'll now deal with ballot item number 23.

Mr. O'Toole has moved second reading of Bill 10, An Act, in memory of Lori Dupont, to better protect victims of domestic violence. Is it the pleasure of the House that the motion carry? Carried.

Second reading agreed to.

Mr. John O'Toole: I move that this be sent to the Standing Committee on Social Policy.

The Acting Speaker (Mr. Jim Wilson): Is it agreed that the bill be sent to the Standing Committee on Social Policy? Agreed. The bill will be referred to that committee.

APOLOGY ACT, 2008

LOI DE 2008 SUR
LA PRÉSENTATION D'EXCUSES

The Acting Speaker (Mr. Jim Wilson): We'll now deal with the final ballot item, ballot item number 24.

Mr. Oraziotti has moved second reading of Bill 59, An Act respecting apologies. Is it the pleasure of the House that the motion carry? Carried.

Second reading agreed to.

Mr. David Oraziotti: I ask that the bill be sent to the Standing Committee on Social Policy.

The Acting Speaker (Mr. Jim Wilson): Is it agreed that the bill be sent to the Standing Committee on Social Policy? Agreed.

ORDERS OF THE DAY

ORDER OF BUSINESS

Hon. Gerry Phillips: I seek unanimous consent for the orders for second and third reading of Bill Pr4, An Act to revive 872440 Ontario Inc., to be called concurrently, and that the questions be put without debate or amendment, and that the member from Whitby-Oshawa may move Bill Pr4 on behalf of Mr. Dunlop.

The Acting Speaker (Mr. Jim Wilson): Agreed? Agreed.

Agreed to.

872440 ONTARIO INC. ACT, 2008

Mrs. Elliott, on behalf of Mr. Dunlop, moved second reading of the following bill:

Bill Pr4, An Act to revive 872440 Ontario Inc.

The Acting Speaker (Mr. Jim Wilson): Is it the pleasure of the House that the motion carry? Carried.

Second reading agreed to.

872440 ONTARIO INC. ACT, 2008

Mrs. Elliott, on behalf of Mr. Dunlop, moved third reading of the following bill:

Bill Pr4, An Act to revive 872440 Ontario Inc.

The Acting Speaker (Mr. Jim Wilson): Is it the pleasure of the House that the motion carry? Carried.

Third reading agreed to.

The Acting Speaker (Mr. Jim Wilson): Be it resolved that the bill do now pass and be entitled as in the motion.

Hon. Gerry Phillips: I move adjournment of the House.

The Acting Speaker (Mr. Jim Wilson): Is it the pleasure of the House that the motion carry?

LEGISLATIVE PAGES

The Acting Speaker (Mr. Jim Wilson): I just want again to thank our pages, as the Speaker did during question period today. You've done a terrific job, and we wish you well in your future endeavours.

This House stands adjourned until Monday, May 26, at 9 a.m.

The House adjourned at 1629.

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Règlements et projets de loi d'intérêt privé**

Chair / Président: Michael Prue
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Khalil Ramal, Laurie Scott, Peter Shurman
Clerk / Greffier: Katch Koch

Continued from back cover

School transportation

- Mr. John Yakabuski..... 1974
Hon. Kathleen O. Wynne 1975

Legislative pages

- The Speaker (Hon. Steve Peters)..... 1975

Visitors

- The Speaker (Hon. Steve Peters)..... 1975

PETITIONS / PÉTITIONS

Lord's Prayer

- Mr. Norm Miller..... 1975

Home care

- Mme France Gélinas..... 1975

Hospital funding

- Mr. Bob Delaney 1976

Lord's Prayer

- Mr. Jim Wilson..... 1976

Firearms control

- Ms. Sophia Aggelonitis 1976

Lord's Prayer

- Mr. John O'Toole 1976

Hospital funding

- Mr. Joe Dickson..... 1977

Health card renewal clinic

- Mr. Tim Hudak..... 1977

Firearms control

- Mrs. Laura Albanese..... 1977

Lord's Prayer

- Mrs. Julia Munro 1977

Hospital funding

- Mr. Jeff Leal 1978

Pope John Paul II

- Mr. Jim Wilson..... 1978

Hospital funding

- Mr. Joe Dickson..... 1978

Pope John Paul II

- Mr. Tim Hudak..... 1978

**MEMBERS' STATEMENTS /
DÉCLARATIONS DES DÉPUTÉS**

Alliston Hornets hockey team

- Mr. Jim Wilson..... 1979

Boys and Girls Clubs of Canada

- Mr. Paul Miller..... 1979

Good Shepherd

- Ms. Sophia Aggelonitis 1979

C. difficile

- Ms. Laurie Scott 1979

Leon Paroian

- Mr. Bruce Crozier..... 1980

Premier of Ontario

- Mr. John Yakabuski..... 1980

Gems of the Lakeshore

- Ms. Laurel C. Broten 1980

John Brooks

- Mr. Mike Colle 1980

Anti-smoking legislation

- Mr. Jeff Leal 1981

Office of the Auditor General

- The Speaker (Hon. Steve Peters)..... 1981

**INTRODUCTION OF BILLS /
DÉPÔT DES PROJETS DE LOI**

Services for Persons with Developmental

**Disabilities Act, 2008, Bill 77, Mrs. Meilleur /
Loi de 2008 sur les services aux personnes ayant
une déficience intellectuelle, projet de loi 77,
Mme Meilleur**

- First reading agreed to 1981

Property Tax Deferral Act, 2008, Bill 78,

**Mr. Shurman / Loi de 2008 sur le report des
impôts fonciers, projet de loi 78, M. Shurman**

- First reading agreed to 1981

- Mr. Peter Shurman..... 1981

**Northern York Region Power Conservation Act,
2008, Bill 79, Mr. Tabuns / Loi de 2008 sur
l'économie d'énergie dans le secteur nord de la
région de York, projet de loi 79, M. Tabuns**

- First reading agreed to 1982

- Mr. Peter Tabuns 1982

**Community Living Day / Journée de l'intégration
communautaire**

- Hon. David Caplan 1982

- Hon. Madeleine Meilleur..... 1982

- Ms. Sylvia Jones 1983

- Mr. Michael Prue..... 1983

International Day Against Homophobia

- Hon. George Smitherman 1984

- Mrs. Elizabeth Witmer..... 1985

- Ms. Cheri DiNovo 1985

Visitors

- Hon. Kathleen O. Wynne..... 1986

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AFFAIRES D'INTÉRÊT PUBLIC
ÉMANANT DES DÉPUTÉS**

Steven Truscott

Mrs. Liz Sandals	1986
Ms. Sylvia Jones	1988
Mr. Peter Kormos	1989
Mr. Monte Kwinter	1989
Mrs. Christine Elliott	1990
Mr. Rosario Marchese	1991
Mrs. Laura Albanese.....	1991
Mr. Mike Colle	1992
Mr. Frank Klees.....	1992
Mrs. Liz Sandals.....	1993

**Lori Dupont Act (Domestic Violence Protection),
2008, Bill 10, Mr. O'Toole / Loi Lori Dupont de
2008 sur la protection contre la violence
familiale, projet de loi 10, M. O'Toole**

Mr. John O'Toole	1993
Ms. Andrea Horwath	1995
Ms. Laurel C. Broten	1997
Mrs. Joyce Savoline.....	1998
Ms. Leeanna Pendergast	1998
Ms. Laurie Scott	1999
Mr. Peter Shurman.....	1999
Mrs. Christine Elliott	2000
Mr. John O'Toole	2000

**Apology Act, 2008, Bill 59, Mr. Orazietti / Loi de
2008 sur la présentation d'excuses, projet de loi
59, M. Orazietti**

Mr. David Orazietti.....	2001
Mr. Peter Kormos	2003

Mr. David Zimmer.....	2004
Mrs. Christine Elliott	2005
Ms. Helena Jaczek	2006
Mr. Kuldip Kular	2006
Mr. Shafiq Qaadri	2007
Mr. David Orazietti.....	2007

Steven Truscott

Agreed to	2008
-----------------	------

**Lori Dupont Act (Domestic Violence Protection),
2008, Bill 10, Mr. O'Toole / Loi Lori Dupont de
2008 sur la protection contre la violence
familiale, projet de loi 10, M. O'Toole**

Second reading agreed to.....	2008
Mr. John O'Toole	2008

**Apology Act, 2008, Bill 59, Mr. Orazietti / Loi de
2008 sur la présentation d'excuses, projet de loi
59, M. Orazietti**

Second reading agreed to.....	2008
Mr. David Orazietti.....	2008

ORDERS OF THE DAY / ORDRE DU JOUR

Order of business

Hon. Gerry Phillips.....	2008
Agreed to	2008

**872440 Ontario Inc. Act, 2008, Bill Pr4,
Mr. Dunlop**

Second reading agreed to.....	2008
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**872440 Ontario Inc. Act, 2008, Bill Pr4,
Mr. Dunlop**

Third reading agreed to.....	2008
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CONTENTS / TABLE DES MATIÈRES

Thursday 15 May 2008 / Jeudi 15 mai 2008

ORDERS OF THE DAY / ORDRE DU JOUR

Ontario French-language Educational Communications Authority Act, 2008, Bill 55, Ms. Wynne / Loi de 2008 sur l'Office des télécommunications éducatives de langue française de l'Ontario, projet de loi 55, Mme Wynne	
Mr. Robert W. Runciman	1951
Ms. Laurie Scott	1953
Mme Laurel C. Broten.....	1953
Mr. Robert W. Runciman	1953
Mr. John O'Toole	1954
Mr. John Yakabuski.....	1955
Mrs. Liz Sandals.....	1955
Mr. Ted Chudleigh	1955
M. Phil McNeely	1956
Mr. John O'Toole	1956
Second reading agreed to.....	1956
Hon. David Caplan	1956
Cosmetic Pesticides Ban Act, 2008, Bill 64, Mr. Gerretsen / Loi de 2008 sur l'interdiction des pesticides utilisés à des fins esthétiques, projet de loi 64, M. Gerretsen	
Mr. John Yakabuski.....	1956
Ms. Andrea Horwath	1959
Mr. Kevin Daniel Flynn.....	1959
Mr. Ernie Hardeman	1960
Mr. Paul Miller	1960
Mr. John Yakabuski.....	1960
Mr. Paul Miller	1960
Ms. Andrea Horwath	1961
Mrs. Maria Van Bommel.....	1963
Mr. John O'Toole	1963
Ms. Cheri DiNovo	1964
Mr. Bas Balkissoon	1964
Ms. Andrea Horwath	1964
Second reading debate deemed adjourned.....	1964

INTRODUCTION OF VISITORS / PRÉSENTATION DES VISITEURS

The Speaker (Hon. Steve Peters).....	1964
Members' comments	
The Speaker (Hon. Steve Peters).....	1965

ORAL QUESTIONS / QUESTIONS ORALES

Ontario economy	
Mr. Robert W. Runciman	1965
Hon. Dwight Duncan.....	1965
Native land dispute	
Mr. Robert W. Runciman	1966
Hon. Michael Bryant	1966
Automotive industry	
Mr. Howard Hampton.....	1967
Hon. Sandra Pupatello	1967
Manufacturing jobs	
Mr. Howard Hampton.....	1968
Hon. Sandra Pupatello	1968
Endangered species	
Mr. Norm Miller	1969
Hon. Donna H. Cansfield.....	1969
Dialysis	
Mme France Gélinas.....	1970
Hon. George Smitherman	1970
Highway safety	
Mr. Khalil Ramal	1970
Hon. Rick Bartolucci	1970
Hon. James J. Bradley	1971
Infectious disease control	
Mrs. Elizabeth Witmer.....	1971
Hon. George Smitherman	1971
Services for the developmentally disabled	
Ms. Cheri DiNovo	1972
Hon. Madeleine Meilleur.....	1972
Nurses	
Ms. Sophia Aggelonitis	1972
Hon. George Smitherman	1972
Tourism	
Mr. Ted Arnott.....	1973
Hon. Peter Fonseca	1973
Aboriginal rights	
Mr. Howard Hampton.....	1973
Hon. Michael Bryant	1973
Air quality	
Mr. David Oraziotti.....	1974
Hon. John Gerretsen	1974

Continued on inside back cover