

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

**Official Report
of Debates
(Hansard)**

No. 170

**Journal
des débats
(Hansard)**

N° 170

1st Session
42nd Parliament
Wednesday
24 June 2020

1^{re} session
42^e législature
Mercredi
24 juin 2020

Speaker: Honourable Ted Arnott
Clerk: Todd Decker

Président : L'honorable Ted Arnott
Greffier : Todd Decker

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<https://www.ola.org/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7400.

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7400.

Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et de l'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

ISSN 1180-2987

CONTENTS / TABLE DES MATIÈRES

Wednesday 24 June 2020 / Mercredi 24 juin 2020

Fête de la Saint-Jean-Baptiste	
Le Président (L'hon. Ted Arnott).....	8307

ORDERS OF THE DAY / ORDRE DU JOUR

Extension of emergency declaration	
Ms. Andrea Khanjin.....	8307
Motion agreed to	8307
Smarter and Stronger Justice Act, 2020, Bill 161, Mr. Downey / Loi de 2020 pour un système judiciaire plus efficace et plus solide, projet de loi 161, M. Downey	
Hon. Doug Downey	8307
Ms. Lindsey Park	8313
Mr. Sol Mamakwa.....	8317
Mr. Mike Harris	8317
Mr. Gurratan Singh.....	8317
Ms. Jane McKenna.....	8317
Third reading debate deemed adjourned.....	8318

MEMBERS' STATEMENTS / DÉCLARATIONS DES DÉPUTÉES ET DÉPUTÉS

Services en français	
M. Guy Bourgouin	8318
Michel Depratto	
Mr. Jim McDonell.....	8318
Developmental Service Worker Appreciation Day	
Mrs. Lisa Gretzky	8318
Events in Burlington	
Ms. Jane McKenna.....	8319
Abel Mengistab	
Mr. Joel Harden.....	8319
Fête de la Saint-Jean-Baptiste	
M. John Fraser.....	8319
COVID-19 response	
Mr. Norman Miller.....	8319
National Indigenous History Month	
Mr. Sol Mamakwa.....	8320
Long-term care	
Mr. Randy Pettapiece.....	8320
COVID-19 response	
Ms. Donna Skelly.....	8320
Visitors	
The Speaker (Hon. Ted Arnott)	8320
Barbara Trapp-MacBride, Andy Hooper and Lisa McGinnis	
Hon. Doug Ford	8321

QUESTION PERIOD / PÉRIODE DE QUESTIONS

Long-term care	
Ms. Andrea Horwath.....	8321
Hon. Doug Ford	8322
Hon. Merrilee Fullerton.....	8322
Long-term care	
Ms. Andrea Horwath.....	8322
Hon. Doug Ford	8323
Hon. Merrilee Fullerton.....	8323
Mental health services	
Ms. Andrea Horwath.....	8323
Hon. Sylvia Jones.....	8324
Curriculum	
Mr. Randy Pettapiece.....	8324
Hon. Doug Ford	8324
COVID-19 response	
Mr. John Vanthof	8325
Hon. Doug Ford	8325
Mr. Taras Natyshak.....	8325
COVID-19 response	
Mr. Norman Miller.....	8325
Hon. Lisa MacLeod.....	8326
Anti-racism activities	
Ms. Laura Mae Lindo.....	8326
Hon. Doug Downey.....	8326
COVID-19 response	
Ms. Mitzie Hunter	8327
Hon. Rod Phillips	8327
COVID-19 response	
Mr. Sam Oosterhoff.....	8328
Hon. Rod Phillips	8328
Mr. Mike Harris	8328
COVID-19 response	
Mr. Faisal Hassan.....	8328
Hon. Steve Clark	8329
COVID-19 response	
Ms. Christine Hogarth.....	8329
Hon. Jill Dunlop	8329
COVID-19 response	
Mr. Joel Harden.....	8330
Hon. Christine Elliott	8330
Mr. Wayne Gates	8330
Curriculum	
Mr. Will Bouma	8331
Hon. Stephen Lecce.....	8331

Long-term care	
Ms. Teresa J. Armstrong	8331
Hon. Merrilee Fullerton	8331

**REPORTS BY COMMITTEES /
RAPPORTS DE COMITÉS**

Standing Committee on the Legislative Assembly	
Mr. Kaleed Rasheed	8332
Report adopted	8332

**STATEMENTS BY THE MINISTRY
AND RESPONSES / DÉCLARATIONS
MINISTÉRIELLES ET RÉPONSES**

Pride Month / Mois de la Fierté	
Hon. Jill Dunlop	8332
Ms. Suze Morrison	8332
Mr. Mike Schreiner	8333
Mme Lucille Collard	8333

PETITIONS / PÉTITIONS

Documents gouvernementaux	
Mme France Gélinas	8334
Long-term care	
Mme France Gélinas	8334
Services d'urgence	
Mme France Gélinas	8334
Long-term care	
Ms. Teresa J. Armstrong	8334
Education	
Mr. Mike Schreiner	8334
Long-term care	
Ms. Teresa J. Armstrong	8335
Anti-smoking initiatives for youth	
Ms. Peggy Sattler	8335
Affordable housing	
Mr. Joel Harden	8335
Health care	
Mr. Joel Harden	8336
Multiple sclerosis	
Mme France Gélinas	8336

ORDERS OF THE DAY / ORDRE DU JOUR

Smarter and Stronger Justice Act, 2020, Bill 161, Mr. Downey / Loi de 2020 pour un système judiciaire plus efficace et plus solide, projet de loi 161, M. Downey	
Mr. Gurratan Singh	8336

Mr. Will Bouma	8343
Mr. Sol Mamakwa	8344
Mr. Billy Pang	8344
Mme France Gélinas	8344
Mr. Logan Kanapathi	8344
Mme France Gélinas	8345
Mr. Will Bouma	8345
M. Guy Bourgouin	8348
Mr. Norman Miller	8348
Mr. Wayne Gates	8349
Mr. Lorne Coe	8349
Mr. Faisal Hassan	8349
Mr. Sam Oosterhoff	8349
Ms. Laura Mae Lindo	8350
Mr. Will Bouma	8352
Mr. Joel Harden	8352
Ms. Lindsey Park	8353
Mr. Sol Mamakwa	8353
Ms. Jane McKenna	8353
Mme Lucille Collard	8354
Mr. Mike Harris	8356
Mme France Gélinas	8356
Mr. John Fraser	8356
Mr. Vincent Ke	8357
Mr. Faisal Hassan	8357
Mr. Mike Harris	8357
Mr. Lorne Coe	8357
Ms. Teresa J. Armstrong	8359
Mr. Dave Smith	8360
Mr. Joel Harden	8360
Ms. Andrea Khanjin	8360
Mme France Gélinas	8360
Mr. Logan Kanapathi	8361
Mr. Sol Mamakwa	8361
Mr. Kaleed Rasheed	8363
Mr. Gurratan Singh	8363
Mr. Sam Oosterhoff	8363
Ms. Laura Mae Lindo	8364
Mr. Will Bouma	8364
Ms. Andrea Khanjin	8364
Mr. Gurratan Singh	8367
Ms. Jane McKenna	8368
Mr. Gurratan Singh	8368
Mr. Kaleed Rasheed	8368
Mr. Gurratan Singh	8369
Mr. Faisal Hassan	8369
Third reading debate deemed adjourned	8371

LEGISLATIVE ASSEMBLY
OF ONTARIO

Wednesday 24 June 2020

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Mercredi 24 juin 2020

The House met at 0900.

The Speaker (Hon. Ted Arnott): Let us pray.
Prayers/Prières.

FÊTE DE LA SAINT-JEAN-BAPTISTE

Le Président (L'hon. Ted Arnott): J'aimerais souhaiter une bonne Saint-Jean à tous. Amusez-vous bien.

ORDERS OF THE DAY

EXTENSION OF EMERGENCY
DECLARATION

Resuming the debate adjourned on June 23, 2020, on the amendment to the motion to extend the period of emergency.

The Speaker (Hon. Ted Arnott): I understand that the member for Barrie–Innisfil had the floor. I recognize her again.

Ms. Andrea Khanjin: Thank you, Mr. Speaker. As I was saying in the previous debate, the importance of democracy being an essential service and everyone who serves in this Legislature—and of course thanking everyone who makes this happen. But I didn't get a chance to talk about our translators and our audio service that is always there to ensure that everything is recorded historically in Hansard. I do apologize for not giving you my speeches ahead of time, simply because I don't actually have them written. Thank you for bearing with me for all times, but I wanted to let you know that.

The other thing I just wanted to wrap up on was: Locally, when it comes to really businesses stepping up, we saw many businesses being able to retool their businesses. I just wanted to quickly highlight a few: Redline Brewhouse, for instance, normally makes great craft brews, but it retooled its business to make hand sanitizer for our local Royal Victoria hospital. Since then, they've been able to not just supply our local hospital but the entire community with sanitizer.

The other business I wanted to highlight was Barrie Firehouse Subs, which had delivered over 100 meals to dispatch at the Simcoe county paramedics, fire, and all the fire stations. As well, they helped serve meals to the homeless via the Elizabeth Fry Society of Simcoe, which is really incredible.

Of course, Domino's has their Essential Service Heroes, where they deliver pizzas to everyone who is on the front lines, including folks at Canadian Tire serving all

residents and providing them with the essentials they may need at the hardware store.

Lastly, of course—actually, there are two more: the Innisfil community library, which retooled their library to make face shields using a 3D printer, and of course Code Ninjas. We all know that the effects of COVID-19 also affect people of all ages, including our children and their lifestyle. What Code Ninjas did was offer 100 students free coding lessons, which is really exciting and really echoes what our government is trying to do by really investing in our future generation and making sure that they achieve their full potential.

But with all of that, I did want to wrap up to wrap up. Speaker, I move that the question now be put.

The Deputy Speaker (Mr. Rick Nicholls): We have had 23 speakers and over six hours of debate. Ms. Khanjin has moved that the question be now put. I am satisfied that there has been sufficient debate to allow this question to be put to the House. Is it the pleasure of the House that the motion carry?

Interjection: On division.

The Deputy Speaker (Mr. Rick Nicholls): Carried on division.

Ms. Jones has moved government notice of motion number 82, relating to extending Ontario's state of emergency. Is it the pleasure of the House that the motion carry? Carried.

Motion agreed to.

SMARTER AND STRONGER
JUSTICE ACT, 2020

LOI DE 2020 POUR UN SYSTÈME
JUDICIAIRE PLUS EFFICACE
ET PLUS SOLIDE

Mr. Downey moved third reading of the following bill:
Bill 161, An Act to enact the Legal Aid Services Act, 2020 and to make various amendments to other Acts dealing with the courts and other justice matters / Projet de loi 161, Loi visant à édicter la Loi de 2020 sur les services d'aide juridique et apportant diverses modifications à des lois traitant des tribunaux et d'autres questions relatives à la justice.

The Deputy Speaker (Mr. Rick Nicholls): The Honourable Mr. Downey: The Lieutenant Governor's recommendation, pursuant to standing order 57, has been received.

I will now turn it back to the Attorney General.

Hon. Doug Downey: Thank you, Mr. Speaker. I rise in the House today for third reading of the proposed Smarter

and Stronger Justice Act. I will be splitting my time with my parliamentary assistant, Lindsey Park.

Ontario has undergone tremendous and unprecedented change since this bill was introduced in December. Our justice system has not been immune to that change. While my determination to update Ontario's justice system long predates the current public health emergency, the COVID-19 outbreak has brought into focus how undeniably outdated Ontario's justice system really is. In response to these unprecedented times, I have worked with justice partners to successfully move the system forward by decades in a matter of weeks—I'm prone to say "25 years in 25 days."

I want to thank our partners at the Ontario Court of Appeal, the Superior Court of Justice, the Ontario Court of Justice, Tribunals Ontario, Legal Aid Ontario, the private bar, and our own front-line workers, who have shown us unwavering support in addressing the challenges that have emerged over the past few months. They have worked tirelessly to keep everyone safe and healthy while maintaining access to critical justice services. Together, we've been nimble and responsive to the needs of Ontarians, and will continue to follow the guidance of public health experts as communities reopen in stages and we carefully restart the economy.

Over the past few months, our government has implemented changes in the court system that many previously thought would take years to complete or were not possible at all. We are rethinking how justice is done in Ontario and addressing issues that have held us back for decades, and I have no intention of slowing down or reverting back to the old ways of doing things.

Advancing our justice system goes far beyond the physical court system and is not limited to technology. We are going to transform justice, not just automate it. It touches on many aspects of people's lives, whether it is a visit to your local community legal clinic, getting married or dealing with estate matters after the death of a loved one.

Our justice partners have joined us in acknowledging that we must continue to move boldly forward toward a more accessible, responsive and resilient system. There is broad consensus that we can't go back to the old ways of administering or delivering justice. The intention to update and simplify Ontario's justice system was set in motion when this bill was introduced in December before the public health emergency, and the Smarter and Stronger Justice Act, if passed, will serve to build on the progress we've made over the past few months. Developing legislation that touches on so many areas of the legal system requires strong collaboration.

I would like to acknowledge the many partners whose experience, wisdom and insight have informed the drafting of this bill: the Law Society of Ontario; Legal Aid Ontario; the Association of Community Legal Clinics of Ontario; Ontario's everyday heroes in law enforcement; LAWPRO; the Ontario Trial Lawyers Association; the Ontario Bar Association; the Federation of Ontario Law Associations; the Advocates' Society; AJEFO; SABA, the

South Asian Bar Association; FACL, the Federation of Asian Canadian Lawyers; and the Toronto Lawyers Association. There are so many people who have been so instrumental in helping us draft this bill. Many legal groups representing our province's diverse identities and cultural backgrounds and communities—the Ontario Paralegal Association. There are so many consumer groups, and I'm just naming a few. I really appreciate their assistance and insight and wisdom as we crafted this and moved the bill forward.

0910

We also spoke with business owners, families, front-line staff, and practising lawyers. We talked to all of them about the need for common-sense change. What we heard over and over again is that the Ontario justice system is outdated and needlessly complex. We heard that the system can be challenging to navigate and difficult to understand, even for the legal profession, let alone the average citizen. We listened and we put forward common-sense changes that would do a number of things: simplify our complex and outdated justice system to serve people better; stand up for victims and law-abiding citizens; and provide better and more affordable justice for families and consumers.

Mr. Speaker, this is an exciting time to be driving change and innovation in Ontario's justice system. I've had the opportunity to view the justice system from so many perspectives throughout my career, and Ontario did not fall so far behind overnight. That's why our government took action to update the system. As soon as we were elected in 2018, we began the work of moving forward today. The Honourable Caroline Mulroney started a lot of this work and set us on a path towards innovation and change.

Now, more than ever, the time is right to press forward boldly with changes that will simplify and streamline processes, move services online to expand access to all Ontarians and modernize the way that justice is done in our province.

When it comes to our legal aid system, innovation and modernization is critical. The current legislation, which has not been significantly updated for more than 20 years, creates barriers to legal aid access. Throughout the development of this legislation, through first and second reading and most recently in committee, I have heard, and our government has heard, directly from many of our justice partners and legal professionals who work day in and day out in our legal aid system, and particularly our community legal clinics. They're on the front line and they provide vital services to Ontarians.

As we have all seen, change is rapidly upon us and, by necessity, we must be adaptive. We must be responsive to change that ensures that Ontarians can access the services they need in a meaningful and sustainable way. Nowhere is the need for change more apparent than it is for Legal Aid Ontario, to enable them to adapt to the challenges of a rapidly changing demographic, economic and technological landscape.

Our proposed changes would put clients at the centre of the legal aid system and remove roadblocks that other

people face, depending on the types of services they need or the region they live in. Legal aid services will continue to be offered by a mix of providers, private practice lawyers, law firms, and community legal organizations. They include the legal clinics who provide current and essential poverty law services.

Ontario's vital legal clinics would continue to provide legal aid services as they do now. I want to be clear and unambiguous: Legal Aid Ontario will continue to provide legal aid services in all areas of law we presently provide. We offer criminal, family and poverty law. If passed, these changes will offer Legal Aid Ontario the flexibility to be more responsive to client needs, to innovate, to explore new and better ways to deliver services and to address gaps in the justice system. It will give Legal Aid Ontario the tools it needs to break down the barriers to providing effective legal information, to provide advice and to provide representation for people, when and where they need it the most.

While the proposed legislation would give Legal Aid Ontario the responsibility for designing new rules around how it provides its services, our bill also has several checks and safeguards that will ensure that Legal Aid Ontario carries out this role in a transparent, accountable way, with a robust public consultation framework.

In order for Legal Aid Ontario to make determinations on the provision of legal services in communities across Ontario, it will need to have regard for a number of things. It will need to have regard for the foundational role of legal clinics. It will need to have regard for the foundational role of the private bar in the provision of family, criminal and poverty law. And, specifically, Legal Aid must also have regard for fact-based information that it receives or is made available. This is an essential component to ensuring that decisions on legal service delivery are data-driven and evidence-driven. It's right in the statute that there are foundational roles of clinics, that the evidence must be fact-based, and that the services provided will serve the communities that they're in.

I'm also pleased to note that we also have a reaffirmed commitment to continuing the partnership with the law society in terms of our governance. So we didn't just change the delivery of services, but how the governance is done. The history of legal aid really comes out of the law society, and it's important that we continue to have that relationship with the practising bar.

In addition to providing the five board appointees, the law society will be instrumental in providing advice and consultation on the selection of the board's chair. The leadership team will be strong and will have input from the practising bar.

As I stated when I first introduced this bill, Mr. Speaker, implementing new legislation, while an essential component to modernizing the legal aid system, is only one element of our broader plan. Legal Aid Ontario will continue to work closely with clinics, criminal and family law counsel, the law society and other legal aid service providers to ensure a smooth transition for legal aid clients and service providers. These reforms are critical to

creating a more client-focused, accountable and sustainable system that provides high-quality legal aid services.

As part of our focus on ensuring and improving Ontario's access to high-quality legal services, we are determined to work with the francophone community to improve access to justice in French in Ontario.

Nous sommes déterminés à travailler avec la communauté francophone pour améliorer l'accès à la justice en français en Ontario.

This bill contains proposals to improve the way the justice system operates every day to provide people faster, more affordable access to justice.

I am very pleased that, for the first time ever, the proposed legislation would mandate Legal Aid Ontario to consider the needs of francophone individuals and communities when it is providing legal aid services. Our government is proposing this legislative change in recognition of the importance of ensuring Franco-Ontarians can access legal services in French.

In addition, to the legislative proposals related to the Legal Aid Services Act, the Smarter and Stronger Justice Act proposes amendments to the Class Proceedings Act to improve notice to class members by directing that notices be published in English and French. It's our government's belief that this change will help ensure that Franco-Ontarians receive proper notice of class proceedings in which they may be eligible to participate. It was quite a surprise to me, Mr. Speaker, that when class proceedings were advertised, they weren't required to be in English and French. So this was kind of an intuitive change that we brought in. Really, obviously nobody can argue against it. It's these kinds of changes—very practical changes—that we got from the practising bar when we talked to them about how we could improve access for Ontarians.

Finally, the Smarter and Stronger Justice Act, 2020, is improving the French translations in several statutes, including the Law Society Act and the Canadian Public Accountability Board Act. These pieces didn't get a lot of media attention or a lot of discussion in the House or in committee, but these are important pieces to make sure that people see themselves reflected in the legislation and in the practice of the laws of Ontario.

The Smarter and Stronger Justice Act also proposes changes to ensure members of the judiciary, lawyers and paralegals are held to the highest standard of ethics, learning and competence. Every Ontarian deserves to have full confidence in the legal professionals that represent them.

The proposed changes in the Smarter and Stronger Justice Act would provide the Law Society of Ontario with the tools it needs to continue to ensure lawyers and paralegals are held to the highest standards of ethics, learning and competence. One of these changes would increase the fine that lawyers or paralegals can be charged for professional misconduct, moving the amount from \$10,000 up to \$100,000. It's a meaningful consequence for professional misconduct, and continues to bring the administration of justice in good standing, to keep it with a good reputation. Our government and the law society are committed to

protecting the public and maintaining the highest level of integrity in the legal profession, and the public should expect no less.

Mr. Speaker, we're also proposing changes to ensure Ontario's judicial officials are held to the same high standards. Currently—many may not know this—taxpayer dollars can be used to cover legal fees for a judicial official who is defending a judicial misconduct claim. The Smarter and Stronger Justice Act would require judicial officials who are removed from office as a result of misconduct to pay their own legal fees out of pocket, putting an end to taxpayers footing that bill. Let me just repeat that: This is rare, but if a judicial official is removed from office for professional misconduct, the province will no longer pay their legal bill.

0920

In addition, our government is proposing changes to assure potential jurors that their privacy and security will continue to be protected. The Smarter and Stronger Justice Act proposes to no longer require juror addresses on the list of people who may be chosen to be a juror, unless a judge orders it. It's a level of privacy that in this day and age, when so many things are electronic and move about so easily, is just one more way that we're protecting people who interact with the justice system in a positive way.

Another concern we have heard over and over is about how small estates are handled in Ontario. I'm talking about when somebody passes away and somebody has to administer their estate. The process to administer a small estate can be confusing, and there is no difference in the process to apply for what is called probate, or the administration of an estate with an executor or without an executor—there is no difference to managing, whether it's \$50,000 or \$5 million. It's the exact same process. This entire process can require posting a bond, costing people more money than the estate is actually worth. That's why, in many cases, people don't do it and the estates don't get distributed, and that's not fair. It's not equitable. It's not the kind of response that Ontarians should expect from their government, and that's not right. We heard from Ontarians, and we're taking action.

We are proposing to make it easier for someone to apply to manage the small estate of a friend or a loved one who has passed away. This bill would provide a simpler way to settle a small estate, easing the administrative burden at a time they're grieving for their loved one. But we're keeping existing safeguards in place: We're going to protect minors and vulnerable people who have an interest in the estate. But in terms of the process, it will be much simpler.

This bill touches on a lot of practical areas of life where people interact with the system. It shouldn't be difficult or confusing for anyone who has tragically lost a loved one to access the justice system. Unfortunately, this can happen in the rare situation where a family member has died and there are no remains to be examined. The family of Laura Babcock, whose family sat in the gallery here, painfully waited two long years before they were able to register her death. This is unacceptable. Our government

moved quickly on this to assist, and we're making changes that will be permanent. We made changes to the death registration process to ensure that this never happens again to another family in Ontario.

Thank you to Minister Thompson, my seatmate, for speaking to this change. She spoke to this important change during second reading, and you may recall that she also spoke to the proposed changes to Ontario's Marriage Act.

In response to concerns we heard from Indigenous communities and other key stakeholders, we are proposing to give people a greater say in who can perform marriage ceremonies. Proposed changes would allow Ontario case management masters, out-of-province judges and designated individuals from Indigenous communities to perform marriage ceremonies. These changes align with several other Canadian jurisdictions and are expected to be well received by Indigenous communities, the judiciary and the public.

I just want to break that down for a moment. What we're talking about is who can actually perform the marriage ceremony. If you're in Kenora or Lake of the Woods—you're up in that part near Manitoba—and there is a judge in Manitoba whom you want to have perform the ceremony, up until now you wouldn't be able to do that. The judge wouldn't be able to cross that border and perform that. We're changing that so that that's possible.

In Indigenous communities, it's a little bit uncertain, I suppose, in some areas whether individuals can perform marriage ceremonies. We're making it clear that, in fact, there is now a process to do that. I know that will be well received by all parties. I've had conversation with some members of the NDP who are quite happy about this. It clarifies and better serves all Ontarians.

There are a lot of things in this bill that we really haven't talked about a lot but just serve people better. We came to them with a consensus, making sure that we're serving people in the way that they expect to be served.

The next item in this bill is something that we have talked about, and it's something that impacts people at a very vulnerable time of their life. No matter where we live across our province, communities face a growing threat from criminal gangs who prey on young and vulnerable people. We agree 100% with law-abiding Ontarians who say that crime should not pay. But how do we turn that into action, Mr. Speaker? We want to make it harder for criminals to hold onto the dirty money that funds their heinous crimes, like trafficking vulnerable young people, or guns or drugs. There's no room to have them hold onto that money. That's why we're taking steps in the Smarter and Stronger Justice Act to stand up for victims and support the police and the prosecutors in their work on the front lines by proposing a modernized civil forfeiture system.

Ontario was once a national leader in deterring crime through property forfeiture. However, since establishing these laws in 2001, our province has fallen behind. We fell behind best practices. Other provinces have better practices than us. They've updated their civil forfeiture laws to

keep up with the crimes that fuel gang activity and profits. Sadly and shockingly, today two thirds of human trafficking crimes reported in Canada are here in Ontario.

Interjections: Shame. Shame.

Hon. Doug Downey: That is a shame. Two thirds of human trafficking happens here in Ontario.

We need to catch up, and this is one way we're going to do better. The legislation we have introduced will help Ontario get ahead of criminals who prey on communities for profit by taking the proceeds of crime out of their hands.

Our proposed changes would allow personal property, like cash or cars, used by criminals for illegal activities to be forfeited administratively and without a court order in an uncontested case. This would free up valuable time and resources for the police and in the courts. Our proposed changes would also create cost savings, allowing more proceeds of offences to be reinvested in direct support services for victims. They will get it sooner, and we'll do it with less hassle.

I just want to talk for a moment about how this will actually work. If proceeds of crime, or alleged proceeds of crime, are seized—there's a car chase, the person runs away, and we look in the back seat and there's cash sitting there after a bank robbery. The police can seize that money and the money can be forfeited if nobody comes forward. If somebody wants to come forward and say, "Yes, I was driving that car, and that's my money," then we can have that conversation.

But right now, what happens is that the police will seize the money, but they can't distribute it to victims and to support prosecutor and legal resources to go after other criminals. They have to get a court order. It costs about \$10,000 to go through that process. So if you seized \$5,000 in the back seat of the car and nobody comes forward—if somebody comes forward and says, "Hey, that's my money," we're into the current system. There's a whole process. They have to have proof and go through court and all that stuff. But if nobody comes forward, the money no longer just languishes somewhere in an evidence locker. We can put that to work to go after criminals, Mr. Speaker. That's a really important piece.

I've shared this excerpt of a speech made by York Regional Police Deputy Chief Brian Bigras in the Legislature before, but I'll share it again to provide some context on the proceeds of crime that are seized by police. He said, "The value of illicit assets seized by police" each year "extends into the millions of dollars. A portion of these" illicit assets "go uncontested, meaning no one is claiming ownership" to them. This is "due ... to the criminal nature in which these ... assets were obtained." That's the example that I talked to him about. That kind of thing actually happens, and that money just languishes. It's not worth spending \$10,000 to get \$5,000; it's just simple math.

We're proposing to set up a system that allows the resources to go more quickly and more effectively to the front lines so that we can help those victims of crimes, we can help those who are dealing with human trafficking and

are victims of that, and we can use it for resources to not just support victims but also create a greater ability to catch these perpetrators. In addition to providing direct compensation to victims of crime, the funds will create grants for projects with a mandate of combatting crimes like human trafficking, as I mentioned. We'll be able to share more good news on the civil remedies for illicit activity grants in the future.

The next piece, Mr. Speaker, MPP Rasheed and I had talked about at some length, and he's spoken in the House before about this. Our government stands with victims, and we're committed to bringing offenders to justice. It includes online harassment. With the help and advocacy of my friend and colleague from Mississauga East–Cooksville, our government saw an opportunity to provide a way for victims to sue offenders convicted of distributing an intimate image of them without their consent. Regulation 456/96 under the Victims' Bill of Rights has been amended to make it clear that a person convicted of a crime of non-consensual distribution of an intimate image is civilly liable for damages for emotional distress and bodily harm to the victim.

0930

Cyberbullying is another area where human traffickers may engage in their despicable behaviours. As a result of the amendment to this regulation, under the Victims' Bill of Rights, victims now have an opportunity to seek damages from those who have been convicted of sharing online intimate images of them without their consent. Again, Mr. Speaker, things happen quickly in the electronic world, but I can tell you that it can be devastating for somebody; absolutely devastating. The human traffickers use this. They use this like blackmail. They take pictures that you wouldn't want taken of any of your loved ones and they use them as leverage to force people to do things.

It isn't just in human trafficking; it also happens, in a very malicious way, sometimes in Family Court proceedings, where somebody may have taken pictures at a moment of trust; that trust is broken down, and now they're using those images without consent to leverage for another purpose. That's not right. With MPP Rasheed, we've come up with some solutions for that, to make it easier to sue the perpetrator, the person who is distributing those without consent. It's another way to protect the average Ontarian, and the most vulnerable victims in Ontario.

In order for stronger and safer communities to thrive, we need to ensure that our citizens and job creators aren't tied up in outdated processes to resolve legal and business issues. Taking the theory of that and making it come into action is where the hard work is. That's why we're proposing changes to Ontario's class action legislation, which has not been significantly updated in more than 25 years. I don't want to be overly partisan, but I don't know what the Liberals were doing for 15 years, because these pieces—20 years, legal aid; 25 years, class actions. Anyway, I don't want to go down that road because we do have consensus on so many of these things.

We talked to many justice sector partners about making changes to Ontario's class action legislation, including

more than 20 class action law firms; legal organizations like the Ontario Bar Association; advocacy groups like the Consumers Council of Canada; the Ontario Chamber of Commerce; the Law Commission of Ontario, which wrote an excellent report. Their extensive report on class actions in Ontario informed the majority of the changes that we are proposing. The one thing that all these stakeholders agree on is that class actions are complex, and there is no unanimity in the bar on the best regime to resolve class-wide disputes. The law commission acknowledged that at the outset of their 2019 report. But our government is not afraid to make difficult decisions and tackle complex issues. When we make these decisions, we keep the best interests of all Ontarians in mind and the practical realities of the justice system.

A class action can be a powerful tool for ensuring access to justice, but only if it results in a practical, timely outcome for plaintiffs. Our proposed changes address time-consuming, inefficient barriers by ensuring that people are at the heart of a class action and by allowing class actions to be resolved faster, saving time, saving money and saving backlog in Ontario's courts. These proposed changes bring us closer to the modern justice system we're all working toward.

During second reading, I covered many of the changes being proposed. Here are some highlights:

Our measures will ensure that when class counsel compete to be the lawyers of record for a particular class action, these disputes are to be decided faster, in a more predictable way. We need to ensure that people are not waiting for their day in court just because there is a dispute about which lawyer should lead the case.

We're enhancing the framework to require settlements to be fair and reasonable and in the best interest of class members. Also, we are taking measures to ensure that people have better notice about how they can collect their compensation if the case settles or if the plaintiff is successful.

We are putting in statutory measures to ensure that lawyers' fees are fair and reasonable, and would allow the court to withhold some of these fees until the court can review how class members are compensated.

Our proposed amendments would also establish new statutory requirements related to multi-jurisdictional class proceedings, and permit the court to determine jurisdiction prior to the motion for certification. This would avoid a needless expenditure of resources for plaintiffs and defendants where Ontario is not the most appropriate forum.

We are proposing changes that would allow cases to be dismissed for delay, where no meaningful steps have been taken. It is unnecessarily expensive and time-consuming for parties to defend class actions that are dormant, if they don't have merit or if they can't be resolved in a reasonable amount of time. The cost of these lengthy lawsuits takes a toll on our economy.

Moreover, we're introducing measures that put an emphasis on early motions by the defendant to narrow or dispose of a case before the certification stage.

And, Speaker, we are proposing changes to the certification process, which is often the first step in a class action, that help ensure that people in a class action lawsuit have meaningful and faster access to justice. I want to be absolutely clear: The proposed changes would not preclude individuals from seeking redress from other remedial avenues; rather, these changes would ensure that a class action is the most appropriate procedure to obtain that redress. Our proposed changes would help ensure people get faster, more transparent relief and more meaningful access to justice, and allow meritorious claims to move faster and more efficiently towards justice.

Once again, thank you to the many stakeholders who engaged in productive conversations with our office on this important area of law that needed attention badly.

Finally, Mr. Speaker, I want to talk about an important part of the Smarter and Stronger Justice Act that was moved into the COVID-19 Response and Reforms to Modernize Ontario Act, 2020, that passed on May 12. Now, more than ever, we are looking at ways to modernize the system, increase access, use technology, and help Ontarians. We had this part in Bill 161, but we moved it forward in time so that we could get it deployed even earlier.

What I'm talking about, Mr. Speaker, is that we paved the way to verifying documents virtually. Commissioners and notaries play critical roles in the justice sector and help protect people from fraud by verifying identities in legal matters. For example, you may need a commissioner or a notary if you want to take a document and file it in court. The changes would modernize an archaic system of legal services by allowing tools to be accessed online while also safeguarding the integrity of those who provide the service.

The changes that we introduced as part of the Smarter and Stronger Justice Act but were passed earlier included amendments that allow for remote or virtual commissioning and notarizing online, an innovation in Ontario that will dramatically increase access to this vital service for many Ontarians. The change will be effective once appropriate data and privacy safeguards are put into place through regulation, which we are in the process of establishing after extensive consultation with stakeholders. Once these appropriate safeguards are put into place, people across Ontario will be able to have important documents verified virtually. This will make life easier for people in remote areas, in northern Ontario and in rural areas. They may not be able to access a notary or commissioner in person.

These changes will also noticeably reduce the red tape for notaries and commissioners across our province by allowing paralegals to be appointed as notaries, like lawyers—also governed by the Law Society of Ontario. This will increase the number of notaries in Ontario, making it easier for people to find affordable notary services. The changes will also eliminate the need for the re-examination of notaries seeking reappointment, which is a step that currently happens that won't be necessary.

We are the first government to introduce these measures to virtual commissioning and notarization. It is just

another example of our determination to bring Ontario's justice system into the 21st century. We started this in December, Mr. Speaker, and then COVID-19 came along. Boy, it sure showed how we need to move our system forward.

Our government has done more during our mandate to improve and update Ontario's justice system than has been done in decades, and we have no intention of slowing down, Mr. Speaker.

Our quick action to move forward on the changes for notaries and commissioners is a perfect example of how our government provided a swift and effective response to the challenges posed by COVID-19. Over the past three months, Mr. Speaker, I've moved quickly to modernize the justice sector in ways we didn't think imaginable before the public health crisis forced everyone in the sector to do things differently.

In addition to virtual commissioning and notarizing, we brought in temporary changes to allow virtual executions of wills, helping some of our most vulnerable plan their affairs when they otherwise would not have been able to.

My ministry has also been at the forefront of driving technological change, bringing changes that have been in demand for decades, and it has been our government that delivered them. We have invested in new technology to give our justice sector workers the tools they need to administer remote hearings, allowing Ontarians to see justice done on urgent matters while also ensuring that their health and safety remains the utmost priority.

These changes, and so many others, including those that I presented here today in the Smarter and Stronger Justice Act, are promises made and promises kept on the delivery of a modern and updated justice system. These changes, and many others to come, will build on the momentum we've experienced through the public health crisis as we pivot the entire justice sector to a new way of thinking, to a new way of doing things and to a new way of achieving outcomes.

Mr. Speaker, our world has fundamentally changed since this bill was first introduced a little more than six months ago, but the core principles and intention behind it are more important than ever. The COVID-19 outbreak has challenged our government in many ways. It also presented us with latitude to expand our examination of how the justice system operates and why processes are in place. I have often said during the public health emergency that our justice system advanced technology 25 years in 25 days.

0940

If passed, the Smarter and Stronger Justice Act would continue to drive that change forward by making it easier, faster and more affordable for people to access justice in Ontario. I call on all members to support this bill. Through this proposed legislation and with our justice sector partners, we are creating a modern, accessible and responsive justice system that Ontarians deserve.

The Deputy Speaker (Mr. Rick Nicholls): Thank you very much, Attorney General. You are sharing your time. I will now turn it over to your parliamentary assistant, the member from Durham.

Ms. Lindsey Park: It's a pleasure to rise in the House today for third reading of the Smarter and Stronger Justice Act, 2020. It's a bill that's long overdue and represents an innovative step forward towards simplifying a complex and outdated justice system. This package of reforms presented in this bill represents tangible steps towards an easier, faster and more affordable justice system in our communities.

Speaker, we need these reforms now more than ever. The COVID-19 outbreak has changed nearly every aspect of life for Ontarians. As a government, it underscored the urgent and pressing need to change and modernize across every sector of government. The justice system is no exception. While our government has long pushed for modernization in the justice system, the COVID-19 outbreak challenged us to accomplish more than we could have imagined. I'm proud to say that working in partnership with the courts, the Attorney General is implementing changes that many thought were impossible, or decades away.

Speaker, this is just the beginning. As the province begins to reopen, the Ministry of the Attorney General and its partners will be focused on moving from a paper-based justice system to a digital one. This will include video and telephone hearings, as well as expanding the types of documents that can be filed in civil justice matters and family matters. These are the very things that, when I did province-wide consultations last summer, in every part of the province, stakeholders, the public, and members of the bar identified the most pressing need for change. Where matters can't be addressed remotely, Ontario will be taking all necessary precautions to ensure our courthouses and courtrooms are safe and secure, in accordance with public health guidelines. These changes will dramatically improve access to justice for people across Ontario.

I would like to take a moment to thank our justice sector partners for their support, including both courts of justice and hundreds of front-line staff across the province. Since the outbreak began, they have worked tirelessly to ensure that the people of Ontario continue to access justice. I want to also mention the non-profit stakeholders in the justice system who have really stepped up in an unprecedented way to meet the rising needs through this difficult time. Access to justice is a critical service, and I want to extend my heartfelt gratitude. Their continued support will be essential as we move to implement further reforms in the coming weeks and months.

As the Attorney General noted, Ontario's justice system has adapted to decades of change in the span of just a few months. He spoke about the conversations our government has had with front-line staff, Legal Aid Ontario, legal organizations, and the Law Society of Ontario, the regulator of legal professionals in our province. So many of these stakeholders have been key partners in the development of these proposals, and their hard work and strong support for these changes reflects our government's commitment to building healthier and safer communities.

Our government understands that communities can't grow to their full potential when people don't feel safe and

when job creators can get tied up in outdated processes to resolve legal and business matters. Like the Attorney General, I'm grateful for the ideas and feedback we've received. We have heard unwavering support for continued reform, particularly over the past few months. I heard first-hand from many justice partners, front-line staff, business owners, families and lawyers about the need for common-sense changes in Ontario's justice system. They have joined us in voicing their support for a more accessible, responsive and straightforward system that will continue to modernize after the pandemic is over. This bill is a major step in that direction. The Smarter and Stronger Justice Act proposes amendments that would continue that forward momentum. If passed, these changes would make it easier, faster and more affordable to access justice in Ontario.

The Attorney General, in his remarks, spoke about Ontario's property forfeiture system and how our government is proposing to improve that system. The proposed amendments for civil forfeiture will streamline the process for forfeiting proceeds of crime, saving police time in doing their important work and ensuring that their funds support victims and law enforcement as they tackle heinous crimes like human trafficking. The changes will make it harder for criminals to hold onto the proceeds of crimes like human trafficking, which are threatening the safety of our communities every day across Ontario.

Speaker, I would like to take a moment to talk specifically about human trafficking in our province. I know that this is an issue that many members of our caucus really care deeply about and have advocated for change on. This is a crisis that our government is urgently working with survivors and justice partners to solve. As the Attorney General mentioned, almost two thirds of police-reported human trafficking violations in Canada occur in Ontario, and many of those are along with the 401 corridor, including in Durham region, the area I represent. It's a crime that often victimizes the most vulnerable—our young people—and it is a crisis that threatens the safety of our communities.

In the past, I've had the opportunity to spend an afternoon with the men and women of the human trafficking unit of the Durham Regional Police Service to see the first-hand work they do, day in and day out, to fight this form of modern-day slavery that is taking place in the community. I also heard, when spending time with them, about the dangers they face while trying to rescue and protect these vulnerable—often young—women being sex-trafficked. It was an eye-opening experience, Speaker.

I encourage all members of the Legislature: If you have not yet had the opportunity to do this, if you haven't already gone, go and meet with your local police service to see and hear the work they do and the challenges they face in the name of community safety and security. I want to thank Ontario police services, who are working on the front lines to keep our communities safe, protect victims of this crime, and bring offenders to justice. Our government is determined to address this crisis, and we're doing all that we can to support police as they work to combat this crime.

When first announced, the proposals for a civil forfeiture system received broad support from key members of the law enforcement community. Chief Paul Pedersen, president of the Ontario Association of Chiefs of Police, said, "We support the proposed legislative changes to the Civil Remedies Act because it will simplify the processes around personal property forfeitures while also relieving the burdens on our police personnel and the court system."

Gillian Freeman, executive director of victim services of York Region, added her support as well: "By taking away proceeds of crime and redirecting these funds to essential programs that support survivors of human trafficking, the government is sending a much-needed message. This speaks volumes to their dedication to not only deter crime but to also support those impacted by it."

In my own community of Durham, we have seen first-hand how these proceeds of crime can be directed towards something good in the community. Last year, the Durham Regional Police Service was the recipient of a grant through this program. A little over \$99,000 that they received was put to good use to help support Project Access. They were able to help fund new, specialized investigative equipment, educational materials, and subject-matter expert training to aid complex investigations involving individuals and organized crime groups, which are often behind human trafficking.

0950

The changes proposed in this bill would help Ontario catch up with Canadian best practices by creating an administrative property forfeiture system for personal property that more effectively takes away proceeds of crime from criminals. Speaker, we're talking about the cash, the guns, the vehicles and other property that fuel future criminal enterprises. This property, when in the hands of organized crime, puts young and vulnerable people, including young women and girls, at tremendous risk.

Moving to a modern administrative forfeiture system would not only free up the courts to deal with other matters but it would also allow police to spend less time in court and more time on the front lines maintaining community safety. A modern system would also help compensate victims sooner and strengthen the Civil Remedies Grant Program, which funds projects like Project Access in Durham, which is supporting victims of human trafficking.

Speaker, our government stands with victims, and we're committed to bringing offenders to justice. We're committed to standing with victims of online harassment. It should not be very difficult for people to understand that lives can be and have been destroyed by serious crimes like sharing intimate images without consent. Our government saw an opportunity in this bill to provide a way for victims to sue offenders convicted of distributing an intimate image of them without their consent. I will say that we know that the damage caused by this can be extensive. It can affect your employment and it can affect your relationships in community organizations, so it is important that these remedies are there for victims.

We looked at what we could do to help victims fight back, and we're taking action because it's the right thing

to do. Regulation 456/96 under the Victims' Bill of Rights has been amended to make clear that a person convicted of the crime of non-consensual distribution of an intimate image is civilly liable for damages for emotional distress and bodily harm resulting from the distress to the victim.

Cyberbullying is a matter that our government takes seriously. It's a tool of domestic violence and control. It's also another area where human traffickers may engage in their harmful behaviours. As a result of the amendment to this regulation under the Victims' Bill of Rights, victims now have an opportunity to seek damages from those who have distributed online intimate images of them without their consent. We know that victims of cyberbullying suffer unimaginable emotional, mental and physical pain, and often feel powerless. In this Legislature, it's always a good day when we can advance initiatives that support victims of crime.

Now let me speak to the professional misconduct proposals in this bill that the Attorney General started to outline in his speech. When Ontarians need to hire a lawyer or paralegal, they should be confident that they're hiring a legal professional who is held to the highest of ethical standards. Proposed changes in the Smarter and Stronger Justice Act would provide the Law Society of Ontario, the regulator of legal professionals in the province, with the tools it needs to continue to ensure that lawyers and paralegals meet a high standard of learning and competence. This includes a change that would increase the fine that lawyers or paralegals can be charged for professional misconduct from \$10,000 to \$100,000.

When the Attorney General announced this bill last year in December, the law society treasurer, Malcolm Mercer, said: "The amendments announced by the government today respond to an evolving legal landscape. The law society is specifically pleased with the amendments to the Law Society Act, all of which will help provide greater public protection. We thank the government for moving ahead on these changes, which assist in regulation of the legal professions in the public interest."

This is the right move and the type of practical action that I know the Attorney General is determined to continue pursuing in collaboration with our justice partners, like the Law Society.

Speaker, the Attorney General mentioned the proposed amendments to modernizing notary and commissioning in Ontario. These important changes were included in Bill 190, the COVID-19 Response and Reforms to Modernize Ontario Act—that one's a mouthful. Passed on May 12, these transformational changes will pave the way for individuals to have their documents commissioned or notarized virtually. We're all moving virtually, it seems, on almost everything we do, so this is the type of common-sense change that COVID-19 highlighted that we need. It has received support from a broad range of stakeholders in the sector. It's a great example of bringing innovation to the justice system.

The Attorney General said it best when he noted, "Banking transactions don't always require a trip to the bank, and every legal transaction shouldn't require a trip

to a law office." Our government could not agree more, and we've heard that this change could position Ontario as a leader in harnessing technology to improve access to justice.

"No matter where a person lives, where they work, or what mobility or ability challenges they may face, they will soon be able to access the same high-quality legal services that are easily accessible in urban centres across Ontario." That was a comment from Lena Koke, the CEO of a flat-fee law firm called Axxess Law.

I am proud to have a role in introducing these transformative changes that have received positive feedback. I know I have received many calls in the middle of COVID-19, responses from members of the bar and the broader community about what a common-sense change this was and that they were so happy to see it move forward.

Once Bill 190 is implemented, paralegals will be allowed to become appointed as notaries, just as lawyers can be. This is viewed by many as an essential component to making justice more accessible and affordable, including the Ontario Paralegal Association, whose president, George Brown, said the association "applauds the Ontario government for putting forward proposed changes to the Notaries Act and Commissioners for Taking Affidavits Act that would make it easier for paralegals in their daily practice to fully serve their clients. These changes will make accessing notary services easier and improve access to justice for Ontarians."

Once implemented, these changes would increase the number of notaries in the province, making it easier for people to find and access affordable notary services wherever they live. I know that most members of this House can relate; we often get contacted and our offices often get contacted by constituents who need these services. Sometimes we're in our constituency office and we're able to assist, but we can all agree that justice services need to be more accessible than that.

The Attorney General also has spoken about the important changes our government is proposing to modernize the legal aid system in the province. When we talk about the need to update an outdated justice system, legal aid in our province is probably the most concrete example of the urgency to act. As legislators, we have a responsibility to ensure that legislation keeps up with the way the lives of Ontarians continue to evolve. In fact, that's our central function as members of provincial Parliament.

As the Attorney General said, Ontario's legal aid legislation has not been significantly updated since 1998, more than 20 years ago, and a lot has changed since 1998; 1998 was, in fact—I know we've referenced this before—the year Google was incorporated. That's how long ago it was. Since that time, the Legal Aid Services Act has stayed mostly the same, and Legal Aid Ontario has faced challenges responding to the demographic, economic and technological changes that have taken place. After extensive and broad consultations, we're proposing amendments that would provide Legal Aid Ontario with the tools it needs to help clients resolve their legal issues faster and with fewer roadblocks.

These proposed changes build on the strengths of community legal clinics, duty counsel and the use of private bar certificates to fix or replace outdated processes. If this bill is passed, Legal Aid Ontario would be able to move forward with confidence in its ability to seamlessly and sustainably provide high-quality services to clients where and when they need them.

1000

This is, of course, a complex system with many vital partners who work together each and every day to serve low-income clients across this province in every one of our communities. I'd like to applaud the collaborative approach the Attorney General has taken with the sector on developing this legislation and the support he has built among key stakeholders. In particular, I want to draw attention to the collaboration with Legal Aid Ontario, clinics across the province and other legal aid service providers in developing these proposed legal aid amendments.

David Field, CEO of Legal Aid Ontario, expressed support for this bill at the time it was introduced: "The new Legal Aid Services Act is an important step towards improving access to justice in Ontario. It offers opportunities for innovation, and allows us to address gaps in the justice system. This legislation, if passed, would allow Legal Aid Ontario and its valued service providers—including staff, clinics and the private bar—to better serve clients."

I'd also like to echo his words on the important role our community legal clinics play in delivering legal services and supports to our citizens, including in Durham region. I know the Attorney General, over the last year, has said this over and over, and visited so many of the clinics and reiterated in person what an important role these community clinics play in serving their communities. They're often the ones that know their community best, and we're really hoping, through this bill, to provide them with the flexibility they need to really serve their community in the way they know best.

Speaker, turning now to the proposed reforms concerning our judicial officials, Ontarians expect our judges to be held to the highest standards, but sometimes we understand that that can come at an expense to taxpayers. Currently, taxpayer dollars can be used to cover legal fees for a judicial official who is defending a judicial misconduct claim. I'm very pleased to be able to say that the Smarter and Stronger Justice Act would make changes so that judicial officials who are removed from office as a result of a complaint would have to pay their own legal fees out of pocket.

In addition to those changes, our government is also proposing changes to ensure Ontarians who participate in the jury selection process continue to have confidence in their privacy and security. We know that privacy concerns are a hot topic these days with so much of our information online. The Smarter and Stronger Justice Act proposes a change that would remove the requirement to include juror addresses on the list of people who may be chosen to be a juror, unless the judge orders it, and of course they would have to determine if that's necessary in the case.

In addition, this bill proposes several housekeeping changes to remove irrelevant, outdated provisions in our existing legislation. This includes, as the Attorney General mentioned, removing references to provisions that no longer exist, as well as fixing errors in French translation. These are small changes, but they're important. If passed, they would clarify the legislation so it works better for people. I think these kinds of changes, every time we're passing a bill through this House, while they may not be the subject that we debate the most in the House, because they're just administrative—it's actually a very important concept: that legislation in the province of Ontario is readable, is understandable by the average Ontarian that picks it up and reads it. They shouldn't have to hire a lawyer to understand what the laws in this province are, and so some of these administrative changes are with that intention, to make it clear what the law actually is, what it says, and that it's not inconsistent with each other.

Speaker, as you know, the Smarter and Stronger Justice Act proposes amendments to more than 20 acts that would make it easier, faster and more affordable to access justice in Ontario.

I just want to jump quickly to mention some of what happened at committee between second and third reading debate. In committee, we adopted several new amendments to make this piece of legislation even more robust and to address some of the critical feedback we received since drafting the legislation. I want to mention some of the specific amendments that were in response to discussions with stakeholders and what we heard from witnesses in the committee process. Specifically, in section 4—you can reference it at paragraph 3 of section 4 of schedule 16 to the bill—we added a description of poverty law. There were some questions at committee about what was included or not included in poverty law, so we wanted to make sure that was clear in the legislation. That was an example of a response directly to concerns raised in the committee process.

Another definition-related amendment we made was to the term "community legal clinic" to include clinics whose board members are persons who have a substantial interest in or association with the communities that the clinics serve. We heard this feedback from many stakeholders when we were drafting the legislation and during public hearings. We heard about the importance of maintaining, in the definition of a community legal clinic, the reference that the board of directors be comprised of members of the communities that the board serves.

As the Attorney General noted in his remarks, the core purpose and intention of this bill has not changed since it was first introduced. But it is even more pressing now to pass these changes. The COVID-19 outbreak has brought into focus the urgent need to modernize the justice system. It has also shown us how quickly we can mobilize that change when we all work together.

If passed, the Smarter and Stronger Justice Act would be removing unnecessary administrative burdens and making changes that would make it easier, faster and more affordable for Ontarians to access the justice system. I

urge all members to join me in supporting a stronger, more accessible justice system for Ontario.

I look forward to the rest of the debate.

The Deputy Speaker (Mr. Rick Nicholls): It's now time for questions and responses.

Mr. Sol Mamakwa: I'm glad to get up to ask questions on Bill 161, the Smarter and Stronger Justice Act, and be a part of Kiiwetinoong.

I see things in a very different way, by a different lens, when we talk about the equity lens and we talk about, as a First Nations person, how the structures treat people. I know that one of the things that I continue to see within the system—we need to be able to be able to respond to the structures that are there that provide the systemic racism to our people, not add barriers to justice.

But at this time, I would like just to quickly bring the attention of a few of the concerns presented by Deputy Grand Chief Derek Fox of Nishnawbe Aski Nation to the justice committee hearings. As a whole, they do not support schedules 15 and 16 as they alter and remove the safeguards that currently exist. So I ask—

The Deputy Speaker (Mr. Rick Nicholls): Thank you. I recognize the Attorney General.

Hon. Doug Downey: I'm happy to carry the conversation on beyond the one minute that we have, which makes it difficult. But in terms of what I think the member was going to address—making sure that we have the lens and the perspective of our First Nations: A lot of what we're doing here within the bill is making sure that we're providing services that are respectful and appropriate. So when I talked about the marriage ceremonies, that's a piece that's important. When we talk about being able to virtually commission and notarize from a distance, that provides a service electronically that we're not making people have to travel. We'll continue the dialogue, I'm sure.

The Deputy Speaker (Mr. Rick Nicholls): I recognize the member from Waterloo.

Mr. Mike Harris: Kitchener—Conestoga, Speaker. It's very close.

The Deputy Speaker (Mr. Rick Nicholls): Kitchener—Conestoga, next to Waterloo.

1010

Mr. Mike Harris: Right next door.

It's great to be able to participate in debate today.

I had a pretty clear and concise question that I'd like to ask the Attorney General. As someone with young children, I think it's really great to see that we're taking a very proactive approach when it comes to the sharing of intimate images and there being some ramifications for people doing that without consent.

My question to you, sir, would be: What kind of consultation did you go through in this process? Who did you talk to and what was some of the feedback that you had?

Hon. Doug Downey: One of the things in the Ministry of the Attorney General that I'm very proud of is that Parliamentary Assistant Park and I use every opportunity to consult, to reach out, to get practical advice. In this area in particular, MPP Rasheed was very helpful in terms of

talking about what's happening in technology and how it's working and not working.

We also talked to law enforcement. We talked to people who wrestle with it. We talked to some victims' groups who had a perspective to say, "Yes, this is an important thing." We found absolutely nobody who said that this was a bad idea—because it is about protecting our children and the vulnerable.

We consult as widely as we can. On this one, a consensus developed very early.

The Deputy Speaker (Mr. Rick Nicholls): Further questions?

Mr. Guratan Singh: My question is to the Attorney General. Why did you choose to disregard Ontario's leading law reform agency's recommendations, the Law Commission of Ontario, and continue an American-style regressive approach to class actions which, applied retroactively, would have prevented such class actions like the Indian residential schools, Walkerton and more? Why did the Attorney General choose to disregard Ontario's leading law reform agency and continue with a regressive, American-style form of class actions which will limit access to justice and, the Law Commission wrote, will actually, given all the positives in Bill 161, still make it a bill they cannot support, given the grave attacks to access to justice?

Hon. Doug Downey: As I said in my speech, the Law Commission of Ontario's report in 2019 was the base for the reform, and the great majority of it we did, in fact, incorporate.

I think, though, a more interesting question as we worked through that and did our consultations and talked to law associations—a very difficult, complex area. Of course, there are strong opinions based on people's practice area, but I think the single most important question is, why didn't the NDP file one proposed amendment to the class actions legislation portion after three days of hearings and a full day of clause-by-clause?

The Speaker (Hon. Ted Arnott): The next question?

Ms. Jane McKenna: My question is to the Attorney General as well. I was lucky enough to sub in to committee. While I was on there, we heard a lot of fearmongering by the members opposite that the proposed class action amendment will prevent—and I repeat, they said "prevent"—all current class actions from being certified, including the ongoing long-term-care litigation. Can the Attorney General please clarify for this House and the public what the actual truth is?

Hon. Doug Downey: Let me be clear: Class actions will continue in Ontario, but we need to make sure that there is a predominant interest that's happening. It's laid out in there; there is no question.

But we want class actions to move through the system. We want the certification to mean something. Quite frankly, there are too many cases taking too long that are getting certified and then sitting there and using resources that otherwise could be deployed for other pieces in the justice system.

I believe that we found the balance. We struck the balance, Mr. Speaker, and you will see an improved class action system if the bill passes.

The Speaker (Hon. Ted Arnott): Thank you very much.

Third reading debate deemed adjourned.

The Speaker (Hon. Ted Arnott): It being 10:15, it is now time for members' statements.

MEMBERS' STATEMENTS

SERVICES EN FRANÇAIS

M. Guy Bourgouin: En tant que Franco-Ontarien, j'ai l'honneur de me lever aujourd'hui pour souligner la fête de la Saint-Jean. Le 24 juin est une journée pour célébrer, pour fêter ensemble la vitalité linguistique et la diversité culturelle de la communauté franco-ontarienne.

Cette année, malheureusement, on n'aura pas la chance de se retrouver. La pandémie nous empêche, par exemple, de célébrer la 21^e édition du Festival de la St-Jean de Kapuskasing, le plus grand festival de la Saint-Jean hors Québec.

Mais, la pandémie nous a également fait comprendre que si nous ne restons pas attentifs, nos droits peuvent s'évanouir comme de l'air. En trois mois, nous avons été témoins des points de presse et des publications techniques offerts en anglais seulement, qui laissent des milliers de francophones sans accès aux informations pertinentes dans leur langue officielle de leur choix; des journaux francophones qui ne font pas partie des campagnes publicitaires du gouvernement provincial; d'un premier ministre qui ose dire « not right now » à une journaliste quand il se fait interpeler en français; ou même, d'un discours de la ministre de tourisme et de la culture pour la cérémonie du Prix littéraire Trillium sans un mot en français.

Aux francophones et aux francophiles de la province : célébrons notre vitalité, mais restons attentifs pour faire valoir nos droits linguistiques que nous avons obtenus par résistance et notre ténacité.

Bonne Saint-Jean, tout le monde, et merci.

MICHEL DEPRATTO

Mr. Jim McDonell: On March 14 this year, Glengarry county lost a great sports and community volunteer. Mike Depratto touched many people with his community work.

Mike served as the Alexandria parks and recreation director from 1973 to 1999, but he began his community work in his college days when he coached the high school football team in Ottawa. After returning home, Mike coached the Alexandria Chippers and the Carnation Fastball teams for 10 years, and ladies' softball, broomball and sponge puck teams for over 20 years. With three children in tow, he took on coaching in the Alexandria Minor Hockey Association and the girls AA hockey in Cornwall. Mike found time to volunteer with his local

chapter of the Special Olympics, and he was president of the Glengarry Soccer League, president of the Alexandria Minor Hockey Association and president of the Ottawa District Minor Hockey Association.

Somehow, Mike still found time to run a successful farm, be a long-standing member and president of the Alexandria Lions Club, chairman of Heart and Stroke Foundation for Alexandria, board member of Community Living Glengarry, chairman of the Alexandria and District Chamber of Commerce and, most recently, president of the Alexandria Junior "B" Glens and councillor for North Glengarry township.

So if you were involved in local sports, you knew Mike. During my time on the Glengarry border league and the Char-Lan Minor Hockey and Char-Lan Minor Soccer Associations, I was privileged to work with him, witnessing first-hand his ability to bring people closer together. Mike was named volunteer of the year in 1992 by the Alexandria Lions Club, honoured with the Queen's Jubilee Medal in 2003 and inducted into the Glengarry Sports Hall of Fame in 2009.

Mike, your family, your community and eastern Ontario will miss you. May you rest in peace, my friend.

DEVELOPMENTAL SERVICE WORKER APPRECIATION DAY

Mrs. Lisa Gretzky: CUPE Ontario and SEIU are celebrating today, June 24, as Developmental Service Worker Appreciation Day. OPSEU members have celebrated Developmental Services Appreciation Week as well. This is a special opportunity for all of us to recognize the crucial contributions of workers in the developmental services sector who are supporting people with intellectual and developmental disabilities. On behalf of myself and the entire NDP caucus, I want to say thank you to the developmental service workers that are out there, doing incredibly hard work on a good day, let alone during a pandemic.

People with intellectual and developmental disabilities have been an afterthought in government decision-making for years. Whether the decades-long wait-list for supportive housing, ODSP rates that keep people in poverty or the consistent underfunding of developmental service agencies, both Liberal and Conservative governments have put people with disabilities last. The workers who support these individuals, day in and day out, are not being compensated or treated fairly for the invaluable work they do. They work long hours, often in multiple part-time, low-wage jobs. They are burnt out and, particularly during this pandemic, many feel neglected.

The Premier failed to make PPE widely available in congregate living settings, which compromised the safety of people with disabilities and support workers alike. We saw a horrifying situation at Participation House in Markham, where dozens of workers became sick and could no longer work, so when the outbreak began among the residents, they were short-staffed. Tragically, Speaker, people died.

We cannot repeat these mistakes. People with intellectual and developmental disabilities and the crucial workers who support them deserve so much better.

I am once again urging this government to make this a priority, not an afterthought, and invest in a truly inclusive and accessible province for all.

1020

EVENTS IN BURLINGTON

Ms. Jane McKenna: Last night, I joined the Burlington Chamber of Commerce virtually for their 2020 Business Excellence Awards. I was so proud of everyone last night with their willingness for change.

I want to congratulate this year's winners: Burlington-Green; James John from Guaranteed Removals; Fully Promoted Burlington; Rubicon Safety; National Tire Distributors; ATS Scientific; Fern Hill School; Endress+Hauser Canada; Park Market and Refillery; Bozek Orthodontics, who did my teeth 49 years ago; CareGo Tech; Hunter Amenities, and the Royal Canadian Legion, Branch 60.

I also presented a surprise award, the heritage award—and I was honoured to do so—to Don Smith of Smith's Funeral Homes. This family-owned business has been in Burlington for over 100 years and has been operated by the Smith family since 1938.

It takes a village to raise a child. That's why I will be excited to join Janice Robinson and the incredible team of Halton Children's Aid tonight in recognizing nine outstanding children, youth, board members and staff.

With Canada Day just around the corner, I'm definitely looking forward to hosting Canada's largest ribfest: the Burlington Lakeshore Rotary Club's first-ever drive-through ribfest on July 1 at the Burlington Centre Mall.

I will be busy between now and then, doing countless deliveries of hundreds of my free Canadian flag yard signs as well.

ABEL MENGISTAB

Mr. Joel Harden: Last week, Ottawa lost an angel who left us to be with the angels. His name was Abel Mengistab. He was 20 years old. He was a third-year student at Carleton University.

By age 20, Abel had co-chaired the Carleton University NDP club. He had served as president of the NDP riding association. He even managed campaigns in Nepean. Abel also made history. As a proud Black youth, he helped elect Rawlson King, Ottawa's first Black municipal councillor. He took long bus rides from Nepean to make that happen, and he did the same for us in Ottawa Centre.

Abel had a gift you can't teach: He was a happy warrior, just like Jack Layton. It's hard to find a photo of Abel without his trademark wide smile and glowing eyes.

Jill O'Reilly, our 2018 campaign manager, said, "I want my son to be just like Abel: positive, dedicated and full of life."

George Al-Koura, the president of the NDP in Ottawa-Vanier, said, "While the rest of us grew many more salty,

Abel, you were always there to find reasons to keep your smile on."

At times like this, Speaker, it's hard to smile. Those who knew Abel in Ottawa and elsewhere are devastated. But for inspiration, I turn to Romans 8:18, scripture that Abel once posted to his own Facebook page: "For I consider that the sufferings of this present time are not worthy to be compared with the glory which shall be revealed to us."

Rest in power, Abel. We love you.

FÊTE DE LA SAINT-JEAN-BAPTISTE

M. John Fraser: Je vous souhaite à tous une joyeuse Saint-Jean-Baptiste et bonne Fête nationale. Nous sommes fiers de célébrer avec nos voisins.

Aujourd'hui est une journée importante pour célébrer la communauté franco-ontarienne. Les Franco-Ontariens ont plus de 400 ans d'histoire et de patrimoine que nous sommes fiers d'avoir dans notre province. L'Ontario compte la plus importante communauté francophone au pays, et la population française ajoute tellement à notre province.

Je suis fier d'appartenir à un parti qui a présenté la Loi sur les services en français, reconnu le drapeau franco-ontarien, sauvé l'Hôpital Montfort et doublé sa taille, et a créé un commissaire indépendant aux services en français. Notre parti continuera à défendre les droits des Franco-Ontariens.

Les célébrations seront différentes cette année. J'espère que vous pourrez toujours célébrer avec vos proches. Joyeuse Saint-Jean-Baptiste.

COVID-19 RESPONSE

Mr. Norman Miller: Over the past few weeks, I've been pleased to take part in the finance committee hearings into the impacts of COVID-19 on the tourism sector. As many of you know, my wife and I ran a resort on Lake Muskoka for 30 years. We definitely had some challenging times, but never anything like this. I feel for the tourism operators, who really don't know what to expect this year.

The committee heard from 140 presenters, including marketing groups, unions, industry associations and tourism operators, from large convention centres to family-run camps. I'm proud that our government has responded to many of the suggestions that were made.

We passed a moratorium on commercial evictions to encourage commercial landlords to apply for the Ontario-Canada Emergency Commercial Rent Assistance program. We made it easier for restaurants to create and expand a patio by waiving the need for a new licence. I've seen new and expanded patios at many restaurants in Parry Sound-Muskoka. For example, That Little Place by the Lights in Huntsville has created a patio, and Trestle brewery in Parry Sound has greatly expanded their patio. Patios also require municipal approval, and I know many

municipalities are waiving the fees. I encourage all municipalities to do so.

I will continue to advocate for those tourism operators who have yet to be allowed to operate, including tour boats like the Island Queen in Parry Sound and the Lady Muskoka in Bracebridge, and attractions like Santa's Village.

It's a huge relief that much of the tourism and hospitality sector has been allowed to reopen. But even open, these operators and their employees are facing a very uncertain future. That's why it's so important that Ontarians support their local tourism and hospitality businesses this summer. Shop local. Eat local. Play local. And vacation local.

NATIONAL INDIGENOUS HISTORY MONTH

Mr. Sol Mamakwa: I rise today to speak about Indigenous History Month. This Indigenous History Month, I want to speak on the genocide committed against our communities by Canadian colonial powers. The wounds of colonialism are not healed and live today in the systemic racism that tears our communities apart and violates our human rights. I'm tired of the government's lip service, always promising but not delivering.

From my standpoint, there is no reconciliation without justice. How can there be reconciliation when the government:

- has not reduced the number of Indigenous children in the child welfare system;
- has not reduced the number of Indigenous people incarcerated;
- has not improved food security in remote and isolated communities;
- has not properly funded mental health services to meet our needs to lessen the suicide crisis among our people; and
- has not provided clean drinking water and housing in our communities?

It seems that we are in a different Ontario. That's why I have said that reconciliation is dead and it was dying and that governments are killing it. It is beyond the time to recognize the inherent rights of Indigenous people, to consider our voices as rights-holders in these territories and to stop excluding us from policy-making processes.

In this month and all months, I recognize the strength, resilience and hope of all Indigenous people in Ontario. Kitchi-miigwetch.

LONG-TERM CARE

Mr. Randy Pettapiece: For Ontario's long-term-care homes, COVID-19 was a time of incredible difficulty and continues to be. Tragically, some homes have failed. We've all heard it, and we need to fix it. But we don't hear as much about the homes and staff who, despite everything, rose to the challenge.

In Perth–Wellington, several homes went into outbreak: Hillside Manor, Greenwood Court, Royal Terrace and Strathcona. They are no longer in outbreak. For that,

we can thank the staff and administration: people who worked long hours away from their families, people who pushed themselves working way beyond their job description, people who accepted the risk, not knowing how much PPE was left or whether they might come down with COVID, people who kept coming back to work day after day.

I want to thank them at every home in Perth–Wellington. The rest of us will never fully know their contributions. I also want to thank the people and businesses who donated PPE, food or finances.

1030

But there's more that we can do to help. For many families unable to visit loved ones, it has been a long, tough road. We want to visit them; they want to see us too. As homes begin reopening to visitors, let's respect the staff and follow the rules. They're in a place for a reason: to keep staff safe and residents safe, and to keep COVID out. Now is not the time to let our guard down, but now is the time for patience, understanding and kindness. It's the least we can offer.

COVID-19 RESPONSE

Ms. Donna Skelly: I'm pleased to rise today to applaud the city of Hamilton, local business owners and restaurateurs and council for their efforts to reopen business. City council has unanimously approved many temporary shared outdoor dining districts in public spaces throughout the city, throughout the summer and throughout the fall.

It was an idea put forward by entrepreneur Jason Cassis. Since the COVID crisis began, Cassis has seen opportunities where others have seen obstacles. Hamilton's small business community has envisioned restaurants expanding capacity by creating patios and piazzas on public spaces, including sidewalks, parking lots and roadways. Restaurants and bistros along King William Street have expanded seating capacity on to the roadway. Thirty-two similar projects are being developed in Hamilton, and although some establishments were denied the opportunity to open due to their proximity to homes, 70 restaurants have received permits so far. Permit fees have been waived and permits have been fast-tracked. Restaurants have been allowed to extend their liquor licences into public spaces, and this is another example of our government reducing red tape.

I'm proud to say that Hamilton has taken the lead on the outdoor-dining idea, and other communities are now following suit. They allow for expanded capacity while complying with physical distancing regulations. For many, outdoor dining could mean the difference between a successful summer season or closure. I'm proud to say that the Hamilton hospitality industry has taken the Premier up on his challenge to be creative and innovative during the COVID crisis, and they are doing so successfully.

VISITORS

The Speaker (Hon. Ted Arnott): I would like to draw the attention of the House to some special guests who are

here in the Speaker's gallery this morning. First is Patricia Kosseim. Ms. Kosseim is Ontario's new incoming Information and Privacy Commissioner.

Applause.

The Speaker (Hon. Ted Arnott): Ms. Kosseim was selected by a panel of MPPs earlier this year. She took her oath of office in the Speaker's office this morning, and she will be assuming her new role on July 1. Most recently, Ms. Kosseim has been practising law, based in Ottawa. Previously, she served over a decade as senior general counsel and director general at the Office of the Privacy Commissioner of Canada. During that period, she was responsible for overseeing a broad range of regulatory functions.

Ms. Kosseim is joined today by her husband, Ken, and daughter Emily. On behalf of the House, we wish you every success in your upcoming work and we look forward to working with you.

Also in the Speaker's gallery is Brian Beamish, our current Information and Privacy Commissioner, whose term in office will end while the House is adjourned next week. Brian first began his career at the Office of the Information and Privacy Commissioner in 1999, as director of policy and compliance. This was followed by his appointment to assistant commissioner in 2005, where he directed the Tribunal Services Division, investigating privacy complaints and resolving access to information appeals.

In addition to overseeing the tribunal, Brian also served as an executive policy adviser, playing a key role in executing the mandate of the IPC and supporting several initiatives in the best interests of the public, such as bringing universities and hospitals under the Freedom of Information and Protection of Privacy Act and ushering in the Personal Health Information Protection Act. Brian was appointed commissioner in 2015.

Prior to joining the IPC, Brian held a number of positions within the Ontario public service, including with the Ministries of the Solicitor General and Correctional Services. He is a member of the Law Society of Upper Canada and a graduate of the University of Toronto law school. In 2016, he was the recipient of the OBA Karen Spector Memorial Award for Excellence in Privacy Law.

Brian, on behalf of the Legislative Assembly, please accept our thanks for your long public service, your exemplary work as the Information and Privacy Commissioner over the past years, and our very best wishes for a happy and healthy retirement. Thank you.

Applause.

Hon. Doug Ford: Point of order.

The Speaker (Hon. Ted Arnott): I understand the Premier wants to raise a point of order.

BARBARA TRAPP-MACBRIDE, ANDY
HOOPER AND LISA MCGINNIS

Hon. Doug Ford: Yes, Mr. Speaker, and thank you for the time. I want to wish a very happy retirement to three absolute champions of the OPP detail. They've served

over 30 years. I have one champ right over there: Barb Trapp. We call her "Mama Barb." Barb, can you pop your head in for a second? No? Just for a second. You can pop just over the top. I'm sure the Speaker won't mind. There she is. Absolute champion.

Constable Andy Hooper: He's not here today, unfortunately. His father passed away yesterday or the day before, and we give him our condolences.

Lisa McGinnis: I hear she does an incredible job with the bagpipes. She's with the Lieutenant Governor.

I guess the only persons who can relate to this are the Lieutenant Governor and former Premier Kathleen Wynne. When you're with a group of people day in and day out, and you're literally living with these people, they become part of your family. They know your kids and your family. They know personal issues. They know pretty well everything. I'm just so grateful for my team and all the OPP officers that protect each and every one of us, so I just ask everyone in the House to please show their appreciation. Thank you.

Applause.

The Speaker (Hon. Ted Arnott): Thank you very much.

QUESTION PERIOD

LONG-TERM CARE

Ms. Andrea Horwath: I do want to start by joining the Premier in thanking the OPP officers for their service to himself and to the people of Ontario. It's not an easy job—that's not a comment on you, Premier. Overall, it's not an easy job to be an OPP officer. That's certainly the case. I think we all know it, and we are all very grateful for the work that they do for all of us.

I also want to, on behalf of the official opposition, thank Brian Beamish for the work that he has done for us for many years and also the service that he has given to the people of Ontario.

Speaker, my first question is to the Premier. Yet another Ontarian who watched in terror while COVID-19 ravaged the long-term-care home her mother lived in joined me this morning. Tanya Cooms's mother, Dorothy, was a resident at River Glen Haven nursing home in Sutton, a private facility run by ATK Care Group where 33 residents died of COVID-19. When she called for an update on her mother's health, Tanya learned that over the course of the outbreak, her mother had been shuffled in and out of rooms with COVID-positive patients. Tanya is horrified that ATK group will face no consequences and soon take back control of this facility, after endangering and losing so many lives.

Why is the government bending over backwards to protect these companies who have put vulnerable Ontarians in danger?

The Speaker (Hon. Ted Arnott): The Premier.

Hon. Doug Ford: Through you, Mr. Speaker, the last thing I'm ever going to do is protect any of these companies, especially the ones that have dropped the ball. We're going to hold them accountable, and that's why we have an independent commission coming forward in July, and that's the reason we have other commissions, no matter if it's the Auditor General or the coroner's office, and potentially the police.

If they neglected seniors and the most vulnerable in our society, these people are going to be held accountable. I've said it publicly, and I'll say it publicly again: We aren't going to protect these homes. I don't want to paint a broad brush because, even at the peak, close to 80% of the homes didn't have COVID. There's always good and bad in every scenario. But I can assure you, we'll get down to the bottom of it, and I look forward to working with the Leader of the Opposition, working hand in hand with the Leader of the Opposition, to make sure that people are held accountable and that this never happens again.

The Speaker (Hon. Ted Arnott): The supplementary question.

Ms. Andrea Horwath: Well, Speaker, after fighting to get Dorothy tested for other health concerns and seeing that she was still not improving, Tanya actually had to fight for her to get transferred to a hospital. She had to fight the home. When she asked outright, River Glen Haven simply said, "We don't do that," and that she had to trust that they would be able to handle it.

1040

This is not the first time we've heard that families were having to fight tooth and nail to pull their loved ones out of dangerous situations in long-term care to get the help that they needed in hospitals. These homes have not only failed to protect residents from infection but, in some cases, have actually put up barriers to accessing critical care.

Why is the government so committed to protecting these dangerous and negligent homes?

Hon. Doug Ford: Well, first of all, a message to Tanya: I understand what she's going through and the pain these families have gone through. It's totally unfair. We're here to fix the problem collectively, not separately. It doesn't matter if you're part of the orange party or the red party or the blue or green; we need to work together and come up with a system—that has been broken for years, decades. Rather than us sitting there pointing the finger—"the last 15 years"—at these guys or them pointing it at us, work collectively, like we are doing with the federal government and we are doing with all other Premiers, including the Premier of BC, who has shown great leadership and is again a colleague—I always call him for advice; he's a great Premier out there—so that we're able to get a handle on these long-term-care homes. But as we all know, once COVID gets into these homes, it's like a bushfire going through these homes. It's extremely hard to control it. We're going to make sure that this doesn't happen again.

The Speaker (Hon. Ted Arnott): And the final supplementary?

Ms. Andrea Horwath: Well, Speaker, as the official opposition, we certainly want to make sure this doesn't

happen again, and I hope the Premier's comments indicate that he's prepared to undertake a full judicial public inquiry, a find-and-fix inquiry, to fix the mess once and for all. That's certainly something that I could work hand-in-hand with the Premier on.

But what horrifies Tanya and hundreds of others like her is that the Ford government insisted that their loved ones were protected when they weren't. On April 14, the Minister of Health told Ontarians, "Rest assured if people need to be in hospital due to COVID-19 from a long-term-care home, they will be taken to hospital." Tanya had to fight relentlessly to get her mother to a hospital. We know that families at the Orchard Villa facility were also told that hospitals would not accept their loved ones, even as they were dying in the facility.

Why did the government claim transfers would happen and then sit by while for-profit homes told their families they would not?

The Speaker (Hon. Ted Arnott): Minister of Long-Term Care.

Hon. Merrilee Fullerton: Thank you for the question. My heart goes out to everyone affected by COVID-19. When we consider the frail of the frail in our long-term-care homes, many of them have advanced care plans that they want to be treated in the home, they want to be supported in the home and their families want them to be supported in the home. Looking at the scientific evidence from across the world in determining how we manage our residents in long-term care, if the resident or their guardian or their family wants them to be moved to a hospital, that is their right, and that must be the case.

If people determine that they want to be in the long-term-care home because that is their home, that is ethical and moral ground: that we must consider the right of that individual and that family. But there was never a situation where residents would be stopped from being moved to hospital if that's what they wished.

LONG-TERM CARE

Ms. Andrea Horwath: My next question is for the Premier, but I have to say that it's frightening and, in fact, horrifying to hear in this Legislature that the Minister of Long-Term Care is basically telling all those families, who very much experienced the fact that the homes would not transfer to hospital, that they're lying or they're not telling the truth. That's completely unacceptable and horrifying. I hope that she corrects the record and takes back those disrespectful comments, Speaker.

The question is for the Premier: Again and again, families have learned that promises of the Ford government were nothing more than empty words, just like that minister just proved. This weekend the Hamilton Spectator told the tragic story of Michela Caruso. She died after contracting COVID-19 from a home care worker sent to her home by a temporary agency. The family later learned that the same temporary worker was working at a number of other facilities, including the Rosslyn retirement home, the source of Hamilton's worst COVID outbreak.

The Premier said there would be an iron ring. Where was it?

Hon. Doug Ford: Do you know something, Mr. Speaker? There's no one that has worked harder than our Minister of Long-Term Care—no one; no one in this whole chamber. No one was up late, till midnight at night, worrying about this, on phone calls, making sure we did have an iron ring around these homes.

Obviously, we sent the hospitals in there. We made sure that Ontario Health was in there. We made sure public health was in there. We called the military in. No one—no one—has worked harder. If it wasn't for the Minister of Long-Term Care, it would have been a lot worse. It was terrible, what happened. Make no mistake about it; it was terrible. One death was one too many deaths.

But again, collectively, we can work together and fix all the problems that have happened over the decades, and collectively, again, we can work together and fix this problem.

The Speaker (Hon. Ted Arnott): The supplementary question.

Ms. Andrea Horwath: Well, Speaker, there was no iron ring, and we can't work collectively if the government refuses to acknowledge their failures in protecting seniors from long-term care when we have well over 2,000 people dead after COVID-19 ripped through their homes.

In April, the Premier told families that there would be an iron ring protecting seniors, and he dismissed concerns about temporary agency workers who were exempted from restrictions on working at multiple facilities. He promised screening and oversight. He promised protection. The Caruso family didn't get it, Speaker. Michela Caruso died as a result of that, and three other members of her family are now battling COVID-19.

What does the Premier say to families who believed his promises and are now dealing with the devastating consequences of taking this Premier at his word?

The Speaker (Hon. Ted Arnott): The Minister of Long-Term Care.

Hon. Merrilee Fullerton: Thank you for the question. Our government acknowledges the crises that COVID-19 caused in our homes, and we have listened. We have listened across the province to hear from families and residents.

We were in the process of creating a resident-centred model and overcoming the neglect of the last 15 years of the long-term care sector. This was a combined effort of Ontario Health, Public Health Ontario and many ministries, looking at everything we could do, every measure. We are in the process of moving forward, fixing what was left behind for us to deal with and the previous government's failure, supported by the NDP.

We are looking forward to a resident-centred long-term-care system designed for the 21st century that includes community, that includes integration with acute care centres, and that includes research and academia and making an integrated system. Ontario Health, Public Health Ontario and our government have worked strenuously to support our residents in long-term care, and we'll continue to do that.

The Speaker (Hon. Ted Arnott): The final supplementary.

Ms. Andrea Horwath: Well, Speaker, whether it's long-term care, whether it's home care, whether it's retirement homes, the government has failed to keep their promises to families.

Instead of holding care homes legally accountable and revoking licences permanently, the government is protecting the companies from being responsible to the families of residents who died on their watch. Instead of pledging an end to a for-profit system where overworked and underpaid staff put themselves and their residents at risk, the Premier insists that there is no one at all to blame here. When will the Premier stop bending over backwards to protect companies that have put vulnerable Ontarians in danger?

The Speaker (Hon. Ted Arnott): Premier?

Hon. Doug Ford: I've said from day one that I'll take ownership of this, and we're going to fix this problem. That's why, in January, we made COVID-19 a reportable disease, implemented our COVID action plan, issued three emergency orders, introduced two packages of amended regulation and announced \$243 million in emergency funding to support 24/7 screening, additional staffing, enhanced cleaning and additional surge capacity.

We did over 2,800 inspections last year alone. Yes, do I agree? We have to have more inspections, rigorous inspections, and working with the homes because they have to come up along with all of us. They have to be part of the solution, too. Right now, there are 63 homes that are in outbreak, out of 626 homes. So collectively, we're getting there. We're far from the end, but collectively, we're getting there. There are 252 resolved right now, so I guess the system is working to a certain degree, Mr. Speaker, when we're seeing this movement in a positive way.

1050

MENTAL HEALTH SERVICES

Ms. Andrea Horwath: My next question is also to the Premier. The tragic deaths of Ejaz Choudhry, D'Andre Campbell and Regis Korchinski-Paquet are prompting more and more calls for desperately needed changes in policing. Yesterday, the Centre for Addiction and Mental Health added their voice, saying, "Tragic outcomes ... occur when people with mental illness experience a crisis ... and are not able to get the care that they need. Racism and anti-Black racism compound these crisis interactions...."

"For too long, the health care system has relied on police to respond to mental health crises in the community. Transformative change is needed to support a new way forward."

Does the Premier agree that transformative change is needed, and if so, what does he propose?

The Speaker (Hon. Ted Arnott): The Solicitor General.

Hon. Sylvia Jones: I think this is a very important discussion for us to have, and I'm glad that the member opposite has raised it.

We have made, as a government, a commitment to invest along with the federal government \$3.8 billion in mental health crisis and intervention supports. We have the first minister responsible for mental health in the province of Ontario. We made that commitment many years ago, and we are following through.

I'm going to give you just a couple of examples that talk about how when communities work together, when the police and the mental health associations work together, we get excellent results; we protect people. The Barrie police service: nearly \$500,000 to support a crisis outreach and support team which provides crisis intervention to individuals in crisis by partnering a police constable with a CMHA crisis intervention specialist. These teams work, they protect our communities, and they get the individuals the help when they need it in the community.

The Speaker (Hon. Ted Arnott): The supplementary question.

Ms. Andrea Horwath: It's not enough for the Premier and the minister to, when these tragedies occur, offer thoughts and prayers and then ignore their desperate pleas to change a system that has left too many people dead. The Premier's condolences ring hollow when he has rolled back police oversight and has cut millions in mental health funding as well.

Interjections.

The Speaker (Hon. Ted Arnott): Order.

Ms. Andrea Horwath: Just to remind the government, they cut \$325 million from mental health funding.

The world-renowned Centre for Addiction and Mental Health was clear: "Police should not be the first responders when people are in crisis in the community," says the Centre for Addiction and Mental Health.

They were pretty clear. Does the Premier agree, and if so, what is he prepared to do about it?

Hon. Sylvia Jones: I'm not sure the member opposite actually heard some of the very specific examples that I was raising in my previous answer. I will highlight others. It's not just about what's happening in policing and in the solicitor general. There was \$10 million announced last week in education to assist our children. The Guelph Police Services Board—over \$2 million to support IMPACT mental health crisis teams that pair mental health workers with police officers.

Look, the reality is, when someone calls 911, they want help, and that's what we're providing. We're teaming together with other ministries, with other levels of government, to get this done. I would love to have you on board when we're doing this.

CURRICULUM

Mr. Randy Pettapiece: My question is to the Premier. Yesterday, the Premier and the Minister of Education announced a new math curriculum. I know that, for years,

our students were being failed by the previous government's discovery math curriculum. For over a decade, EQAO math scores have been falling; in fact, over half of grade 6 students failed to meet the EQAO standard in math. Can the Premier tell us how our plan is delivering on our promise to address plummeting math scores and give students the skills they need to succeed?

Hon. Doug Ford: I want to thank the member from Perth-Wellington for his great question. I also want to give a shout-out to our great Minister of Education. I'll tell you, he's doing—

Interjection: Letch.

Hon. Doug Ford: Yes, better known as Letch. He's doing a great job.

I have to tell you, we have to get back to the basics. We have to make sure that we get back to the basics of science and technology, engineering and math.

I've told this story before, but I'll tell you again: Before I was involved in politics, I interviewed a young gal who came in the office—university degree. And just out of the blue—I've never done this before, Mr. Speaker. Just out of the blue, I said, "What's seven times seven?" She's looking around, she grabs her phone and she was going to start—I said, "What is seven times seven?" She couldn't answer that. That's a university graduate. They're relying on their phones. Back in the day—maybe I'm aging myself, Mr. Speaker, but you're the same vintage as I am. Remember the old flash cards you used to remember?

We have to get back to the basics of math, and that's what the Minister of Education is doing. I appreciate the work that you're doing—

The Speaker (Hon. Ted Arnott): Thank you. The supplementary question.

Mr. Randy Pettapiece: Thank you to the Premier for that answer. I certainly remember the flash cards. My generation probably invented the flash cards.

It's great news that the government is moving forward with these important changes. In uncertain times, it's more important than ever to ensure that our students are equipped with the skills they need to find a good job in the new economy. The world is rapidly changing, and we need to make sure our education system is adapting and keeping up. Parents and students want an education which gives them the skills and competencies they will need in the modern economy and job market.

Speaker, I know that many parents want to be more involved in their child's education and engage with them to help them succeed. Can the Premier tell us more about how this curriculum was developed with the input of parents and is built to help them support their children?

Hon. Doug Ford: Thank you to the member. If the people listening at home and the people here in the House think back, this curriculum hasn't changed since 2005. What hasn't changed since 2005? Everything is changing.

We have two choices here, Mr. Speaker: We either let our kids fall behind the rest of the world when we open up the economy—and I call it the new economy, with different ways of doing things, no matter if it's online or technology. We're competing. We're competing against

the rest of the world. We need our students to be number one. They're the new trailblazers. All the graduates who are graduating today—and I'm going to say a few words through virtual video: These are our future politicians. These are our future leaders, future Premiers, future Prime Ministers. But we have to be up and compete against the rest of the world, and that's exactly what this new curriculum is going to do: give us a fair standing when it comes to competition.

COVID-19 RESPONSE

Mr. John Vanthof: My question is to the Premier. The COVID outbreak among migrant farm workers is tragically now the biggest workplace outbreak in the province. But sadly, this shouldn't have come as a surprise. Meat processing plants, people working in very close proximity? A hot spot.

But the Minister of Long-Term Care also identified in this House several times that the wards in long-term care, because people are so close together, are part of the problem—kind of like bunkhouses with migrant workers who have nowhere else to go when they're sick.

Everyone knew this. You knew this. The government knew this. Yet you failed to act. Now the Premier has stated a few times that it's the farm community that's holding things up.

The government knew that this was a hot spot. Why has it taken you so long to act? Why have you risked the lives of the people who harvest our food?

Hon. Doug Ford: I appreciate the question. Everyone in this room supports our farmers; it doesn't really matter what political stripe. We were able to come up with a solution. That's amazing.

It's amazing when you work with people and you sit down with the farmers that you really look up to. These are some of the hardest-working folks out there. We have a solution now. The farmers have agreed, along with the migrant workers, to get tested, and we have farms lined up one after the other after the other.

Actually, a farmer, the head of one of the associations, called me up and said, "I appreciate the work that you're doing. I appreciate that we have two choices: Either we ignore it and it starts spreading and it gets into the community"—because it's not the migrant workers' fault. Remember, they came here and self-isolated for two weeks—

The Speaker (Hon. Ted Arnott): Response?

Hon. Doug Ford: I'll follow up with my comments on the second round here.

The Speaker (Hon. Ted Arnott): The supplementary? The member for Essex.

Mr. Taras Natyshak: Without any details, the Premier did announce this morning that he finally, now, today, has a plan to move Windsor and Essex and Leamington to stage 2, weeks after local officials, businesses and citizens have been begging him to show leadership—the kind of leadership that we saw in British Columbia that intervened

early and contained the outbreak in the migrant worker population.

1100

Our region has undoubtedly been hit harder than others from this pandemic, and despite the lack of leadership provincially, we've persevered. Speaker, this is not sustainable, not for one more day. A good leader doesn't leave anyone behind. A good leader identifies the threats early and moves the resources to where they are needed most.

Will the Premier finally commit to deploying all available resources to test, trace and contain the outbreak on farms so that all communities in Windsor, Essex and Chatham-Kent, who have sacrificed so much, can safely reopen and rebuild our economy?

Hon. Doug Ford: Through you, Mr. Speaker: I wasn't going to mention this, but now, since he sent a missile over, I'll tell you what the head of the association said. They named the member from Essex, without prompting from me. They named his name and said he has done absolutely nothing here—absolutely nothing. I didn't prompt this; he actually called you out by name.

Mr. Taras Natyshak: You're such a piece of shit.

Interjections.

The Speaker (Hon. Ted Arnott): Order. Take your seat.

The member for Essex will withdraw.

Mr. Taras Natyshak: I withdraw.

The Speaker (Hon. Ted Arnott): To the Premier, to complete his response.

Hon. Doug Ford: Thank you, Mr. Speaker. That's the first time I've ever heard anything like this in the House here, honestly.

Mr. John Fraser: Oh, my gosh.

Hon. Doug Ford: It is.

But I'll just tell you what we've done. We've been in contact with the chief medical officer. I was in contact with the mayor there, Mr. Speaker. We've given \$15 million for the purchasing of PPE, enhanced cleaning, disinfecting and making sure we're redesigning work stations. We will do anything to support the farmers, the workers and the people from Windsor-Essex. Thank you. They know I support them.

Mr. Taras Natyshak: You haven't done anything.

The Speaker (Hon. Ted Arnott): The member for Essex will come to order, and the member for Essex is warned.

Ms. Lisa Gretzky: It's not a joke. People are dying.

The Speaker (Hon. Ted Arnott): Order.

Ms. Lisa Gretzky: It's not a joke. People are dying.

The Speaker (Hon. Ted Arnott): The member for Windsor West will come to order. The next question.

COVID-19 RESPONSE

Mr. Norman Miller: My question is for the Minister of Heritage, Sport, Tourism and Culture Industries. The minister has been visiting communities across our province as they begin to reopen and offer Ontarians safe

experiences and services. These tourist stops included a visit earlier this month to my riding of Parry Sound–Muskoka.

Unfortunately, Ontario’s tourism industry has been one of the hardest-hit since the COVID-19 outbreak began. Parry Sound–Muskoka is often cited as one of the best places to visit in Canada and in the world. Thousands of jobs in our communities depend on this tourist traffic. As a former tourism operator, I know how scary this spring has been for our owners and tourism businesses.

Mr. Speaker, can the minister update this House on her investments into tourism in Parry Sound–Muskoka and other regions around the province?

Hon. Lisa MacLeod: I would like to first and foremost thank the member for his committed leadership during this crisis, particularly for his residents but for the tourism industry and sector as a whole as he engaged on a province-wide tour—virtually, of course—for me as we studied the impacts within the ministry.

We had the opportunity to visit his community on June 14. We visited the Lake of Bays Brewery, Santa’s Village, Trillium Resort and Spa, Algonquin Outfitters, Algonquin Theatre and 3 Guys and a Stove. In fact, Speaker, it is phase 2, so people are even allowed to get haircuts in Muskoka.

Speaker, I would like to say that our government has made a significant commitment to his community. We have invested over \$350,000 in marketing and tourism dollars, over \$100,000 for Resorts of Ontario to market their products across the province, and we invested \$81,000 in Celebrate Ontario funding for his community—despite the fact that many of these festivals are unable to perform this year, but we want them to be here for next year, in 2021, when Muskoka comes alive again and begins to welcome the entire world back to that community.

The Speaker (Hon. Ted Arnott): Once again, the member for Parry Sound–Muskoka for the supplementary question.

Mr. Norman Miller: Minister, you’ll be happy to know I have a haircut booked for this Saturday.

I know that the minister has been fighting hard for the tourism sector and is busy promoting travelling within our province to Ontarians. I also know that the \$100,000 in support for Resorts of Ontario is a much-needed investment that will be appreciated by our resort owners, who have been hit especially hard. I know that this investment will pay off. When we were in the resort business, Resorts of Ontario had the most effective marketing programs.

The minister made additional investments, both in my riding and on other tour stops across the province, that doubled down on Ontario government support and confidence in local tourism. Can the minister please expand on other measures that will be instrumental to our tourism industry, both in the interim and in the future?

Hon. Lisa MacLeod: As you know, the tourism industry and hospitality sectors in the province of Ontario are worth about \$36 billion in economic activity. It has significantly impacted a number of communities, and that’s

why it was important for me to make an early initial investment for hyper-local tourism of \$13 million, which the member has talked about in his own community.

I also had the opportunity to join the Minister of Municipal Affairs and Housing in Gananoque to make some significant investments there, in my home city of Ottawa, down to Niagara with the member from Niagara West–Glanbrook, up to Muskoka, but also to Blue Mountain with the member from Simcoe–Grey. I’ll be going to Cambridge and Waterloo this week, as well as taking in the sights here in Toronto, to demonstrate two things. When it is safe to do so, our tourism operations and our cultural attractions are going to be safe to welcome people back, and we are going to be committed as a government to supporting this vital industry, where hundreds of thousands of Ontario jobs are relied upon.

I say this to all members of this House: It’s our job collectively to get into our communities and to lead and demonstrate that as we enter phase 2 in almost every community across this great province this week, it is safe to go to your local patio, it is safe to go to your local operation, and it is safe to stay in a local hotel because we have asked them through labour and we have asked them through health to make sure that they are accommodating those rules.

ANTI-RACISM ACTIVITIES

Ms. Laura Mae Lindo: My question is for the Premier. Yesterday, the CBC reported that 45 lawyers from the Ministry of the Attorney General sent a letter to the Chair of Cabinet describing “‘countless instances’ of anti-Black and anti-Indigenous racism on the job.” I was CC’d on this correspondence. The letter paints a disturbing picture of the experiences of racialized professionals working in this government. They describe degrading comments from colleagues, including being told that they were not as qualified to do their job as their white peers.

The minister has stated that he takes this seriously, but people need more than pledges of support; they need action. Will the Premier please outline the steps that are being taken to address systemic racism in his ministries?

The Speaker (Hon. Ted Arnott): The Attorney General.

Hon. Doug Downey: Our government has zero tolerance for racism, hate and discrimination. We’re fully committed to addressing systemic racism, advancing inclusion, and achieving equity in our workplaces. This includes the elimination of all forms of discrimination and challenging the deep-rooted racism that continues to operate at all levels and in all sectors of society.

I thank the employees of the Ministry of the Attorney General for their bravery and leadership in sharing their feedback and perspective. We hear them, and we take this matter seriously. We’re taking action by engaging a third party to review the Ontario public service’s inclusive workplace policies and programs, and the President of the Treasury Board is working with the Anti-Racism Directorate and the Ministry of Government and Consumer

Services on a broader review of workplace culture and systemic issues.

Our values of diversity, inclusivity, accessibility, equality and respect are the cornerstone of our ongoing efforts to modernize government and combat racism and discrimination in the workplace.

There is more that can be done and will be done, but I want to make clear in this House that we are committed to advancing change and progress.

The Speaker (Hon. Ted Arnott): The supplementary question.

Ms. Laura Mae Lindo: Systemic racism was a problem under the Liberals, and it hasn't gotten any better under this government.

In 2017, reports with similar experiences from OPS workers were also released. Dating as far back as 2007, OPS employees raised issues of systemic anti-Black and anti-Indigenous racism in the government. At that time, they were promised that people would act with lightning speed to change the culture. It was only 2017 that an anti-racism policy for the OPS was developed, and OPS employees were promised anti-racism programs with measurable targets and indicators. Unfortunately, there's no record of actual concrete change from this government.

1110

My question is whether or not the work that has just been outlined is actually going to be public, so that OPS workers, no matter who they are, what colour they are or what their ethnic background is, will finally feel safe working in government in Ontario.

Hon. Doug Downey: Discrimination and harassment have no place in any workplace, whether it be government or private sector. We are fully committed to addressing systemic racism in all forms, and we want to advance inclusion and achieve equity in our workplaces.

We are committed to fostering a more inclusive workplace culture, free of discrimination and harassment. We have completed an independent external review of complex workplace discrimination and harassment cases—that was in 2018—and we're taking steps to implement those recommendations. We have ensured supports and resources are available to OPS employees who face discrimination or harassment, as well as for managers to support their employees.

We've developed an anti-racism competency and capacity-building program to build human resources policies that ensure a more equitable, respectful and inclusive OPS. In 2018, we developed and launched the anti-racism policy to identify and address systemic barriers, and the President of the Treasury Board is working with the Anti-Racism Directorate and MGCS on a broader review of workplace culture and systemic issues.

While we are working to advance change and progress, we also know that there is more that can be done, and we are committed to that action.

COVID-19 RESPONSE

Ms. Mitzie Hunter: My question is to the Minister of Finance. Yesterday, a report released by the FAO showed

a stark employment decline in cities like Windsor, Thunder Bay, St. Catharines, Niagara and the province's biggest employment region, Toronto.

Small and medium-sized businesses are the economic powerhouse in Ontario and indeed across Canada. Just this morning, I heard a seminar put on by Dan Kelly from the Canadian Federation of Independent Business that talked about how small businesses were struggling; he was presenting to the Scarborough Business Association. Now more than ever, they need support from their provincial government to hold on.

Frankly, restaurants and businesses across all sectors in every corner of this province need support, liquidity and stability. The road to recovery ahead is long. It's not going to be a quick bounce-back. Tax deferrals alone will not go far enough. We need to ensure that small businesses will survive through to the recovery so that they can maintain their position in our society as job creators.

Will the minister commit to implementing a multi-year financing payback program specifically designed for small and medium-sized enterprises so that they will have the time they need to repay these tax deferrals, and give them the support that they so desperately need?

Hon. Rod Phillips: I thank the member for her question. We are open to all ideas in terms of how we will support our small businesses and our larger businesses. As this Legislature knows, we introduced a \$17-billion program—that was \$7 billion in direct support—that has included support from a rent perspective and that has included support from an electricity perspective. We've also been keen partners with the federal government in terms of their supports with regard to liquidity.

Mr. Speaker, we have stepped up for small business. We have put in place an eviction ban to support small business. We have put in place a number of measures to make sure that we are listening to our small business community. Our Associate Minister of Small Business has held over 40 round tables with those businesses, taking in those ideas.

What we know our small businesses really want is a chance to reopen. I'll comment on that during my supplementary.

The Speaker (Hon. Ted Arnott): Supplementary question.

Ms. Mitzie Hunter: I do want to say, back to the Minister of Finance, that the \$17 billion includes \$10 billion in tax deferrals, which speaks to my earlier question: Will you create a program that doesn't require that payback in the fall of this year, when many small businesses are simply just trying to hold on?

I also want to say that since the minister last updated the House on March 25 regarding the province's economic and fiscal outlook, so much has changed as a result of this pandemic and the responses and the measures put in place to protect lives. It affected our economy a great deal.

Now that the Ontario government has entered phase 2 in the reopening, we do need a clear picture of what the economic outlook is so that we can properly plan for a full

recovery. A fiscal update in August is far too late. The federal government announced last week that they would do an update on July 8.

I'm asking the minister today: Will you commit to doing an update on Ontario's economic and fiscal outlook by July 15 so that we can have the information in this Legislature to properly plan for a full recovery in terms of the programs and services and supports that are needed, like a small business recovery plan that is more multi-year and realistic, based on the economic realities that small businesses and others are facing across this province?

Hon. Rod Phillips: Again, I thank the member for acknowledging the work of this government in terms of supporting the health of our people, as well as for her support and her party's support of the tax deferrals, which were supported unanimously by everyone in this Legislature.

We were unique among governments, in Ontario, in providing an update related to COVID-19, and we made it clear at that time we'll continue to produce those updates. It is great to see other provinces following our lead and indeed great to see the federal government following our lead in July.

We will provide an update in August, as planned, to make sure Ontarians know where we are going.

I want to touch briefly on the issue of reopening. We know that what our small businesses want is to reopen. It is so good to see that the plan this government put forward, a careful but deliberate plan laid out at the end of April, is now leading not only to the reduction of cases—our first priority—but also to the reopening not just in Scarborough, but in other parts of the province and soon in all parts of the province.

Mr. Speaker, our small businesses and businesses want the opportunity to get out and get back to business. I echo my colleague's comments about all of us in the Legislature taking the opportunity to get out, to see the small businesses, to see that we support them and to show Ontarians that it is safe to go back out into our communities.

COVID-19 RESPONSE

Mr. Sam Oosterhoff: My question is for the Minister of Finance.

In my riding of Niagara West, Ontario's grape and wine industry plays a critical role in the livelihood of many workers and family farms. Just last week, I was proud to celebrate Ontario Craft Beer Week and Ontario Wine Week. These industries support local jobs in my riding.

As our economy begins to safely reopen, our government has taken steps to consult with key sectors in all regions to assess the impact of COVID-19 on the provincial economy and to develop a plan moving forward.

Could the minister perhaps speak about part of his plan—that he could share with the House measures that we are taking to stimulate economic growth and job creation in the family-owned grape and wine industry in my riding of Niagara West?

Hon. Rod Phillips: I thank the member from Niagara West for that question. He has been an advocate, since the day he was elected, for the wine industry, for the farmers and for the businesses in his community. Thank you for that work.

In large part due to the member's advocacy—and other members on the government side—to mark Craft Beer Week and Ontario Wine Week last week, the LCBO announced it will be featuring local wines, local craft beers, craft spirits and cider in their facilities. They will also be putting their marketing resources to work to make sure that we are promoting local products, promoting local businesses and encouraging Ontarians to buy and drink locally made alcoholic products.

The Speaker (Hon. Ted Arnott): The supplementary question: the member for Kitchener–Conestoga.

Mr. Mike Harris: In my riding of Kitchener–Conestoga, a vibrant craft beer industry has developed. This sector contributes significantly to our local economy and employs people directly. That is why I've been encouraged to see our government's steadfast support of the craft beer industry. I've been pleased to see us take steps to move forward with expanding choice and convenience for Ontario consumers in modernizing the legal framework for the sale, service and delivery of alcohol.

Could the minister please inform the House about other measures our government has taken to support the Ontario craft beer industry?

Hon. Rod Phillips: I thank the member from Kitchener–Conestoga for his advocacy for the craft beer industry. He is also an occasional customer, I understand. I know that Block Three Brewing in St. Jacobs and Rural Roots brewery in Elmira are both keen supporters of the member, as he is a supporter of theirs.

Mr. Speaker, our local wine, our local spirits, our local cider and our local craft beer industries are very important parts of our community. That is why the LCBO's Support Local campaign will focus on those local craft breweries. This is in addition to the other supports that our government has continued to provide for craft breweries and the craft industry in general, in addition to the supports we've provided for restaurants and bars to make sure that they can continue to operate and provide these products.

Our government will continue to support our local craft brewers. We know they're important. They're a part of our community, and we're proud to be supportive of them.

1120

COVID-19 RESPONSE

Mr. Faisal Hassan: "Somebody Got Left Behind": That is how homeless advocates describe the death of a woman in an encampment under a Toronto bridge. The Star reports that, tragically, her death went unreported and unnoticed for weeks. In an epidemic, the fact that no one was there for this woman in her time of need makes our failure that much louder.

A single preventable death is one too many, Mr. Speaker. It is clear we need to do more. So my question is to the Premier: How will this government ensure that anyone and everyone who needs access to emergency housing during this crisis will get the support they need? How will you commit to ensuring that Toronto's most vulnerable never get left behind again?

The Speaker (Hon. Ted Arnott): The Minister of Municipal Affairs and Housing.

Hon. Steve Clark: Speaker, through to you the honourable member: I do share your concern. I want to express my deepest sympathy to the family of not just this tragic death in our system, but the other tragic deaths that have taken place in the shelter system because of COVID-19.

Early on in the pandemic, Minister Smith and I provided Ontario's municipalities with \$200 million that could help both people and, more importantly, those service managers, those local municipal heroes who have worked tirelessly to ensure that our shelters are as safe as possible. As well, the federal government—I have to commend Minister Hussen for stepping up early on as well through the Reaching Home program. Our government provided, out of that, \$148 million from my ministry and \$52 million from Minister Smith's ministry. That provided \$39 million to the city of Toronto.

I know that one death in the system is one too many. We'll continue to work with the city of Toronto, and we'll help them with the necessary monies and assistance to ensure that no Ontarian is left behind.

The Speaker (Hon. Ted Arnott): Supplementary question.

Mr. Faisal Hassan: Again, Mr. Speaker, my question is to the Premier. During the pandemic, it is those without homes who are exposed to some of the biggest risk. If you do not have a permanent roof over your head, how are you expected to isolate or distance yourself from others? If you catch the virus, where are you supposed to go while you are waiting to get better?

This is why we need to be doing everything we can to ensure that everyone who needs it has a home to call their own. But unfortunately, for many Ontarians, this government is doing the opposite of that. In fact, the Conservatives made it easier for landlords to evict tenants.

To the Premier: Toronto already has a housing and homelessness crisis. It is clear from the stories of the deaths, like this unnamed woman, that this government has chosen to make things worse. Why?

The Speaker (Hon. Ted Arnott): The Minister of Municipal Affairs and Housing.

Hon. Steve Clark: Again, with all due respect, that's not the case. We've provided the city of Toronto with almost \$22 million, which they've invested in emergency shelter solutions. They've expanded shelters. They've used hotel and motel rooms. They have provided extra funds—some \$2 million in the rent bank.

Again, another New Democrat has stood up in the House and provided information that needs to be corrected. Under the Residential Tenancies Act, every tenant facing eviction in Ontario has the right to a hearing at the Landlord and Tenant Board. It doesn't matter how many

times you give incorrect information; I will correct you each and every time. If they want a hearing and they are facing eviction, they can have a hearing. If they are worried that they're being bullied or forced out of their home by their landlord, they can call the enforcement—

Interjections.

The Speaker (Hon. Ted Arnott): Order. The next question.

COVID-19 RESPONSE

Ms. Christine Hogarth: My question is for the Minister of Children and Women's Issues. Speaker, the COVID outbreak has impacted so many people across Ontario. While we've been encouraging people to stay home and socially distance, it sadly may not be the safest place for those who experience violence or other forms of abuse in the home.

Everyone deserves to feel safe and secure, especially in their own home. And when that's not possible, supports need to be available to them.

I was relieved that shelters have remained open across Ontario so that those fleeing violence, especially those fleeing gender-based violence, have a place to go. I want to applaud the dedicated workers at Women's Habitat in Etobicoke–Lakeshore for their tireless efforts.

Can the minister please let this House know what other initiatives she and our government have taken to help victims of violence as well as agencies who are helping these individuals?

Hon. Jill Dunlop: Thank you to the member from Etobicoke–Lakeshore for that great question and for your advocacy of women's supports in your community.

Our government has been working diligently with partners at all levels to implement enhanced measures and supports to protect the health and well-being of all women across Ontario. One of the many ways we are assisting the gender-based violence sector is a \$1-million relief fund to help front-line agencies adapt to remote service delivery and ensure continued operations during the COVID-19 outbreak. This funding will assist counselling service providers like the Assaulted Women's Helpline and Seniors Safety Line, which will together receive \$200,000 to develop text and online chat platforms, set up toll-free lines, provide on-demand interpreter services, and also hire additional staff to respond to increased call volume. The Attorney General is also providing over \$2.7 million for victim services to help those impacted by violence during COVID-19.

Speaker, our government has been working hard to protect these individuals and provide supports to those on the front line who are helping them.

The Speaker (Hon. Ted Arnott): The supplementary question.

Ms. Christine Hogarth: Thank you to the minister for that answer. It is so critical that victims of violence and agencies supporting them get support, especially during the time we have faced over the last couple of months.

Another really important group of individuals in the province that may be facing additional hardships are our

children and our youth in the child welfare system. This also includes the youth who aged out of care shortly prior to the pandemic and who are close to aging out currently. Just like for everyone else in the province, we need to ensure that these children and youth are being protected and getting the supports that they need.

Can the minister please inform the House what measures our government has taken to help these children and youth as well as the foster parents and the front-line workers who are working on the front lines?

Hon. Jill Dunlop: Thank you to the member for that great question. As soon as we saw the impacts of COVID-19, we started working with our stakeholders and officials to ensure that children and youth that were expected to age out of service got the supports they needed. That's why no youth in care or former youth in care in Ontario will age out of the supports and services they are currently receiving through children's aid societies.

I would like to personally thank the Ontario Association of Children's Aid Societies, who have provided PPE to residential agencies in need. Through our collaboration, more than 2.5 million pieces of PPE have been distributed to over 800 social service agencies across this province.

Speaker, in Ontario, we share responsibilities to protect children from harm and have a duty to report any suspicion that a child or youth is at risk or suffering from abuse. If anyone suspects abuse or neglect, they can find phone numbers for Ontario societies at ontario.ca/stopchildabuse or, where available, by calling 411.

COVID-19 RESPONSE

Mr. Joel Harden: My question is to the Deputy Premier. Front-line workers are sick and tired of being hailed as heroes while being denied the \$4-an-hour pandemic pay increase that this government promised to them—workers like Paul Thomas, a PSW in Ottawa Centre who is caring for our seniors every day, including many with COVID-19 symptoms. Paul makes \$18 an hour while putting his health on the line. He's semi-retired, and one of the reasons he decided to put himself on the front line of this pandemic was the promised pandemic pay increase.

In a letter to our office, he said to us, "This" delay "is a major setback once again, both emotionally and financially. The fact that it has been months now and we haven't received it makes me feel" undervalued and "underappreciated."

Deputy Premier, when will Paul and thousands of his fellow workers receive their promised pandemic pay increase? And will you commit today to making that pandemic increase permanent?

The Speaker (Hon. Ted Arnott): To the Minister of Health.

Hon. Christine Elliott: Thank you to the member very much for the question. Of course, we're very grateful for the tremendous work that our front-line heroes are doing each and every day, coming into work, making sure that they keep their patients or their residents safe, in some cases to their own—because some of them do become ill,

unfortunately. We are recognizing their heroism by introducing the pandemic pay of \$4 an hour. In addition, for employees working over 100 hours per month, they will receive lump sum payments of \$250 per month for the next four months.

1130

I can tell you that we do have a system that we are working through right now to get the pandemic pay to the front-line workers. A week ago, I personally signed over 500 letters to organizations indicating the total amounts that they would be receiving. This has been followed up by letters that have gone out by the deputy ministers.

I'll have more to say in my supplementary answer.

The Speaker (Hon. Ted Arnott): The member for Niagara Falls: supplementary question.

Mr. Wayne Gates: My question is to the Premier.

When this pandemic began, billion-dollar companies like Loblaws and Walmart couldn't wait to tell everyone that they thought their workers were heroes. Yet, just three months later, now that it's not in the news, the billionaire families who own these companies have clawed back the \$2 pandemic pay they gave their workers.

Listen to this: The Walton family, who owns Walmart, is worth \$175.2 billion. The Weston family, who are Canadians and own Loblaws, are worth almost \$9 billion. These greedy families are making record profits. Their workers are still working to keep our communities operating during this pandemic and risking their lives.

In Niagara Falls, actually, a small, independent, locally owned grocery store is still paying the \$2 pandemic pay—a locally owned family business—because he knows they're heroes.

Will your government commit here today to stand up for these front-line heroes whose raises have been taken away by the billionaire families like those who own Walmart and Loblaws, and will you commit to using the power of this government to get the raises back for our front-line heroes who deserve it?

The Speaker (Hon. Ted Arnott): Deputy Premier.

Hon. Christine Elliott: I can certainly agree with you that our front-line workers are heroes and they do deserve it.

I can't speak to what is happening with some of the private companies. I appreciate that some of the smaller groups are following up on their promises that they have made, as we're following up on our promise to provide the pandemic pay to the people who are eligible to receive it. We wish we could have supplied it to everyone, but unfortunately that was not part of the agreement we had with the federal government. Over 375,000 people will be receiving it.

As I indicated in my previous response, the letters have gone to the organizations. They've been followed up with the ADM letters. The money will be flowing very shortly. We have asked the hospitals and other organizations that are going to be distributing these funds to please change their payroll arrangements so that as soon as they receive

those dollars, they will be going into people's paycheques right away. That is going to happen imminently.

CURRICULUM

Mr. Will Bouma: My question is for the Minister of Education.

Speaker, parents in my riding have been frustrated for years with the decline in the quality of math in our schools. Their children are struggling with basic concepts and have not been supported by a strong math curriculum. They know, and our government knows, how critical math is for student success after graduation.

Can the minister please share with the House some details of our new elementary math curriculum and how it will help our students succeed?

Hon. Stephen Lecce: I want to thank the member for the opportunity to speak about the new curriculum the province and the Premier unveiled yesterday, after a decade of stagnating and declining math scores in this province, when more than half of students failed to meet the provincial math standard. It is clear the government must act to improve the opportunities for our young people and give them hope and opportunity in the job market.

Mr. Speaker, that's why we unveiled a new elementary math curriculum that gets back to basics, that restores the fundamentals of math that we know young people in the job market need now more than ever.

For the first time in Ontario's history, we are codifying financial literacy in every grade, from 1 to 8, in this province. We're ensuring that students can code, having computational skills produced in the first grades, grade 1 through 8, to give them that skill set. And we're ensuring that the foundational elements of math—knowing and memorizing their times tables—and getting back to basics in that respect is the new norm so that students can be successful and compete in the marketplace.

The Speaker (Hon. Ted Arnott): The supplementary question.

Mr. Will Bouma: Thank you, Minister, for your answer and for the incredibly hard work that you're doing to make sure that our students have success. It's exciting that we're finally going to be seeing a new math curriculum after 15 years. Improving math is a critical component to our plan to equip students with the skills that they need to succeed in the classroom, in post-secondary education and in the workplace.

Going back to basics is the key, but so is learning how to adapt to the jobs of today and of tomorrow. Can the minister please share some other examples of how our government is setting our students up for success in our ever-changing world?

Hon. Stephen Lecce: I appreciate the question from the member for Brantford–Brant. The government is investing in a four-year math strategy to lift math scores up after a decade of failure under the former Liberal government. We know we must do better when it comes to enabling our young people to be competitive in the

marketplace. It is not a coincidence that in this country we have twice the rate of youth unemployment, or the fact that the debt-to-income ratio for millennials is 200%. We must do better in getting back to the foundations of math. Numeracy, financial literacy and coding are going to be the way forward to make Ontario a STEM leader in the world.

When it comes to our focus, it's about enabling investments in technology to make sure that we're embracing that area of learning: \$15 million more in tech to get more computers out there and \$10 million more in mental health. When you look at the broader vision for education, it's about modernization. It's about ensuring that, for the first time, there's a labour-market lens on our curriculum so that when students graduate, they graduate with confidence that they're going to get a good-paying job.

LONG-TERM CARE

Ms. Teresa J. Armstrong: The Conservatives want to pretend that they have been caught off guard by the horrors that the military uncovered in our long-term-care homes. But when it could come to seniors' care, that's all they've been able to do: pretend. They pretended that they didn't hear families who had been raising concerns about conditions in senior care homes for years. They pretended that there was an iron ring around long-term-care homes and our seniors; there wasn't. And they pretended that they were going to do everything they could to keep our seniors safe and that those responsible would be held accountable, and that's not happening either.

Why is it that the only action our seniors are getting is make-believe and broken promises, but their friends in big, private for-profit long-term-care corporations get legislation protecting them from being held accountable?

The Speaker (Hon. Ted Arnott): The Minister of Long-Term Care to reply.

Hon. Merrilee Fullerton: I would outright reject that premise of that question. I have said repeatedly in this chamber the importance of dealing with fact, the importance of dealing with truth. Our government has been committed since the beginning and has worked relentlessly. My Ministry of Long-Term Care and all the other ministries involved, Public Health Ontario, Ontario Health, we have worked relentlessly with a virus that has never been seen before in this world, that is wreaking havoc across the globe. Our government has taken measure after measure, and you've heard the Premier list those measures over and over and over again. I reject the premise of your question. It is insinuating neglect, and I say that it is the neglect of the previous Liberal government and you that has caused and set the stage for the disaster that we've seen in COVID-19. Our government will continue to do everything possible, take every measure and every tool available to safeguard our residents in long-term care.

The Speaker (Hon. Ted Arnott): That concludes the question period for this morning. This House stands in recess until 1 p.m.

The House recessed from 1139 to 1300.

REPORTS BY COMMITTEES

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Mr. Kaleed Rasheed: I beg leave to present a report from the Standing Committee on the Legislative Assembly and move its adoption.

The Clerk-at-the-Table (Mr. William Short): Your committee begs to report the following bill, as amended:

Bill 175, An Act to amend and repeal various Acts respecting home care and community services / Projet de loi 175, Loi modifiant et abrogeant diverses lois en ce qui concerne les services de soins à domicile et en milieu communautaire.

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

Report adopted.

The Speaker (Hon. Ted Arnott): Pursuant to the order of the House dated June 2, 2020, the bill is ordered for third reading.

STATEMENTS BY THE MINISTRY AND RESPONSES

PRIDE MONTH MOIS DE LA FIERTÉ

Hon. Jill Dunlop: Speaker, I'm happy to stand in the House today to celebrate Pride Month in Ontario.

The government of Ontario stands with the LGBTQ2S community. We stand with them as neighbours, as colleagues, as friends and as allies. Everyone in Ontario should feel welcome and included regardless of sexual orientation or gender identity.

As the minister responsible for children and women's issues, I believe no child in this province should feel ashamed of who they are. We want all children and youth to receive services that are inclusive, that feel safe and that meet their needs. This includes children and youth who are part of the LGBTQ2S community.

No child should have to go to school and be harassed because of who they are. We are committed to ending bullying, ignorance and hate wherever they arise. This includes supporting parents, service providers, caregivers and community leaders as they work to better support LGBTQ2S children and youth in Ontario, both in the child welfare space and as a whole.

Pride celebrations around the world this year are taking place in a time of heightened awareness around race, gender, privilege and economic inequality. Millions have taken to the streets in largely peaceful protests for human dignity, racial and gender equality, and a brighter future.

These currents were the forces behind the rise of the gay and lesbian movements of the 1960s and 1970s, so it should come as no surprise that 50 years later protesters are speaking out forcefully on behalf of the right of the

LGBTQ2S community to live in peace and freedom. This includes highlighting, and denouncing, the violence being committed towards two-spirited members of Indigenous communities. Our government joins in this condemnation.

Speaker, an important part of Pride consists of remembering the struggle for rights and acceptance and sharing a commitment to defend these rights when they come under assault—and they still do.

Ontario and Canada have come a long way over the past 30 years. We have legalized same-sex marriages, added gender identity and expression as protected grounds in human rights laws, and banned conversion therapy in our province. This progress should never be taken for granted. We cannot forget that we live in a world where homosexuality is still a crime in several countries, punishable by death.

Our progress here in Ontario gives us the latitude to speak out for LGBTQ2S rights on the global stage and show the world that embracing our collective differences makes us stronger and more united.

COVID-19 has necessarily changed the physical way we will celebrate Pride this year, but the spirit of Pride is pandemic-proof. It is about being respected and loved for who we are. And that is the real essence of Pride.

Happy Pride to everyone.

The Speaker (Hon. Ted Arnott): Responses?

Ms. Suze Morrison: It's a privilege to rise today and speak about the celebration of Pride in Ontario. I'm extremely fortunate to have the Church and Wellesley Village in my riding of Toronto Centre, and I'm proud that my community hosts one of the largest Pride celebrations in the world.

This year, 2SLGBTQ+ communities across Ontario have had to rethink how to gather and come together as part of Pride celebrations everywhere, from downtown Toronto to Windsor to Kenora, and everywhere in-between.

This year, Pride celebrations look different, but are no less joyful. In my community, people have tested their queer history knowledge at online trivia nights put on by The ArQuives, and chosen families have held socially distanced Pride picnics at local parks. There have been virtual town halls, dance parties and drag shows that have all connected community members to amazing artists and activists. Glad Day Bookshop, the longest-standing LGBTQ bookstore in the world, has organized and actively fundraised for an emergency survival fund for queer and trans artists, gig workers and sex workers during COVID-19. One family I know of has actually sent out Pride greeting cards to a list of their queer family and friends so long that it rivals their holiday card list.

These are just a few of the examples of the innovative ways we have seen communities coming together over the past month.

One thing has been very clear during these celebrations: Pride will always rise.

The 2SLGBTQ+ communities have always demonstrated strength and resilience. I'm proud to be part of a party with a long-standing history fighting alongside queer and trans communities. Together with communities, New

Democrats fought for equal parenting rights, which were achieved in 2016; for the banning of conversion therapy in 2015; and for improving transgender and gender-diverse people's rights in the Ontario Human Rights Code in 2012. We have always been and will always be proud to have a gay agenda, and as New Democrats we will never stop fighting alongside 2SLGBTQ+ communities for the rights and justice that you deserve.

But as we look to the future, and if this Legislature wants to be sincere in their celebrations of Pride, real action is required. We must continue to hold this government accountable for their decisions and commitments that they make in relation to queer and trans communities. It was only two years ago that this government referred to the recognition of gender identity as a "highly controversial, liberal ideology."

We must prioritize progress and orient ourselves toward solutions in queer health, in stabilizing the economic survival of the Church and Wellesley Village and in recognizing that queer and trans communities have been harder hit during the COVID-19 pandemic. For 2SLGBTQ+ folks, fighting, waiting and still not getting the care they need is all too common.

The 2SLGBTQ+ folks still face challenges and barriers in accessing health services that are friendly, competent and affirming. The 2SLGBTQ+ seniors who need long-term care often enter environments that are homophobic and transphobic, threatening their safety and well-being, and forcing them back into the closet.

Businesses in the Church and Wellesley Village—which is a home and a gathering place for people seeking refuge, a place to be themselves, a place to build community and solidarity—are struggling to survive during this pandemic.

This Legislature needs to turn words into action and prioritize initiatives to save the Church and Wellesley Village, to make PrEP free and accessible, to ensure all gender-affirming drugs and surgeries are covered by OHIP, to improve access to primary and secondary gender-affirming surgeries and transition-related procedures, ensure more timely access to fertility programs, create more inclusive and affirming long-term care, and put gender and sexual identity back into our school curriculum.

Lastly, Speaker, I want to say to every member of the 2SLGBTQ+ community, to every queer, trans and two-spirited person in Ontario, and specifically to Black, brown and Indigenous members of the 2SLGBTQ+ community: Know that you deserve to feel proud of who you are and you deserve a government that supports you. You deserve justice, not just equal rights, and your lives matter.

Thank you very much, Speaker, and Happy Pride.

1310

Mr. Mike Schreiner: It's my pleasure to rise today to speak on Pride Month for Greens across Ontario.

First, I want to say how much I feel for everyone who is missing out on in-person Pride events this month. I love marching in Pride parades. I can't remember the last time I was unable to march in person in Toronto Pride, and I

know I will miss it this Sunday. But I want to thank all the community groups who have worked so hard to bring Pride activities online. Your work is essential and deeply appreciated by people in this province.

Speaker, it's been 51 years since the Stonewall protests that launched the Pride movement, and we should not forget this. We would not be here without protest, without confrontation, without difficult conversations, without immense pressure for change. It is so important to remember this, as the world is gripped by the continued deaths of Black, Indigenous and people of colour, and as we acknowledge that LGBTQ+ people of colour are especially vulnerable. We all have a responsibility to ensure they receive justice and equal rights and—especially those of us who are members of this House—have the special responsibility to be allies with people who are saying, "Enough is enough." They are saying that we must dismantle centuries of systemic racism and systemic discrimination.

Today, we put the spotlight on justice for people who are lesbian, gay, bisexual, transgender, two-spirited, queer, questioning, intersex and asexual. It's important to understand these words and what they mean for people because behind each one of these are stories of pain and trauma, but also stories of strength and resilience.

There is so much work to do to dismantle systemic discrimination and barriers.

To everyone in the queer community, I just want to say that we see you, we love you and we will fight for you.

M^{me} Lucille Collard: C'est un honneur pour moi de souligner le Mois de la Fierté au nom du Parti libéral de l'Ontario.

Despite the challenging times all of us are going through, I want to congratulate the LGBTQ community for staying strong and adapting the way that we celebrate Pride Month.

I think now, in particular, we need to look back at the history of Pride and the involvement of our Black community. Back in 1969, Marsha P. Johnson, a Black trans woman, led the Stonewall riots. It's also because of Black queer Canadians that we have these Pride parades. These acts of leadership were important moments in igniting the modern-day queer rights movement. These acts of leadership continue to happen, but we are not quite there yet. More needs to be done. Prejudice continues, hate continues, and we need to work towards dismantling systemic racism and homophobia that still exists in too many aspects of our community and institutions.

I recognize the privilege that I've been given, and I want to reiterate to my community and to all the people of Ontario that I will use that privilege to stand up for equal rights and to dismantle barriers these communities face. Now, more than ever, we need to choose acceptance over discrimination, inclusion over exclusion and, above, all love over hate.

Mr. Speaker, diversity is a fact; inclusion is a choice. Nobody is born with prejudice. Nobody is born racist. I believe this starts within our education system.

But let's go back to some awesome progress we've made. Back in 2013, when our party asked if Ontario was

ready to elect a gay Premier, our province gave us the thumbs-up.

Now there is more work to be done and more to be celebrated, and I look forward to participating in virtual Pride events this year and getting together next year for the future Pride festivals.

PETITIONS

DOCUMENTS GOUVERNEMENTAUX

The Speaker (Hon. Ted Arnott): Petitions? I recognize the member for Nickel Belt.

M^{me} France Gélinas: Merci, monsieur le Président, et bonne Saint-Jean à vous aussi. J'aimerais remercier Solange Boudreau et les membres du Club d'Âge d'Or de la Vallée pour avoir signé les pétitions.

« Alors qu'il est important d'avoir le nom exact des personnes sur les cartes émises par le gouvernement, tels la carte santé ou le permis de conduire;

« Alors que plusieurs personnes francophones ont des accents dans l'épellation de leur nom »—comme moi;

« Alors que le ministère des Transports et le ministère de la Santé ont confirmé que le système informatique de l'Ontario ne permet pas l'enregistrement des lettres avec des accents; »

Ils demandent à « l'Assemblée législative de l'Ontario pour qu'elle s'assure que les accents de la langue française soient inclus sur tous les documents et cartes émis par le gouvernement de l'Ontario », et ce, « avant le 31 décembre 2020. »

J'appuie cette pétition. Je vais la signer et l'envoyer à la table des greffiers.

LONG-TERM CARE

M^{me} France Gélinas: I would like to thank the many people who signed the petition called "Time to Care."

"Whereas quality care for the 78,000 residents of (LTC) homes is a priority for many Ontario families; and

"Whereas the provincial government does not provide adequate funding to ensure care and staffing levels in LTC homes to keep pace with residents' increasing acuity and the growing number of residents with complex behaviours; and

"Whereas several Ontario coroner's inquests into LTC homes deaths have recommended an increase in direct hands-on care for residents and staffing levels, and the most reputable studies on this topic recommend 4.1 hours of direct care per day;"

They petition the Legislative Assembly of Ontario as follows:

"To amend the LTC Homes Act (2007) for a legislated minimum care standard of four hours per resident per day, adjusted for acuity level and case mix."

I fully support this petition, will affix my name to it and send it to the Clerk.

SERVICES D'URGENCE

M^{me} France Gélinas: I have these petitions that were collected by M^{me} Chantal Rochon, de Hanmer dans mon comté.

« Alors que lorsque nous sommes confrontés à une urgence nous savons tous que nous appelons le 911 pour de l'aide; et

« Alors que l'accès aux services d'urgence par le biais du 911 n'est pas disponible dans toutes les régions de l'Ontario, mais la plupart des gens croient qu'ils le sont; et

« Alors que plusieurs personnes ont découvert que le 911 n'était pas disponible alors qu'elles faisaient face à une urgence; et

« Alors que tous les Ontariens s'attendent et méritent d'avoir accès au service 911 partout dans la province; »

Ils demandent à l'Assemblée législative « de fournir une intervention d'urgence 911 partout en Ontario par des lignes téléphoniques ou cellulaires. »

J'appuie cette pétition. Je vais la signer et la donner à la table des greffiers.

LONG-TERM CARE

Ms. Teresa J. Armstrong: I have a very important petition because what we're facing right now is very applicable.

"To the Legislative Assembly of Ontario:

"Whereas the province of Ontario requires a minimum but no maximum temperature in long-term-care homes;

"Whereas temperatures that are too hot can cause emotional and physical distress that may contribute to a decline in a frail senior's health;

"Whereas front-line staff in long-term-care homes also suffer when trying to provide care under these conditions with headaches, tiredness, signs of hyperthermia, which directly impacts resident/patient care;

"Whereas Ontario's bill of rights for residents of Ontario nursing homes states 'every resident has the right to be properly sheltered ... in a manner consistent with his or her needs';

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

"Direct the Lieutenant Governor in Council to make regulations amending O. Reg. 79/10 in the Long-Term Care Homes Act to establish a maximum temperature in Ontario's long-term-care homes."

I support this petition, sign it and give it to the page to deliver to the table.

1320

EDUCATION

Mr. Mike Schreiner: I have a petition from my constituents in Guelph to the Legislative Assembly of Ontario.

"We, the undersigned, petition the Legislative Assembly of Ontario to allow learning-disabled students from the 2019-20 school year to return to their respective provincial demonstration schools for an additional consecutive year,

fulfilling the government's commitment to their right to learn to read;

"COVID-19 has meant that students currently enrolled at provincial demonstration schools have lost one third of their academic year. Their complex needs require intensive, focused and expert intervention in order for them to be able to attain the reading skills that they will need in order to be a contributing member of society;

"Statistics in 2018-19 revealed that 26% of grade 3 Ontario students ... and 53% of children with special education needs ... did not meet the provincial standards for reading. Research has shown that approximately 5% of all students with learning disabilities will need intense interventions, which we estimate to be up to 1,116" students "As a result, the need for demonstration schools is crucial. This intense learning environment has scientifically been proven to remove barriers for the learning-disabled child;

"Please open the spaces in these schools that have been closed. Complete your one-year commitment to our children. Their lives depend on it."

I support this petition, will attach my name to it and bring it to the table.

LONG-TERM CARE

Ms. Teresa J. Armstrong: "Time to Care Act—Bill 13.

"To the Legislative Assembly of Ontario:

"Whereas quality care for the 78,000 residents of (LTC) homes is a priority for many Ontario families; and

"Whereas the provincial government does not provide adequate funding to ensure care and staffing levels in LTC homes to keep pace with residents' increasing needs and the growing number of residents with complex behaviours; and

"Whereas several Ontario coroner's inquests into LTC homes deaths have recommended an increase in direct hands-on care for residents and staffing levels and the most reputable studies on this topic recommends 4.1 hours of direct care per day;

"We, the undersigned, petition the Legislative Assembly of Ontario to amend the LTC Homes Act (2007) for a legislated minimum care standard to provide an average of four hours per resident per day, adjusted for acuity level and case mix."

I fully support this petition, sign the petition and give it to the page to deliver to the table.

ANTI-SMOKING INITIATIVES FOR YOUTH

Ms. Peggy Sattler: I have a petition to the Legislative Assembly of Ontario signed by hundreds of residents of London and area. It reads:

"Whereas:

"—In the past 10 years in Ontario, 86% of all movies with on-screen smoking were rated for youth;

"—The tobacco industry has a long, well-documented history of promoting tobacco use on screen;

"—A scientific report released by the Ontario Tobacco Research Unit estimated that 185,000 children in Ontario today will be recruited to smoking by exposure to on-screen smoking;

"—More than 59,000 will eventually die from tobacco-related cancers, strokes, heart disease and emphysema, incurring at least \$1.1 billion in health care costs; and whereas an adult rating (18A) for movies that promote on-screen tobacco in Ontario would save at least 30,000 lives and half a billion health care dollars;

"—The Ontario government has a stated goal to achieve the lowest smoking rates in Canada;

"—79% of Ontarians support not allowing smoking in movies rated G, PG, 14A, (increased from 73% in 2011);

"—The Minister of Government and Consumer Services has the authority to amend the regulations of the Film Classification Act via cabinet;

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

"—To request the Standing Committee on Government Agencies examine the ways in which the regulations of the Film Classification Act could be amended to reduce smoking in youth-rated films released in Ontario;

"—That the committee report back on its findings to the Legislative Assembly of Ontario, and that the Minister of Government and Consumer Services prepare a response."

I fully support this petition, affix my name and will send it to the table.

AFFORDABLE HOUSING

Mr. Joel Harden: I have a petition here on the topic of affordable housing from the great residents at 616 Kirkwood Avenue, a wonderful community housing building in my riding. The petition reads:

"To the Legislative Assembly of Ontario:

"Whereas for families throughout much of Ontario, owning a home they can afford remains a dream, while renting is painfully expensive;

"Whereas consecutive ... governments have sat idle, while housing costs spiralled out of control, speculators made fortunes, and too many families had to put their hopes on hold;

"Whereas every Ontarian should have access to safe, affordable housing. Whether a family wants to rent or own, live in a house, an apartment, a condominium or a co-op, they should have affordable options;

"We, the undersigned, petition the Legislative Assembly of Ontario to immediately prioritize the repair of Ontario's social housing stock, commit to building new affordable homes, crack down on housing speculators, and make rentals more affordable through rent controls and updated legislation."

I want to thank Jocelyne from 616 Kirkwood and many of other neighbours who signed this petition. I will be giving it to the Clerks' table.

HEALTH CARE

Mr. Joel Harden: I have a petition here entitled “Improve LGBTQ-Affirmative Health Care.” It reads:

“To the Legislative Assembly of Ontario:

“Whereas transition drugs and other medications, such as PrEP, can be costly and unaffordable to many members of the LGBTQ community;

“Whereas wait times for gender reassignment surgeries are lengthy, often inaccessible and frequently require travel;

“Whereas long wait times to receive surgery and other forms of care can have severe mental health risks;

“We, the undersigned, petition the Legislative Assembly ... to call upon the government to provide full coverage for gender reassignment surgeries, transition drugs and PrEP so that LGBTQ+ Ontarians can receive health care promptly.”

Speaker, I want to thank Devon Small and others who were signatories to this petition. I will be signing it and giving it to the Clerks’ table.

MULTIPLE SCLEROSIS

M^{me} France Gélinas: J’aimerais remercier Ken and Sylvia Ransom from my riding for collecting this petition. It reads as follows:

“MS Specialized Clinic in Sudbury ...

“Whereas northeastern Ontario has one of the highest rates of multiple sclerosis ... in Ontario; and

“Whereas specialized MS clinics provide essential health care services to those living with multiple sclerosis, their caregiver and their family; and

“Whereas the city of Greater Sudbury is recognized as a hub for health care in northeastern Ontario;”

They petition the Legislative Assembly as follows:

“Immediately set up a specialized MS clinic in the Sudbury area that is staffed by a neurologist who specializes in the treatment of multiple sclerosis, a physiotherapist and a social worker at a minimum.”

I support this petition, will affix my name to it and send it to the Clerks’ table.

ORDERS OF THE DAY

SMARTER AND STRONGER
JUSTICE ACT, 2020LOI DE 2020 POUR UN SYSTÈME
JUDICIAIRE PLUS EFFICACE
ET PLUS SOLIDE

Resuming the debate adjourned on June 24, 2020, on the motion for third reading of the following bill:

Bill 161, An Act to enact the Legal Aid Services Act, 2020 and to make various amendments to other Acts dealing with the courts and other justice matters / Projet de loi 161, Loi visant à édicter la Loi de 2020 sur les services d’aide juridique et apportant diverses modifications à des

lois traitant des tribunaux et d’autres questions relatives à la justice.

The Speaker (Hon. Ted Arnott): Further debate?

Mr. Gurratan Singh: I guess I’ll direct my question towards the government then. Pursuant—

The Speaker (Hon. Ted Arnott): Just to clarify, we’ve concluded the questions and responses, so we’ve recognized you to provide your speech. Good luck.

Mr. Gurratan Singh: Thank you, Speaker. Before I begin, I want to thank all the individuals, all the legal aid clinics and all the different witnesses who provided testimony during committee for Bill 161.

It’s really important, when we talk about Bill 161, that we understand the context which we are in right now. When we talk about creating a better and more just legal system, when we start to talk about creating modernizations or changes to our legal system, it must be contextualized in the moment in history that we are in right now.

Weeks ago, the world was shocked; the world was witness to such a terrible act of injustice in the murder of George Floyd. I remember watching that video. I remember seeing it and being so devastated in seeing the callous nature in which an officer places his knee upon the neck of George Floyd, resulting in his death. I saw how terrible and devastated it made me feel, but also folks across America and the world. It awoke within individuals a need to stand up against injustice.

1330

What we saw across America were people standing up, and George Floyd became almost a rallying cry against systemic anti-Black racism, injustice and problems within our justice system, including our police system. That movement spread to such a degree that across the world we saw movements of individuals protesting and standing in solidarity with George Floyd.

But it did more than that. People started to look at their own systems at home, and people started to look at the weaknesses, the systemic racism, and the injustices of their own justice systems.

In Canada, we saw folks also stand up against systemic racism. It’s important to understand that we in Canada, when we stand up, when we do these protests in solidarity with George Floyd, it’s not done without having to recognize our own history of system racism. I have said it before and I’ll say it again: Canada is founded upon systemic racism. It’s founded upon anti-Black racism. It’s founded upon the genocide of Indigenous peoples. It’s founded upon the slavery of Black people. That is our foundation, that is what Canada is founded upon and that’s something that we need to work to dismantle.

These movements in support of George Floyd became a movement of re-examining our own justice systems, and looking at the systemic inequities that exist here.

Since April, we have seen nine Black, Indigenous and racialized people in Canada who have died in interactions with police.

Systemic racism in our policing will be exacerbated by systemic inequities in our court system. This is something proven through a variety of reports and commissions. If

we have an over-policing of Black individuals—if we have a systemically discriminatory practice like carding—if we have the over-policing of Black and brown bodies, of Indigenous individuals, what you're going to see is an overrepresentation of these racialized communities in our court systems and justice systems.

Naturally, if we don't have the correct amount of supports, if we don't have the ability to access justice in our justice system, then those inequities are going to be made worse through those racialized individuals interacting with our court system. If we don't have strong access to justice in our courts, then in that situation where marginalized peoples are interacting with our court system, they're going to be further marginalized.

We are seeing that systemic racism in Canada overall will be worsened if we don't have access to justice. If we weaken our legal aid system, we will put racialized folks at greater risk when they're interacting with our court system, in their inability to access justice. Their inability to access justice will result in their over-incarceration. It will also result in their overrepresentation in our jails. It will result in a variety of inequities in our court system.

But further, if we weaken our ability to access justice by way of class actions, that will also negatively impact racialized communities' ability to access justice. We saw in Canada a devastating history of Indian residential schools. We saw the systemic impact that had on Indigenous communities. Because Indigenous communities were able to organize with a class action against residential schools, it provided a degree of justice to those communities when they had a ruling that was in favour of Indigenous communities. But if that mechanism of class actions wasn't available, then that would have been one victory that would not have been able to be realized.

Systemic racism towards Indigenous communities is still prevalent and continues today, but we have mechanisms that allow us to address it and fight back, quite frankly, and class actions is one of them. If we weaken our ability to use class actions, we actually weaken our ability to access justice for marginalized communities.

We see with Bill 161, from the attack on and the changes to legal aid, to the weakening of class actions—across the board, the end result of it will be that systemic inequities, systemic racism in our policing, in our society, in our government, in our nation, in our province will be furthered. Systemic racism will increase if we take away these areas that allow communities to fight back through the support of legal aid clinics, through the legal mechanism of class actions.

This issue is so pressing that when we had legal aid clinics across the province come together and provide their evidence at committee, we put forward a question to almost every single legal aid clinic: “Will the changes in Bill 161 worsen systemic racism for Black, brown, Indigenous and racialized communities in Ontario?” Resoundingly, these legal aid clinics said, “Yes, the changes in Bill 161 will make systemic racism worse in Canada, and specifically, it will make it worse for Black, brown and Indigenous communities.”

We asked these same legal aid clinics, “Will the changes proposed in Bill 161 make it more difficult for women who are in situations of violence, often domestic violence, and their ability to access justice?” Resoundingly, these legal aid clinics said, “Yes. The changes proposed in Bill 161 will make it harder for women to access justice.”

I even put the question specifically with respect to anti-Black racism, because it's important that we recognize and acknowledge right now that globally there's a conversation around anti-Black racism. We heard once again legal aid clinics saying, “Yes, the changes proposed in Bill 161 will worsen anti-Black racism in Ontario.”

When we talk about the connection with our legal system and anti-Black racism, it's important that we look at the submissions of different groups and legal aid clinics that brought forth evidence during these committee hearings. Specifically, we can look at the Black Legal Action Centre, which provided written submissions for Bill 161. They specifically wrote in their submission: “The Black community”—I'm reading from their written submission—“as a direct result of the impact of anti-Black racism, comprise a significant portion of legal aid service recipients of ‘traditional’ poverty law services, including criminal, child protection, and in the clinic system, issues related to housing insecurity, social assistance, employment and immigration.” They recognize that Black communities are systemically disenfranchised in Canada economically as a whole. They are having to face greater legal challenges with respect to areas that are connected to poverty law, and the impact is, you see a greater intersection of Black communities in these areas of law.

They cited specific evidence within their written submissions that demonstrate and talk about this overrepresentation of Black communities with respect to the percentage of people in poverty in Canada, with respect to their categorization as being low-income, with respect to the disparity in pay and in a variety of inequities that Black communities are overrepresented.

1340

When we talk about creating a just Canada, when we talk about creating a better Canada, if we recognize that there are systemic inequities in our police system—and there are systemic inequities in our police system. If we recognize that there's an over-policing of Black people, of Indigenous people and brown people in our police systems, which there are; if we recognize that there is systemic anti-Black racism in our policing, which there is—if we weaken our legal aid system, that will make those systemic inequities worse. That is the great challenge that is before us right now. If the government goes forward with these changes, they will create a further marginalization of already marginalized communities in Ontario.

When we look at Bill 161 and the proposed changes that are coming forward, we can talk specifically about changes that are being made to legal aid that are going to negatively impact access to justice. Something we heard about time and time again from individuals in committee was the removal of “access to justice,” “low-income” and

“disadvantaged communities” from the purposes section. They resoundingly said that the purposes section is the spirit of legislation and that courts will turn to understanding the legislation by looking at the purposes section, and that “low-income,” “disadvantaged communities,” “access to justice” are fundamental to understanding what role legal aid provides in our society, and that the removal of these sections from the purposes section will actually weaken this important—legal aid is there to help out people who are in a tough position. Legal aid is meant to provide support to marginalized communities. Legal aid is meant to help those who are desperate. That should be codified in the purposes of this legislation. Removing it does not do justice to what legal aid is supposed to do in our province.

We also heard, across the board, legal aid clinics talk about the problems with the changes to the definition of a clinic and how the limited area of practice for clinics would really impact their ability to properly serve their communities—because these limited areas of practice would not allow these legal aid clinics to properly service their communities. It wouldn’t allow them to provide the scope of practice which is necessary in their communities.

When we look at this practice area, when we look at the role that legal clinics—legal aid clinics are often holding government to account. Legal aid clinics will often represent claims with respect to WSIB. They’ll often hold police to account. They are a check and balance, and it’s important to recognize right now that this check and balance is what makes our democracy strong. We are in an adversarial system.

Any time I take a tour of this very assembly that we’re in right now, I’m always reminded that—when I look up, I see a hawk, because I am supposed to be looking at the government’s actions with a hawk-like intensity. My job is to look at the government and ensure that their actions are being done for the benefit of all Ontarians, and if they aren’t, it is the role of opposition to call out government. Often, by calling out government, we hear a response from the government which is critical of our criticism of the government. Well, that is our role. As the official opposition, we are meant to hold this government to account. That is why I look up to a hawk, that is why I look up to these symbols—to remind us of the role we play, while also in an adversarial system.

Legal aid clinics are meant to hold our government to account. If you weaken those legal aid clinics, you weaken our democracy. And so allowing legal aid clinics the ability to have a practice area that suits and addresses the needs of their communities is essential. It is essential to their role in strengthening our democracy and assisting communities that are disenfranchised. We heard this being a criticism across the board, and that’s why we put forth an amendment to this area. It was our motion 39, and our amendment was about the change to the definition of a community legal aid clinic. This was something that across the board legal aid clinics were concerned about, because they feared that the new legislation stripped them of their ability to practise the type of law their community requires.

There’s a legitimate fear that a government-controlled board of Legal Aid Ontario might take a dislike to certain clinics, those that are overtly critical of the government, and decide that a clinic must suddenly stop practising in an area that is overly critical, like an area around police law—or changing their mandate. It’s a real concern because that is something that would go against the essence of what legal aid clinics are meant to do in our province. This is an amendment we put forward and the government voted down.

We also see with Bill 161 that folks across the board, legal aid clinics, are incredibly perturbed and concerned around the changes to the board of Legal Aid Ontario. And despite amendments put forth by the government, the imbalance is still there. The board of legal aid is still going to be imbalanced in favour of the government. Legal aid should be independent of the government. Legal aid should be able to practise independent of government interference, and the independence of legal aid must be upheld. Instead, we see the government putting forth changes to the composition of the board of legal aid that will ultimately weigh in favour of the government.

We put forth a motion, an amendment, in this respect, motion 23. My apologies. It was not that motion, but we put forth an amendment with respect to this, and it was our hope that we would have seen a board that is balanced, that ensures that legal aid is being done independently; legal aid has no undue influence upon it, but that was also voted down.

Now, when we look at legal aid and the proposed changes, we can look to the variety of organizations, the variety of legal aid clinics, the variety of written submissions that came forward that criticized the government’s changes to legal aid, and we see one especially scathing written submission that was put forth by a variety of law professors across Ontario. When we talk about who this was prepared by, we’re talking about professors at Osgoode Hall Law School, we’re talking about professors and faculty at the University of Windsor and the University of Ottawa, and we’re seeing it being endorsed by professors from what looks to be every single law school in Ontario. I’m talking about Queen’s and Windsor. We are looking at law universities across the board coming together to say that there are some serious problems with respect to the changes brought forth in Bill 161.

What are the changes that they talk about? Well, this group of lawyers and law professors, in their written submissions, spoke specifically to the issues. They titled it, “Neither Smarter nor Stronger: Bill 161 is a Step Backwards for Access to Justice and Community-Based Legal Services in Ontario.” They outlined four distinct problems in the changes proposed. It would:

“(1) Significantly limit the scope of ‘clinic law’ services Ontario and thus fundamentally change the statutory mandate of community legal clinics;

1350

“(2) Dramatically alter community legal clinics’ ability to engage in systemic law reform and community organizing aimed at the roots of low-income people’s everyday legal issues;

“(3) Weaken the ability of community legal clinics and their independent boards to adequately determine and respond to the needs of low-income and disadvantaged communities; and

“(4) Diminish opportunities to educate future lawyers in community-based advocacy.”

They are just one of many critical of the government’s proposed legislation.

The Society of United Professionals: Among the society’s 8,000 members, they have more than 400 lawyers and legal professionals who work predominantly for Legal Aid Ontario, as well as a number of community and specialty legal clinics. They said in their submissions: “In conclusion, Bill 161 will do immense harm to vulnerable Ontarians who need more, not less, access to justice. The Society of United Professionals calls on the government to abandon Bill 161 and, instead, to participate in genuine, transparent and evidence-based consultation on access to justice reforms that will help vulnerable Ontarians. At minimum, we ask”—and they provided specific asks to the schedules that need to be changed.

We also had written submissions from the association of legal aid clinics of Ontario. They wrote: “The change in the purposes section of Bill 161 omitting that the new legislation is intended to promote access to justice for low-income people and removing the reference to the legal needs of disadvantaged communities in and of itself could be interpreted as an intention to weaken the fundamental equality guarantees enshrined in the previous legislation, LASA 1998.”

Across the board, we saw legal aid clinics, legal advocacy groups, professors all come together and speak out against the changes proposed in Bill 161.

When you look at all these changes in totality, the impact that it has—when you have a Legal Aid Ontario board that is skewed in favour of the government; when you have a narrowing of definitions of the practice area of clinics, which ultimately could result in clinics that challenge the government being unable to go forward, or the government cancelling their ability to have that mandate; when you have the very spirit of legal aid being challenged and “low-income” being removed from it, along with “disadvantaged communities” and “access to justice,” you see here, ultimately, a weakening of legal aid and legal aid clinics’ ability to hold government to account, which weakens our democracy and weakens oversight on the actions of this government.

We also saw really scathing criticisms of Bill 161 with respect to the government’s approach to class actions. I talked about it earlier, but I want to talk about it again. Class actions are fundamental to individuals’ ability to access justice. Class actions are there predominantly to support people who don’t have the means to carry out legal actions by themselves. If you are a rich billion-dollar corporation, if you have access to all the means that you need, you have no barrier to carrying out a legal action. You can ensure that your ability to access justice is not inhibited. Class actions allow a variety of people who are faced with a similar injustice to come together, who

independently may not have the ability to access that justice through their own legal means. It’s their ability to come together that allows them that strength to move forward, allows them that ability to pool their resources and have one legal action, a class action, instead of a multitude of them. Class actions help the little guy. Class actions help those who are disadvantaged. Class actions allow marginalized communities to come together, and we’ve seen that historically. I talked about it earlier. With Indian residential schools, there was a class action that allowed for that legal means to go forward. But those who are rich, those who have access to resources, those for whom money is not an issue have that ability to access justice still available to them.

Class actions hold government to account. It’s important to understand that and how important that role is for our democracy.

When we talk about the government’s failure with respect to Bill 161 in class actions, we can turn to the Law Commission of Ontario. I want to say, it’s important to note that the government has often cited the Law Commission of Ontario as a partner that they’ve worked with—and that they have adopted their proposed changes. That is categorically false, because the Law Commission of Ontario has written clearly that the government has not listened to the most important aspects, the most important changes that they put forward, and that given—and this is in their words in a letter that I will cite shortly—all the positives in Bill 161, they are outweighed, by far, by the negatives that will hurt access to justice in Ontario and people’s ability to use class actions.

Now, the Law Commission of Ontario—it’s very important to keep this in mind—is non-partisan. The Law Commission of Ontario is considered a leading law reform agency. They are non-partisan; they are independent. They are experts with respect to law in Ontario. When the Law Commission of Ontario says something, everyone, including the government, should listen intently. But the government has not listened intently with respect to their recommendations on Bill 161 for class actions.

When we see the letter that they wrote—it was an incredibly scathing letter. In their evidence, they described how the government has not brought forth changes that will actually help the process go forward, but instead it would muddle the system, it could create a lot of potential constitutional issues with respect to class actions and further limit an individual’s ability to access justice.

What did they write? The Law Commission of Ontario specifically mentioned the issues around superiority and predominance and the tests that are being proposed to be brought forward. They wrote, “Bill 161 will effectively restrict class actions and access to justice in a broad range of important cases, including consumer matters, product and medical liability cases, and any potential class actions where there may be a combination of common and individual issues. Applied retroactively these provisions would ... have prevented important and successful class actions regarding Indian residential schools, environmental tragedies (such as Walkerton), tainted blood supplies

(such as hepatitis C), and/or price-fixing. The provincial government should not restrict Ontarians' access to class actions in such broad and important areas." That's coming from the Law Commission of Ontario, a non-partisan and independent body. If they speak, we should listen, and they spoke.

They said further, "Second, Bill 161's 'superiority' and 'predominance' provisions are demonstrably inconsistent with certification rules across Canada and will likely increase costs, delays and legal uncertainty for plaintiffs, defendants and justice systems across the country. As a result, these provisions contradict efforts in Canadian judicial administration to harmonize or at least promote consistent legal rules across the country. These provisions also circumvent Bill 161's very appropriate and necessary multijurisdictional class action reforms."

So let's break this down. We heard in committee time and time again that class actions could ultimately result in individuals across Canada coming together to enact a class action, and that having those inconsistencies in Ontario—which, if this bill comes forward, Ontario will very much be incredibly different with respect to the legal provisions around class actions than the rest of Canada. It will not be in harmony with the rest of Canada. It will put Canada in a very difficult position when other provinces have to negotiate class actions in Ontario along with other different provinces.

1400

If anything, the way they described it time and time again, as we heard in committee, is that these kinds of actions, these kinds of provisions are akin to American-style regressive approaches to class actions that will actually set justice back. Time and time again we heard this. It's no surprise that the Law Commission stated that some of the biggest lobbyists with respect to these changes were the American chambers of commerce and big banks. Those were the individuals who were pushing for these kind of changes to class actions.

That is not the kind of system of justice that should be present in Canada or in Ontario. These kinds of regressive approaches to class actions will limit our ability and limit those who are most marginalized in their ability to access justice.

And they won't further, with respect to their changes—actually, I'll go to the third point: "Bill 161 creates an improbable and unwelcome situation in which Ontarians potentially have fewer legal rights and less access to justice than other Canadians. This is because the legislation gives rise to situations where a class action could be certified in, say, BC, but not in Ontario. At best, this will result in years of interprovincial litigation, delays and increased costs for litigants and courts. At worst, it will mean that Ontarians may not have access to the same remedies and compensation as other Canadians."

This, coming from the Law Commission of Ontario, is an incredibly scathing criticism of Bill 161. I have asked the government, time and time again, how they are able to quote one side of the Law Commission of Ontario on one side but then disregard the other side. It's important that

the record is clear: The Law Commission of Ontario is not in support of Bill 161 because of these incredibly regressive changes to class actions.

They write, "Fourth, Bill 161 adopts restrictive American legislative provisions and priorities that are inconsistent with decades of Canadian law. The Supreme Court of Canada has repeatedly stated that the CPA 'should be construed generously to give full effect to its benefits'. The proposed changes to the certification test are inconsistent with the long-standing Canadian approach to mass harm redress.

"Finally, Bill 161 and the new Crown Liability and Proceedings Act"—which I will speak about shortly—"create significant barriers for Ontarians wishing to initiate class actions against their provincial government, government agencies, corporations and other institutions. The LCO report warned about the combined and negative impact of the new Crown Liability and Proceedings Act ... and the adoption of a preliminary merits test in the CPA. This analysis applies equally to Bill 161's superiority and predominance provisions....

"In light of this analysis, the LCO is unable to support Bill 161 as currently drafted."

And the amendments put forth by this government do not address this issue. So the government is turning a blind eye, a deaf ear to the LCO's approach and the LCO's recommendations.

But it's beyond just the LCO. The Toronto Lawyers Association writes, "However, the TLA encourages the government not to enact changes to the CPA that will put Ontario out of step with the legislation in other provinces. The effect of doing so would hurt Ontarians by decreasing access to justice and increasing the burdens on the justice system."

What do we gather from all this? The government is putting forth a piece of legislation that is going to hurt access to justice for all Ontarians.

Now, the LCO wrote earlier and spoke about the problems with the Crown Liability and Proceedings Act and how that act is incredibly problematic because it limits people's ability to hold government to account. Once again, in a day and age when governments across the world are opening themselves up to further criticism, we see here in Ontario the Conservative government closing in, making it harder and more restrictive for individuals to hold government to account.

The government should know that holding yourselves more restrictive will hurt our democracy. Our democracy is strengthened by our ability to speak out freely and openly against the government, by our ability to hold legal challenges to the government. To restrict this hurts our democracy.

But what Bill 161 does with the Crown Liability and Proceedings Act is incredibly problematic. Because what it does is, it brings forth a component of it that allows for the government to nullify past claims against the government. Think about this: Someone has put forth a claim against the government and now, retroactively, because of Bill 161, it has become nullified. How does that allow for

greater access to justice? If anything, that is a more restrictive, a more regressive approach to justice in Ontario.

Now let's look at this all together. We have seen a restrictive and a more regressive approach to class actions that ultimately are used to hold government and big business to account. We have seen the government putting forth the ability to nullify, retroactively, claims against this government.

Taking into account what we have seen, this government is afraid of being held to account. Time and time again, we see a clear pattern by the Conservative government where they refuse to hold themselves to account and they bring in laws that make it harder for people to hold them to account. Time and time again, we see a pattern by this Conservative government to make it harder for people to hold them to account. That is not how you create a just province. That is not how you create an equitable province. That is not how you create more justice in Ontario. That does the exact opposite.

Taking into account the changes to legal aid, what do we see? We see that legal aid clinics that want to hold this government to account are being hamstrung and that their definition is being narrowed so they can no longer hold government to account, or they could be at risk of losing their ability to hold government to account. This whole process paints a very damning picture of this government, a picture in which the Conservative government is afraid of being held to account. The Conservative government is trying to put forth legal barriers to people who want to hold this government to account. We see time and time again this pattern, which is now being solidified in legislation by this government.

I heard often, earlier today, the government saying that there is a huge cost savings with these actions. To that I look to the lawyers in the government. You know as well as I do that if you create bad legislation the impact will be further court challenges. If there's legal ambiguity to these provisions which are being put forward, you're going to see that there will be challenges to them, and this will cause greater waste.

The government is already embroiled in a variety of different legal challenges currently, so you know that this cost is going to fall upon taxpayers. Haste makes waste. We are lawmakers; we have a duty to create good legislation.

You don't have the benefit of the doubt. The government was with us, clearly, in committee, hearing these criticisms of Bill 161. You heard individuals like the Law Commission of Ontario. If you have a problem with legal aid clinics and if you think they're partisan, you can't think that of the Law Commission of Ontario. The Law Commission of Ontario explained and wrote that this will create a greater cost to Ontarians.

How are you able to point a finger at them and say, "No, the Law Commission of Ontario has an agenda"? Their agenda is justice. Their agenda is a better province. Their agenda is to ensure our legal system is operating to the best of our ability. The time we're in right now is something that weighs on me. Every day I think about it.

1410

When you see across the board so many injustices happening in our province; when you see the killings of Black and brown and Indigenous folks; when you see the glaring systemic injustice, the anti-Black racism, the anti-Indigenous racism, the racism against racialized communities so prevalent in our province right now; when you saw just days ago the killing of Ejaz Choudry, an individual who was in a mental health crisis, whose family, at a point of despair, called paramedics for help and, instead, it resulted in Ejaz Choudry being killed—when you see the stage that we're in right now, it's so important that we get things right.

Our justice system is tied to our police system. It is tied to our ability and our connection to the court system as a whole. Our justice system does not operate in a vacuum. If there are systemic—and there are systemic—inequities in our policing and we have those inequities in our society, and if we are weakening legal aid, if we are weakening class actions, well, we hurt those very communities' ability to access justice. We hurt those communities' ability to fight to create a better province. That decision is going to lay at the feet of this government, because these issues are not something that are unknown. We know that they are gripping the world right now.

The world right now is facing a really important decision. Governments across the world, justice systems across the world have an opportunity to heed the calls from so many people who have taken to the streets and are asking for more justice, to listen to those who want the world to be better, who want their neighbourhood to be better, who want their province to be better. You have the opportunity to listen to those folks or to turn away from them, to disregard their call for greater equity and justice. If you go forward with Bill 161, you will be telling them that their calls for justice are falling on deaf ears, because you are going to impact marginalized, racialized communities' ability to access justice.

You are going to increase systemic anti-Black racism in this province. You are going to push marginalized communities further into the margins. And if you don't believe me, then listen to all those individuals who provided testimony in committee. Listen to almost every single legal aid clinic. Listen to independent, non-partisan bodies like the Law Commission of Ontario. Listen to organizations like the Toronto Lawyers Association. Listen to lawyers across this province who came together with a resounding voice to say, be it with legal aid or be it with class actions, "You are making a mistake." The government is making a mistake.

Now, I imagine that we can do things better. We can have a justice system where people of colour, where racialized individuals, where Black folks can access justice. We can have a system and live in a society where people who are going through mental health crises are not met with cops, their guns drawn, and shot dead. We can have a better system where people who are in despair have access to justice, but that will only happen if we have the courage to act and if we have the courage to recognize our

failures. So I ask the government right now to recognize, have that courage to recognize, that you are making a mistake with Bill 161, a mistake that is going to impact those who are most at risk.

In the past weeks, it has been devastating what's happened in Ontario. Time and time again in the past months, it has been devastating what has happened in Ontario. It has been devastating what has happened in Canada. Time and time again, we turn on the TV and what do we see? A person of colour who is going through a mental health crisis being shot and killed. That is unacceptable. That's wrong. Time and time again, we are turning on the TV and we are seeing acts of violence to those who need help.

Our justice system needs change. Yes, we need change, but not change that's going to set us back. Our justice system needs change, and not change that's going to set us back. We need change that is going to make our province more equitable, more just, more fair. We need to create a province that is more empathetic, that is caring. We need to be investing in mental health, not the over-militarization of police.

We need to be investing in greater justice, not cutting legal aid by \$130 million. We need to be investing and building a just province, but instead, the government is putting forward legislation that is going to hurt us all. It's important to understand that it will hurt you all. We live in a society, we live in a community, and the strengths of our province lie on the shoulders of those who are the most marginalized, not on those who are the strongest. We are strengthened when we lift up those who need help—every single one of us. That's what creates a more just society. That's what creates a better society.

But when you create this gap that is so clearly in favour of the rich, in favour of billion-dollar corporations, in favour of government over individuals—who are often victims of mistakes by this government—you send a clear sign, and that's a sign that laws are being created to protect and to allow for big business and government to act uninhibited—uninhibited. And that's not how we create justice in Canada; that's not how we create justice in Ontario.

We need to put forth a better justice system, undoubtedly. No one is denying that. But what is being put forth by this government right now does not strengthen our justice. It is not a smarter system. It doesn't make us better. Instead, it threatens those who are worse off.

When we talk about the role we have as lawmakers, we have to understand that the decisions we make will have a long-standing impact, and it's going to be a legacy of this government. People are going to look back and judge you based on these decisions. And though, right now, people often get mired in the day ahead of them, or the day that they're in, or two weeks ahead of them, or this short-sighted vision, you need to ask yourself what kind of province you want to build. Legal aid is strengthened and legal aid is important because it's an agreement in our society, it's an understanding, that those who are in tough positions need to be taken care of, because when we help those folks out, we help us all out collectively, and we have a stronger

and more equitable province for helping out those who are in tough positions.

If you go forth with Bill 161, you will be sending a very clear message with respect to your legacy, and it will be a legacy in which you will be judged by the fact that at a time when the world was struggling with a pandemic, unseen in almost 100 years, at a time when people were struggling the most, at a time where people needed the most help, and where, quite frankly, the future is looking very tough—people are rightly so concerned about what the future is going to look like. When you see that, they are going to look back and see that at this moment, when people were struggling, the government put forth a piece of legislation that was skewed in favour of the haves and not the have-nots; the government put forth a piece of legislation that will help out those who already have means and took away support from those who are struggling.

1420

Hon. Paul Calandra: Sorry, Speaker, on a point of order

The Speaker (Hon. Ted Arnott): Point of order, the government House leader.

Hon. Paul Calandra: I apologize to the member. Pursuant to standing order 7(e), I would like to indicate to the House that the evening meeting scheduled for tonight is no longer required.

The Speaker (Hon. Ted Arnott): Thank you very much for that information. I'll return to the member for Brampton—East.

Mr. Guratan Singh: Thank you, Speaker. At a time when folks were struggling, the legacy that people are going to look back on—they're going to look at this government and they're going to say that when folks were struggling with COVID-19, when we saw some of the worst economic devastation to this province, to this world, at a time when people looked to their future with fear and they're going to say the government brought forth a piece of legislation that was for the haves and not for the have-nots. That's the legacy of this government with Bill 161. At a time when people were struggling, they decided to maintain devastating cuts to legal aid. The government decided to put forth changes to our legal process that will make it harder to hold them to account.

It's important to look at the current context right now. We have folks right now who are struggling in long-term-care homes, folks who were put in conditions that I can't even begin to describe. When I read that report from the army, I was devastated. I was floored. It was deplorable that those individuals who built our province are struggling in long-term-care facilities where there are roaches, there are mice, they are being forced to sit in soiled garments for hours on end. They are screaming for help with no calls. There will be a time when those folks will need to come together and hold this government to account. And it was at the heart of that time that this government brought forth legislation that will limit their ability to hold the government to account.

That will be your legacy. When people look back, they will see how convenient—at a time when the world and

the province is looking to the government's failure with respect to long-term-care facilities, that's when you bring forth a policy that holds the government retroactively protected from claims against them, that will weaken class actions, that will hurt access to justice. When the news daily tells us that folks in long-term-care homes are struggling, that's the decision the government is going to take. It is so glaring before us.

I say to you, you still have the choice, the chance, the time to make a better decision. You still have the opportunity to make things right by not bringing forth these changes, by listening to the folks who are struggling right now.

Our province has never seen a time like this in recent history. Our province hasn't had to struggle in this kind of way with this multitude of issues that we're facing right now. People across the world are looking for greater compassion, accountability and openness in their governments, not greater restriction, not closing up, not any of this.

We need to be bold right now and envision a better future. We need to envision a future where folks who are struggling with addiction, with mental health, who are struggling in some of their darkest times are met with compassion, not cops with their guns drawn. We need to envision a time where people who are struggling right now in long-term-care facilities and right now are being forced into some of the worst conditions have the ability to hold the government to account with their fullest freedoms and abilities to access justice.

We need to think of a future when we no longer have a violent response to those who are having mental health crises. We need to think of a future when people are able to come together and get the legal support that they need when they are struggling. We need to come together right now and think, how do we tackle systemic racism from its roots? How do we dismantle systemic racism from its roots? How do we dismantle anti-Black racism? How do we dismantle anti-Indigenous racism or racism towards racialized communities? That needs to be at the forefront of our discussion. How do we lift up folks who are struggling right now? That needs to be our north star, collectively, to get us through the months to come.

We know that darker days are before us. We know the struggle that we're all going to face collectively. They say that the impacts of COVID-19 are going to be felt for months to years to come, so prepare now. Prepare for a better, more just system today. We need to prepare now, because the fallout is yet to be seen. The fallout of what we are going to witness and face is going to be terrible. They say you should prepare for dark days, prepare for tough moments, not take advantage of them and put forth legislation, at a time like now, that's going to weaken that system that holds us to account.

Our democracy is built upon an adversarial system. Any time the opposition starts holding this government to account, I notice that the government gets defensive. You shouldn't get defensive when your responsibility is to be held to account. It's a sign of insecurity, when every time

you're criticized, you get your back against the wall. Strength comes to those who listen to criticism. Strength comes to those who listen to those who speak against them—that's how we improve—not to those who throw up a wall, who create greater barriers. If you build a fortress that's going to create more isolation for your policy, for your impact on people, you're going to live in a tighter and tighter bubble.

The world is looking for leadership right now, leadership to grasp the biggest struggle we've ever faced. This Conservative government can choose to help or to hurt. Bill 161 hurts. The decisions to cut legal aid hurt. The decision to limit legal aid clinics hurts. The decision to limit class action hurts. So I say to you: Choose those actions that will help our province and help those who are most disadvantaged. Think of your legacy. Think of your future. And think beyond any of that: How are we going to help people out?

Every single day, when we enter this House, we should have only one focus that drives us: How do we help people? How do we help people who are struggling to pay the rent? How do we help people who don't have a job right now? How do we help people who are stuck in long-term-care facilities in deplorable situations? How do we help people who are victims of police killings? How do we help people who are in mental health crises? That should be our north star. That's what should be the factor that wakes us up and motivates us to move forward every single day.

That's what we're committed to doing in the NDP. We're committed to fighting for those folks, and this is how we do it today: by looking at Bill 161, listening to the experts, listening to the Law Commission of Ontario, listening to legal aid clinics, listening to lawyers across the board who say to you, "Do better by your communities. Do better by those who are struggling. Do better by those who are in precarious, tough positions right now." Otherwise, what's the point? You win a few political goals, make a few political points, but people are still struggling. That's what we see with Bill 161—the Conservative government is going to make people struggle more. That's not why I got elected. That's what the Conservative government does. I got elected for other reasons: to continually fight back against these decisions, to look up to the hawk, to be reminded of the great responsibility that I have to hold this government to account time and time again. If you fight against people, we will stand up for them.

The Speaker (Hon. Ted Arnott): Questions for the member for Brampton East?

Mr. Will Bouma: It's a pleasure to be able to rise in the House and discuss this important bill that we're bringing forward and to ask the member from Brampton East a couple of questions about his speech.

1430

I appreciated his rhetoric, and yet it left me, quite frankly, wanting more. What struck me so much, sitting on committee and listening to the legislation, and the question that kept rolling around in my mind was, what is the level of respect that we have for the Auditor General

in the province of Ontario, especially when it comes to legal aid? Because the Auditor General was quite clear that we are not getting good value for our money from the legal aid system. I never heard that question answered by anyone who testified or any of the amendments that were brought to our legislation. What are the good ideas to make this better, if it's not what we're doing? Criticism? Lots. But no real solutions to fix legal aid, which is broken.

Mr. Gurratan Singh: I'll tell you how you fix legal aid: You don't fix legal aid by taking out access to justice and low-income and disadvantaged communities in the purposes section. You don't fix legal aid by cutting \$133 million. You don't fix legal aid by putting people in precarious situations and impacting their ability to access justice.

Mr. Will Bouma: No solutions.

Mr. Gurratan Singh: These are the solutions.

The Speaker (Hon. Ted Arnott): Order.

Mr. Gurratan Singh: The solutions are before us. You strengthen the system. You invest in legal aid communities, in legal aid clinics. You invest in those systems that people need to get by. The government asks questions when the solutions are before you. Help people. Help them out when they are struggling. Don't cut those things that they need to get by.

The Speaker (Hon. Ted Arnott): Questions?

Mr. Sol Mamakwa: Certainly, when we talk about legal aid and access to legal services, when we talk about justice, as a First Nations person, coming from a community that is marginalized, racialized, a minority, I know the system that's here, whether it's the legal system, the justice system, is not ours. You're right, the system is not broken, but it's working exactly the way it's designed for our First Nations, which is to take away the rights of our people to the lands and the resources that are there. I see it happening, and people die because of it.

So I'm just asking a question here: How would the United Nations Declaration on the Rights of Indigenous Peoples help people in Ontario on-reserve?

Mr. Gurratan Singh: I want to thank the member, actually, for his amazing and courageous work with respect to UNDRIP and for putting forth a private member's bill with respect to it. It's something that we need to see right now: We need to help out our Indigenous communities right now. Things like UNDRIP do that. We need to ensure, at a time right now where we've seen a history of systemic racism and colonialism negatively impacting Indigenous communities, that we need to do everything we can to strengthen our Indigenous communities. I stand beside the member in his amazing work around UNDRIP and fighting continually. He is a champion in our communities. He is a champion in our communities, he is a champion in this Legislative Assembly, and he's fighting for those who need the strongest voice right now: our Indigenous communities, who have faced decades and years of systemic racism, genocide and brutality. It's incumbent right now that the government act to lift up and support alongside, as allies and supporters, our Indigenous communities and friends.

The Speaker (Hon. Ted Arnott): The next question.

Mr. Billy Pang: The Civil Remedies Act is an important crime-fighting piece of legislation that has been an effective tool in deterring criminal activities by diverting illicit proceeds to compensate victims. Would the member opposite not agree that it is important for the government to ensure those who have acquired funds through illegal methods not be able to profit from those funds?

Mr. Gurratan Singh: What we see is a clear path from the government, time and time again. They'll have a piece of legislation and they'll hold on to that one part that they think is the equitable part, or the part that's okay, and they'll say that justifies all the terrible parts of their legislation.

Well, I'll quote the Law Commission of Ontario, which says that despite some of the positives in the piece of legislation, it is a bad piece of legislation across the board. It is something that will impact and negatively hurt people's abilities to access justice across the board. Bill 161 is going to hurt people across the board, and you don't hear the government talk about that. They'll reference a different aspect of the piece of legislation, but they won't talk about the fact that legal aid clinics, the Law Commission of Ontario, everyone across the board, says to them time and time again, "This is a bad piece of legislation."

When I asked the government why they disregard the Law Commission of Ontario, they won't even give me a clear answer. I asked them this morning; they avoided it. I ask them now; they avoid it. They will not say one reason why they disregarded the recommendation put forward by the Law Commission of Ontario with respect to class actions. That's a pattern by this government, which refuses to answer the most fundamental questions with respect to the changes they bring.

The Speaker (Hon. Ted Arnott): The next question?

M^{me} France Gélinas: I was wondering: What do you think will be the effect of this bill on opportunities for the legal aid clinics to continue to provide services in French in designated areas? We have seen, with the 30% cut to legal aid, that a lot of our legal aid clinics have lost their ability to provide services in French. Do you figure this bill will help or set back francophones wanting to access services in French in legal aid?

Mr. Gurratan Singh: Thank you for the question. We heard this in committee. There was a very real concern put forth by legal aid clinics and by deputants who said that they're very concerned about the ability for francophone communities to access justice, and how the changes brought forth in Bill 161 could hurt their community's ability to access justice.

That's not what we need right now. People are struggling across the board. We need to be strengthening them. We need to be lifting them up, not putting them in a further precarious situation.

The Speaker (Hon. Ted Arnott): The member for Markham-Thornhill.

Mr. Logan Kanapathi: Mr. Speaker, through you to the MPP for Brampton East: Thank you for passionately

talking about legal aid, thank you for that information and thank you for your perspective.

However, over the last 15 years, funding for Legal Aid Ontario increased exponentially with no improvement in outcome. Past consultations and reports, including the Auditor General's 2018 annual report, have identified the need to improve the system. Stakeholders, including the Association of Community Legal Clinics of Ontario, the Ontario Paralegal Association and the CEO of Legal Aid Ontario, all said that the changes in Bill 161 modernize the system and put the focus back on client needs. Don't you think we need a modernization of the legal aid system? Please.

Mr. Gurratan Singh: I want to thank the member for the question. The problem is that the changes that are being put forward are really going to hurt a lot of folks.

What we see specifically is with respect to a few things. It maintains the cuts to legal aid, and that's going to put the legal aid clinics in a really tough position. We also see that they're taking things like "access to justice," things like "low-income" and "disadvantaged communities" out of the purposes section. So the overall impact of this piece of legislation is going to hurt those who are in tough positions. People in your community who are struggling right now are going to be put in tough positions.

We're saying we've heard experts across the board, legal aid clinics, groups, say that it's going to hurt people. We can't have this kind of legislation, so we're saying, listen to those experts; listen to those folks. Let's build a better province. Let's not weaken or hurt those who are already having struggles accessing justice.

The Speaker (Hon. Ted Arnott): Again, the member for Nickel Belt.

M^{me} France Gélinas: My question is similar, but this time it's for single parents. We have a lot of single parents who come to our office because they are missing a child support payment. We go through the Family Responsibility Office and are able to help many of them, but when that doesn't work, our go-to is the legal aid clinic.

Are the changes in the bill going to make it easier or harder for single-parent families who are struggling with child support payments?

Mr. Gurratan Singh: Yes, we heard it time and time again as well from people who were really concerned about the impact that this piece of legislation is going to have on single parents, on racialized communities, on women who are in tough positions right now, who are often in situations of domestic violence. This piece of legislation is going to hurt folks across the board because it's limiting their ability to access those support systems they need.

I want to thank the member for the question, but I think it's really important to note that this piece of legislation has been criticized by folks for this very reason. It's going to hurt those who are already in precarious situations, who are already on the margins. It's something that we're going to fight back against, to continue to ensure that their voices are heard.

The Speaker (Hon. Ted Arnott): Further debate?

1440

Mr. Will Bouma: It's a pleasure to rise in the House today and in this chamber to talk about the great work that our government is doing for the people of Ontario. Bill 161, the Smarter and Stronger Justice Act, is just another example of that.

I have to be honest: I have to take a little bit of that on faith. If there's one thing that I've learned over the years, we trust experts all the time—in fact, just the example of our response to the COVID crisis, by taking the people seriously that we have in those positions to give us good advice on what is the best path forward. For me, in this bill, this is the same thing. So I'm going to be reading some things that, I'll be honest, don't make a whole lot of sense to me, but it's quite simple when I see it.

There are many Ontarians that have waited a long time for justice. Access to justice has been and continues to be a problem in the province of Ontario. Legal aid is a problem in the province of Ontario. As I mentioned before in my question, the Auditor General was pretty firm on the fact that the people of Ontario are not getting good value for their money as far as the legal aid system is concerned. I think none of us would say that the system is working right, so this is the attempt of our government to try to right some of those things so that people who are suffering can have quicker access to the justice that they deserve.

Let me kick off, then. We are working to simplify a complex and outdated justice system. We want to make it easier. We want to make it faster and more affordable for people in Ontario to resolve their legal issues. With the guidance and work from the Attorney General and his incredible parliamentary assistant, we are making changes that would reform and improve the justice system, including how (1) legal aid services are delivered; (2) lawyers are regulated; (3) class actions are handled; and (4) court processes are administered.

We want people to be able to spend less time in courtrooms, while making sure that people have the access to legal services and supports when and where they need them. These changes would help the justice system operate better every day, so that people accessing the system are doing so faster, easier and more affordably. Modernizing Ontario's justice system will keep our streets safe and put victims and their families at the centre of our justice system, as it should be.

Since taking on the role of Attorney General, Minister Downey has made it his key priority to identify opportunities to modernize Ontario's justice system and to implement those changes. Minister Downey has always maintained that the justice system is undeniably antiquated. The emergency response to the COVID-19 outbreak has brought into focus the urgent need to update the system. I think he said this morning that we're doing 25 years of work in 25 days. That work that began early on in Bill 161 has supported the significant momentum the Attorney General has achieved towards modernizing the justice system during the outbreak, and has successfully moved the system forward by decades in a matter of weeks.

Our government is addressing calls for modernization that went unanswered for decades and is taking concrete action for the first time in recent memory towards a justice system fit for the 21st century. We are working to simplify a complex and outdated justice system. That's why we're making changes to how class actions are handled that will help Ontarians resolve their legal issues faster and receive meaningful access to justice.

We are proposing the first comprehensive updates to Ontario's Class Proceedings Act in 25 years. These improvements will address issues that clog the system and slow down justice for everyone by promoting fair and transparent settlements for people who are part of class action lawsuits; by ensuring people are at the heart of class action lawsuits—people, Mr. Speaker; by improving transparency and court oversight in cases where a third party funds a lawsuit; and by making changes that will allow class action cases to be resolved faster, saving time and money in Ontario's courts.

We're proposing changes that will allow for cases to be resolved more quickly and help ensure that people in a class action lawsuit have meaningful and faster access to justice. That's the point. These improvements would address issues that clog the system and slow down justice for everyone by streamlining Ontario's class proceedings laws and helping to ensure that proceedings are certified only when actually preferable. Ontario businesses would experience fewer risks and costs to defending against class actions in Ontario, and people would receive meaningful access to justice sooner.

It often does take years for class actions to work their way through the court system. There are issues with timing of certification motions and the mandatory dismissal for delay. Not only does this use valuable court resources, but there are also significant financial and reputational risks for Ontario businesses. It is expensive and time-consuming for businesses to defend the class actions that are dormant, that don't have merit, or cannot be resolved in a reasonable amount of time.

The cost of these lengthy lawsuits impacts shareholders. It impacts the employees, consumers and ultimately our entire economy. This causes poor, suffering Ontarians to be left waiting for years without resolution because the system is overburdened by all these class actions that have been certified so easily.

We consulted with the Law Commission of Ontario, the bar and other stakeholders extensively, and our changes are largely informed by the Law Commission of Ontario's report and recommendations. Approximately 75% of the Law Commission's recommendations were added to Bill 161.

But we know we needed to go further to give Ontarians the access to justice that they deserve, and that's why we've added the prominence and preponderance tests. As the Law Commission of Ontario identified, there are many changes that needed to be made in order to protect the interests of class members who have to navigate an overly complex legal landscape. The proposed changes would not preclude individuals from seeking redress from other

remedial avenues, but rather these changes would ensure that a class action is the most appropriate procedure to obtain that redress.

Speaker, over the past 15 years, the people of Ontario have been able to demand, and they expect, first-class customer service from everyone, except their government. It is time government drives the changes needed to meet those expectations, and we are a government that is not afraid to tackle complex legal issues and make decisions in the best interests of all Ontarians.

I am now going to reiterate what Bill 161 actually does to the Class Proceedings Act, 1992. The schedule makes various amendments, including—and this is where I'm going to get very legalese:

"1. Section 2 is amended to add a requirement to register proceedings commenced under the act in accordance with the regulations made under the act.

"2. The act is amended to take into account multi-jurisdictional class proceedings and proposed multi-jurisdictional class proceedings commenced in Ontario or elsewhere in Canada.

"3. A new section 13.1 addresses carriage motions, in which the court may, if there are multiple proceedings under the act involving the same or similar subject matter and some or all of the same class members, permit one to proceed and stay the others, as well as bar new proceedings under the act involving the same or similar subject matter and some or all of the same class members from being commenced without court leave. In addition, if there is an existing proceeding under the act, a proceeding involving the same or similar subject matter and some or all of the same class members may not be commenced under the act without court leave if more than 60 days have passed since the existing proceeding was commenced.

"4. Changes are made to sections 17 to 19 respecting the requirements of notices under the act, and section 20 is changed to require the notices to be written in English and in French, and in a plain language manner," which is something that I would need. "Section 22 is amended to provide that the costs of a notice of certification may be awarded to a representative plaintiff only in the event of success in the class proceeding.

"5. Section 26 is amended to require the person or entity administering the distribution of an award under section 24 to file a report respecting the distribution with the court.

"6. A new section 27.1 addresses settlements, and specifies new requirements respecting the seeking of court approval of the settlement of a proceeding under the act or in relation to the common issues affecting a subclass. The section authorizes the court to appoint a person or entity to administer the distribution of settlement funds. The person or entity who administers the distribution of settlement funds is required to file a report respecting the distribution with the court.

"7. A new section 27.2 addresses distribution of awards under section 24 and of settlement funds on a *cy pres* basis, including providing for when the court may make an order authorizing such distribution and specifying to whom the distribution may be made.

1450

“8. A new section 27.3 sets out requirements that apply if a proceeding under the act includes or may include a subrogated claim, as defined by the regulations made under the act.

“9. A new section 29.1 provides for a process for dismissing a proceeding commenced under the act for delay, if the specified criteria are met.

“10. Section 30 is amended to change the appeal route or monetary threshold for a number of appeals of decisions under the act, as well as to restrict the ability of an appellant to materially amend materials on an appeal.

“11. Section 32 of the act is amended to provide that a court shall not approve an agreement respecting fees and disbursements between a solicitor and a representative party without determining that the fees and disbursements are fair and reasonable, and to specify factors to consider in making that determination. The same factors inform a determination of the court respecting the amount owing to a solicitor for fees and disbursements if the agreement is not approved. The court may order that all or part of the amount owing to a solicitor in fees and disbursements be held back from payment until the specified conditions are met.

“12. A new section 33.1 addresses rules respecting third-party funding agreements, which are contingent on court approval.

“13. Section 39 addresses transition rules respecting existing and other proceedings specified by the regulations.

“In addition, a number of corrections in terminology are made to the French version of the act.”

That was a mouthful.

Moving on, Speaker, something that I hear about when I'm talking to my constituents who have been involved in a class action is the lack of transparency and communication from their lawyers. The Attorney General has proposed measures to ensure that people who are in a class action have more information and better notice about how they can collect their compensation if the case settles or if the plaintiff is successful.

Another thing I hear from the public when discussing class actions or accessing the justice system at large is about lawyers' fees. We understand that under the current legislation, whether or not class members are being adequately compensated, class counsel gets paid.

Ultimately, the proposed amendments that we are making to class action reforms would promote better access to justice and transparency for class members by requiring proposed settlements to be fair, reasonable and in the best interests of the class. It would enhance transparency regarding settlement and award distributions. It would establish a new statutory guidance related to the approval of lawyers' fees, including new criteria to ensure that fees are fair and reasonable. A lot of times in class action suits, it is a private contract, and ultimately, lawyers can get what they want.

With regard to multijurisdictional class actions, we are establishing the tools that the courts need to decide

whether Ontario is truly the preferable forum in which to resolve the claims of some or all of the members of the proposed class. If there are competing cases in other provinces, this matters. Under the proposed amendments, the court would also be permitted to determine jurisdiction prior to the motion for certification, which avoids the needless expenditure of resources for plaintiffs and defendants where Ontario is not the most appropriate forum.

As previously stated, with respect to third-party funders, many people may not realize that class actions can actually be funded by a third party, someone who is not a party in the case. The reality is, in Ontario there are currently no statutory rules about when and how third-party funders should be permitted. We are establishing transparency, and we are putting in safeguards to ensure that third-party funding agreements have proper oversight to ensure that class members' interests are protected.

Speaker, during committee hearings, some comments were made that our proposed change to certification will shift the certification stage strongly in favour of the defendants, moving toward the approach to certification in the United States. In fact, we've already heard that here this afternoon. Some have also said that these amendments will prohibit the most worthy cases from being certified. There are a number of key reasons that the Attorney General has stated and why I believe the proposed changes will not have this effect.

As mentioned, the Supreme Court of Canada has long recognized that the fundamental goal of class actions and class action legislation in Canada is to promote access to justice, judicial economy and behaviour modification. The American class action regime came from a different legal context. When the courts consider Ontario's proposed amendments to the preferable procedural analysis, they will continue to have these three paramount considerations in mind.

Second point: The courts have held that the evidentiary standard in Ontario for the preferable procedure provision in certification is “some basis in fact.” That's a very low evidentiary standard, but it's even lower than the balance of probabilities. The courts will continue to use the established evidentiary standards applicable to class proceedings for interpreting those proposed provisions. What we are seeking to achieve is a recalibration, or a greater balance to the certification process.

Third, the court will have to determine what exactly “predominant” means. We envision this to be a qualitative and not a quantitative standard. The courts currently interpret the common issues component of the certification test to mean that proposed common issues must constitute a substantial ingredient of class members' claims. This is a proposed change in the degree of weight to be given to the common issues.

And the fourth point: Canadian jurisprudence also discourages the assessment of conflicts and evidence at the certification stage, which is a common feature in many American class actions. In that way, as well, the ability of a defendant to defeat certification on the predominance or

superiority standards may be circumscribed, as compared to the regimes south of the border.

With the foregoing in mind, it is a false assumption that our proposed changes will have a negative effect on class actions in Ontario.

To put it plainly, the current system is outdated, it is slow and it does not always put the people at the centre of class actions in Ontario. This needs to change. Our proposed changes to the certification prioritize the interests of Ontarians by allowing meritorious claims to move forward more quickly and efficiently, and ensuring that people receive faster, more transparent relief and more meaningful access to justice. These changes and amendments we are making are to safeguard those rights and to ensure that they are more accountable and transparent.

Over time, class actions have changed significantly in terms of complexity and volume, not only in Ontario, but indeed across all of Canada. The constant influx of class actions has resulted in major financial and resource implications, not only for the court system but also for the class action bar and the business community. We consulted with all of these players and many others as we explored amendments that would ensure the legislative framework that reflects today's realities.

Mr. Speaker, again, I will not claim to be any type of an expert in class actions and law, and yet from everything that I heard at committee and being able to have so many people come in—which is why I'm so appreciative of some of the changes that we made. While it meant that a group couldn't necessarily have our ear for a full hour—we had that split up so there were three groups at the same time—what I really appreciated was the kind of point and counterpoint to the different interactions of the different groups at the same time. What it allowed us to do was to significantly increase the number of people that we could see as witnesses at committee. What I heard was that there is a real need for change in our legal system. While not everyone agreed with us—that's absolutely for sure. You have heard, and you will most likely hear again today, that the Law Commission of Ontario, because we've accepted 75%—but we've gone above and beyond to offer more relief to Ontarians—they're not supporting the legislation. Yet at the same time, it is time for change in the legislation here in Ontario.

With that, I'll close.

1500

The Speaker (Hon. Ted Arnott): We'll now entertain questions for the member for Brantford–Brant. I'll look to the member from Mushkegowuk–James Bay to lead off.

M. Guy Bourgouin: Merci, monsieur le Président. Ça me fait plaisir de poser une question à mon collègue de l'autre bord de la Chambre. Durant les consultations, il y a plusieurs personnes qui nous ont dit que les coupures dans le système, dans votre projet de loi, vont affecter les services en français. Puis on sait qu'il va y avoir des coupures sur les « advisory boards », comme ils disent en anglais.

Il y a du monde que, moi, je sais—à Thunder Bay, il y a une personne qui, si je peux utiliser le terme, a poireauté

en prison à cause qu'il n'y avait pas les services. Il n'y avait pas de juge. Il n'y avait pas d'avocat. Il n'y avait personne qui pouvait aider en français. Ça fait qu'il a attendu un petit plus longtemps : on parle de 12 à 18 mois pour avoir une audience en français, comparé à quatre à six mois pour une audience en anglais.

Je demanderais à mon collègue, comment est-ce que ce projet de loi va pouvoir améliorer la situation quand ils coupent dans les services en français ou qu'ils coupent dans les services pour améliorer le service en français? Comment votre projet de loi va-t-il remédier à ces services en français-là dans des désignations où on a droit à ces services francophones-là en province?

The Speaker (Hon. Ted Arnott): The member for Brantford–Brant to reply.

M. Will Bouma: Merci pour les questions.

What I will say is that we are very aware of the challenges that francophone Ontarians have in accessing legal aid, and we know that there are unique needs in the francophone communities in Ontario for those legal aid services. The proposed changes would require the LAO—Legal Aid Ontario—to consider the needs of individuals in Ontario for legal aid services, including francophone individuals and communities, when determining the types of legal aid services to provide; the areas of law in which the services should be provided; and how the services should be provided.

The proposed legislation recognizes the foundational role that community legal clinics play in the legal aid system, particularly in the providing of services in the area of poverty law.

The Speaker (Hon. Ted Arnott): Questions?

Mr. Norman Miller: The Attorney General has been very public with his strong support of the important work that legal clinics do for Ontarians who are faced with a variety of legal needs. In the new Legal Aid Services Act, 2019, we've recognized that that foundational role is something that Legal Aid Ontario must have regard to when it considers decisions with respect to providing legal aid services in Ontario communities.

Can the member tell us why it is important to have that critical role continue to be recognized in this legislation?

Mr. Will Bouma: I appreciate the question from my friend from Parry Sound–Muskoka.

Legal Aid Ontario consulted with key stakeholders, including clinic representatives, on ways to improve and enhance the legal aid system. Community legal clinics would continue to play a role in providing legal aid services for low-income Ontarians.

The proposed legislation recognizes the foundational role that community legal clinics play in the legal aid system, particularly in providing services in the area of poverty law. The proposed changes would also give Legal Aid Ontario the ability to enter into agreements with a broader array of service providers, such as law firms and public legal education organizations. This would help ensure that legal aid services are available to clients throughout the province in accordance with local needs.

If the bill is passed, we would continue to consult with stakeholders, including community legal clinics, to receive input and feedback on how best to implement changes to its service delivery model.

LAO will continue to operate independently and will be responsible for making decisions about whether to enter into agreements with service providers, including clinics.

The Speaker (Hon. Ted Arnott): Questions?

Mr. Wayne Gates: You said in your presentation that you want to listen to experts. The Law Commission of Ontario has publicly spoken out against these changes. Bill 161 will “effectively restrict class actions and access to justice in a broad range of important cases. ... These provisions would likely have prevented important and successful class actions regarding Indian residential schools, environmental tragedies”—which you guys know a lot about, when it comes to Walkerton—“tainted blood supplies (such as hepatitis C), and/or price-fixing.”

Why will your government not listen to the Law Commission of Ontario, who are the experts?

Mr. Will Bouma: I appreciate the question from the member from Niagara Falls. As always, I think we're on the same page on that one. We have to trust experts on some of those things.

What struck me during the committee hearings was that I would ask, especially some of the really brilliant legal minds, in exactly what way this wouldn't happen—because they spoke a lot about theoretical answers to those questions: This wouldn't have happened. Walkerton wouldn't have happened. Residential schools wouldn't have happened.

And so me being me, just like you would be yourself, I asked, “Well, how?” And do you know what struck me? They couldn't answer that question. It remained a theoretical. I never had a good, solid answer on exactly how our changes would affect class actions in Ontario. It remained just a theoretical; all these people wouldn't have had justice.

So I had to stay with the experts that were telling us that we wouldn't increase, and make things go better in the province of Ontario.

The Speaker (Hon. Ted Arnott): The member for Whitby.

Mr. Lorne Coe: I hear, as I'm sure you do, Speaker, from my constituents that they feel the justice system is really too hard to navigate and takes way too long to resolve their legal matters. In a class action, many of my constituents don't feel very engaged in the cases, for a variety of reasons—well, largely because they drag on for years.

Can the member for Brantford–Brant please explain how the proposed changes would make dispute resolution more efficient and productive?

Mr. Will Bouma: Through you, Mr. Speaker, I appreciate the question from the member from Whitby.

Again, I can't get into all of the legal pieces of that. But we have this problem in the province of Ontario where we see over 75% of class actions get certified, and yet less than 50%—less than 49%—of those certified class actions

actually see any awards to the plaintiffs. So what do we have there? What's the problem that we have identified and are trying to fix? It's too easy to certify cases in the province of Ontario, and I think even the Law Commission of Ontario would agree with that.

What we need to do is to make it so that people who actually have legitimate cases get access to the justice that they deserve in the province of Ontario. Again, I appreciate the question, and that's exactly what we're trying to do.

The Speaker (Hon. Ted Arnott): Questions?

Mr. Faisal Hassan: Our justice system is designed in such a way that everybody has an opportunity to have representation at the court of law. After a devastating budget cut of 30%, this bill is a further attack on legal clinics and communities. Would you also consider, then, more of consulting them, because they are representing and this is also—they will not have representation in terms of human rights issues and environmental issues, and the economic aspect of those marginalized and most vulnerable members of our community. This bill will deny their opportunity to have a day in court.

Mr. Will Bouma: I really appreciate that question from the member from York South–Weston, because I had the exact same question going into committee meetings. A 30% cut in budget—now, of course, we've seen with entities like the interlibrary loan system, which was a bit of a hiccup for us last year, that actually, hey, guess what? All the books are getting delivered to people, and they haven't been given any more money.

What struck me was that the Auditor General is quite clear that legal aid should be able to do their services more efficiently. That was the question I asked and the question that was often asked of legal aid clinics that testified before committee—“How much was your budget cut?” And not a single one was over 1% or 2%, I believe. So what struck me was, where was this 30% cut? Because none of the legal aid clinics that came before us actually saw any of that cut.

The Speaker (Hon. Ted Arnott): The member for Niagara West.

Mr. Sam Oosterhoff: Cyberbullying is an issue that is very, very tragic. We know that it happens, and we know that we need to move to address it. So could the member opposite please tell us about how this bill will assist people on the ground to get the justice they deserve and fight back against the offenders? We know that many victims of cyberbullying have had their intimate images shared without their consent.

Mr. Will Bouma: Thank you very much for the question, to the member from Niagara West.

This is a real problem. The amendment of regulation 456/96 under the Victims' Bill of Rights will update the list of prescribed crimes in the regulation to make it clear that a person who is convicted of a crime of non-consensual distribution of an intimate image is civilly liable in damages to a victim for emotional distress and bodily harm resulting from the distress.

I see I'm out of time—

The Speaker (Hon. Ted Arnott): Thank you very much. Further debate?

1510

Ms. Laura Mae Lindo: I'm honoured to stand in the House today to speak about concerns that have been brought to my office about Bill 161. What I'd like to do is sort of veer our attention a little bit differently than the earlier debates.

On the government side, there's been a lot of discussion about modernizing this bill and modernizing legal aid. I would like us to modernize legal aid without embedding systemic discrimination into the modernization plan. I'm going to stay focused on that, and I'm going to do so by, again, drawing our attention to something else that has not really come up in the chamber, to my knowledge.

Many people outside of this chamber would know that we are actually smack dab in the middle of the International Decade for People of African Descent. The UN, when they declared this decade in 2015, noted that the focus that they wanted us to have, in these positions of power and influence, is on recognition, justice and development. Recognition would be recognizing the unique history of people of African descent; justice is making sure that we have access to justice, which is hilarious, given this bill; and development, which means taking some time to find ways to build stronger and more equitable communities.

We can't do any of that work if we have a bill that's meant to modernize justice that takes out words like "low-income" and "access to justice." I feel that I've stood up in the chamber a number of times and spoken about the importance of words and having legislation that includes real words that describe the things that we actually—I shouldn't be laughing, but that's how I feel—real words that describe what it is that we are trying to achieve with the legislation we are passing. So when you have a bill that's supposed to modernize legal aid and provide access to justice, it strikes me as absurd that we would take out words like "access to justice."

It also strikes me as particularly troubling when we take out reference to "low-income," because what I know from my life prior to being elected is that many low-income families are primarily racialized families. Black, brown and Indigenous people, because of the history we have had on this land, often have lower income than their white peers. So it stands to reason that when you think about who is trying to access legal aid services that we are, in the moment, trying to modernize—it stands to reason that many of them will be racialized people who are living in low-income situations.

It's for that reason that I want to draw our attention to the fact that we have four years left to make a difference. We have four years left in this decade to actually use our power and our privilege and our influence to modernize legislation in ways that don't perpetuate racism and don't perpetuate harm.

The Black Legal Action Centre submitted their own thoughts and concerns about Bill 161, and then they posted it online as an open letter so that other people could participate in this discussion. I'm going to read from their

submission. They said: "BLAC is concerned that Bill 161, the Smarter and Stronger Justice Act, 2019, proposes to change LAO's core mandate of promoting access to justice for low-income Ontario residents with a new purpose, which fails to mention access to justice. Rather, Bill 161's focus is on the value of money and cost-effectiveness. This will have a negative impact on the Black community and will create a further crisis of access to justice that reinforces existing inequities."

I'm starting there because as much as it's important for us to ensure that we modernize legal aid in a way that's cost-efficient, we don't have to do so at the expense of support, care, love and kindness towards racialized communities that experience injustice and then have to access legal aid in order to rectify that. I think that we have to find a way to work more collaboratively together so that we can understand how systemic discrimination actually operates—because, right now, what I'm seeing with this bill is us sitting here and debating whether or not we are going to take the path of legislating discrimination or whether we're going to take a path of modernizing a system that will help other people who aren't as privileged as us in this chamber.

I'm going to continue from their letter. They've written, "The Black community, as a direct result of the impact of anti-Black racism, comprise a significant portion of legal aid service recipients of 'traditional' poverty law services." That includes "criminal, child protection, and in the clinic system, issues related to housing insecurity, social assistance, employment, and immigration.

"BLAC is also concerned about the lack of Black and racialized representation on the governing board of Legal Aid Ontario."

They continue. They're helping us to make stronger legislation by pointing out why it is that people of African descent are often having to access legal aid services. They've talked about the impact of anti-Black racism, noting that it's not new in Ontario and that the manifestations continue because they're rooted in the history of this land. We have an opportunity to dig up those roots and do better by these communities, and I'm hoping that people will start to do that.

If we think about why somebody who's Black, brown or Indigenous would try and access legal aid services—it's not for kicks. It's not for fun. It's because they are dealing with things like harassment and racial profiling by the police, or there's disproportionate negative treatment of Black youth and Indigenous youth in the educational system. They access legal aid clinics, specialty clinics, in order to be able to create opportunities not just to have their experiences heard and addressed, but also to be able to ensure that justice is had so that other kids don't have to have the same experience. There's inequitable access to health care, which contributes to the disproportionate rate of chronic disease in Black communities; discrimination that results from the lack of access to safe and adequate housing; racism in the labour market—and the lack of employment equity and the need for stronger employment equity legislation often do lead people to legal aid clinics, where they are asking for help to change the system.

It brings me back to the idea that if we're going to modernize, let's not make it harder for racialized people to access justice; let's find a way to ensure that there is a direct path to address this, which means that we can't embed things into legislation and we can't avoid saying words, because if we avoid saying things like "low-income," which is who we're trying to help with this legislation, or "access to justice," we actually get what we get, and as I say to my son, we don't get upset.

I'm going to move on to one other area that I also found quite fascinating, really: the introduction of undue hardship tests for those seeking a fee waiver under the court for tribunal proceeding. I want us to take a second to think about the undue hardship test only because I was first introduced to "undue hardship" and what that means when I was working at Wilfrid Laurier University and overseeing the employment equity portfolio and all of the equity programming there.

One of the things that I was responsible for was assisting the university with AODA legislation. One of the ways that institutions had to test to see whether what is being asked of them to accommodate people with disabilities was the undue hardship test. A prime example would be wanting to make sure that there's accessible parking closer to the main doors of the institution. The institution might say, "If I have to build a new parking lot, that would be undue hardship for this institution." I'm not saying that that's exactly what they said, but I'm giving an example of the kinds of arguments that would come when we would say, "But we need to make the campus more accessible."

If I take that experience and I think now about how the notion of undue hardship is being used, it raises a whole ton of red flags for me, because part of why the Ontario Human Rights Code and why the AODA legislation use the notion of undue hardship is because many organizations were unwilling to put in the investment to make sure that their campuses and their workplaces were actually accessible for people with disabilities. The undue hardship test was the bar to ensure that they did the right thing. But now that idea is being used against low-income families, having them to prove something well beyond anything that they would have to normally prove, and that's being put under this umbrella—like we are modernizing legislation by making them work harder to access justice. That's worrisome to me because for a lot of people who are living in low-income circumstances and having the kinds of experiences that they're having, needing to access legal aid services—they're stressed out enough. Now you're going to add another barrier of having to prove that it's undue hardship?

1520

Not only are you going to do that, but there is also wording in this legislation that says the fee waiver can be revoked if the persons holding the fee waiver certificate engage in actions that they say might be frivolous—there's a supposed belief that people who are low-income are just going to access it frivolously, as opposed to because they really, really, really need it—or the person can have the

fee waiver revoked and then be prevented from seeking further fee waivers.

I get really nervous about the assumptions that we're making about the people who are trying to access legal aid and embedding that into law, and I get extremely concerned about the intersectional identities of the people who are actually accessing these specialty clinics. We've got Black, brown and Indigenous people living in low-income neighbourhoods who find themselves experiencing horrible things in the school system, for instance. They don't have the same amount of wealth as other people to fight. They access these specialty clinics and now they're being put through the wringer to try and make sure that their voices are heard, and that their concerns and that level of discrimination is actually being addressed.

I get nervous about the fact that we don't really take the time to take seriously how we keep passing legislation in this House that's literally discriminatory. We do so not only with the words we use but with the words that we omit. We discriminate by omission. By not speaking about "low-income," we're providing a space where folks who need the help the most are not even having their voices heard or recognized. I think that we can do better. I think that we want to do better.

I'm curious to know if, when this opens up for questions, we can have a sincere discussion about where in the legislation and in this modernization process an Indigenous person could, in fact, access what they need and could make sure that they too have access to justice without it being onerous.

I would like to know where Black community members can feel that their experiences can be addressed, when it comes to the kinds of issues that they have, because we're not even dealing with the root causes of discrimination, racism etc. in the province.

I think that that also leads me to—I wasn't going to spend too much time on it, but I've got some time on the clock—the notion of these class action changes, because many people access class action legislation because they as individuals cannot afford to put up the lawsuits on their own. My understanding is that there is a change in the legislation that would now require that they do every other kind of thing in the legal system that they can possibly imagine before they would be able to move on to the class action. If that's the case, I'm just curious to know where all of these low-income folks whom we are here to protect and serve are going to be able to find all of the cash to be able to do all of that pre-litigation before they can access the class action as an option. I'm not asking it facetiously; I'm literally—look, if you can point it out to me, then I'm able to go back to my riding and explain to people, "This isn't modernization of legislation that is, in fact, discriminatory, but here's the place where you'd be able to access that help, or here's the place that would make sure that your needs are actually taken seriously."

I do spend a lot of time when I'm in the House talking about some of the more marginalized populations, and I do so intentionally, because that is part of my responsibility—being in this House and having this opportunity to

speaking to government directly about the changes that they're going to make, before they make changes to legislation that could go horribly wrong. I hope that we can start to have real conversations about where we're creating spaces that—maybe it wasn't intended, but we have legal experts and strong legal minds who are giving us a warning that this is what we're going to do. For many Black community members, this legislation won't be able to help them because of the lack of attention being taken to who it is that's trying to access this legislation or who's trying to access the legal aid clinics.

Going back to where I started, with the International Decade for People of African Descent—recognition, justice and development—I want to believe that everybody in the chamber and everybody who is elected recognizes the realities of the spaces that we're in right now, these colonial spaces, on the lived realities of Black, brown and Indigenous folks. I want to believe that we've recognized that. I think various people have said that they know that systemic racism exists. I want to believe that nobody wants to be perpetuating systemic racism—and this is the way that we do it, which means that we have this opportunity to change. We have opportunities to do things like ensure that Black communities in this legislation are also recognized as a unique group that requires unique consideration when it comes to accessing justice and accessing legal support. I want to believe that, in doing that, we can work together to develop a different kind of system that actually supports everybody.

I'm more than open to having people show me where my concerns are incorrect, where they're unfounded. If I am wrong about what is in the legislation, then by all means, I'm excited to find out where all of the “low-income” words and “access to justice” are hidden in the legislation. If they're in there, please point to the page so that I can bring it back to the people who have asked me to stand in the chamber and speak about this and raise these concerns.

As we get to the last couple of minutes, I just want to go back and remind people that currently, there's an overrepresentation of Black and Indigenous people in our criminal justice system. There's an overrepresentation of Black and Indigenous people in our criminal justice system who are waiting for bail. There is an overrepresentation of Black and Indigenous people who have to access these services because they have been over-policed and under-policed. Both have happened. If they are already experiencing discrimination to that extent, this might be the only space where they can actually create a moment of justice. This might be the only opportunity for them to see a pathway out of a system that continues to hurt them.

Again, I will reiterate that my hope is that we are honest with ourselves about the impact of the legislation, that we learn from each other and the different experiences that we've all had coming into these roles, and that we choose to use our power and our influence differently, in a way that will actually ensure that the most marginalized among us are cared for and protected. I think that we can do it. I don't think that people would be handing in letters or

putting in submissions to the committee if they thought it was impossible to do. I think that everybody wants Ontario to run efficiently and they want things to be cost-effective. They certainly want that, because if it was up to many people, they wouldn't want to have to rely on legal aid when things go wrong or sideways. My hope is that we'll listen to some of these recommendations and that we will in fact find a way to create a modern system that does not discriminate, because if we don't, there are going to be more people like myself and my friends in the official opposition standing up to remind you every single time something happens that the system is discriminating against.

1530

The Deputy Speaker (Mr. Rick Nicholls): It's time for questions and response. The member for Brantford—Brant.

Mr. Will Bouma: Wow, I guess I was the first guy standing, Mr. Speaker, so I appreciate that. I appreciate the speech, and I have to say, coming from the position of privilege that I have, that I can't even begin to comprehend what any of those things are like.

It struck me during our committee hearings that we had a couple of very incredible legal aid organizations in racialized communities doing incredible work, that hadn't seen any significant cuts to their funding whatsoever as we came through, and the fact that our legislation proposes that we strive even harder to have local representation on legal aid clinic boards, so that you can really get there, into the community. The work that they were doing—again, which hadn't been cut at all—was doing really good on that. If you could expand a little bit on how you see efficiency, and yet reaching out to racialized communities. Thank you very much.

Ms. Laura Mae Lindo: Thank you so much for the question. I think I want to start at the very beginning. I don't think that we have to look at lived experiences, with the speech that I just made in the House; it's more about looking at the stats. The stats show that there are more Black, brown and Indigenous people who are living in poverty, because of a history of colonialism, slavery etc. on this land. Those folks are the ones who are trying to access justice, and because of taking out language that doesn't make that lived experience “real”—I'm putting air quotes, since Hansard is trying to pick it all up. Since it doesn't make it “real,” they will not be able to access justice. I don't think that it's about lived experience or my lived reality. It's literally about the language that's in the legislation.

The Deputy Speaker (Mr. Rick Nicholls): More questions?

Mr. Joel Harden: I want to thank the MPP for Kitchener Centre, my friend, for an excellent speech. It's always great to hear you hold forth in this place.

I note that the income limit for legal aid presently is \$17,731 in annual salary for an individual person, and for a family of two it's \$31,917. I'm wondering if you think those limits are sufficient to help people who have financial difficulties. If they're not, are we going to do

better in legal aid by proposing to cut the scope of services, the funding of services and the access people may have to class action processes?

Ms. Laura Mae Lindo: Thank you again for the question. It's interesting when we start to talk about income and the cost of living, because the reality is that accessing legal services on the regular with any kind of income like that is impossible. It's the reason why people need to access legal aid.

The interesting thing about legal aid is that specialty clinics have come up specifically because of specialized issues that some might actually label as discriminatory issues, and so these specialty clinics pop up. The cuts that we're talking about are the cuts that could inevitably impact those specialty clinics, which means that you'll start to see a huge segment of the population that, again, is being discriminated against. Then, by cutting the class action, you're not allowing them to fight for themselves collectively, which means you're actually denying them voice as a collective to be able to demonstrate what systemic discrimination is actually looking like. I hope that that answered that.

The Deputy Speaker (Mr. Rick Nicholls): Further questions?

Ms. Lindsey Park: I want to thank the member opposite for her speech. I found it very interesting and engaging.

I did want to specifically address the importance of putting language directly in the legislation referencing low-income individuals and access to justice. That's something we heard in the committee process from different organizations, although the Attorney General, in many of the speeches he has given since becoming appointed Attorney General about a year ago, has talked about ensuring that service and that legal aid continue, following the passage of this bill, to provide service and access to justice to low-income Ontarians through Legal Aid Ontario.

We specifically listened to what the witnesses had to say in committee, and we specifically amended section 17, subsection 2 to put in the words "promote access to justice" and a clause saying that this is in the objects of the corporation, the core function, that they have to "be responsive to the needs of low-income individuals and disadvantaged communities in Ontario." I just wondered if you support that.

The Deputy Speaker (Mr. Rick Nicholls): Back to the member from Kitchener Centre.

Ms. Laura Mae Lindo: Thank you for the way in which you say "Kitchener Centre." I like it.

Thank you to the member for pointing out the one clause in a very large document that says "low-income" and "access to justice." That was me being cheeky.

It's important that it's in there. I'm not going to deny that it's important that it's in there. I think that the concerns that are being raised are that by having even started this process, there are questions about who will, in fact, have access to justice. So yes, the goal of the legislation was to ensure that low-income communities

would have access and those that are disadvantaged would have access. Having it embedded deeply in a bill makes it a little bit more difficult for people to feel like that is the purpose of the entire piece of legislation or that is the purpose of the changes. I think that might be part of why people are concerned and have raised the concerns. But I do think it's great that we've made one step in the right direction.

The Deputy Speaker (Mr. Rick Nicholls): Further questions?

Mr. Sol Mamakwa: Just a quick point: I know that my colleague spoke about systemic racism and colonialism. I know I've lived it, and I know that the colour of our skin makes a big difference in how the system treats our people. We see it on a daily basis, but I think if you can elaborate or maybe even provide some examples on what systemic racism does.

Ms. Laura Mae Lindo: Thank you very much to the member for that question. It's an important one for us to be talking about.

In the examples, for instance, given by BLAC, they've talked about racial profiling as one example of systemic racism in policing. The fact is, when you are racially profiled, you access the legal system to try and rectify that.

They've talked about the disproportionate impact of high dropout rates, for instance, among Black youth in schools, and oftentimes it's because of discrimination in education. The same thing happens with Indigenous kids in school. Sometimes the way to access that is through the legal aid clinics that are able to do that. BLAC, for instance, is a specialty clinic that does look, as one of their pillars, at education and Black students.

They've also pointed to inequities in health care, which is something that many of the members here have spoken about.

I think that those are all strong examples of what it looks like and the need for this legislation to strengthen as well.

The Deputy Speaker (Mr. Rick Nicholls): Further questions?

Ms. Jane McKenna: I've sat here today and listened to your remarks and it's wonderful. I always appreciate everybody who gets up and speaks because it is a difficult thing to do at times, but I very much appreciate everything that's said.

I guess for the people who are sitting at home and watching this today, I think there's just so much more that we need to talk about right now. I was on committee; I was subbed in. I think when things are important and you want to make change, it's important at committee to make those changes because that's why we have committee. If it was so important to make change, why were no changes made to the class action piece?

Ms. Laura Mae Lindo: Thank you for the question. It's an interesting one. I was not one of the people who was in committee, and I did not actually speak specifically—I spoke at the very end about class action and what the purpose is for marginalized communities.

1540

I think that where I want us to reposition and pivot that question is to recognize that when individuals have experienced discrimination in society, the last resort is to come together and use the class action process as a way of demonstrating that a whole system has discriminated against a group, or a whole system has harmed a group.

So I can't speak, and I won't profess to be able to speak, to that in particular, but I will tell you that when one individual student experiences racism at school and they are able to bring their experience with others, that's where the class action becomes extremely important.

The Deputy Speaker (Mr. Rick Nicholls): Further debate?

M^{me} Lucille Collard: It is a real pleasure for me to rise in the House this afternoon to speak to Bill 161, a bill that is the Smarter and Stronger Justice Act, 2020. I'm rising today to speak against the bill and to explain why I cannot support this bill. I will, however, recognize that this bill does address some overdue changes that have been welcomed by the legal community, but this bill also contains deeply concerning changes to class action proceedings, to the structure of our legal aid system, and on the scope of crown liability. These changes will, in fact, set our justice system back. Unfortunately, taken as a whole, Bill 161 will leave our justice system neither smarter nor stronger than it currently stands.

In the hope that we can all agree on where our priorities should be, I want to first discuss the characteristics of a modern justice system.

La plus grande qualité d'un système de justice moderne est d'être accessible, accessible à tous les membres de notre société, incluant ceux parmi nous qui sont les plus vulnérables et qui sont marginalisés. Un système moderne devrait garantir que l'optimisation des ressources—the famous “value for money”—n'est pas atteinte au détriment de l'accès des Ontariennes et des Ontariens à la justice, et un système moderne devrait garantir que la justice est pleinement accessible dans les deux langues officielles.

A modern justice system must be capable of addressing both personal and systemic injustices when they occur across our province. It should emphasize protection of the legal and civil rights of Ontarians, not be convenient or profit insurance and banking associations. A modern justice system must also act as a check and balance against the actions of our public institutions and agencies and ensure that both public and private organizations remain accountable to the people of Ontario.

As a member of this Parliament and as a legal professional, I am worried that Bill 161 will leave Ontario with a justice system that does not live up to these modern standards. The proposed Legal Aid Services Act under schedule 16 will reduce the ability of the 73 community legal clinics in Ontario to provide legal aid services which best address the unique legal needs of their communities.

The proposed changes will now give the power of making important decisions regarding needed services to the 11-member board of Legal Aid Ontario. No matter

how well-meaning these 11 members will be, they are not a replacement for the years of highly specialized, community-specific expertise that has been developed within our community clinic system. The impact of centralizing authority within the legal aid system is not without consequences. It will result in less accessible legal aid services that will be less capable of addressing the diverse legal needs of all Ontarians.

Bill 161 will substantially change a clinic system which isn't broken. Our legal aid clinics are widely admired by both clients and legal scholars as a global model for enhancing access to justice. Right now, every Ontarian can be confident that there's a legal clinic that understands their specific needs and that is capable of helping them resolve their legal issues.

Ces cliniques ont les compétences linguistiques et l'expertise communautaire nécessaires pour fournir des services d'aide juridique personnalisés aux diverses communautés des nouveaux arrivants de l'Ontario. Elles sont spécialisées dans les domaines de droit qui sont importants pour leurs communautés. Elles comprennent les différentes réalités de nos communautés nordiques et rurales, et elles sont également spécialisées pour répondre aux besoins juridiques distincts des communautés autochtones de notre province. Et ce ne sont que des exemples qui démontrent l'importance de reconnaître leur capacité de déterminer les besoins de leurs clients.

These clinics are run by people from their communities, with local expertise and credibility and who have the demonstrated ability to decide how best to provide legal aid services to ensure that their communities have access to justice in Ontario.

We have invested substantial time, effort and resources into our clinic system because ensuring access to justice for all is not only the right thing to do; it also saves us money in the long run. It's actually worth noting that the present Legal Aid Services Act, 1998, was actually brought by the Conservative Harris government, who recognized that proactively and effectively addressing the legal needs of Ontarians now saves both the courts and our social services money down the line.

The current act recognizes the priority and importance of access to justice by stating clearly that it is the purpose of the act. The proposed act, however, has removed access to justice from its purpose and replaced it with value for money. To be coherent and responsive to the needs of Ontarians, the purpose of the act does not have to be one or the other. Enhancing access to justice and improving value for money go together.

Mercredi dernier, j'ai demandé au gouvernement d'inclure une protection pour assurer l'accès aux services d'aide juridique dans les deux langues officielles dans la loi. Il est profondément décevant que le gouvernement ait décidé que garantir la cohérence dans la qualité et la disponibilité des services d'aide juridique entre les deux langues officielles n'est pas quelque chose qu'il est prêt à appuyer.

J'ai demandé au gouvernement d'adopter la norme de l'équivalence substantielle dans les services offerts dans

les deux langues officielles. Cette norme a été reconnue récemment dans une décision importante de la Cour suprême du Canada en ce qui concerne les droits à l'éducation des francophones à travers le Canada. Tout comme le français ne devrait jamais être un obstacle à l'accès à une éducation de qualité, je pense que le français ne devrait jamais être un obstacle à l'accès à la justice.

L'aide juridique est l'un des services publics les plus importants que nous puissions fournir en tant que société, et nous devrions refléter notre engagement à l'égard des services gouvernementaux bilingues dans notre province de façon équivalente.

Bill 161 seeks to take the power away from communities to decide how best to provide legal aid services and give it instead to the central board of Legal Aid Ontario. It also does this at the same as it changes the composition of the board of Legal Aid Ontario to ensure that a majority of appointees are selected by the Ministry of the Attorney General. This is entirely unprecedented in the history of Legal Aid Ontario.

Legal Aid Ontario has represented an equal partnership between the ministry and the Law Society of Ontario for over 20 years, and there are important reasons for this. Equal representation from the law societies has ensured that Legal Aid Ontario has remained an impartial and non-partisan body committed to enhancing Ontarians' access to justice. Equal representation has ensured that Legal Aid Ontario has remained at arm's length from the government in order to maintain the trust of its clients and its legitimacy in representing clients' legal disputes with the crown.

Equal representation has also given Legal Aid Ontario stability in its programming. It can transition between governments without undergoing fundamental changes to its services. Granting the ministry a majority of the board appointees will change this and make Legal Aid Ontario functionally a branch of the ministry. Moving forward, this will allow the partisan interests of the government of the day to dominate a board empowered to make broad decisions about how poverty law services are delivered to Ontarians. This benefits governments seeking to cut costs and cut legal aid services; it does not benefit vulnerable Ontarians trying to resolve their legal issues.

1550

Schedule 16 will further make the provision of all currently mandatory legal aid services provided by Legal Aid Ontario up to the discretion of this 11-member board. These discretionary services include human rights law, child protection law and employment law. They even include poverty law, meaning that the continued existence of the clinic system is discretionary and based on the considerations of the ministry-controlled board of Legal Aid Ontario. I echo the concerns of the legal community in wondering why this degree of discretion is being granted to the board.

This brings us to an important question: Who asked the government to make these changes? Despite only giving stakeholders five days to register for public consultations,

we heard from 45 stakeholders who made oral submissions and 174 who made written submissions on the changes to legal aid. It's worth noting that all 45 stakeholders who made oral submissions on the clinic system were in opposition to these changes; 173 of those 174 written submissions were also in opposition to the bill as it stands. This means that of the 219 community voices we're heard from, only one thought that the changes to legal aid were acceptable. It's unclear who the government has been consulting with on this, and it's an irony that the government, which brands itself as representing the interests of the people, will rush through a bill like this in the face of such public opposition.

On class action proceedings, schedule 4 of Bill 161 will additionally limit Ontarians' ability to access justice and seek redress for serious and systemic injustices by undermining Ontarians' ability to certify class actions for a wide variety of injuries. Due to the high cost of civil litigation, class actions are often the only accessible avenue for Ontarians—and Canadians, generally—to seek redress for injuries caused by the systemic negligence or bad-faith practices of public institutions and large corporate actors.

Schedule 4 seeks to close this last remaining avenue by importing the American concepts of predominance and superiority into our judicial test for class action certification. These proposed requirements are a dream come true for those seeking to escape liability for mass injury to the public. To be clear, this is the importation of rules which have no equivalence in Canada, and which leave Ontarians with less rights than the residents of any other province or territory in Canada.

Class actions often result from common injuries which have manifested in deeply personal ways in the lives of the individual class members. These imported standards will place substantial barriers for those who have suffered very personal damages on the basis of a common situation. Take the survivors of residential schools, for example. Each former student might have suffered personal injuries, or suffered particularly acute trauma as the result of their shared experiences within the residential school system. Most survivors who have been able to achieve justice through the courts have been able to seek redress to these injuries through class action proceedings.

The Law Commission of Ontario has directly warned us that if the proposed predominance and superiority requirements in Bill 161 were applied retroactively, many landmark class actions such as those on residential schools, the Walkerton crisis, and tainted blood would never have gotten the certification required to have had their day in court. Instead, under the proposed system, each of the individual victims in these cases would have had to pursue their claims individually in the pursuit of justice.

Moving forward, this will mean that for many victims of systemic injustice and negligence, the cost of litigation will be far beyond the value of their potential damages, and the courts will be backlogged with massive numbers of individual litigants seeking redress for common injuries

that could have been dealt with collectively. This is inefficient. It's expensive, it promotes bad practices and a lack of accountability, and it privileges the convenience of the injuring party over the right of the injured party to seek justice. This is the active obstruction of access to justice in Ontario.

Turning again to the question of who's been asking for these changes, when the Law Commission of Ontario evaluated the need to update our Class Proceedings Act in 2019, they considered the possibility of introducing these exact predominancy and superiority clauses in Ontario. The only stakeholders who spoke in favour of them were the Canadian Bankers Association and the Canadian Life and Health Insurance Association. The Law Commission of Ontario concluded from this process that there was no need or benefit of importing these American standards into our certification test, and yet here they are in schedule 4 of Bill 161.

While Bill 161 was tabled before the COVID-19 pandemic began, the dangerous effects of schedule 4 for Ontarians seeking access to justice are particularly apparent for the victims of neglect in our long-term-care homes. The sorts of deeply personal and traumatic injuries that some of our seniors have suffered are exactly the types of injuries that Bill 161 will make impossible to seek redress for under the Class Proceedings Act. This bill, if passed, will undermine the ability of vulnerable seniors to seek justice for these injuries and have their day in court.

I had hoped that this ongoing crisis would demonstrate to the government that these changes are short-sighted and will hurt vulnerable Ontarians. To this end, I asked the government to withdraw these American standards from the bill during the clause-by-clause review last Wednesday—which they rejected, despite understanding the consequences of these changes for seniors.

If passed, Bill 161 will actively obstruct the pursuit of justice for low-income and vulnerable Ontarians. It will make our legal aid services less accountable and accessible to the public and will close the most commonly available avenue to the victims of systemic injustice to seek redress in Ontario.

I cannot support Bill 161 until the predominancy and superiority clauses are removed from schedule 4 and until schedules 15 and 16 are withdrawn. These schedules deserve full, open and public consultation.

There is no reason or justification to rush through its adoption, despite broad public opposition. It's not accountable, it's not transparent and it's not government for the people. I urge every member of this House to uphold the right of all Ontarians to access justice and vote against Bill 161.

The Deputy Speaker (Mr. Rick Nicholls): Thank you very much. Time for questions and responses. Questions?

Mr. Mike Harris: It was really nice to hear some actual positive comments come from the independent Liberal member about my father's government back in the late 1990s, early 2000s, when we heard that this was the last time that we had some serious reform to these types of things here in the province.

I put the question to the member opposite: The previous government had 15 years, Mr. Speaker, to make these changes and all of the things they want to see. Why didn't they do it?

M^{me} Lucille Collard: I was unfortunately not part of the government you're referring to in those last years. I was elected last February, just as a reminder.

What we have before us is the bill that the government is putting forward, which has tremendous negative effects on all our vulnerable communities that we're supposed to be protecting. It's our responsibility as a government to look after our most vulnerable, and this is not what this bill is achieving at all.

We've heard that from so many people that it still boggles my mind to see that the government is not taking any of those suggestions from all the people who came forward asking for changes, speaking, yes, to some of the good things that are in the bill but really talking about deep concerns. Why is the government not looking at those amendments?

1600

The Deputy Speaker (Mr. Rick Nicholls): Further questions?

M^{me} France Gélinas: J'ai bien apprécié la présentation que la députée a faite, et j'ai bien apprécié que vous l'avez faite dans les deux langues. Félicitations, madame, et bienvenue.

Dans un premier temps, j'aimerais demander à la députée—après les coupures qui ont été faites pendant le mandat de ce gouvernement, on a vu une diminution de l'accès aux services en français dans notre région. Je me demandais, pendant que vous avez étudié le projet de loi sur lequel vous venez de parler, si l'accès aux services en français, vous pensez, va être amélioré ou diminué avec les changements qui sont proposés dans le projet de loi 161?

M^{me} Lucille Collard: Merci pour la question. C'est effectivement très évident, puis on l'a entendu dans des réponses plus tôt, que les services en français ne seront pas améliorés. On fait référence à que ça va être « considéré », le besoin des services en français. Ce dont on a besoin, c'est vraiment d'un acte concret. On a besoin d'une clause dans la loi qui protège les droits des francophones d'avoir accès à la justice de façon équivalente à nos voisins anglophones qui, eux, ont accès aux services quand ils en ont besoin. On a entendu parler des répercussions que cela peut avoir sur la possibilité des gens d'obtenir justice. C'est primordial, vraiment, d'avoir une clause qui protège ces droits-là.

The Deputy Speaker (Mr. Rick Nicholls): Further questions?

Mr. John Fraser: I want to thank the member from Ottawa-Vanier for actually working really hard on amendments to this bill. We don't have the same level of resources as other members do. She put forward 23 very thoughtful amendments, and her speech was very thoughtful.

It sounds a lot like the health care bills we've been talking about: centralizing all the power in downtown

Toronto—all of it—taking those powers away from community. It's even further augmented by the class action stuff, limiting crown liability.

It's good to know that the bankers and the insurance companies are in favour of it because, like you, they are out for the little guy.

But more importantly, can the member tell me what she would do to increase access to justice and legal aid for the people of Ontario, and what the government should have done?

M^{me} Lucille Collard: Thank you for the question, which is very important. I alluded to that impact in my remarks. What we need do is decentralize the decision-making power, because legal aid clinics are best positioned to know, to understand and to make decisions about needed legal services in their communities. Centralization goes against this principle, and they will be stuck with decisions that are made by people that don't know their reality. This could even affect the funding of those legal services since they don't have a say on it. So I'm really concerned about the centralization.

The Deputy Speaker (Mr. Rick Nicholls): Further questions?

Mr. Vincent Ke: The member from Ottawa–Vanier states that the legal aid system, as it's currently structured, is complicated and does not provide services to all those who need them.

My question to her is, why does she oppose these changes which will provide clients with more options of how they want to access services and, by doing so, allow more people to access justice and legal services?

M^{me} Lucille Collard: I said at the outset in my remarks that I'm not against every change that the bill brings. I did recognize that some of those changes are good and have been accepted and welcomed by the legal community. But there are some of those changes that are very, very concerning that we've heard over and over again. We had protests here in front of Queen's Park by a lot of people who are concerned about what the impact will be on access to justice.

Access to justice should be the focus of this legislation, and removing it is just bad news for vulnerable people. Again, as a government, it has a responsibility to protect those vulnerable people, and this is not what this act is doing.

The Deputy Speaker (Mr. Rick Nicholls): Further questions?

Mr. Faisal Hassan: The member opposite talked about the government appointing the board of directors for legal aid. Would you be able to talk about how that kind of government interference would hinder access to justice?

M^{me} Lucille Collard: Thank you for the question. Now that the majority of the members of the Legal Aid Ontario board will be appointed by government, they will not benefit from the same independence. The decisions that they make will have an impact on the way that services are delivered in all the regions of Ontario, which legal aid clinic boards are best placed to actually make decisions on. It's all a question of accountability and impartiality and

shifting the balance. Having a majority of them ministry-appointed will, to all intents and purposes, make it a branch of the ministry, which will be affected by the ministry's way of thinking.

The Deputy Speaker (Mr. Rick Nicholls): Further questions?

Mr. Mike Harris: While I admire the member from Ottawa–Vanier—and congratulations for being elected in a by-election a few months ago now—if she didn't want to have to answer tough questions about the previous government, she should have thought about running under a different banner.

We'll flip the switch on this a little bit and maybe talk about something that we can agree on, and that's cyberbullying. I mentioned earlier in the House this morning, when I was asking questions of the Attorney General, how important something like this is for me with having a young family; I've got four girls and a boy at home. That's not always something that's top-of-mind for them—information sharing these days, social media, texting, TikTok, Instagram, and everything that's going around. They're not always thinking about what the ramifications down the road could be on something like that.

I'd like to get your thoughts on some of the rules and regulations that are being framed here around cyberbullying, and in particular the sharing of non-consensual intimate images.

M^{me} Lucille Collard: I do appreciate the question. Thank you for your good words on my election. You know what I've been going through. This is a first for me also, being in the House. I can reference also that I have four kids, and I'm really concerned about the impact that such legislation will have on their future. I'll simply answer your question by saying: I didn't say that all the changes in the bill were bad. I think that the one you're referring to is a good one, but again, there are other changes that are very concerning to a lot of people in Ontario.

The Deputy Speaker (Mr. Rick Nicholls): Further debate?

Mr. Lorne Coe: I'm pleased to join in the debate on third reading of Bill 161, the Smarter and Stronger Justice Act. I'll be speaking particularly to two parts of the legislation: small estates and civil forfeiture.

If passed, Speaker, the bill would modernize and improve how legal aid services are delivered, how class actions are handled, how court processes are administered and, most important, make life easier for Ontarians by modernizing a very complex and outdated system.

We heard earlier in the debate that we can go back almost 20 years on some aspects of this legislation that haven't been updated. We've heard loud and clear from people across Ontario—including those of my colleague from the riding of Durham, many from the region of Durham—that the justice system has grown too complex and outdated. It needs to be better. It needs to better support the growth of safer communities while standing up, as we can this afternoon, for victims of crime and law-abiding citizens.

1610

The government is proposing smart and long-overdue reforms that would allow people to spend less time and money resolving legal matters, while strengthening access to the legal supports Ontarians need and deserve. Overall, the government is proposing more than 20 sensible legislative improvements through the Smarter and Stronger Justice Act. These improvements reflect our government's determination to work with justice partners, to build safer communities, where people and job creators aren't tied up in outdated processes to resolve their legal and business issues.

According to David Field, the chief executive officer of the law association of Ontario, "the new Legal Aid Services Act is an important step towards improving access to justice in Ontario. It offers opportunities for innovation, and allows" the government "to address gaps in the justice system. This legislation, if passed, would allow Legal Aid Ontario and its valued service providers—including staff, clinics and the private bar—to better serve clients."

Other proposed amendments would move Ontario towards a stronger and smarter justice system by:

- prioritizing the interests of Ontarians in class action lawsuits so that they receive faster, more transparent and more meaningful compensation and access to justice;

- making it easier for cyberbullying victims to sue offenders convicted of the offence of non-consensual distribution of an intimate image;

- increasing the maximum fine for lawyers and paralegals who engage in professional misconduct, and stopping the practice of government footing the bill for legal fees incurred by judges and justices of the peace who are dismissed due to misconduct;

- amending the death registration process to ease the burden for families when faced with registering the death of a loved one in the absence of their remains;

- enhancing Ontario's civil forfeiture laws to ensure crime does not pay and proceeds of crime are used to support victims of illegal activity; and

- allowing for a simplified procedure for small estates, making it less costly to administer estates of a modest value.

Speaker, small estates have been ignored for far too long. I'm not sure why, but it's one area that, when we're looking out for people in Ontario who are trying to interact with the justice system, who are trying to find ways to make life more affordable—and I know you subscribe to that: more affordable and, of course, easier. Who wouldn't subscribe to that? This area plays a role in many people's lives. It's known as probate. It's being appointed as an estate trustee to administer an estate. It's a complicated way of saying "probate." It's when one of your loved ones or friends has passed away and you need to move their assets through the estate into the beneficiaries' hands.

Let's take a few moments to talk about the current process that someone needs to go through to act as an estate trustee, to administer an estate. The current process can be really confusing; in fact, it is confusing. You have to go to a lawyer; you have to swear documents; you have

to catalogue everything. And then you have to apply to court for probate. About 50% of the estates that happen in Ontario go through this process. They go through probate. They go through a court process where a judge signs off. It's cumbersome, it's expensive, and the current process can be confusing. It's complicated, and as I said earlier, costly in what's already—as you can imagine, anyone who has done it—a very stressful situation. You're already in a position where people are grieving their loved one, and now they're having to go through red tape and all sorts of complications with the court system.

Currently, estate trustees who are required to apply for probate to administer the estate of a loved one have to follow the same process whether the estate is \$50,000 or \$5 million. Speaker, it's exactly the same. That doesn't make sense. Maybe that's because the system was built for the people administering the system instead of the people who were using the system. Well, that's changing, and it's long overdue. This entire process, which can even require posting a bond—can you imagine? Posting a bond. Can you imagine posting a bond for a \$50,000 estate? That's what it is at the moment. It does happen, and it can end up costing people more than the estate's total value.

So what do people do? People just don't do it and those assets don't get transferred, unfortunately. Speaker, that's just not right. I know you know that, and many others here in the Legislative Assembly know that. It's just not right. Many small estates aren't distributed each year. It's not right, and it's not fair. It is simply not fair.

If passed, this bill would provide a simpler way to settle a small estate, easing the administrative burden on those who are grieving passed loved ones, while still keeping safeguards in place to protect minors and vulnerable people who have an interest in the estate.

This is another example where we have heard from Ontarians. I have heard from my constituents, my colleague from Durham has heard from her constituents—the parliamentary assistant to the Attorney General of Ontario—and we're taking action. Taking action is what the Smarter and Stronger Justice Act is all about.

Ontarians are unified in their desire for government to take action against criminals who use money for illicit activities to fund more crime, and to take action to support victims and vulnerable members of our communities. We're working with justice partners, including the heroes in law enforcement and the police services, of course, to stand up for victims and to hold offenders accountable for the lives they shatter.

We've all read and we've all heard in our constituency offices of situations where this has happened. It's heart-breaking. I want to emphasize a key aspect here is that the focus is on the victims, as it should be. The focus is on the people who are on the receiving end of illicit activities and violent crime. It's not just the individual victims; it's the victims' families. That's what we hear about. We hear about the victims, but we hear about the families in our constituency offices—their children, their parents, their spouses, their loved ones.

When criminals are allowed to profit from their illegal activity, it affects society in a ripple effect, in ways that it

shouldn't. It make communities, like mine in Whitby, feel unsafe, and we have an opportunity to stop it. Speaker, we need to put a stop to it. The opportunity is before us.

1620

That's why we're taking steps in the Smarter and Stronger Justice Act to stand up for victims, to support police and prosecutors in their work on the front lines, and to protect people and communities by proposing a modernized civil forfeiture system.

It's long overdue. You all know that. This is our opportunity. The question is before you today. Speaker, we agree 100% with law-abiding Ontarians who say that crime should not pay. We want to make it harder for criminals to hold onto the dirty money that funds their crimes, like trafficking vulnerable young people, dealing in drugs, dealing in guns, and any variety of ways that they're scaring people, making them feel unsafe in their communities or directly victimizing them.

Speaker, I think it's clear to all of us that we have to stand up to these people. Ontario once led the nation in deterring crime through property forfeiture. However, Ontario has since fallen behind. Other provinces developed and adapted new best practices to update and expand their civil forfeiture laws. The Smarter and Stronger Justice Act would create a new tool to get ahead of the criminals who prey on our communities for profit. Our proposed changes would allow personal property, like cash or cars used by criminals for illegal activities, to be forfeited administratively and without a court order in uncontested cases.

Speaker, York Regional Police Deputy Chief Brian Bigras said it best when he explained why modernizing and simplifying laws around civil asset forfeiture would benefit the justice system and, most importantly, the victims of crime. He said, "The value of illicit assets seized by police" each year "extends into"—just stay with me on this for a moment—"the millions of dollars." Millions of dollars. "A portion of these go uncontested, meaning no one is claiming ownership due ... to the criminal nature in which these ... assets were obtained."

We would continue to use these seized funds to directly compensate victims of crime and also provide grants to projects with a mandate of combatting crimes like human trafficking.

Earlier today, the parliamentary assistant to the Attorney General spoke about our experience with human trafficking in the region of Durham. As you know, we're within the corridor of the 401. You don't have to go very far in our community to see it; not at all. It's in the south part of my riding, towards the highway. And yes, if you go with the Durham Regional Police Service unit, you see it real close and up front. In our own community of the region of Durham we've seen first-hand how the proceeds of crime can be directed in a more positive way—something good for the community, something meaningful for the community and something building up the community, making a difference for families.

Last year, the Durham Regional Police Service was the recipient of a grant. They received approximately \$99,000

that was put to good use to help support Project Access. That amount of money is making a difference, but more is needed. The opportunity is before us. We have a choice to make.

The Durham Regional Police Service was able to help fund "new specialized investigative equipment, educational materials and subject matter expert training to aid complex investigations involving individuals or organized criminal groups."

Chief Paul Pedersen, president of the Ontario Association of Chiefs of Police, had this to say about victims and law-abiding citizens: "Ontario's police leaders continue to work with the government and justice partners to modernize our justice system and make it more efficient. We support the proposed legislative changes to the Civil Remedies Act because it will simplify the processes around personal property forfeitures while also relieving the burdens on our police personnel and the court system."

What is clear is that all of the changes in our proposed reforms are meant to stand up for people. We all have that interest as MPPs—to stand up for the people who we have the privilege of representing. We also have the accountability to make sure crime doesn't pay and to fix outdated and overly complex court processes. I spoke about one earlier, with the small estates, but there are others. This bill does that. We might not always agree on the methodology; however, this is long overdue—20 years. I'm not going to get into partisan politics and talk about what the other government had the opportunity to do over 15 years. It's our opportunity now, together.

There is no reason why these assets seized during illegal activity should not go back to help victims of crime and to help prevent future crime.

We are modernizing processes to make life easier for Ontarians—my constituents, your constituents. It's such a simplified procedure for small estates.

We're building safer communities and standing up for victims with our proposed changes to the civil forfeiture system.

Our proposed changes—and I have no doubt of this, and I believe no one else does as well—will strengthen the integrity of Ontario's class action legislation to ensure fairness for consumers and businesses.

After more than 20 years of neglect, we are proposing to update Ontario's legal aid legislation to better serve clients and strengthen the justice system across the province.

In closing—and I see I only have 34 seconds—this legislation is critical to access to justice for Ontario residents, especially for consumers. It's time to stand up for the people who we have the privilege of representing.

The Deputy Speaker (Mr. Rick Nicholls): It's time for questions and response.

Ms. Teresa J. Armstrong: Thank you to the member for debating the bill. I just wanted him to elaborate a little bit more about the estate piece, how that would actually work. I didn't understand quite what he was getting at, so I just wondered if he could expand a little bit more on that one.

The Deputy Speaker (Mr. Rick Nicholls): To the member from Whitby.

Mr. Lorne Coe: Thank you very much for that question, and thank you all for your attentiveness.

We are taking action with this legislation to make it faster, easier and more affordable for people to manage the small estate of a loved one.

I talked about the complexity of that. I think anyone who has had to do it—you know how stressed you are to begin, and when you're named as an executor of an estate and then you're faced with all the steps that I described, it's simply overwhelming.

1630

What we're doing with this particular aspect of the legislation is following some of the recommendations that came in from some of the stakeholders we consulted with overall. We're trying to make sure that those recommendations pertaining to the probate process for small estates will be simplified, and that we'll be updating existing guidelines as well, to help individuals who are faced with that particular stressful situation going forward.

The Deputy Speaker (Mr. Rick Nicholls): Further questions and responses?

Mr. Dave Smith: Going back to the small estates part of it: I had a constituent come into my office whose husband had passed away. He didn't have a great deal of assets, and actually the cost of going through probate was more expensive than what his total assets were. This was a difficult situation for her.

I know that regulations will be added after this legislation is passed, if this legislation is passed. There has been some talk about changing that small estate amount to \$50,000, and possibly as high as \$200,000. Does the member have any thoughts on what would be the appropriate number that we should be setting this at?

Mr. Lorne Coe: It is proposed that the value of a small estate be established, as you pointed out, in regulation. This would allow for future flexibility so that the small estates definition can be changed to respond to the changes in the practice of the estate administration over time. Fifty thousand dollars is the value that aligns with the recommendations of the Law Commission of Ontario, following its report on this issue. This amount also aligns with the tax exemption for estates valued under \$50,000 included in the Ministry of Finance's amendments to the Estate Administration Tax Act, which passed in spring 2019.

The Deputy Speaker (Mr. Rick Nicholls): Further questions?

Mr. Joel Harden: I want to thank the member from Whitby for his remarks. In your remarks, you elaborated upon the Civil Remedies Act, or amendments to the Civil Remedies Act, to allow for what legal experts are calling administrative forfeiture. What experts have told your government and what I understand deputants told your committee—I was serving on a different committee at the time; I'm running upon reports from my colleagues—is that this particular move as a matter of policy is draconian in that it bypasses the obligation people currently have to

seek this particular power through a court. Administrative forfeiture would actually allow someone to bypass that.

While I understand the member's concerns about making sure assets used partially or fully for illegal purposes ought to be repurposed—do you have concerns? Civil liberty is already a concern that has been echoed by folks in the legal community.

Mr. Lorne Coe: Thank you for the question from my colleague opposite.

Our government is simplifying and strengthening Ontario's laws around property forfeiture to help ensure crime doesn't pay by making it harder for criminals to hold onto the proceeds of crime. We're catching up to Canadian best practices by moving to an administrative property forfeiture system that makes it harder, Speaker, for criminals to hold onto the proceeds of their crimes.

The Deputy Speaker (Mr. Rick Nicholls): Further questions?

Ms. Andrea Khanjin: The member from Whitby talked about personal property forfeiture in his speech and just now. As we've all learned, human trafficking is one of the fastest-growing crimes worldwide. Approximately two thirds of police-reported human trafficking violations that were reported in Canada actually happened in Ontario.

Can the member for Whitby talk about the importance of taking the proceeds from criminals and being able to give that to a lot of our victims, including those victims of human trafficking?

Mr. Lorne Coe: Thanks to my colleague for the question.

In my remarks, I spoke about the effect within the region of Durham of the grant that we provided—but going on, our government is determined to ensure crime doesn't pay for criminals, and to stand up for victims of the crime. I spoke about the need of standing up for victims of crime. I also spoke about the need to stand up for families. We're helping victims access the compensation sooner than what they would have, and that does make a difference; it truly does.

Also important to this is that we're helping the police, our front-line officers, who are day in and day out dealing with human trafficking, stopping human trafficking and making a difference in the lives of so many, in the region of Durham and the province of Ontario.

The Deputy Speaker (Mr. Rick Nicholls): Further questions?

M^{me} France Gélinas: I would like to ask the honourable member if he has heard anything through the deputations or through his work about the difficulty that the francophone population has in accessing services at the different legal aid clinics since the changes in the funding have happened. We heard a lot about the 30% cut. I take your word that maybe some legal aid clinics said it that was not that much, but at the end of the day, there are many legal aid clinics who have lost staff and are no longer able to provide services in French although they serve a designated area of the province.

Mr. Lorne Coe: My colleague to my right represents the riding of Durham and has part of Oshawa as well. We

have a francophone population in Oshawa, as you know, that originates with Sainte-Thérèse, Quebec, from where I am, and originally from Montreal. I lived there until I was 18.

To your question, though: The proposed changes would require the law association of Ontario to consider the needs of individuals in Ontario for legal aid services, including francophone individuals and communities, when determining the types of legal aid services to provide—he areas of law in which the services should be provided overall.

The Deputy Speaker (Mr. Rick Nicholls): Further questions? The member from Markham–Thornhill.

Mr. Logan Kanapathi: Thank you, Mr. Chair. Through you to the member from Whitby—he's a hard-working member of provincial Parliament.

I've quite often heard from my residents—the most ethnically diverse city in all of Canada is Markham, in York region—about legal aid. So many residents come to my office, and I've gotten phone calls about legal aid.

Could the member please explain what changes are being made to legal aid and how these changes will improve the system?

We have limited time.

Mr. Lorne Coe: I've got 37 seconds, so I'm going to do this quickly.

We heard through or consultations that the system is difficult for clients to navigate and clients can encounter roadblocks based on the types of services that they need. The proposed legislation would establish a more flexible, sustainable and accountable legal aid system, and it would give the law association of Ontario the ability to enter into agreements with a broad range of service providers.

Thank you for the opportunity, Speaker, to respond.

The Deputy Speaker (Mr. Rick Nicholls): Now, we go to further debate.

Mr. Sol Mamakwa: Meegwetch, my colleagues. I'm very honoured to speak on Bill 161, the Smarter and Stronger Justice Act.

Remarks in Oji-Cree. It's a good day, Mr. Speaker. Thank you for having me here today, again, to speak on Bill 161.

I know one of the things that's very unique in my role as a First Nations person, as an Indigenous person, is—you live under a colonial setting. For me, this is not a place that I grew up in, nor that I'm used to. But I think, my forefathers being here for thousands of years—we had our own justice system. We had our own laws, and sometimes they're not recognized here.

1640

Right off the bat, I can say that this Bill 161 does not adequately support Indigenous people and the people of the north. I'm going to go through some of the reasons why.

Even though I do have many concerns about this bill, especially on its impact on marginalized communities, such as First Nations in my riding—and I know the bill further places barriers to Indigenous justice where systemic issues already exist. I know my colleague earlier

spoke about systemic racism, on how it impacts the lives and the health of the people who are marginalized, racialized, and also minorities of this great province.

One of the things I'm concerned about is the lack of protection for Aboriginal legal clinics and Indigenous people's rights to justice, as these legislative changes actually diminish the funding for clinics and services.

I know that Indigenous peoples of Canada and of this province do have inherent rights to justice, but with further cuts to legal aid services, similar to what happened in this bill in 2019, our rights slip away further. Bill 161 further strips that right away—our rights internationally recognized and further recognized by the United Nations Declaration on the Rights of Indigenous People. Ontario must uphold this notion as stated in article 4, “Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.”

One of the things that I had done last year was, I've been working to bring UNDRIP to Ontario as a private member's bill, but this bill has been stuck in committee for over one year, Mr. Speaker. One of the things that you may know or may not know is that, in 1990, the Nishnawbe-Aski Legal Services Corp. was created to address administration of justice shortcomings and improve access to justice for Nishnawbe Aski Nation members.

Since then, Nishnawbe-Aski Legal Services Corp. has worked very hard to create programs that are community-oriented and culturally based to meet the needs of their clientele, most of whom come from communities in the Kiiwetinoong riding.

I know that one of the things that happened during the hearings—I'd like to bring to your attention a select few of the concerns presented by Deputy Grand Chief Derek Fox of the Nishnawbe Aski Nation to the justice committee during the hearings about barriers to justice.

As a whole, they do not support schedules 15 and 16, as they alter or remove too many key safeguards that exist currently. This represents an unjustifiable rollback of the current regime governing Ontario's highly regarded legal aid system.

In schedule 15: The clinics operated by Nishnawbe-Aski Legal Services comply with a memorandum of understanding with the Law Society of Ontario in relation to the legal aid services performed by clinic staff. However, schedule 15 provides for an automatic termination of such agreements six months after Bill 161 comes into force, and merely states that Legal Aid Ontario “may attempt” to enter into discussions with clinics to develop new agreements within this short time frame. So this leaves the possibility that Legal Aid Ontario may elect not to enter into discussions with one or more clinics, which would effectively defund such clinics in a matter of months. So that's schedule 15.

When we talk about schedule 16, they are also concerned about this schedule's deliberate omission of “access to justice” as a primary purpose of the Legal Aid Services Act, 2020. Currently, the concept of equal access

to justice is entrenched in the overarching purpose of the Legal Aid Services Act, which references other key phrases such as “low-income” Ontarians or “disadvantaged communities.” But these are absent from section 1 of the updated Legal Aid Services Act. These terms act as important aids which interpret the meaning of statutory provisions, and they supply direction to decision-makers and administrators in the day-to-day implementation of legislative requirements.

Further, as it stands, clinic boards are obliged to determine the legal needs of the community they serve and to ensure that their clinics provide the legal aid services to meet these identified needs. This obligation makes sense because boards are representative of the communities served by the clinics and are made up of people who know the issues and the needs of their constituencies.

The Legal Aid Services Act now proposes that the Law Society of Ontario, not clinics, should be solely responsible for determining the legal needs of individuals and communities in Ontario for legal aid services. We believe that this top-down model is unrealistic and unworkable and does not represent the needs of the communities, especially the northern communities and the Far North communities.

Also, Mr. Speaker, they are concerned that the current terminology of “shall” provide legal aid services” is reduced in the proposed new legislation to “may provide services” that are to be determined by the Legal Aid Ontario board. In fact, they say that this will result in others determining what services are best for the NAN communities in the Far North. I ask: If we are working to increase access to justice, why does this bill hinder access to justice?

We need to be responding to systemic racism as well, not adding barriers to justice. Obviously, I travelled to some of the jails in my community, in my riding—Kenora, specifically, and also Thunder Bay. I’ve seen the conditions. I’ve seen the prevalence of our people who are in that jail system. I have seen the court systems—literally, the judges and the courts actually get on a plane in Kenora, Sioux Lookout or Thunder Bay and do a day court three times a year—four times a year, at the most—in those fly-in communities. Is that justice?

I urge you to reflect on the fact that a round-trip air ticket—keep in mind, again, that these are fly-in communities—from Thunder Bay to a northern community can be well over \$2,000.

1650

It’s not news to anyone that northern Ontario lacks access. My communities have unique needs in the justice system, as many legal aid services are now delivered with drive-in courts or fly-in court community meetings. The vastness of my jurisdiction, which is 294 square kilometres, makes it hard to access the usual justice resources. This is why Nishnawbe-Aski Legal Services began a restorative justice program based on the traditions of involving extended families in resolving disputes, and incorporates the beliefs, the values, the customs and the practices of each community. The goal of Nishnawbe-

Aski Legal Services’ Restorative Justice Program is to help address the overrepresentation of Indigenous peoples in the mainstream justice system.

If we are only considering the value for money, communities in Kiiwetinoong will continue to lack the support and services they desperately need. How will everyday people—women, men, children—that live in Ontario access courts? How will they access justice? Will these changes really support the people of Ontario—in this case, the Far North? Are we just adding more jurisdictional hoops to jump through? Are these really making for a smarter, stronger justice system in the Far North?

Also, during their deputation, Aboriginal Legal Services shared their thoughts with the Standing Committee on Justice Policy earlier this month. Aboriginal Legal Services has been a leader in developing innovative legal services to meet the unique needs of Indigenous people engaged with the legal system. I know that Aboriginal Legal Services has been advocating for Indigenous legal services organizations to be recognized separately from the community legal clinics and organizations for 21 years—21 years, Mr. Speaker. They have been raising concerns about not being afforded the same legislative protection as other legal aid services, nor given the ability to deliver services as effectively as they could.

Aboriginal Legal Services addresses the gaps in legal aid services to provide the culturally relevant and sound representation for Indigenous peoples. There needs to be an ability for differing methods of providing legal aid services in order to fit the needs of the client. That’s very clear. For the clinic to be effective, decisions must be made by the service provider directly. It is especially critical for Indigenous services to be delivered by Indigenous people who understand, again, the unique rights, the unique histories, and the issues that impact the community, because they are part of the community.

They also have been advocating for this new legislation to look beyond the colonial legal systems and integrate Indigenous law, culture, practices and healing into their daily work to address the root causes of what happens in our communities, the root causes of poverty and violence, and also to promote the strength and the resiliency Indigenous people have despite all the systemic and colonial harm we have experienced.

Thus, to truly modernize, Indigenous organizations need to provide Indigenous clients with better services. In saying that, we must recognize that Indigenous people are inherently given the right to guide our own legal services. This is why Nishnawbe-Aski Legal Services Corp. was established in 1990: to address the shortcomings of the administration of justice and to improve access to justice for NAN—Nishnawbe Aski Nation—members in the north.

Nishnawbe-Aski Legal Services specifically provides culturally sensitive training to the personnel working within the justice system. It provides community legal education about traditional native forms of dispute resolution and assists in the development of culturally based justice programs.

Nishnawbe-Aski Legal Services also recognizes that it has serious limitations due to its ongoing funding constraints and would be in a better position to meet its objectives of diverting a majority of criminal matters to restorative justice, enabling our people, First Nations people, to move towards a culturally specific justice model.

This brings us back to the importance of ownership. In order to have enhanced restorative justice programs, we must foster long-term participation of First Nations peoples in the justice system. This is one way to move forward—by creating partnerships with First Nations on governance and justice and to make room for fruitful partnerships.

These are exactly the types of programs communities in my riding need. We need, certainly, significant improvements in the justice system, and the government needs to invest in the operation of this justice system in northwestern Ontario. I see it when I go to the jails. When I go to Kenora, 98% of the people who are there are from my communities. When I went there last summer, I got to chatting with some of the individuals, and they recognized me. It was people I knew and I was surprised to see.

When we look at the jail systems as well, they're deplorable, and people are dying when they need help most. I talked about that yesterday. Not only do the Indigenous people lack the protection and the assistance, but we have an overrepresentation of Indigenous offenders in the system.

So how can we help? How can we truly help northern Ontarians? How can we truly help First Nations? We need increased frequency of court sittings and, in consultation with First Nation leadership, of course, to explore the feasibility of holding jury trials in remote communities.

Right now, I call on the government and the Ministry of the Attorney General to better serve Ontarians, and the people of the north and Indigenous peoples in particular.

Bill 161 could be an effective tool to revolutionize our justice system. It just needs to be done properly, with the right people holding the pen when these bills are created. Again, as First Nations people, we are entitled to equal access to justice. Let's make this justice act truly stronger and better for those who need it most. Chi meegwetch.

The Deputy Speaker (Mr. Rick Nicholls): For questions, I recognize the member from Mississauga East-Cooksville.

Mr. Kaleed Rasheed: Thank you to my colleague, the member opposite, for the debate here. The opposition frequently states that the legal aid system, as it currently is structured, is complicated and does not provide services to all those that need them.

1700

Mr. Speaker, I have a Legal Aid Ontario office in my riding of Mississauga East-Cooksville, and I have had several conversations with them. They look at things that—these changes will bring some positives; there will be some positive outcomes from these changes. Why, then, are the members opposite opposing these changes, which will provide clients with more options of how they

want to access services, including Indigenous legal services, and by doing so allow more people to access justice and legal services?

The Deputy Speaker (Mr. Rick Nicholls): Over to the member from Kiiwetinoong for your response.

Mr. Sol Mamakwa: Thank you for the question from the member.

I drove down here to attend this session. It took me 15 hours from Thunder Bay. It took me another four hours from Thunder Bay to Sioux Lookout, and actually, to go up north, I have to fly. To get to Fort Severn, which is the most northerly community in Ontario, it's a three-hour flight.

When you're trying to provide that service, it has to be properly resourced, whether it's more clinics or more courts on-reserve. I think that's one of the things that's really critical. Like I said before, before Europeans arrived, we had our own justice system, and I think we have to incorporate some of our laws into these laws.

The Deputy Speaker (Mr. Rick Nicholls): Further questions?

Mr. Gurratan Singh: I want to thank the member for sharing his words with us today.

You've talked a lot about the traditional forms of laws and governance in Indigenous communities. Could you share a little bit more about that? I think that's something we all in this House could learn more about—understanding those traditional forms of justice that Indigenous communities have.

Mr. Sol Mamakwa: For one thing, we are very forgiving people. That's a teaching that we have. When people take our land, when people oppress us, we are very forgiving. That's one piece.

I think one of the things is sharing circles, having approaches to just talking it out as a group, whoever is affected on both sides. I think that's one of the things that's really critical with respect to that question that you have. It's a different approach.

Again, we had our own laws, and there are certainly values that are integrated into those laws. We as Indigenous people, we as First Nations people that have been here for thousands of years—that's how we survived. We shared things—like being able to, again, just work together, sitting in a circle whereby, together, we solve the issues that we face.

The Deputy Speaker (Mr. Rick Nicholls): Further questions?

Mr. Sam Oosterhoff: I appreciate the comments from the member opposite. I want to thank him for speaking from his perspective and speaking from lived experience. I know there are always a lot of different perspectives on legislation that come before this House. There are aspects of the legislation that people may not agree with and other aspects, of course, that we do.

I know we've heard from some of the members opposite about particular pieces of this legislation that will improve the process. We heard very clearly some of your concerns with the legislation. So I'm wondering if you

could speak to the parts of the legislation that you do support.

Mr. Sol Mamakwa: I know one of the things that's really critical is when we talk about access to services. When we say "access to services"—I agree with that portion of that. But I think, when we delve deeper into some of the legislation I spoke of, when you actually dive deeper into that legislation—that's what I'm talking about. Certainly there are things that are there, but obviously value for money is something—what that typically means, for me, is cuts. I want to be able to move forward, where Indigenous peoples are recognized and those things. That's what I can say about that.

The Deputy Speaker (Mr. Rick Nicholls): Further questions?

Ms. Laura Mae Lindo: Thank you to the member for the debate. What I was hearing as you were speaking is sometimes misconstrued in this House—the overrepresentation of Indigenous peoples in the criminal justice system as though it's inherent in Indigenous people. But when we understand systemic racism, we know that it's the lack of services before that in education, in health care etc. that end up in that overrepresentation. In fact, if we address the systemic issues, there would be less cost to the province and we wouldn't have to be having this debate around more people having access to legal aid.

I was wondering if you could speak a little bit more about the importance of addressing the root causes of the systemic racism that Indigenous communities face so that we can actually become more cost-efficient.

Mr. Sol Mamakwa: Meegwetch for the question.

Again, when we say "colonial system," sometimes people may not understand what we mean by that. I know that the legal system that's there—that's not our system. The education system that's there, whether it's federal if you're on-reserve—that's not ours. The child welfare system: That's not ours as well.

We talk about residential schools. That was where planes landed in the community, in the settlement, and then just basically grabbed kids—"You're going to school." Then there were a lot of students who never came home. When we talk about teachings of culture and language and everything, that was lost. So many people died in residential schools. Not even that—even the Sixties Scoop, child welfare. That's an issue.

The system that is there was basically created to kill the Indian in the child, and people don't understand that. What if we came from up north down here and we take your kids? That would not be acceptable today, but that was done.

I think the impacts and the lived experience are the realities that we have to live with. These systems are built to keep us where we are, and we need to be able to be part of Ontario. That's all we ask.

The Deputy Speaker (Mr. Rick Nicholls): Further questions?

Mr. Will Bouma: I appreciate the opportunity to ask a question of my brother from Kiiwetinoong. Meegwetch.

We stand here in this place that was a gathering place for the Mississaugas from my riding many, many years

ago. I have Six Nations in my riding also. I cannot help but thank you and salute you for the fact that you made the decision to serve in this place, in a colonial system. I watched you walk in the other day and give the little bow that we have to do to the Queen's representative here in the House, and it just struck me that I was so impressed by the fact that you have made the decision that you will serve in this place to effect positive change for your people because of the need for it, and you will do these things outside of your territory in this place in order to do that.

I was wondering if, in the few brief seconds you have left, you could expand a little bit further on the concept of the healing circle and how we should change criminal justice and the court system in order to accommodate the needs of your people.

Mr. Sol Mamakwa: Thank you for the question. That's a very good question, but it's very deep. The issues that are there are very deep-rooted. The stories I hear, the things I see, the funerals I go to are very heartbreaking.

Again, I think being able to integrate—I don't know—maybe your law into ours, rather than ours to yours, would be better. Meegwetch.

The Deputy Speaker (Mr. Rick Nicholls): Further debate?

Ms. Andrea Khanjin: I really am pleased to rise in the House today to speak to the bill which the Attorney General has spoken to today, and the members for Whitby and, of course, from Durham. We're talking about Bill 161, the Smarter and Stronger Justice Act.

1710

This morning we heard from the Attorney General, whose riding borders mine. I know how long he has been working on this. I know that there has been some conversation in terms of timing and the pandemic that we're going through, and again I want to thank all our front-line workers who are out there keeping all of us safe.

But the work on this particular piece of legislation had started well before December. I recall that the member from Durham actually came down to the Barrie area and met with Minister Doug Downey and me to consult with the legal professionals locally. At the time, the consultation was on family law, but something we heard a lot about was the need for modernization, that something like the Family Law Act had been outdated for decades—so the need for change and the need for movement.

It made me reflect on why we really got elected and how we're helping the people of Ontario and how we're giving them hope once again within their government, bringing that accountability and that change that was needed and hadn't been done. It made me think about the fact that we had a previous government who had 15 years to get a lot of these things done, and they neglected updating the complex legal system that we have. Finally, under the leadership of this government—our Attorney General and his parliamentary assistant—they were able to get the process started in December. It did take time, and there was due thought put into this, of course, because it is very, very complex.

We are the first government to really take on the vitally important task of making common-sense reforms to ensure that the system is working better for everyday Ontarians, everyday people, so they have access to a better, easier and more affordable justice system. Again, in terms of helping the people of Ontario, that's another promise made, promise kept, Mr. Speaker, and it was no better articulated than by our Attorney General this morning when he said that he had to move the legal system decades. Something that took 25 years, he did, with the assistance of his parliamentary assistant, the member from Durham, in 25 days, Speaker. Something that took 25 years, he did in 25 days. When people say that the government moved slowly: Wow, he really proved otherwise. Of course, I want to thank the civil servants who helped push this legislation along the way.

Something I heard locally too was that there are certain things that we learned through this pandemic: that the justice system has to be more nimble, more adjusted, more modern to allow for more electronic transactions to occur. I know that a lot of the folks locally who are in the legal profession do want to see these things maintained and to stay, as opposed to being temporary measures. That's welcomed in our government, considering that we've already made the first step through this bill to build a smarter and stronger justice system.

That brings me to wanting to talk about some of the modernization measures that we have in this bill, and the common-sense changes that were really needed after an outdated and a very complex system. But it's simple things. I'll quote our Attorney General, who did an interview with the Lawyer's Daily. In the article, he talks about the modernization and what's in the bill, and he says that there are commissioning and notarizing changes that are going to pave the pathway to allow for electronic commissioning and notarizing. This is something that is being done in almost half, Mr. Speaker, of the US states. So once we build the safeguards in that change how some lawyers practise law, it would be everything from signing an affidavit to court documents, transferring assets, properties—and this can all be done electronically. He goes on to say that banking transactions no longer require “a trip to the bank, and every legal transaction shouldn't require a trip to the law office.”

I think that really brings it down to Main Street as opposed to the Bay Street argument of this bill, which is that we talk about the little guy and helping all Ontarians who are really working hard, and the fact that they're not going to be able to take a lot of time out of their day to interact with the justice system. When they need it, they hope it's there and they have proper representation.

It makes me think of a situation we had in my constituency office, where a lady had called our office. She said that, just to give her deposition, she had to drive from one court to give a 30-second deposition, then drive to another court to give another 30-seconds, subsequently. She had do this four times. Mr. Speaker, she spent more time driving between the courts than she did giving the depositions.

So some things are in this bill in terms of modernizing the law and bringing it back into the 21st century, but just the process part of it—when people seek legal help, it's because they didn't go to school to be a lawyer; they didn't go to school to know the processes. But they knew that if they needed the legal system, it was going to be there and it was going to have their back if they needed it. That will proceed. For them to be able to not have to take so much time out of their day, like this constituent who called, is going to make a big difference.

When we talk about standing up for Ontarians and having their back and giving them access to the law in a very affordable way, you think about notaries. All of us, as members of provincial Parliament, can notarize documents in our offices and, of course, do that for free because people's taxes are paying for it—with maybe an asterisk beside “free.” Oftentimes if people are in remote areas, they would also want to be able to have a notary or a commissioner of their documents. That could be a barrier.

The Attorney General mentioned Lake of the Woods. I was at a Lake of the Woods conference a few months before COVID-19 happened. If you talk about being able to have the same access as we do here in the greater GTA: For them, it would make a difference if they were able to electronically notarize or commission their documents.

But the same example the Attorney General mentioned was even being able to perform a marriage ceremony. If you have a border community that borders on another province, then if you have someone coming from Manitoba into a place like Kenora, they technically do not have the authority right now to marry that couple. But again with the updates and modernization that are being done through this bill, that's able to happen, and that's a positive thing. I think we should all welcome that. It's just part of the modernization efforts that are happening within this legislation. This just really proves to you the changes. They're simple, but they do all add up, and they're so important.

Locally, as I was mentioning, there are a lot of people in the legal profession who are very supportive of this bill. I want to read a specific quote that I got from Barriston Law in Barrie in terms of endorsing a lot of the modernization efforts: “It is our belief that the proposed legislation demonstrates a commitment to much-needed reforms to the administration of justice in Ontario. We look forward to seeing these new measures implemented across the province and to ensure a more efficient and accessible justice system that addresses the new realities stemming from COVID-19,” and so forth. Again, they saw that this bill, even though it was introduced well before this pandemic, is addressing a lot of the modernization efforts that were so needed.

Another topic that is very important in the Barrie–Innisfil area, and one that the Attorney General and I have done countless round tables on, is the issue of human trafficking. I think it's an area of this particular legislation that needs really special attention. As I mentioned earlier, human trafficking is one of the fastest-growing crimes

worldwide. Approximately two thirds of police-reported human trafficking violations in Canada occur here in Ontario. This is absolutely unacceptable, Mr. Speaker. The fact that this is modern-day slavery—there needs to be more done to address this. This bill goes a step further to address many of those things, and it really complements a slew of things that our government has been trying to do to combat human trafficking.

Just in March, we released a comprehensive strategy on combatting human trafficking where \$307 million was invested to protect children and youth and crack down on offenders. While a lot of these funds are being put into human trafficking strategies—and the minister of women and children today in question period mentioned the fund that she has dedicated to the Indigenous community and other victim groups. That's all welcomed, but we have to be able not just to address through the victim groups and the strategy but also through our judicial system. Human trafficking has many different ways of how we can solve it.

I remember, in my days working for the former Minister of Finance, Joe Oliver, part of solving human trafficking was literally following the money, by making changes to the FINTRAC system so you can see where the money laundering is happening. That was very much hand in hand with human trafficking. So here too you need to change legislation so it's updated so you don't have these individuals finding loopholes. If there is cash that's found or any sort of proceeds from crime, that should be taken out of the hands of a criminal. The Attorney General said today that if there's a car that's found and, say, in the trunk there's a bag of cash in that car and suddenly someone claims that vehicle, certainly that will still be their vehicle and they will have their due process. But if that is, in fact, abandoned or it's deemed that that person was a criminal and they're charged, then those assets will be seized and they will be given back to the policing system and our victim services system.

1720

I think, Mr. Speaker, there's no better example, again, of how this government—everything we do is helping the people of Ontario, and it's helping those most vulnerable.

Interjection.

Ms. Andrea Khanjin: Thank you. When we talk about helping those most vulnerable, we think about the victims of human trafficking, but also, we have to think about—it was mentioned today—our First Nations, Inuit and Métis communities and organizations. Of course, the human trafficking strategy we announced also takes into account human trafficking in these communities and dedicates a specific fund to address the needs of First Nation and Inuit communities, organizations and front-line workers.

We're putting together Indigenous-specific initiatives that are integrated through Ontario's new human trafficking strategy. Examples of that are targeted public awareness activities; Indigenous-led, community-based supports for survivors such as counselling, cultural teachings and healing ceremonies; victims services delivered in Indigenous communities and organizations; and culturally

appropriate supports for at-risk youth. Again, this legislation is so important because it complements that when it comes to personal property forfeiture. That's why it was so very important to address.

But the other part when we talk about victims and those who are vulnerable is, we think about not just our victims of human trafficking, our victims in the Indigenous community, but our youth and our young people, our next generation. What is happening these days with the growing amount of technology is also an increase of cyberbullying right now. I know I had a lot of parents—I had a round table with one of our MPPs on bullying in schools. The member from Etobicoke had addressed—she went all across the province to consult on bullying in schools. One of the things that we heard most from parents was how cyberbullying is becoming so prevalent and how more needs to be done.

Again, while we're doing things on the education side, it's important to enforce that in our legal system, to codify it in the law—a law that hasn't been updated in decades. The fact that you have youth who are being taken advantage of on their phones, where the poor soul might have a picture of them somewhere across the Internet which would cost them their first job or their first youth experience—the trauma that is experienced with that.

We talk about mental health and how much mental health funding this government has invested; \$3.8 billion over 10 years is not chump change, Mr. Speaker. Of course, as we're funding mental health, we also have to prevent additional things that could lead to more mental health issues, such as the trauma that could occur with cyberbullying or any photos that are out there on the Internet. In this piece of legislation, we talk about the Victims' Bill of Rights, and part of that is ensuring that.

I see the member from Mississauga–Cooksville here. He really worked on this part in terms of ensuring that our children are protected from cyberbullying. It was a big thing in his community as well.

The great thing about this is that we're really addressing online harassment and enforcing and codifying it within this legislation, which is so overdue. I have a lot of parents who are really thrilled that this is coming. They think about their kids and the ones who aren't even enrolled in school. They're thinking, "Thank goodness. Finally, this is being addressed." That's really critical to see.

The other thing I wanted to talk about is—we talk about equality of opportunity in our society and, again, bringing hope. That was a big reason why we got elected, to bring that back, and being able to give that due justice and a due system within the legal world but also everything our government does. In everything we do, we put the people first. This is really a government for the people, where we're trying to save people time and cost in the legal system, but we're also trying to stand up for the little guy.

Myself, of course, I was a refugee who came to Canada in the early 1990s, and so I think of other folks where there are probably communities that have more immigrants than other communities. They might need legal assistance to help with immigration matters etc. One of the changes in

this bill, of course, is to talk about bringing—clinics have more discretion as to what they can offer in terms of services. That's going to obviously happen from the Ontario legal aid society, but that's really important.

If you haven't looked at it yet, it's page 58 of the bill, section 5, subsection (3). There, you'll really see, obviously, there are private bar certificates that can be obtained to do certain types of help in certain practices, but a clinic can also now provide specific services. It lists all the fields of services they can provide, including, of course, immigration help. For a lot of the different populations that are coming within this country—new refugees who might need legal aid assistance, who might not have money to do so—they can now access that through the list. But that flexibility is now built in, whereas before it wasn't.

We talk to people who are coming to a new country, where they're seeking what Canada has to offer, which is opportunity and equality of opportunity. So within our own legal system, there's a very good example of that. But there were changes that needed to be made, because there are some communities where there might be a demand for a service but it couldn't be updated. How antiquated is that? All of us know our populations change and new demands happen. Certainly, when I came to Barrie–Innisfil in the early 1990s, it was very different than what Innisfil looks like today. We should be nimble in terms of adapting the services that are available. Of course, the changes in this legislation are allowing that to happen, which is really great. So it really does prove that we're helping.

I just wanted to point out some of the difficulties that had existed before this change was put into effect. What we heard a lot from individuals was that the system was very difficult for clients to navigate. Clients can encounter roadblocks based on the types of services they need, where they live and the service providers in their neighbourhood or region. So that's a good point as to why this change was so necessary.

I will end on the note of conduct. I think all of us as parliamentarians hold this Legislature in esteem and respect, and for any of us—we have a code of conduct at the provincial level, and at the federal level they have a code of conduct. But at the legal level also there needs to be—you have individuals who are representing the whole threshold of the law. They also need to understand that they could be punished by the law just like any of the individuals they may represent. So when it comes to misconduct, whether you're a paralegal or you're a lawyer, obviously if there's any sort of misrepresentation or misconduct, there needs to actually be enough deterrent, so a big premise of this bill is to ensure there's a deterrent, not just the cost of doing business.

It's sad to see that that was happening throughout the practices: "Oh, okay. Well, if I have misconduct, that's fine. I'll just write this off. It's just the cost of doing business." But if you're doing any sort of professional misconduct, just like you would if you're a teacher, if you're a doctor or any of those things, there are fines and

there are consequences. The same with the legal profession: There should certainly be consequences, which is why this change within this legislation was very much needed and was introduced.

On that note, Mr. Speaker, I just want to summarize the importance of this bill and the fact that we need it now. We don't need it tomorrow; we need it today. The reason we need it today is because the people of Ontario need it. The people of Ontario need it because not everyone is a lawyer, but everyone at some point needs access to a fair and affordable judicial system that is ready for the 21st century. It's not bogged down by antiquated systems, where you can't file anything online, you can't get representation online.

During COVID-19, we learned that even our own senior citizens—we talk about how they're the most vulnerable. They can't get out of their house to get a legal document signed, so this actually helps them too with those types of transactions, to be able to safely live in their home, live in their home longer and be able to do more transactions online with their family.

Mr. Speaker, just to summarize, what this bill is really going to do is—again, we're working to simplify a complex, outdated system. We want to make it easier, faster and more affordable for the people of Ontario to resolve their legal issues. That's why we're making changes that would reform and improve the justice system, including how legal aid services are delivered, how lawyers are regulated, how class action lawsuits are handled and, fourthly, how court processes are administered.

I can tell you, this is very much overdue. To echo what the Attorney General said today: the fact that he took a system that was so antiquated, it was going to take 25 years to update it, and he did it in 25 days. It's super commendable, and I'm so proud to work with that minister.

The Deputy Speaker (Mr. Rick Nicholls): Questions?

Mr. Gurratan Singh: You stated numerous times in your comments right now that this bill is for the little guy. How can this bill be for the little guy when it effectively robs Ontarians of their ability to partake in class actions, as written by the Law Commission of Ontario, which stated that applied retroactively, Bill 161 would have negatively impacted cases like the Indian residential schools and Walkerton from ever having happened? How can this bill be for the little guy when the Law Commission of Ontario states that it's destroying people's ability to partake in class actions?

1730

Ms. Andrea Khanjin: Frankly, that's completely not true. My examples of the little guy also involve the transactions; instead of going to law offices all the time, they can now do it online.

What's more is that the proposed amendments that would come into force on proclamation would generally apply to class proceedings and commence on or after the effective date. So that's also taken into account. But when we talk about the little guy, it's those things of affordable justice. If you can't spend money on a notary, now you don't have to spend money on a notary. We have a way

you can do it online. Of course, they can come into your constituency office—and I really hope that you are providing that service.

But it's updating it so everyone has access to it, no matter your age, no matter your income bracket. Of course, if you're in a certain community, updating the Legal Aid Ontario system so that your needs are catered to in your community: That is so important, Mr. Speaker. When it does come to the little guy, it is so important to change this antiquated system and bring it up to the 21st century for everyone to access.

The Deputy Speaker (Mr. Rick Nicholls): Thank you very much. Further questions?

Ms. Jane McKenna: I'm hoping to get up a couple of times, because I want to ask another question as well. But I was thrilled to listen to you speak, because I was driving home last night from here, and on Newstalk 1010, there were a bunch of lawyers on there talking about how thrilled they were with the Attorney General—because it was such an antiquated system. For 20 years, nothing has been done. He has done a wonderful job with this team behind him, making sure he has done that in 25 days.

But I just want to say something. We have a responsibility as a government to do what's right for the people who are out there. All of us who are in this House, we all as MPPs have people calling our office all the time. We have a responsibility with cyberbullying, if we haven't looked at this for 20 years—obviously, a lot of people are bullied and it is catastrophic to mental health, with what's happening.

Can you just elaborate a bit, and please explain, with reference to the regulation under the Victims' Bill of Rights, how this important change to recognizing cyberbullying is different from the status quo?

Ms. Andrea Khanjin: I want to thank the member for her question.

Anyone who has fallen victim to cyberbullying—one victim is way too many. While we're trying to take a lot of steps against bullying within our school system, we also need to think about our justice system as well.

To get into the specifics over what the member asked, the amendments to regulation 456/96 under the Victims' Bill of Rights will be updated so that the list of prescribed crimes in the regulation make it clear that persons convicted of a crime of non-consensual distribution of an intimate image are civilly liable in damages to a victim for emotional distress and bodily harm resulting from the distress.

Our government is determined to stand up against cyberbullying at every opportunity we can. Not only are we doing it in our justice system, our education system and our victims' services—

Mr. Will Bouma: Hear, hear.

Ms. Andrea Khanjin: Thank you.

The Deputy Speaker (Mr. Rick Nicholls): Thank you. Further questions?

Mr. Gurratan Singh: When I asked the member opposite about the little guy, the member opposite clarified by saying her reference was to notaries and people who

needed to access notaries, not class actions. Am I correct, then, in asking the member opposite that in her assessment of Bill 161, she agrees that the little guy, in fact, is not protected with respect to class actions, with the changes that are proposed in Bill 161?

Ms. Andrea Khanjin: I encourage you, obviously, to talk to more people who are going to be benefitting from this legislation. Certainly in the committee, there was a lot of opportunity to do that, which was mentioned by a lot of my colleagues, in terms of any additional improvements that could be made to the bill.

I commend you for also trying to do a lot to stand up for the little guy, just like we are. We got elected to represent the people of Ontario. There are countless amounts of bills I can point to that do that, this one being included.

We didn't just do this single-handedly. We heard from many lawyers at the committee hearings. Some of my colleagues here were on that committee. Of course, the proposed changes would not preclude individuals from seeking redress from other remedial avenues, like a joinder or a test case or lottery litigation or individual civil cases, not to mention a comprehensive appeal process to appeal certain decisions. It's kind of getting into the weeds of the bill, but if you wanted an answer, here it is.

Of course, by streamlining our class action proceedings law, we're helping ensure proceedings are certified only when actually preferable, and Ontario businesses would experience fewer risks and costs in defending against class actions in Ontario.

The Deputy Speaker (Mr. Rick Nicholls): Further questions?

Mr. Kaled Rasheed: I just want to give credit to the minister and the parliamentary assistant for bringing such an amazing bill forward, especially on cyberbullying, which is really near and dear to my heart. So thank you very much for doing that.

To my colleague here, she was speaking about the government's proposal on marriage solemnization that recognizes that permanently established Indigenous groups should be able to designate individuals in their communities to solemnize marriages. Our government is taking action and responding to a resolution passed by the Chiefs of Ontario in June 2018, asking for this change.

Can my colleague here please speak more to how the government's proposal moves forward with reconciliation efforts?

Ms. Andrea Khanjin: Thank you to the member for the question. I was remiss not to have mentioned when I was talking about Lake of the Woods and the conference I attended. I also got to meet with the Anishinaabe there and talk about their water treaty, which was very interesting. But, again, they're one of those communities that border another province—they want to be able to conduct marriage ceremonies within their group.

After engaging with many Indigenous stakeholders, the Ministry of the Attorney General's office talked to specific key stakeholders on this issue, and as we were looking to modernize the Marriage Act and address long-standing

concerns, we wanted to provide more choice when it comes to performing marriages. One of the things that you rightly pointed out was what the Chiefs of Ontario had said. The Chiefs of Ontario actually passed a resolution back in June 2018, requesting the authority that this change would provide, the change that they be able to provide marriage ceremonies. Now that's happening.

Again, it's updating the act to be with the times and to respect all of our communities across this province.

The Deputy Speaker (Mr. Rick Nicholls): Question?

Mr. Gurratan Singh: The government has been very open and vocal about whatever suggestions they did accept from the Law Commission of Ontario, but when asked continually about whether and how they can support this bill when the Law Commission of Ontario has come out openly saying that it's going to hurt people's ability to access justice and enact class actions, they are silent.

My question once again to the member opposite is, how can you support Bill 161 given that the independent, non-partisan, renowned organization, the Law Commission of Ontario, has come out with scathing remarks, saying they cannot support Bill 161 because it will negatively impact Ontarians' ability to access justice by way of partaking in class actions?

Ms. Andrea Khanjin: As my colleague from Brantford–Brant pointed out—he was on the committee that studied this bill, and he pointed out earlier in the debate there were no suggestions made to the class actions section of this bill. If those changes were tabled in committee or debated in committee, that would have been another matter, but now we're debating them at third reading.

We got a big briefing when we first got elected in this Legislature in terms of the committee processes and what to do and where to make the amendments. Certainly, that is done within the committee level. I apologize that you may have missed that opportunity.

Needless to say, in terms of the getting into the weeds of the legislation and into the policy, again, by streamlining Ontario's class proceeding laws and helping to ensure that proceedings are certified only when actually preferable, Ontario businesses would experience fewer risks and costs in defending against class actions in Ontario and people could receive meaningful redress sooner. We heard from some in the business community that the proposed amendments will incentivize businesses to come up with a fair, swift and effective solution.

1740

The Deputy Speaker (Mr. Rick Nicholls): Further debate?

Mr. Faisal Hassan: I am grateful to have the opportunity to rise in the House this afternoon to speak to Bill 161, a bill that this government has named the Smarter and Stronger Justice Act.

I would like to begin my remarks today by thanking my colleague the member from Brampton East for his passionate words on this bill as it has moved through the House. Thank you for helping us all understand what is at stake.

I'm unclear on who the government feels this bill will be smarter and stronger for when it comes to justice. I can tell you that, judging by hundreds of emails and phone calls that my office in York South–Weston has received, people in need of the services that legal aid clinics have provided to communities will now be facing barriers to access those services.

Single parents looking to use legal aid clinics to assist in their struggle to get the help they need with missing child support payments are left wondering where their help will come from.

Legal experts are also sounding the alarm bells on the effects of Bill 161. Many are saying that this proposed legislation, which is portrayed as modernizing the Ontario justice system, would in fact seriously undermine access to justice for many of the most marginalized and vulnerable citizens of this province.

This government has already slashed Legal Aid Ontario funding by a whopping 30%. Clinics have been dealing with those unfortunate realities since 2019. This new legislation means that clinics cannot apply for any reconsideration of their funding allocations if in fact their funding is cut again down the road. Shockingly, in this time of social unrest and uncertainty, the mandate of clinics, the very way that they define themselves, has been changed—by removing human rights, health, employment and education.

As you know, our community legal clinics serve the most vulnerable Ontarians on issues that are most critical to them, including housing, income security, education, health care, disability programs, employment rights, victims' assistance and environmental issues. The vital work that clinics do is aimed at ensuring that people with low income are able to meet their most basic needs, giving them the ability to live healthy lives in dignity, as active members of society.

If this is the direction this government is going in, let us look at the past and the history of legal aid in Ontario and why it needs to not be weakened or watered down. In 1988, Legal Aid Ontario, an independent agency, was created through legislation in this very House. The established mandate was an important one and bears stating in this House once again. The mandate is:

- to promote access to justice through Ontario for low-income individuals by providing high-quality legal aid services;

- to encourage and facilitate flexibility and innovation in the provision of legal aid services;

- to recognize the diverse legal needs of low-income individuals and disadvantaged communities; and finally,

- to operate within a framework of accountability of the expenditures of public funds.

As part of the mandate, Legal Aid Ontario is directed to identify and recognize the diverse needs of low-income individuals and disadvantaged communities. This proposed legislation will take us away from the core roots and purpose of providing solid, accessible-to-all, community-based legal aid services. We will move to a bottom-line, money-driven, dollars-and-cents approach to the lives of

vulnerable and low-income Ontarians, very much like many of the approaches this government has taken since being elected in 2018. It is an approach that is short-sighted and basically threatens the very structure of our legal aid system and will do nothing but take us down a road of our citizens losing their access to basic rights, as we see a growing gap of income inequality in this province.

Mr. Speaker, some of the correspondence I have received has not been just from individuals fearful of where this legislation will leave them in terms of accessibility and affordable legal protection, but from legal clinics themselves. When this government proposes a new legal services act, it is actually determining if legal aid services are delivered in this province and who decides what those very services would look like. One legal aid clinic spoke of feeling that this bill eliminates fundamental obligations to meet the needs of marginalized people. I will repeat that: This bill eliminates fundamental obligations to meet the needs of marginalized people.

Now, Mr. Speaker, we know that committees sat and heard from individuals and lawyers and legal aid clinics about the impacts and ramifications of Bill 161, but I would like to know: Were they actually listening? Many of those submissions called for changes to this bill, changes such as a call to reinstate access to justice for low-income and disadvantaged communities to the purpose of the legislation. As well, community legal clinics must be recognized as the foundation of the provision of clinic services. These service providers also asked that the government “reinstate obligations to provide legal aid services across Ontario.”

The government did seem to take the advice of American lobbying efforts to introduce some disturbing new standards that hadn't previously existed in Canada. The law council of Ontario has spoken out about some of these changes, claiming they will “fundamentally alter” class action in Ontario. The amendments they found most objectionable include:

- making it more challenging for an action to move forward by greatly narrowing situations where the common issues between plaintiffs are sufficient to proceed;

- introducing a standard whereby all other options are to be considered prior to proceeding with their class action. I would point out, Mr. Speaker, that this “all other options” notation can mean a citizen may have to seek justice outside of the country. When speaking of low-income citizens, that is clearly a roadblock and a barrier to justice; and

- not allowing the current common practice of amending claims on appeal so that otherwise meritorious claims that may be technically deficient are able to proceed in the interests of justice.

They often say that the devil is in the details, and this government hides a sea of changes and potentially harmful actions in the details of this bill.

The class action suits I was speaking about are such an important avenue for Ontarians who may not be able to afford counsel to access the justice they deserve. Some of

these people are abuse survivors, incarcerated people, those who have faced discrimination and other justice-seeking groups that should not be lost on us. When I visited the jail in Thunder Bay, we saw many, many Indigenous and Black inmates there who are just waiting for a day in court. They're there not because they are convicted of a crime; they're just waiting to have a day in court—and that is also our justice system at the moment.

1750

Mr. Speaker, the tragedy of lives lost in nursing homes and long-term-care facilities during COVID-19 is well-known at the moment. On this side of the House, we have been raising the alarm bells of the dreadful state of for-profit care in this province for years. Understaffing, working short and staff working part-time at two and sometimes three workplaces to cobble together an income is an unfortunate reality. Residents not getting the care they need and briefs not being changed until a certain level of waste because of the corporate bottom line is for-profit care.

Well, Mr. Speaker, with Bill 161, Smarter and Stronger Justice Act, before us now, lawyers and advocates are saying that class action lawsuits like ones that are accusing nursing homes of negligence during the COVID-19 pandemic will be harder to pursue—in effect, a roadblock to smarter and stronger justice.

Class actions make a claim and seek damages on behalf of a group so that individuals don't have to go through the often financially impossible task of filing lawsuits individually.

A recently filed class action alleging COVID-19 spread rampantly at Revera Inc. nursing homes has more than 1,000 plaintiffs. Plaintiffs reportedly will have to demonstrate that their common issues predominate their individual issues and that a class action is superior to other means of seeking justice.

Lawyer Daniel Bach submitted his thoughts to committee this month. In speaking about Ontario's Bill 161 making it harder to sue negligent nursing homes, he warned that, “If Bill 161 is law, our most vulnerable citizens, seniors in long-term-care homes overrun with COVID-19, will not be able to use class actions to get justice. ... If we can't have class actions in these sorts of mass tragedies, only some of these people will be able to ... afford to do it individually.”

Mr. Bach goes on to say, “To be clear, this is not just about long-term-care homes. These” same “predomination and superiority provisions will make cases about institutional abuse, like this country's shameful history of residential schools or systemic racism and gender discrimination, harder to bring.”

Mr. Speaker, Jana Ray is the chief membership officer for the Canadian Association of Retired Persons, commonly referred to as CARP. Ms. Ray states that it is important for Ontarians to be able to bring class actions against nursing homes, especially if there is a second wave of COVID-19. She says, “I have been on tours of long-term-care homes and I have to tell you, they range from not-so-bad, modern facilities run by a city, all the way to,

honestly, an adult orphanage straight out of ‘Annie.’” It’s terrible, she said. “At some homes, residents live four to a room with very little space between them. How can you control the spread of infection when you have facilities like this?”

So, Mr. Speaker, I pose the question: How is Bill 161 smarter and stronger justice, when it can limit and deter the rights of families to seek justice through class action lawsuits?

Mr. Speaker, I earlier mentioned that my office has been inundated with emails and phone calls regarding the potential harm of this bill. I would like to take this opportunity to read out the personal views of a citizen who thought it was important to take time and share their thoughts about Bill 161.

“I am writing to you today regarding Bill 161 that is currently on the provincial Legislature floor for debate. This bill is a replacement for the Legal Aid Services Act, 1998.

“The proposed bill has language that could possibly weaken the legal clinics across Ontario. Low-income communities served by poverty law clinics and specialized clinics focused on ethno-racial communities do not seem to have a protected place in the new legislation apart from the narrow focus on individualized legal services.

“The bill has language that could harm your constituents’ access to justice and the very fate of legal clinics.

“(1) The bill removes access to justice from” Legal Aid Ontario’s “core mandate. The purpose of the Legal Aid Services Act is changed from ‘promot[ing] access to justice throughout Ontario for low-income individuals’ to ‘facilitat[ing] the establishment of a flexible and sustainable legal aid system that provides effective and high-quality legal aid services throughout Ontario in a client-focused and accountable manner while ensuring value for money.’

“(2) The bill removes mandatory language around provision of legal services. While the current Legal Aid Services Act states that the corporation ‘shall provide legal aid services in the areas of criminal law, family law, clinic law and mental health law,’ Bill 161 changes this to ‘may.’

“My hope is that by contacting you today, you will be reminded of the important services that legal clinics provide that ensure access to justice and battling systemic racism and oppression. I am certain that you are aware of the inequalities faced in the USA, and I certainly hope that you acknowledge that Canada faces those very same issues.

“Please do right by your constituents by ensuring that Bill 161 is modified to better serve the people of your riding.”

Mr. Speaker, I know this government does not like to listen to average citizens. I know they go through the motions of appearing to listen, but they really don’t. Perhaps they will listen to a brief by more than 30 Ontario law professors, who titled their brief, “Neither Smarter nor Stronger: Bill 161 is a Step Backwards for Access to Justice and Community-Based Legal Services in Ontario.” I will highlight some important points they make:

“Schedule 16 of Bill 161, the Smarter and Stronger Justice Act, will replace, if passed, the Legal Aid Services Act, 1998 ... with a new Legal Aid Services Act, 2019....

“The bill, if passed, will have profoundly negative impacts on the clients and communities served by Ontario’s community legal clinics and community-driven boards. These clinics engage in ‘clinic law’ through: (a) the determination of their communities’ legal needs; (b) the provision of individual and collective legal services to provide access to justice in numerous and intersecting areas of law; and (c) the development and reform of the law as it systemically affects low-income and other disadvantaged communities. Bill 161 seriously weakens the ability of community legal clinics to engage in meaningful, sufficiently funded legal work to address the everyday violations of legal rights of low-income individuals and disadvantaged communities.

“More particularly, if passed,” it will:

“(1) Significantly limit the scope of ‘clinic law’ services in Ontario and thus fundamentally change the statutory mandate of community legal clinics;

“(2) Dramatically alter community legal clinics’ ability to engage in systemic law reform and community organizing aimed at the roots of low-income people’s everyday legal issues;

“(3) Weaken the ability of community legal clinics and their independent boards to adequately determine and respond to the needs of low-income and disadvantaged communities; and

“(4) Diminish opportunities to educate future lawyers in community-based advocacy.”

Mr. Speaker, I guess my time is up. I’ll stop there. Thank you.

The Deputy Speaker (Mr. Rick Nicholls): Thank you very much. You’re absolutely correct: Your time was up. But when this bill is debated when the Legislature resumes, if you’re present, then you will have an opportunity for questions and responses at that time.

Third reading debate deemed adjourned.

The Deputy Speaker (Mr. Rick Nicholls): Unfortunately, it is now 6 o’clock. This House stands adjourned until Monday, July 6.

The House adjourned at 1800.

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lieutenant Governor / Lieutenante-gouverneure: Hon. / L'hon. Elizabeth Dowdeswell, OC, OOnt.
Speaker / Président: Hon. / L'hon. Ted Arnott
Clerk / Greffier: Todd Decker
Deputy Clerk / Sous-greffier: Trevor Day
Clerks-at-the-Table / Greffiers parlementaires: Tonia Grannum, Valerie Quioic Lim, William Short
Sergeant-at-Arms / Sergente d'armes: Jacquelyn Gordon

Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
Anand, Deepak (PC)	Mississauga—Malton	
Andrew, Jill (NDP)	Toronto—St. Paul's	
Armstrong, Teresa J. (NDP)	London—Fanshawe	
Arnott, Hon. / L'hon. Ted (PC)	Wellington—Halton Hills	Speaker / Président de l'Assemblée législative
Arthur, Ian (NDP)	Kingston and the Islands / Kingston et les Îles	
Baber, Roman (PC)	York Centre / York-Centre	
Babikian, Aris (PC)	Scarborough—Agincourt	
Bailey, Robert (PC)	Sarnia—Lambton	
Barrett, Toby (PC)	Haldimand—Norfolk	
Begum, Doly (NDP)	Scarborough Southwest / Scarborough-Sud-Ouest	
Bell, Jessica (NDP)	University—Rosedale	
Berns-McGown, Rima (NDP)	Beaches—East York / Beaches—East York	
Bethlenfalvy, Hon. / L'hon. Peter (PC)	Pickering—Uxbridge	President of the Treasury Board / Président du Conseil du Trésor
Bisson, Gilles (NDP)	Timmins	Opposition House Leader / Leader parlementaire de l'opposition officielle
Blais, Stephen (LIB)	Orléans	
Bouma, Will (PC)	Brantford—Brant	
Bourgouin, Guy (NDP)	Mushkegowuk—James Bay / Mushkegowuk—Baie James	
Burch, Jeff (NDP)	Niagara Centre / Niagara-Centre	
Calandra, Hon. / L'hon. Paul (PC)	Markham—Stouffville	Minister Without Portfolio / Ministre sans portefeuille Government House Leader / Leader parlementaire du gouvernement
Cho, Hon. / L'hon. Raymond Sung Joon (PC)	Scarborough North / Scarborough-Nord	Minister for Seniors and Accessibility / Ministre des Services aux aînés et de l'Accessibilité
Cho, Stan (PC)	Willowdale	
Clark, Hon. / L'hon. Steve (PC)	Leeds—Grenville—Thousand Islands and Rideau Lakes / Leeds—Grenville—Thousand Islands et Rideau Lakes	Minister of Municipal Affairs and Housing / Ministre des Affaires municipales et du Logement
Coe, Lorne (PC)	Whitby	
Collard, Lucille (LIB)	Ottawa—Vanier	
Coteau, Michael (LIB)	Don Valley East / Don Valley-Est	
Crawford, Stephen (PC)	Oakville	
Cuzzetto, Rudy (PC)	Mississauga—Lakeshore	
Downey, Hon. / L'hon. Doug (PC)	Barrie—Springwater—Oro-Medonte	Attorney General / Procureur général
Dunlop, Hon. / L'hon. Jill (PC)	Simcoe North / Simcoe-Nord	Associate Minister of Children and Women's Issues / Ministre associée déléguée au dossier de l'Enfance et à la Condition féminine Minister Without Portfolio / Ministre sans portefeuille
Elliott, Hon. / L'hon. Christine (PC)	Newmarket—Aurora	Deputy Premier / Vice-première ministre Minister of Health / Ministre de la Santé
Fedeli, Hon. / L'hon. Victor (PC)	Nipissing	Chair of Cabinet / Président du Conseil des ministres Minister of Economic Development, Job Creation and Trade / Ministre du Développement économique, de la Création d'emplois et du Commerce
Fee, Amy (PC)	Kitchener South—Hespeler / Kitchener-Sud—Hespeler	
Fife, Catherine (NDP)	Waterloo	

Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
Ford, Hon. / L'hon. Doug (PC)	Etobicoke North / Etobicoke-Nord	Minister of Intergovernmental Affairs / Ministre des Affaires intergouvernementales Premier / Premier ministre
Fraser, John (LIB)	Ottawa South / Ottawa-Sud	
French, Jennifer K. (NDP)	Oshawa	Third Deputy Chair of the Committee of the Whole House / Troisième vice-présidente du comité plénier de l'Assemblée législative
Fullerton, Hon. / L'hon. Merrilee (PC)	Kanata—Carleton	Minister of Long-Term Care / Ministre des Soins de longue durée
Gates, Wayne (NDP)	Niagara Falls	
Gélinas, France (NDP)	Nickel Belt	
Ghamari, Goldie (PC)	Carleton	
Gill, Parm (PC)	Milton	
Glover, Chris (NDP)	Spadina—Fort York	
Gravelle, Michael (LIB)	Thunder Bay—Superior North / Thunder Bay—Supérieur-Nord	
Gretzky, Lisa (NDP)	Windsor West / Windsor-Ouest	First Deputy Chair of the Committee of the Whole House / Première vice-présidente du comité plénier de l'Assemblée
Hardeman, Hon. / L'hon. Ernie (PC)	Oxford	Minister of Agriculture, Food and Rural Affairs / Ministre de l'Agriculture, de l'Alimentation et des Affaires rurales
Harden, Joel (NDP)	Ottawa Centre / Ottawa-Centre	
Harris, Mike (PC)	Kitchener—Conestoga	
Hassan, Faisal (NDP)	York South—Weston / York-Sud— Weston	
Hatfield, Percy (NDP)	Windsor—Tecumseh	Second Deputy Chair of the Committee of the Whole House / Deuxième vice-président du comité plénier de l'Assemblée législative
Hillier, Randy (IND)	Lanark—Frontenac—Kingston	
Hogarth, Christine (PC)	Etobicoke—Lakeshore	
Horwath, Andrea (NDP)	Hamilton Centre / Hamilton-Centre	Leader, Official Opposition / Chef de l'opposition officielle
Hunter, Mitzie (LIB)	Scarborough—Guildwood	
Jones, Hon. / L'hon. Sylvia (PC)	Dufferin—Caledon	Solicitor General / Solliciteuse générale
Kanapathi, Logan (PC)	Markham—Thornhill	
Karahalios, Belinda C. (PC)	Cambridge	
Karpoche, Bhutla (NDP)	Parkdale—High Park	
Ke, Vincent (PC)	Don Valley North / Don Valley-Nord	
Kernaghan, Terence (NDP)	London North Centre / London- Centre-Nord	
Khanjin, Andrea (PC)	Barrie—Innisfil	Deputy Government House Leader / Leader parlementaire adjointe du gouvernement
Kramp, Daryl (PC)	Hastings—Lennox and Addington	
Kusendova, Natalia (PC)	Mississauga Centre / Mississauga- Centre	
Lecce, Hon. / L'hon. Stephen (PC)	King—Vaughan	Minister of Education / Ministre de l'Éducation
Lindo, Laura Mae (NDP)	Kitchener Centre / Kitchener-Centre	
MacLeod, Hon. / L'hon. Lisa (PC)	Nepean	Minister of Heritage, Sport, Tourism and Culture Industries / ministre des Industries du patrimoine, du sport, du tourisme et de la culture
Mamakwa, Sol (NDP)	Kiiwetinoong	
Mantha, Michael (NDP)	Algoma—Manitoulin	
Martin, Robin (PC)	Eglinton—Lawrence	
Martow, Gila (PC)	Thornhill	
McDonell, Jim (PC)	Stormont—Dundas—South Glengarry	
McKenna, Jane (PC)	Burlington	
McNaughton, Hon. / L'hon. Monte (PC)	Lambton—Kent—Middlesex	Minister of Labour, Training and Skills Development / Ministre du Travail, de la Formation et du Développement des compétences
Miller, Norman (PC)	Parry Sound—Muskoka	
Miller, Paul (NDP)	Hamilton East—Stoney Creek / Hamilton-Est—Stoney Creek	
Mitas, Christina Maria (PC)	Scarborough Centre / Scarborough- Centre	
Monteith-Farrell, Judith (NDP)	Thunder Bay—Atikokan	
Morrison, Suze (NDP)	Toronto Centre / Toronto-Centre	
Mulroney, Hon. / L'hon. Caroline (PC)	York—Simcoe	Minister of Francophone Affairs / Ministre des Affaires francophones Minister of Transportation / Ministre des Transports

Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
Natyshak, Taras (NDP)	Essex	
Nicholls, Rick (PC)	Chatham-Kent—Leamington	Chair of the Committee of the Whole House / Président du comité plénier de l'Assemblée Deputy Speaker / Vice-président
Oosterhoff, Sam (PC)	Niagara West / Niagara-Ouest	
Pang, Billy (PC)	Markham—Unionville	
Park, Lindsey (PC)	Durham	
Parsa, Michael (PC)	Aurora—Oak Ridges—Richmond Hill	
Pettapiece, Randy (PC)	Perth—Wellington	
Phillips, Hon. / L'hon. Rod (PC)	Ajax	Minister of Finance / Ministre des Finances
Piccini, David (PC)	Northumberland—Peterborough South / Northumberland—Peterborough-Sud	
Rakocevic, Tom (NDP)	Humber River—Black Creek	
Rasheed, Kaleed (PC)	Mississauga East—Cooksville / Mississauga-Est—Cooksville	
Rickford, Hon. / L'hon. Greg (PC)	Kenora—Rainy River	Minister of Energy, Northern Development and Mines / Ministre de l'Énergie, du Développement du Nord et des Mines Minister of Indigenous Affairs / Ministre des Affaires autochtones
Roberts, Jeremy (PC)	Ottawa West—Nepean / Ottawa- Ouest—Nepean	
Romano, Hon. / L'hon. Ross (PC)	Sault Ste. Marie	Minister of Colleges and Universities / Ministre des Collèges et Universités
Sabawy, Sheref (PC)	Mississauga—Erin Mills	
Sandhu, Amarjot (PC)	Brampton West / Brampton-Ouest	
Sarkaria, Hon. / L'hon. Prabmeet Singh (PC)	Brampton South / Brampton-Sud	Associate Minister of Small Business and Red Tape Reduction / Ministre associé délégué au dossier des Petites Entreprises et de la Réduction des formalités administratives Minister Without Portfolio / Ministre sans portefeuille
Sattler, Peggy (NDP)	London West / London-Ouest	Deputy Opposition House Leader / Leader parlementaire adjointe de l'opposition officielle
Schreiner, Mike (GRN)	Guelph	
Scott, Hon. / L'hon. Laurie (PC)	Haliburton—Kawartha Lakes—Brock	Minister of Infrastructure
Shaw, Sandy (NDP)	Hamilton West—Ancaster—Dundas / Hamilton-Ouest—Ancaster—Dundas	
Simard, Amanda (LIB)	Glengarry—Prescott—Russell	
Singh, Gurratan (NDP)	Brampton East / Brampton-Est	
Singh, Sara (NDP)	Brampton Centre / Brampton-Centre	Deputy Leader, Official Opposition / Chef adjointe de l'opposition officielle
Skelly, Donna (PC)	Flamborough—Glanbrook	
Smith, Dave (PC)	Peterborough—Kawartha	
Smith, Hon. / L'hon. Todd (PC)	Bay of Quinte / Baie de Quinte	Minister of Children, Community and Social Services / Ministre des Services à l'enfance et des Services sociaux et communautaires
Stevens, Jennifer (Jennie) (NDP)	St. Catharines	
Stiles, Marit (NDP)	Davenport	
Surma, Hon. / L'hon. Kinga (PC)	Etobicoke Centre / Etobicoke-Centre	Associate Minister of Transportation (GTA) / Ministre associée des Transports (RGT) Minister Without Portfolio / Ministre sans portefeuille
Tabuns, Peter (NDP)	Toronto—Danforth	
Tangri, Nina (PC)	Mississauga—Streetsville	
Taylor, Monique (NDP)	Hamilton Mountain	
Thanigasalam, Vijay (PC)	Scarborough—Rouge Park	
Thompson, Hon. / L'hon. Lisa M. (PC)	Huron—Bruce	Minister of Government and Consumer Services / Ministre des Services gouvernementaux et des Services aux consommateurs
Tibollo, Hon. / L'hon. Michael A. (PC)	Vaughan—Woodbridge	Associate Minister of Mental Health and Addictions / Ministre associé délégué au dossier de la Santé mentale et de la Lutte contre les dépendances Minister Without Portfolio / Ministre sans portefeuille
Triantafilopoulos, Effie J. (PC)	Oakville North—Burlington / Oakville-Nord—Burlington	
Vanthof, John (NDP)	Timiskaming—Cochrane	Deputy Leader, Official Opposition / Chef adjoint de l'opposition officielle
Wai, Daisy (PC)	Richmond Hill	

Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
Walker, Hon. / L'hon. Bill (PC)	Bruce—Grey—Owen Sound	Associate Minister of Energy / Ministre associé de l'Énergie Minister Without Portfolio / Ministre sans portefeuille
West, Jamie (NDP)	Sudbury	
Wilson, Jim (IND)	Simcoe—Grey	
Wynne, Kathleen O. (LIB)	Don Valley West / Don Valley-Ouest	
Yakubski, Hon. / L'hon. John (PC)	Renfrew—Nipissing—Pembroke	Minister of Natural Resources and Forestry / Ministre des Richesses naturelles et des Forêts
Yarde, Kevin (NDP)	Brampton North / Brampton-Nord	
Yurek, Hon. / L'hon. Jeff (PC)	Elgin—Middlesex—London	Minister of the Environment, Conservation and Parks / Ministre de l'Environnement, de la Protection de la nature et des Parcs

**STANDING COMMITTEES OF THE LEGISLATIVE ASSEMBLY
COMITÉS PERMANENTS DE L'ASSEMBLÉE LÉGISLATIVE**

Standing Committee on Estimates / Comité permanent des budgets des dépenses

Chair / Président: Peter Tabuns
Vice-Chair / Vice-président: Wayne Gates
Lorne Coe, Wayne Gates
Randy Hillier, Andrea Khanjin
Jane McKenna, Judith Monteith-Farrell
Michael Parsa, Randy Pettapiece
Kaleed Rasheed, Peter Tabuns
Effie J. Triantafilopoulos
Committee Clerk / Greffier: Isaiah Thorning

Standing Committee on Finance and Economic Affairs / Comité permanent des finances et des affaires économiques

Chair / Président: Amarjot Sandhu
Vice-Chair / Vice-président: Jeremy Roberts
Ian Arthur, Stephen Blais
Stan Cho, Stephen Crawford
Catherine Fife, Randy Hillier
Mitzie Hunter, Andrea Khanjin
Laura Mae Lindo, Sol Mamakwa
David Piccini
Committee Clerk / Greffière: Julia Douglas

Standing Committee on General Government / Comité permanent des affaires gouvernementales

Chair / Présidente: Goldie Ghamari
Vice-Chair / Vice-président: Daryl Kramp
Robert Bailey, Jessica Bell
Goldie Ghamari, Chris Glover
Mike Harris, Daryl Kramp
Sheref Sabawy, Amarjot Sandhu
Mike Schreiner, Jennifer (Jennie) Stevens
Daisy Wai
Committee Clerk / Greffière: Valerie Quioc Lim

Standing Committee on Government Agencies / Comité permanent des organismes gouvernementaux

Chair / Président: John Vanthof
Vice-Chair / Vice-président: Taras Natyshak
Will Bouma, Lorne Coe
Rudy Cuzzetto, Robin Martin
Taras Natyshak, Rick Nicholls
Billy Pang, Amanda Simard
Marit Stiles, Nina Tangri
John Vanthof
Committee Clerk / Greffier: William Short

Standing Committee on Justice Policy / Comité permanent de la justice

Chair / Président: Roman Baber
Vice-Chair / Vice-présidente: Effie J. Triantafilopoulos
Roman Baber, Will Bouma
Lucille Collard, Parm Gill
Natalia Kusendova, Suze Morrison
Lindsey Park, Gurratan Singh
Nina Tangri, Effie J. Triantafilopoulos
Kevin Yarde
Committee Clerk / Greffier: Christopher Tyrell

Standing Committee on the Legislative Assembly / Comité permanent de l'Assemblée législative

Chair / Président: Kaleed Rasheed
Vice-Chair / Vice-président: Vijay Thanigasalam
Rima Berns-McGown, Michael Coteau
Faisal Hassan, Logan Kanapathi
Jim McDonell, Christina Maria Mitas
Sam Oosterhoff, Kaleed Rasheed
Sara Singh, Donna Skelly
Vijay Thanigasalam
Committee Clerk / Greffière: Valerie Quioc Lim

Standing Committee on Public Accounts / Comité permanent des comptes publics

Chair / Présidente: Catherine Fife
Vice-Chair / Vice-présidente: France Gélinas
Deepak Anand, Jill Andrew
Toby Barrett, Stan Cho
Stephen Crawford, Catherine Fife
John Fraser, France Gélinas
Christine Hogarth, Norman Miller
Michael Parsa
Committee Clerk / Greffier: Christopher Tyrell

Standing Committee on Regulations and Private Bills / Comité permanent des règlements et des projets de loi d'intérêt privé

Chair / Président: Deepak Anand
Vice-Chair / Vice-président: Will Bouma
Deepak Anand, Toby Barrett
Stephen Blais, Will Bouma
Stephen Crawford, Laura Mae Lindo
Gila Martow, Paul Miller
Billy Pang, Dave Smith
Jamie West
Committee Clerk / Greffier: Isaiah Thorning

Standing Committee on Social Policy / Comité permanent de la politique sociale

Chair / Présidente: Natalia Kusendova
Vice-Chair / Vice-président: Aris Babikian
Aris Babikian, Jeff Burch
Amy Fee, Michael Gravelle
Joel Harden, Mike Harris
Christine Hogarth, Belinda C. Karahalios
Terence Kernaghan, Natalia Kusendova
Robin Martin
Committee Clerk / Greffière: Tonia Grannum