

No. 107A



N° 107A

ISSN 1180-2987

Legislative Assembly
of Ontario
Second Session, 38th Parliament

Assemblée législative
de l'Ontario
Deuxième session, 38^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Monday 16 October 2006

Lundi 16 octobre 2006

Speaker
Honourable Michael A. Brown

Président
L'honorable Michael A. Brown

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

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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 d'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

LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 16 October 2006

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 16 octobre 2006

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

NATIVE LAND DISPUTE

Mr. Toby Barrett (Haldimand–Norfolk–Brant): Yesterday, two large gatherings were held in my riding. Reports suggested that the population occupying Douglas Creek Estates swelled to nearly 2,000 people, in spite of a directive from aboriginal affairs Minister Ramsay that “the province has not provided permission for additional persons to be on the Douglas Creek Estates site” and also urging them “to find an alternative location for the planned Sunday picnic on the site.”

At the same time, between 500 and 1,000 people gathered outside the Caledonia community centre, where speeches described fear and intimidation, double standards and a community abandoned by Premier McGuinty.

Regrettably, a convoy from DCE drove through those assembled prior to the speeches. One speaker, a nurse from Caledonia, had this to say: “Premier McGuinty, you, sir, are a medical anomaly—the fact that you can stand when you don’t have a spine.”

Once the McGuinty government and the OPP indicated they would ensure people’s safety, I agreed to speak, stressing that “people on all sides of this issue barely got through the past eight months—they will not get through eight years.” I did not march to the occupied site.

I ask all members present to join me in thanking the OPP and everyone for allowing people to exercise their rights to protest peacefully in a province where freedom prevails and justice rules.

IDENTITY THEFT

Mr. Tony Ruprecht (Davenport): When hundreds of private credit files were stolen from Equifax, which is a credit reporting agency, I followed up and wrote to the RCMP. I uncovered a number of concerns:

(1) Identity theft is the fastest-growing crime. In 2004, over 10 million people in North America alone had their identity stolen. This involves billions of dollars and surely affects the health of our economy.

(2) Seven out of 10 thefts involve staff and employees of financial institutions. In other words, you and I cannot be held accountable or blamed for not being careful with our private information.

(3) If a person’s identity has been compromised or stolen from a corporation which safekeeps our private information, that corporation, as it stands now, does not need to inform us. Needless to say, this can have a devastating impact on our personal finances and credit rating and can take years to correct.

Consumer organizations have been clamouring for protection. Even Ontario’s Information and Privacy Commissioner is recommending that a breach law be passed which will force financial organizations to inform customers if their personal information has been compromised or stolen.

The McGuinty government is listening to this request by consumers. The Minister of Government Services is drafting new protection measures right now, as we speak. I’m delighted to see that some of these recommendations of my consumer protection bill, Bill 38, will be implemented.

PREMIER OF ONTARIO

Mr. Frank Klees (Oak Ridges): Earlier today, the Premier attended a symposium on character education. It must have been difficult for him to be reminded that character education is about reinforcing values such as respect, honesty, responsibility and fairness.

I would like to suggest some character education courses that the Premier himself should take. One such course is Honesty and Integrity 101. This is a class on the importance of keeping one’s promises. The 2003 Liberal election platform is absolute required reading.

Another is Perspectives on Fairness and Compassion, which will focus on the Liberal case study entitled “Premier McGuinty Versus Autistic Children of Ontario.”

The Basics of Respect for Taxpayers would require the Premier to study course material on how to handle taxpayers’ money with respect. The case study is entitled “How Irresponsible Can Government Get?” It will focus on the McGuinty government spending millions to redraw Ontario’s logo and on political TV advertising.

The advanced course that should be mandatory for every cabinet minister is Leadership and Responsibility: Making the Connection. This course would help the Premier and cabinet ministers learn to stop blaming

others for the problems that occur under their watch and learn to take responsibility for their actions.

It's the hope of all Ontario citizens that when it comes to character education, the Premier and his ministers will learn to teach by example.

HOPE FOR LEUKEMIA AWARENESS DAY

Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh): Today is Hope for Leukemia Awareness Day. It is my pleasure to rise in the House today to mark this important occasion. The importance of overcoming this terrible disease cannot be overstated. Approximately 4,000 Canadians are diagnosed with leukemia each year, and only half survive.

The Hope for Leukemia Awareness Day initiative was spearheaded by a young woman from Kitchener named Christine Ichim, whose mother was diagnosed with leukemia when Christine was a little girl. In 1996, she rollerbladed across Canada in order to raise awareness and funds for her mother's disease.

There is reason for families suffering from this disease to have hope. Late last month, I read a release from the Canadian Cancer Society that Dr. John Dick's research team at the University Health Network recently found a way to destroy the leukemia stem cells that cause a recurrence of this disease after chemotherapy. I am proud to say that our government's Ministry of Research and Innovation supported this breakthrough by providing research grants to the Ontario Genomics Institute and the Ontario Institute for Cancer Research.

Today I congratulate Christine and all those working to overcome leukemia. I encourage all members of this Legislature to stand together in our quest for a cure.

1340

WINTER STORM IN NIAGARA REGION

Mr. Tim Hudak (Erie–Lincoln): Thursday night, October 12, an unusual, severe and dangerous winter storm struck the communities of Fort Erie and Port Colborne. More than 30 centimetres of snow fell, an event Environment Canada called "historic," resulting in a state of emergency declared for both communities. The snow and high winds reaching 90 kilometres an hour brought down power lines, tore down trees and caused major flooding and extraordinary property damage.

It's in times like these that strong communities come together, neighbours help neighbours, and municipal staff, health care workers and emergency services personnel put their extensive training and their courage into action.

I want to thank those local hospitals and long-term-care employees for taking care of residents and patients when the power went out. I want to thank groups like the Salvation Army, the Red Cross, private organizations and individuals that set up emergency shelters like the Friends Over 55 Centre in Port Colborne.

I know my colleague Mr. Kormos, also from south Niagara, and I want to thank hydro crews from as far away as Cornwall and the hard-working people at Canadian Niagara Power for their extraordinary efforts. I want to thank the firefighters—mostly volunteers—police officers, and the Ontario Provincial Police, who came together to help out on this occasion. I want to commend Mayor Wayne Redekop of Fort Erie, Mayor Ron Bodner of Port Colborne, their councils and municipal staff who were on call 24 hours a day to coordinate aid. Most importantly—I know Mr. Kormos will join me—we want to thank the neighbours who helped neighbours: checking on the senior next door, clearing driveways from massive tree damage, and sharing heat and generators.

It's in times like these that strong communities come together, and I'm very proud to have the honour to represent people of this character.

Mr. Peter Kormos (Niagara Centre): I'm pleased to join with my colleague Tim Hudak in praising, applauding, complimenting and acknowledging folks in Port Colborne, Fort Erie and indeed beyond who helped residents down there cope with a genuine crisis, let me tell you. Power is still out, but linesmen came from all over southern Ontario, and the linesmen from Canadian Niagara Power themselves—IBEW members, International Brotherhood of Electrical Workers—were out there doing double, triple duty getting hydro reconnected. They were joined by the members of the Power Workers' Union and CUPE members doing similar work: restoring electricity to those areas hard hit and suffering from outage of electricity.

I have to acknowledge the outstanding leadership of my good friend Mayor Wayne Redekop in Fort Erie and Mayor Ron Bodner in Port Colborne, who both demonstrated strong, effective leadership skills—in Ron Bodner's case, assisted by CAO Robert Cotterill; Tom Cartwright, fire chief; and by the CUPE staff members of the city of Port Colborne, professional firefighters, volunteer firefighters, Niagara Regional Police, OPP, paramedics and local EMO officials.

There was an outstanding effort on the part of everybody. Jack O'Neil opened and maintained the seniors' centre on Fielden Avenue down in Port Colborne so that seniors without power in their homes could go there to stay warm and get fed. Salvation Army, Red Cross and the local volunteers were out in full force. There truly was a great community effort.

Small towns do it better. Port Colborne and Fort Erie demonstrated that this past weekend.

PIERRE ELLIOTT TRUDEAU

Mr. Mario G. Racco (Thornhill): I would like to take this opportunity to notify the people of Ontario that next Wednesday in Thornhill we'll be remembering one of the greatest political leaders that Canada has ever known; that is, the late Right Honourable Pierre Elliott Trudeau.

The former Prime Minister was born on October 18, 1919, and to celebrate this occasion, the people of Thornhill are organizing a tree-planting event to remember the late Pierre Elliott Trudeau. On the morning of October 18 at 10:00 a.m., we will be planting 18 trees to commemorate the occasion in the most appropriate of locations: Pierre Elliott Trudeau Park in Thornhill. We thought a tree-planting event would be an ideal way to remember the former Prime Minister, as it is well known that Pierre Elliott Trudeau was passionate about nature and the great outdoors.

The 18 red maple trees or similar will be planted around a wood lot and an arts school, representing not only Trudeau's passion for nature but also his love of the arts. Several community members will be attendance, including the students from nearby high schools and seniors from the Concord and Thornhill areas, who will be planting the trees.

All honourable members in this House and the people of Ontario are invited to participate. My office will be happy to assist with any questions you might have.

Finally, let me say: Long live the Trudeau legacy.

DIWALI

Mr. Bas Balkissoon (Scarborough–Rouge River): Saturday, October 21, marks Diwali, the Hindu festival of lights that celebrates the victory of good over evil, as well as the renewal of life and the importance of knowledge. Diwali is commonly referred to as the festival of lights because, traditionally, small oil lamps called diyas were lit throughout people's homes, courtyards, gardens and rooftops. This emphasis on light is to drive away the darkness that engulfs the light of knowledge. Diwali is also the celebration of Lord Rama's return to his kingdom after 14 years in exile.

I want to recognize the role that new Canadians play in Ontario's economic, social and political infrastructure, particularly those in the Hindu culture. Those of Hindu descent are a rapidly growing percentage of new Canadians, and they represent a diversity of skill sets and professional experience. The McGuinty government is committed to ensuring the success of new Canadians and has worked to enact such legislation as the Fair Access to Regulated Professions Act, which allows new Canadians to gain employment in their related fields.

I want to extend well-wishes to Hindus all over the world during this most special occasion and wish them prosperity and continuing knowledge in the new year.

NATIONAL SCIENCE AND TECHNOLOGY WEEK

Ms. Monique M. Smith (Nipissing): I rise today to inform the House that it is National Science and Technology Week. The McGuinty government considers attracting youth to science and technology to be a top priority, because we know Ontario has the potential to be home to the next generation of innovators. Our govern-

ment believes so strongly in research and innovation that we created the Ministry of Research and Innovation, and the Premier himself has taken on the role of minister. As a province, we are spending almost \$1.7 billion over five years to ensure we are supporting our best and our brightest.

My riding of Nipissing has already started to benefit from some of the programs offered by the Ministry of Research and Innovation. The youth of my riding will be able to take advantage of five programs that received funding under the youth science and technology program, or YSTOP, which connects tomorrow's researchers with today's leaders in science and technology. YSTOP promotes science awareness activities to at-risk youth and youth living in rural and remote communities by bringing them face to face with Ontario's leading-edge researchers and technologists for hands-on science and technology experiences beyond the classroom. Science Travels brings interactive science workshops to remote and aboriginal communities in northern Ontario and provides opportunities for youth to work in University of Ottawa laboratories. Another program, Science North, will develop a northern science network for 12- to 17-year-olds, connecting them to scientists in the north.

Innovation happens regardless of location. I know my constituents will want to view www.Ontario.ca/innovation to check out the many programs that are available through the Ministry of Research and Innovation.

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

MOTIONS

HOUSE SITTINGS

Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader): I move that, pursuant to standing order 9(c)(i), the House shall meet from 6:45 p.m. to 9:30 p.m. on Monday, October 16, 2006, for the purpose of considering government business.

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

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the ayes have it.

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

The division bells rang from 1348 to 1353.

The Speaker: Mr. Bradley has moved government notice of motion number 200. All those in favour will please rise one at a time and be recognized by the Clerk.

Ayes

Arnott, Ted	Fonseca, Peter	Peters, Steve
Balkissoon, Bas	Hardeman, Ernie	Peterson, Tim
Barrett, Toby	Hoy, Pat	Phillips, Gerry
Bartolucci, Rick	Hudak, Tim	Racco, Mario G.
Bradley, James J.	Jeffrey, Linda	Rinaldi, Lou
Brotten, Laurel C.	Klees, Frank	Runciman, Robert W.

Brownell, Jim	Kular, Kuldip	Ruprecht, Tony
Bryant, Michael	Kwinter, Monte	Sergio, Mario
Cansfield, Donna H.	Levac, Dave	Smith, Monique
Caplan, David	Marsales, Judy	Smitherman, George
Colle, Mike	Martiniuk, Gerry	Sorbara, Gregory S.
Crozier, Bruce	McMeekin, Ted	Tory, John
Delaney, Bob	McNeely, Phil	Watson, Jim
Di Cocco, Caroline	Miller, Norm	Wynne, Kathleen O.
Dombrowsky, Leona	Mitchell, Carol	Yakabuski, John
Duguid, Brad	O'Toole, John	Zimmer, David
Duncan, Dwight	Parsons, Ernie	
Dunlop, Garfield	Patten, Richard	

The Speaker: All those opposed will please one at a time and be recognized by the Clerk.

Nays

DiNovo, Cheri	Marchese, Rosario	Tabuns, Peter
Horwath, Andrea	Martel, Shelley	
Kormos, Peter	Prue, Michael	

The Clerk of the Assembly (Mr. Claude L. DesRosiers): The ayes are 52; the nays are 7.

The Speaker: I declare the motion carried.

STATEMENTS BY THE MINISTRY AND RESPONSES

SEAT BELTS

Hon. Donna H. Cansfield (Minister of Transportation): I rise in the House today to introduce an important piece of legislation that will save lives on Ontario roads.

My heart goes out to the families of those who were killed in a terrible collision in Caledon this weekend, and I know that all members will join me in sending our deepest condolences to their loved ones. There were 10 people, including at least one child, travelling in a van with only seven seat belts.

Right now, there is nothing in the Ontario Highway Traffic Act to prevent people from getting into a vehicle that doesn't have enough seat belts; today the McGuinty government is putting a stop to that.

In 1976, the Honourable Mr. Snow made Ontario the first jurisdiction in North America to make wearing seat belts mandatory. Today I am introducing legislation that would require one seat belt for every person in a vehicle that travels on Ontario's roads—one person, one seat belt—and I call on all members of the Legislature to support this legislation without delay.

Since seat belts were made mandatory, the number of people killed and injured in collisions has steadily dropped. Our proposed one person, one seat belt legislation could save even more lives.

The latest statistics show that about one third of all drivers and passengers killed in motor vehicle collisions were not wearing seat belts. I am heartened, however, that the most recent survey by Transport Canada found that Ontario has the second-highest rate, in terms of use

of seat belts in urban areas in Canada, at 93%. That's above the national average of just over 91%, but we must and we can do more. For every 1% increase in seat belt usage, five lives are saved. Our goal is 100%.

Of course, the safety of children is a particular concern of mine, as it is of many. I'm pleased to report that according to the 2004 Ontario Road Safety Annual Report, the number of children killed and injured in road collisions fell compared to 2003. Sadly, however, collisions are still a leading cause of death and injury for children between one and nine years old. We do know, however, that a properly used child safety seat can cut the chance of death or serious injury by as much as 75%. That's why the McGuinty government brought forward legislation to make it mandatory for all caregivers—grandparents, babysitters and even hosts of children's birthday parties—to ensure that children are properly secured in an appropriate car seat or booster seat when they're travelling. Drivers who don't, face a fine and two demerit points.

We are telling you that we take safety issues very seriously. That's why we made booster seats the law in Ontario. That's also why I'm introducing legislation today to ensure that everyone who gets into a vehicle on an Ontario road is safely secured.

I call upon our honourable members to support our life-saving one person, one seat belt legislation.

1400

CITIZENSHIP WEEK

Hon. Mike Colle (Minister of Citizenship and Immigration): I rise today to recognize Citizenship Week in Canada. Every year, more than 150,000 people from every part of the world become new citizens of this country. Through this act, they pledge their skills, their talents, their families and, most importantly, their hopes for a better future in Canada.

They know as well that to be a Canadian citizen is a singular honour but an honour that carries with it responsibilities. Mr. Kofi Annan, Secretary-General of the United Nations and winner of the 2001 Nobel Peace Prize, said it best: "No one is born a good citizen; no nation is born a democracy. Rather, both are processes that continue to evolve over a lifetime."

We are known throughout the world as a country that cherishes rights and freedom for all citizens, no matter their country of origin. We are also known as a caring and open society that champions tolerance, respect, equality, peace and belonging. Ontario, with people from more than 200 countries speaking 130 different languages living in harmony, is a shining example of these values at work.

Within a few kilometres of this precinct, we have Little India, Chinatown, Greektown, Little Italy, Little Poland, Little Portugal, Koreatown and Kensington Market. What the people who live in these communities have in common is that they or their ancestors were brave enough to start a new life in this province. They are

people who embrace Canada's values by becoming citizens, by voting, by being volunteers in their community and by being good neighbours.

This week is a week to celebrate what it means to be a citizen of this great country of Canada, and this celebration is an opportunity to recognize the value of citizenship. But this week is not only about celebrating our rights and privileges; it is also about remembering the responsibilities of good citizenship: our responsibility to understand and respect our laws; to participate in our democratic political system; to allow other citizens to enjoy their rights and freedoms; to appreciate and help to preserve our Canadian heritage; and to give back to our communities through volunteerism.

Ontario has a proud history of newcomers who have embraced the responsibility of citizenship by serving their community. This includes our first Prime Minister, John A. Macdonald, who was born in Scotland, and continues to this very day with such people as Michael Lee-Chin, the Jamaican-born entrepreneur. Mr. Lee-Chin has given back to this country in countless ways, including major donations to McMaster University and the Royal Ontario Museum. And filmmaker Deepa Mehta, who came to Canada from India in 1973, has enriched our culture with her award-winning films.

I cannot imagine an Ontario without the contributions of our early pioneers who bravely set out from their homes to commit to a new life in this country, who saw Canada as a land filled with opportunity and made the commitment to Canada by embracing the responsibilities of citizenship.

Citizenship means working together to build a stronger Canada and a stronger Ontario. It means making sure that our values, dreams and goals are reflected in our institutions, laws and relationships with one another.

Citizenship Week reminds us all of these values and responsibilities. It's also a time to reflect on the incredible contributions our veterans made for this country and the contributions our Canadian Forces are making today in the ultimate act of citizenship.

ONTARIO PUBLIC LIBRARY WEEK

Hon. Caroline Di Cocco (Minister of Culture): It brings me great pleasure to rise in the House to declare that today marks the first day of Ontario Public Library Week. This is a celebration of one of the best public library systems in the world, the system we have right here in Ontario. I was in Hamilton this morning to officially mark the occasion with some of my colleagues, MPPs Jennifer Mossop and Judy Marsales.

Whenever I visit a centre of learning and information like the Hamilton Public Library, I'm reminded of some of my earliest life experiences: the trips to the library. When I came to Canada as a child and did not speak English, the library was a wonderful whole new resource that I used regularly, and it was of great assistance in my learning to speak and write English. The books provided me a chance to learn the new language.

I realize now that our public libraries are so much more than just books. They contribute to our communities' cultural, educational and economic fibre. Libraries offer a wide variety of programs and services designed to increase literacy and help our children and youth reach their full academic potential.

People of all ages use libraries as a resource. Libraries make a difference in people's lives. This morning I heard several stories of how libraries made a difference.

I want to tell you about an initiative in which everyone can participate. Telling Our Stories is a personal story-writing contest that celebrates the impact of Ontario public libraries on its citizens and their communities. I encourage everyone in this House to think about your library stories and enter at www.tvo.org/tellingourstories.

As Minister of Culture, I have the opportunity to visit many public libraries across the province on a regular basis. I'm amazed by the profound transformation that the library as an institution has gone through since the days of my youth. These centres are now hubs of our communities. Thanks to new technologies, they are windows to the world and places we can go to feed an appetite for knowledge. Some of these facilities are one-stop shops for access to government resources online, one of the many steps this administration has taken towards making government work for people.

The Ontario government, under the leadership of Premier Dalton McGuinty, is committed to strengthening our public library system. That's why our government invests more than \$28 million every year in Ontario's public and First Nations libraries, and that's why this year we've made a new investment of \$15 million to support our library system.

More than 1,100 public library outlets across the province serve over five million cardholders. This government is working with the library community and other levels of government to improve the delivery of library services. We're working hard to ensure that no matter who we are and where we live in Ontario, everyone can access and share an impressive range of information, ideas and knowledge.

Our libraries promote literacy, ensure success for our students and improve our overall quality of life. Many libraries across Ontario are holding special activities to celebrate Ontario Public Library Week. I encourage you to show your support by highlighting the contributions of public libraries in your constituencies and getting involved in their celebrations. The theme for this year's celebration is "Libraries: the World at Your Fingertips."

SEAT BELTS

Mr. John Tory (Leader of the Opposition): I'm rising to respond to the statement by the Minister of Transportation, as the horrible tragedy of this weekend that the minister referred to, which I think has prompted this bill to come forward now, took place in my constituency. I want to join her and all members of the Legislature in expressing our sincere sympathies to the

families of those who lost their lives and who are affected by this latest tragic accident. We support the one passenger, one seatbelt principle this law is meant to address, including drivers, and this is consistent with the advice rendered to the government by the Canada Safety Council.

I will say that the opposition saw this bill at 12:40 today. I think we have an obligation to work together, as we're now going to do, to be able to compare it to laws in place elsewhere, to be able to consult stakeholders and, in short, to do our respective jobs as legislators—not just opposition legislators but as legislators, period. We are prepared to move quickly on this piece of legislation, but one of the questions I'll want to have answered, for example, as I think a number of my colleagues might, is the fact that one subsection of the bill that was introduced just a few moments ago, 106(3), says “one passenger, one seat belt” and enshrines that principle in law, while another section of the very same bill, 106(8)(e) and (f), gives the Lieutenant Governor in Council broad power to exempt classes of drivers and passengers from the very same law. Recognizing there are instances in which exemptions may be appropriate—I would think, very few and far between—we should say that we're either going to have one seat belt, one passenger or we're not, and not have this apparent contradiction within one piece of legislation.

1410

I repeat that we will agree to swift passage of this legislation in principle—it's the right thing to do—but I think, as well, it's important for all of us as legislators to make sure that we not just do the right thing but do it right and do our due diligence and make sure that the law means what it says and that it is consistent with the very best practices in place in the rest of Canada and elsewhere.

The tragedy in my riding this weekend should spur us, indeed, to urgent action. We should sit down, work together quickly, and then urgently pass a law which is right in principle and done right.

ONTARIO PUBLIC LIBRARY WEEK

Mrs. Julia Munro (York North): As we mark Ontario Public Library Week, I would like to thank all of our province's libraries for the important work that they do. They work very hard, with probably not enough money, to provide important library services. In my own riding, the Georgina Public Library told me earlier this year that:

“Rapidly evolving technologies are changing the way people access information and communicate with each other.

“Libraries are challenged to maintain traditional services and embrace new services, formats and technologies with existing money.”

Ontario's libraries are up to the challenge of working with new technology; they just need a government willing to do its share.

CITIZENSHIP WEEK

Mr. Frank Klees (Oak Ridges): I want to acknowledge, on behalf of the official opposition, that this is indeed Citizenship Week. I concur with the statement that the minister made that it's not just about recognizing the privileges of citizenship but also the responsibilities. During the course of this week, I trust that we as Canadians, who hold very dearly the privileges and benefits of our citizenship, will also give consideration to what it is that we as citizens must do, are called upon to do, to make a contribution by upholding our laws, by ensuring that we participate in the political process and the democratic process that gives us those rights and privileges.

Today we also want to recognize those new Canadians who will be making their pledges to become Canadian citizens during the course of this week. I know that many members will be participating in ceremonies throughout the province—I look forward to doing so myself—and joining with those new Canadians in celebrating their rights, their privileges and their responsibilities.

As someone who came to this country as an immigrant, I carry with me my citizenship certificate. It's dated May 4, 1964, and it's something that I hold dear. I continue to celebrate this country for what it has given us all, and together I know we want to say that we stand on guard for this great country.

SEAT BELTS

Mr. Peter Kormos (Niagara Centre): In response to the Minister of Transportation, the first observation is that it's just stunning that we have to consider legislation like this, that anybody in the year 2006 would put a vehicle into motion, as the operator of that vehicle, when passengers in that vehicle weren't adequately restrained and when the vehicle wasn't carrying the number of passengers that the vehicle was designed to carry at a maximum level.

We are eager to work with all parties here in seeing this legislative initiative proceed. I've already spoken with the government House leader and want to meet with him later this afternoon to talk about a process for this to happen. The bill has to have some exposure to critique and analysis by people who know a whole lot about these things. We're eager to see that happen in the promptest possible fashion.

Quite frankly, New Democrats want to see a bill that puts the onus very much on the driver, that tells the driver, the operator of a vehicle, “Don't even think about turning on that ignition key as long as people are not buckled up or as long as that vehicle is in a condition that's unsafe to operate or as long as that vehicle does not contain the number of passengers that the vehicle is designed to contain at maximum.” That's the only way you're going to get these vehicles not operating on the road overcrowded. The prospect of fining an individual who is not wearing a seat belt as a passenger is clearly not adequate in terms of the preventative effect of it, in

terms of the deterrent effect. The onus has got to be on the driver, the operator of the vehicle. We're going to be making those proposals during prompt clause-by-clause consideration.

ONTARIO PUBLIC LIBRARY WEEK

Mr. Rosario Marchese (Trinity–Spadina): In response to the Minister of Culture with respect to library week, I want to say that New Democrats respect librarians and respect the need to have well-stocked, well-equipped libraries.

I just wonder whether the minister can explain what the effect of budget cuts to her ministry from \$454 million last year to \$366 million this year will have on culture and specifically on libraries and librarians.

I wonder whether the minister could comment on the following: the People for Education document, which I know you respect and the Minister of Education respects. Only 54% of elementary schools have teacher librarians—a steep decline from 80% in 1998. In secondary schools, 74% have a teacher librarian—a decline from 80% in 2004. We note through their study that students have less and less of a love for reading in grade 3 and grade 6. I wonder why? Given the steep decline of teacher librarians in our schools, is it any wonder?

So it's important, when you talk about your Premier and his love for literacy and his love for reading and how we build that into our educational system—and then, I tell you, you'd better work on making sure we have well-equipped and -stocked libraries and you'd better make sure you get the librarians back into our elementary and secondary schools. If you don't do that, your love of literacy is all for naught.

CITIZENSHIP WEEK

Mr. Peter Tabuns (Toronto–Danforth): I rise to respond to the Minister of Citizenship and Immigration's comments on Citizenship Week. We're quite justly proud of the fact that people from all over the world come to live here in Ontario. We have great reason to be proud, but there's a dark side to the reality in this province, and that dark side is that thousands of our fellow citizens, people who are trained, who are experienced, who are skilled as professionals, are denied the opportunity to exercise that skill, that training and that commitment.

The government knows that barriers are keeping engineers, pharmacists and doctors out of their professions. The government has brought forward a bill, Bill 124, that is too weak to correct the problem. This bill, which was built on the report from Judge Thomson, does not incorporate many of the crucial elements that Judge Thomson said had to be there to make the system effective and open, to make sure the door is quite wide for those who come here and want to participate in this society to use their skills.

Without an independent appeals tribunal, without support for those who appeal a rejection of their appli-

cation, this bill will not correct the situation that undermines the value of citizenship. When people come to this province and want to participate as citizens, if we deny them the right to fully use their skills and talents, we deny a vital part of their citizenship.

The government must strengthen Bill 124, not simply bring it forward at written.

VISITORS

Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care): On a point of order, Mr. Speaker: I hope that all honourable members might join me in welcoming a first-time visitor to Canada who is in the members' gallery, east side. It's my pleasure to introduce Mr. Mike Hamel. He's the chairperson of Aguda, which is Israel's national lesbian, gay, bisexual and transgender organization. We welcome you to the Legislature.

Hon. Jim Watson (Minister of Health Promotion): On a point of order, Mr. Speaker: I'd like to also point out, in the members' gallery, Sharon Wood, executive director of the Breast Cancer Foundation of Ontario, and Lisa Marchitto, also from the Breast Cancer Foundation.

I'd like to ask unanimous consent for members of this Legislature to wear the breast cancer awareness ribbon pin as we celebrate October being Breast Cancer Awareness Month in the province of Ontario. I seek unanimous consent to wear these pins, which are available in both lobbies.

The Speaker (Hon. Michael A. Brown): Mr. Watson has asked for unanimous consent to wear a pin for Breast Cancer Awareness Month. Agreed? Agreed.

1420

INTRODUCTION OF BILLS

Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader): On a point of order, Mr. Speaker: I seek unanimous consent to revert to introduction of bills.

The Speaker (Hon. Michael A. Brown): Mr. Bradley has asked for unanimous consent to revert to introduction of bills. Agreed? Agreed.

HIGHWAY TRAFFIC AMENDMENT ACT (SEAT BELTS), 2006

LOI DE 2006 MODIFIANT LE CODE DE LA ROUTE (CEINTURES DE SÉCURITÉ)

Mrs. Cansfield moved first reading of the following bill:

Bill 148, An Act to amend the Highway Traffic Act respecting the use of seat belts / Projet de loi 148, Loi modifiant le Code de la route en ce qui concerne le port de la ceinture de sécurité.

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

The minister may wish to make a brief statement. She already has.

VISITORS

Mr. Tim Peterson (Mississauga South): On a point of order, Mr. Speaker: I rise today so that the House will recognize some wonderful people in the gallery. We have Jane Bonsteel, who is the mother of page Norah Bonsteel, with us.

We also have three students from Cawthra Park Secondary School and a father here to observe the wonderful things we do and how we help benefit Ontario society. Would you please rise so we can recognize you. Thank you.

ORAL QUESTIONS

NATIVE LAND DISPUTE

Mr. John Tory (Leader of the Opposition): My question is for the Premier. The community and the province made it through this weekend's rally in Caledonia without serious incident, and I think we're all glad that that is the case. But what hasn't changed is the fact that the root cause of that rally, namely the occupation of the land that has gone on for 231 days now—which the McGuinty government owns, paid for with taxpayers' money—is still ongoing. You permitted the protesters to remain on the land preceding a resolution to the land claim without restriction as to time, without any requirement as to peaceful use of the land, and frankly, you're even paying the hydro bills.

In the summer, you said it would be unacceptable for those protesters to remain on the land come winter. Do you stand by that statement? If so, how do you intend to see that this time your word means something?

Hon. Dalton McGuinty (Premier, Minister of Research and Innovation): Let me take the opportunity, first of all, to congratulate the Ontario Provincial Police for the excellent work they did both during the course of the weekend and during the entire handling of this difficult matter.

Let me correct my colleague opposite so that he understands that we've now entered into an agreement with the First Nations community. They will assume all responsibility for all utility payments.

Interjections.

Hon. Mr. McGuinty: We have been working very hard at the table with the federal government and with the Six Nations community, and there is more progress that we are making. Perhaps there is some residual interest—Mr. Tory might ask his own colleagues—in what I have to say. Perhaps during the course of the supplementary I can get that out.

Mr. Tory: We're heartened to hear on the one hand there's an agreement with respect to the utilities, but it

was suggested, and I think it would be normal, that you would have a broader agreement with respect to other conditions that have to do with the use of that land. It's that that I want to refer to and refer you to, Premier, in the supplementary. By the way, we should see that agreement. If there is an agreement on utilities, let's see it. Make it public.

When you kind of pretend all is well as a result of this agreement, you can tell that to somebody like Anne Marie VanSickle, who lives two doors away from the occupied site. She says that her son is afraid to be alone in the bathroom. Her 12-year-old daughter can't sleep and cries, wondering who will help them. What specific steps have been taken to return their lives to normal? When I asked you about this, you said earlier—you just told us today that there's an agreement—that you had written to Chief MacNaughton. Yet even after the agreement that you now say is in place, the unacceptable behaviour is continuing. I've asked you to require that there be acceptable terms for the use of this land, including behaviour on the land.

The letter didn't work. Your agreement isn't working. Will you insist that minimum standards be put in place for behaviour and the use of this land as long as the people are there? Will you—

The Speaker (Hon. Michael A. Brown): Premier?

Hon. Mr. McGuinty: No, I will not direct the Ontario Provincial Police. My colleague opposite says everything but that, but I would challenge him to provide us with the specific set of instructions that he would deliver to the Ontario Provincial Police.

He says that the individuals on the land should not be there. There's only one group who could be charged with removing those protesters. If that's what the leader of the official opposition would like to do, then he should just be very positive and very public about that right now: that his choice is to provide explicit instructions to the Ontario Provincial Police that they should enter onto the land, perhaps today, and forcibly remove those people who find themselves there.

If it is his inclination to provide specific instructions to the OPP, then he should be very public about that, but it is not my inclination. We will continue to work with Prime Minister Harper, the OPP and the Six Nations community to resolve this in a manner that is peaceful.

Mr. Tory: Of course I've said nothing of the sort. What I have said is this: You and your government paid for, with taxpayers' money—you are the owner of—that land, and any time you are letting somebody use your land it is not unusual, in fact it's more the case, that you would impose reasonable conditions as to the use of that land, what people can and cannot do there. Yet, you bury your head in the sand while these people are suffering down there, living in circumstances that you yourself would not permit to have your own family subjected to. We have SUV engines roaring at night and lights being shone. We have tensions causing the anxiety that led to the protest we were all worried about this past weekend.

Your Minister of Municipal Affairs issued a press release months ago—three months ago, exactly—saying

that you were going to help these homeowners. Nothing has been done to help them. My question is, when are these people going to receive some help? When are you going to show some spine and get up and say you're insisting on some conditions as to the use of that land?

Hon. Mr. McGuinty: The leader of the official opposition seems to take particular delight in fanning flames here. I consider that to be irresponsible. I did not support the rally that took place this weekend. If you visit that particular individual's website, he lays claim to being a member of the Conservative Party. On that website, that particular individual says, "When you have terrorists that threaten your way of life, you do not hide from it. You face it head-on and you eliminate the terrorists."

When Mr. Tory refuses to say what kinds of explicit instructions he would send to the OPP but insists that those people be removed forcibly from the land, what he's doing is fanning the flames; he's encouraging that kind of activity. That is not the kind of thing we support on this side of the House. We will continue to act in a way to resolve it.

GOVERNMENT ADVERTISING

Mr. John Tory (Leader of the Opposition): My question is for the Premier. Premier, for days now we've asked you to remove your inaccurate and factually challenged ads stating that people can reduce their wait times by calling a phone number.

We've received an e-mail from Brenda Bailey of Carp, Ontario. She's an elementary school teacher who is a candidate for back surgery. After getting an MRI and CT scan in the spring, she began her wait for an appointment with a specialist. She recently found out she would have to wait two years just to see a specialist, and then she'd start waiting all over again for an appointment for surgery.

Ms. Bailey called your wait times hotline this morning and was told that back surgeries aren't a priority. They couldn't even tell her how long she'd have to wait for the surgery. Given that the ad you're paying for with taxpayers' money claims that if you want to reduce wait times, just phone this number, will you, since that drastically differs from her experience, withdraw this ad as being something that is not accurate and not consistent with the facts?

1430

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

Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care): As I had the privilege several times last week to indicate, we stand by the ad because the information there is verifiable. In fact, the Provincial Auditor, according to a law that we in this House passed subsequent to the last election, has done just that.

The ad very appropriately confirms three sets of circumstances that are well identified in the Ontario health care system: there are more MRI technologists,

and there is no doubt that that is the case; there are more nurses working in health care today than when we came to office, and there is indeed no argument that that is the case; and the evidence abounds—approximately 1.7 million people have gone onto websites to determine this to be the case—that wait times have been substantially reduced in a wide variety of areas.

In addition, by way of supplementary, I'll look forward to telling the honourable member how our other investments in health care have enhanced the number of surgeries that have been produced.

Mr. Tory: Perhaps we can just stick with talking about the ad. The Premier went on the radio on October 2, on CFRA in Ottawa, and this very woman phoned in to talk about her experience. She said that she was very unimpressed because the Premier had "glossed over the fact that [she] now face[s] a two-year wait" to see a doctor. You talk about what the television ad says. It says, "The doctor will see you now." This lady is waiting two years. She's not seeing a doctor now; she's maybe seeing a doctor in two years.

In the meantime, the quality of her life and that of her children, her husband and her mother is deteriorating. She can't work. She can't sit. She can't stand for more than five minutes at a time. She can't do the things she enjoys, like gardening and travelling. She has difficulty doing household chores. She has seen this ad, and she knows that the claim that it can help her reduce wait times is ludicrous. The fact it says that "the doctor will see you now" is also ludicrous and not consistent with the facts.

Premier, will you do the right thing and stop wasting millions of dollars and withdraw this ad that's inaccurate and is causing people like Ms. Bailey hurt?

Hon. Mr. Smitherman: I think it's noteworthy that one of the things that's very often necessary, of course, before a determination is made is a diagnostic service. Here we are talking about an individual who is from Carp, which of course is in the local health integration network that we refer to as Champlain, or the Ottawa area more generally, perhaps. What's interesting, I think, is that when our government came to office, MRI machines were actually almost non-existent, particularly in the Ottawa case, but circumstances in the Champlain LHIN are that wait times for MRIs have been reduced by 76.5%. This is but one more example of the investment stream of our government for people in the Ottawa area, which was one of those areas very distinctly forgotten about by the honourable member's party when they were in government.

We'd acknowledge, of course, that there is more work to do in health care. We've made very, very substantial gains in those areas where we've brought specific new resources and across the breadth of health care, particularly in hospitals, where each and every one of them has received more money each year. The beautiful part about that is that there has also been an increase in the number of surgeries beyond those areas which have been part of our wait time focus.

Mr. Tory: I assume from the fact there was nothing said that Ms. Bailey can just wait in pain and that that's it for her. She's to take from your self-satisfied answer that it's adequate for her to wait two years to see a doctor.

Gary McGregor of Kitchener doesn't buy your bogus propaganda, either. He wrote to us about his son-in-law, who needs an MRI to confirm a doctor's diagnosis of a condition causing severe back pain. Until that diagnosis happens, Mr. McGregor's son-in-law can't receive treatment. The MRI was booked in August. Mr. McGregor says that the earliest his son-in-law can get the MRI performed is mid-March—seven months, over 200 days. Mr. McGregor saw your ads. He checked the website, only to find that his seven-month wait doesn't even come close to the numbers you come in here and claim and that are shown on your website.

Will you finally admit, because it's time you did, that spending millions of dollars to put these ads on, which are totally inaccurate and misleading and causing hurt to these people—that these claims are not supported by the facts, they should be withdrawn and you should stop wasting precious taxpayers' money on this propaganda? Will you withdraw—

Hon. Mr. Smitherman: It is, in part, the intent of the honourable member to come in here on a daily basis and take away from the 1.7 million people of Ontario who have accessed the information which demonstrates in a provable and discernible way that wait times have been reduced—that the honourable member likes to dream his way through this and come to this House every day suggesting that this is not the case. Yet he doesn't acknowledge, first off, that there have been reductions. Even worse than that, this honourable member stands in his place every day and asks for greater investments in health care, but doesn't stand in his place and acknowledge that he is the master of a scenario that would see health care spending cut by \$2.5 billion each and every year. This is the precious record of the honourable member opposite.

EMPLOYMENT

Mr. Howard Hampton (Kenora–Rainy River): To the Premier: Under the McGuinty government, 118,000 good manufacturing jobs have been lost. That's 10% of Ontario's total manufacturing jobs. Now the Royal Bank reports that Ontario's economy is at a standstill, dead last in all of Canada this year.

The question is: Premier, we've all heard your promises about jobs in the future, but when is your government going to do something concrete and specific to sustain the good manufacturing jobs that are being lost now?

Hon. Dalton McGuinty (Premier, Minister of Research and Innovation): Of course we're preparing for jobs for the future and strengthening the economy today to that end. But I should also advise the leader of the NDP to look at the last three years. The fact of the matter is that this economy has generated 254,000 net new jobs. He's not prepared to acknowledge that.

We have worked very well, both with the labour sector and with the business sector, and perhaps there's no better example than in the auto sector itself. Today, for example, there was an announcement made at the Ford plant at Oakville, where they're launching two new products: the Edge and the Lincoln MKX. That particular plant alone is the beneficiary of a \$1-billion new investment: \$100 million on the part of the government and \$900 million on the part of Ford. Yes, we are being challenged by international economic forces but, yes, we will continue to work together here in Ontario to create more jobs.

Mr. Hampton: The Premier refers to Ford. I can read the auto sector analyst reports, and they all say that Ford is in big trouble—very big trouble. But this weekend I met with folks in Perth county, in the auto parts sector there. They talked about Dana Corp.'s truck frame plant in St. Marys, where 100 jobs have been cut; Dura Automotive Systems brake cable plant in Stratford: 280 jobs going.

They point out that many of these job cuts could have been avoided. For example, in northern Ontario, job losses could be avoided if people had a fair electricity rate. In some of the auto parts sectors, the auto parts plants need some bridge financing to get through a tough period. I proposed a jobs commissioner to help to do this work.

Premier, will you pass my bill and do at least one specific thing to help sustain manufacturing jobs before more are lost?

Hon. Mr. McGuinty: We're always open to good ideas when it comes to doing what we think is important to strengthen the economy and reduce the impact of the inevitable economic cycles, particularly in an era of globalization, that are going to influence our economy. I just don't believe that the leader of the NDP has a good idea that he has put forward in this regard.

We have worked really hard, not just for the auto sector, with our half-billion-dollar strategy, but as well with advanced manufacturing. The leader of the NDP knows that as well. We've got a \$900-million plan, so far, supporting our forestry sector. We have, I think, close to \$800 million now by way of supports for the agriculture sector. So we're not prepared to simply cross our arms here on this side of the House and quietly preside over the evolution of the economy. We're prepared to put our shoulder against the wheel where it makes sense to do so. We've done that in the auto sector. We've done that in advanced manufacturing. We've done that with agriculture. We're doing that with forestry. Is there more to do? Of course there is, but we're proud to be working together with labour, the management side and the business side to help strengthen our economy.

Mr. Hampton: The Premier talks about the forest sector. Yes, your government has made announcement after announcement that might amount to \$900 million, but people who are losing their jobs have seen barely a cent of it. You talk about the agricultural sector. I met with farmers this weekend who say that your habit of

announcing, reannouncing and then reannouncing isn't doing a thing for them. Then let's turn to the auto sector, Premier. The fact of the matter is that you're into the old McGuinty promise game again, that you promise there may be jobs in 2009-10, while good jobs are being lost now.

Tell me, Premier: If you won't create an office of the jobs commissioner, how many more good manufacturing jobs have to be lost in this province before you give up on your photo ops and your TV ads and actually do something specific to help sustain jobs?

1440

Hon. Mr. McGuinty: Again, I'm just not nearly as pessimistic as the leader of the NDP is. You'd think that he would have learned from his experience in government and the devastation those particular policies caused to our economy and to job numbers at that time to recognize some modicum of success that we're making together. I think 254,000 net new jobs speak for themselves.

This past summer alone, I was at the opening of the Suncor ethanol plant, the biggest ethanol plant in Canada. We did that in Sarnia. I was there in Oshawa to announce the new Camaro that's going to be built here in Ontario. I was in Cobourg at the announcement of a new GE facility. I was in Kitchener-Waterloo at the RIM facilities, which continue to grow at a remarkable rate. I was in Brampton at the DaimlerChrysler plant, which is expanding. I was in Chatham talking to farmers about their needs. I was in Guelph at Linamar for the announcement of 3,000 new jobs there.

Yes, we are being challenged in the international economy, we will lose some jobs, but we are working very hard. The fact is, we've created 254,000 net new jobs—not a bad record.

EDUCATION FUNDING

Mr. Howard Hampton (Kenora–Rainy River): The Premier refers to an ethanol plant—an ethanol plant that will use American corn and do nothing for Ontario farmers.

To the Premier: Working families want a high-quality public education for their kids, but in communities across Ontario—

Interjections.

The Speaker (Hon. Michael A. Brown): Order. I'd just remind members that I need to be able to hear the question being put, as all members need to be able to hear the question being put.

Leader of the third party.

Mr. Hampton: Premier, working families want a high-quality public education for their kids, but in communities across Ontario, that's becoming more and more difficult under the McGuinty government. You've already axed the school trustees and forced your classroom cuts at the Dufferin-Peel Catholic school board. Now your government's hit men want to close schools, fire educational assistants and axe outdoor education

programs for inner-city kids at the Toronto District School Board. These are the same cuts that the school trustees refused to make in 2003. Back then, you said that they were right to oppose those cuts. Can you tell us, then, why your government would try to impose those same cuts today?

Hon. Dalton McGuinty (Premier, Minister of Research and Innovation): The leader of the NDP is stuck in the Tory government years. We're bringing a different approach, and he just refuses to accept that because it doesn't serve his political interests.

I'll quote from the chairperson of the Toronto District School Board, Sheila Ward, in regard to the particular report that was just prepared. She said, "The report is more than I hoped for and a new standard for the quality of work done for the ministry and boards of education... Certainly, it stands in stark contrast to the reports generated about the TDSB by the previous government.

"I believe this report gives us a template that will allow us to balance our budget over the next two years without damaging programs and without onerous staff layoffs."

The leader of the NDP may not be prepared to work with the Toronto District School Board to resolve their financial challenge in a way that doesn't compromise the learning environment, but we on this side of the House most certainly are.

Mr. Hampton: You admit that your school funding formula is flawed and inadequate, but at the same time, you insist that boards make cuts within that flawed and inadequate school funding formula. As I pointed out, first it was Dufferin-Peel, and now it's going to be students in Toronto.

Here's the report from your government hit men on what cuts should be imposed, and here they are: close outdoor education centres; sell off school properties; close schools; cut lunchroom supervisors; cut educational assistants in JK and SK; cut funding for parenting centres; defer \$40 million in capital maintenance for schools that are already run down.

Premier, those are the recommendations of your hit men. Do you support those recommendations?

Hon. Mr. McGuinty: The leader of the NDP insists on besmirching the names of Brian Cain and Joan Green. Let me tell you a little bit by way of their background. Brian Cain is the former finance officer for the Toronto District School Board, and Joan Green is a former director of the Toronto District School Board. Here is what Sheila Ward said regarding them. She said, "In my opinion, Brian Cain and Joan Green deserve the thanks of every student, parent, staff member and trustee of the TDSB for the superb job they have done in the past month."

Again, the leader of the NDP insists on trying to contrive some kind of a fight between the provincial government and the Toronto District School Board. We are not going there. We will continue to work together. We will continue to co-operate and collaborate in the interests of our students.

Mr. Hampton: Well, Premier, I'm dealing with specifics. This is what your cuts team has proposed for the Toronto board: closing outdoor education centres, selling off school properties, closing some schools, cutting lunchroom supervisors, cutting educational assistants in JK and SK. Former Liberal candidate Josh Matlow says these are the same cuts proposed now that were proposed under the Conservatives in 2003.

You talk about your report. I recommend that you go to page 46, Premier, where it says, "The Ministry of Education has promised a [funding formula] review process but to date this has not materialized."

Premier, if you're so proud of your government's work in education, why haven't you fixed the funding formula that your own hit men say needs to be reformed, needs to be fixed?

Hon. Mr. McGuinty: I know the leader of the NDP knows that we've invested an additional \$2.75 billion in public education, and we're proud to have done so. He also knows we made a number of substantive amendments and positive improvements to the funding formula. I also believe that in his heart of hearts he now understands it is up to the trustees at the Toronto District School Board, now armed with this report, having had that report prepared by people who are familiar with the Toronto District School Board and who are committed to helping them meet their financial challenges in a way that doesn't compromise the learning environment; that he now understands it's important we give the trustees a chance to get their work done. They've got the report. They've got the backing of this government when it comes to ensuring they've got what they need to get the job done. Now it's a matter of us working together and letting them do their job at this point in time.

GOVERNMENT ADVERTISING

Mr. John Tory (Leader of the Opposition): My question is to the Premier. Premier, we have yet another e-mail, another example of a sick Ontarian who needs timely care and can't get it, another Ontarian for whom the claims of your advertising campaign, financed with millions of taxpayers' dollars, don't match reality. Cindy Halliday was recommended for an MRI on August 10, 2006. She recently found out that she won't get the procedure done until November 21. That's 104 days, four times longer than the benchmark and target that your government set. If Miss Halliday were to call the hotline advertised by your government, the advice that she would get would be to talk to her doctor. That's what she did when the MRI got booked, and she's now waiting much longer than the times published on your website.

The Port Hope Evening Guide says these ads may obey the letter of the law, but the spirit of the law has been shattered. That's what the Port Hope Evening Guide says. The ad is wrong. You can't reduce wait times by calling. Will you reduce the ad and stop this waste of the taxpayers' money and stop misleading people in this way?

The Speaker (Hon. Michael A. Brown): I need you to withdraw the last verb.

Mr. Tory: Will the Premier withdraw the ads that are factually inaccurate, that are a waste of taxpayers'—

The Speaker: I need you to withdraw.

Mr. Tory: Will he withdraw the ads that are wasting millions of dollars—

Interjections.

The Speaker: Order. I asked the member to withdraw.

Mr. Tory: Mr. Speaker, I did.

The Speaker: I didn't hear it, so if you could just say that, that would be fine.

Mr. Tory: I withdrew, Mr. Speaker.

The Speaker: Thank you.

Premier?

1450

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

Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care): I think that the good people of Port Hope would be very aware of two distinctions: firstly, that we are not the party that took away their hospital and, secondly, nor are we a party that's using advertising for the privilege and purpose of spreading our own names around.

What the honourable member seems to be struggling a little bit with is that we are a political party that in the last election took very seriously the commitment to reduce wait times. We campaigned very specifically to the people of Ontario on how we would do that. Subsequent to the election, our Premier, our leader, did work through the Council of the Federation, resulting in a first ministers' meeting in Ottawa in September 2004, which produced an action plan for the whole country that I'm proud that Ontario has been a leader in.

There is more work to do, of course, related to wait times, but there is no doubt, with respect, that in the areas where we've focused tremendous resources, and in others, wait times are coming down. We'll be able to use these strategies to apply them across the broader array of services that were left to, let's say, fester under the previous government.

Mr. Tory: I can now realize why Inside Queen's Park says that the self-serving denial of responsibility for anything and everything has become downright tedious coming from the Minister of Health.

Ms. Halliday is the one who has been sick since November 2004. She can't work, and your refusal to take the matter seriously is an insult to her and everybody else who is paying the McGuinty health tax. Over three days now, we've talked about Lori Goldstein, desperately waiting for life-saving surgery; Brenda Bailey, who's got two years, she has been told, to see a doctor; Gary McGregor, whose son-in-law has to wait seven months for an MRI; and Cindy Halliday, who is waiting 104 days for an MRI. In all of these cases, your website, your ads and your hotline are of absolutely no help. The advice that's held out, "Talk to your doctor and all will be fine,"

does nothing to help these people reduce the times they're waiting, and that's the claim made by your ad.

The Belleville Intelligencer says that your defence of these ads is an insult to the voters' intelligence. We agree with that. Will you stop wasting taxpayers' money? Stop insulting the intelligence of voters, withdraw these ads and—

The Speaker: The question has been asked. Minister?

Hon. Mr. Smitherman: The honourable member talks about getting to work on wait times, but he's got to talk like that because he doesn't want to accept the reality, the reality that is proven scientifically, evidence-based; the reality that is available to every single Ontarian: the investments that we've made, working with the health care sector, to actually be able to measure wait times in the first place—not a capacity that existed while that party was in office. So instead of waiting, we've got on with it.

We've made important investments in the wait time information system. We've moved forward with dramatic investments and changes in process to enhance the efficiency and deliver better and faster surgical outcomes. The reality there for all to see is that tremendous improvement has been made.

We all acknowledge that if we are honest, there is, of course, more to do in health care. We look forward, having built this capacity, to move it forward, across a broader array of services. This is made possible because we took the leadership, because we made the investment, because our Premier stood up for the province of Ontario. Instead, this honourable member stands in his place and he forgets to tell people about his primary commitment on health care: to gore it to the tune of—

The Speaker: Thank you. New question.

AFFORDABLE HOUSING

Ms. Cheri DiNovo (Parkdale–High Park): My question is for the Minister of Municipal Affairs and Housing. In your 2003 election platform, you promised to match federal support to build 20,000 new units of affordable housing. In estimates committee on Wednesday, you admitted that, three years into your mandate, only 1,635 so-called affordable housing units are actually occupied. You also admitted that many of these units are not affordable, with rents, for example, at \$1,060 per month for a two-bedroom, \$1,265 for a three-bedroom.

Minister, we are in a housing crisis. How do you explain to the 122,000 households in this province who have been waiting for affordable housing that this is just another McGuinty broken promise?

Hon. John Gerretsen (Minister of Municipal Affairs and Housing): I thank the member very much for her question. As she well knows, the amount of money that we, provincially and federally, have set aside for affordable housing is \$734 million, which was the agreement that was signed with the federal government last April 30, 2005. Since that time, we've put out 5,000 units for housing allowances. Agreements have been

reached with all the various service providers. They've gone out to the landlords in their particular municipalities, and we're aiming to take up those vacant units as quickly as possible.

She is correct. Right now there are only about 1,600 units that are occupied of the new, affordable housing that's being built, but there are at least another 6,000 units either in the planning or building stage.

We are as anxious as she is to see as much affordable housing built for the vulnerable people in our communities.

Ms. DiNovo: Meanwhile, there are two homeless deaths per week in the city of Toronto alone. But I'd like to focus on something else, and that is the Wave project. This is another example of so-called McGuinty affordable housing. These affordable housing units start at \$200,000; that's \$1,800 a month. It's clear that these are neither affordable nor real housing for most of our people who are on OW/ODSP or CPP, where their housing limit is about \$400 a month. These hardly meet their needs. When will you solve this housing crisis and keep your promise to provide real, affordable housing in Ontario?

Hon. Mr. Gerretsen: I can say that this government has done everything in its power to get the housing projects up and running as quickly as possible. We also want to make sure that those people who are in an emergency situation have some comfort from the government by way of the rent bank money that was put aside—some \$14 million—which has already helped over 6,000 individuals and families.

We as a government believe that housing is a very basic ingredient that everyone is entitled to. Through the various programs that we have there—in the home ownership program, in the affordable housing program, in the rent subsidy program, in the housing allowance programs—we are going to meet the targets that we've set for ourselves. The money that's out there is being utilized to the best ability to make sure that as many people as possible will have the housing that they need and deserve.

VIOLENT CRIME

Mr. Mario Sergio (York West): My question is for the Minister of Community Safety and Correctional Services. Over the past year, we have heard a number of reports and claims of increased gun violence right here in Toronto.

Gangs and gun violence are a serious concern for the people of my community of York West. Communities can't solve this problem on their own, and they need a system to ensure that community leaders, groups and local police services are working together to combat crime as a joint effort. Police service should have all the tools available to assist them in this challenge to eliminate gun violence.

I know our government is committed to ensuring safety for the people of Ontario and doing everything it can to get guns off our streets. Minister, can you tell me

what the government is doing to be tough on crime and to reduce the causes of crime?

Hon. Monte Kwinter (Minister of Community Safety and Correctional Services): I thank the member for the question. There is no place in Ontario for those who choose a lifestyle of guns and gangs, and we're doing whatever we can to make sure they can't function. We've dedicated 109 officers out of our 1,000 officers to guns and gangs. We've set up a \$30-million fund that will allow youth to get into other activities that will divert them from guns and gangs. We have done things that have shown results. To give some examples, homicides are down 10% in Toronto, year over year; gun-related homicides are down over 40%, year over year; and we've just announced that we're going to put \$2 million into a program with the Toronto Police Service to put surveillance cameras into two areas of the city that will be there to monitor what is happening and give those police officers the tools they need to bring these perpetrators to justice.

This is something that I think is a very positive sign. It's something that will, in fact, continue what we are doing, and that is ridding the streets—

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

Mr. Sergio: Minister, thank you very much for the good news, not only for the Toronto Police Service but also for the people of York West.

Today's announcement demonstrates how the McGuinty government is working together with police services—and in this case specifically the Toronto Police Service—to enhance their efforts to get tough on gun violence in our communities.

1500

However, Minister, some of my constituents have raised concerns about privacy rights and that these closed-circuit cameras, aimed at combating guns and violent crimes, will actually violate privacy rights.

Can you tell me, Minister, how we will ensure that privacy rights will not be violated as we work together with the Toronto Police Service in providing this new tool in an effort to make Ontario a safer place?

Hon. Mr. Kwinter: We are very concerned about privacy rights, and I can assure you that this initiative will comply with the guidelines of the Ontario Information and Privacy Commissioner. The Toronto Police Service has consulted with the Information and Privacy Commissioner and understands what is required.

There will be signs posted in the areas where these cameras will be deployed; not only that, but the police service has undertaken to have public sessions in which to alert the communities in November. The actual implementation of this program will not take place until April.

I should also say, in closing, that this initiative has been tried in other jurisdictions. They have had outstanding results, and I'm confident that we will have the same results not only here in Toronto but in other areas of Ontario when they, in fact, get implemented.

EMERGENCY SERVICES

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke): My question is for the Minister of Health. Minister, as casualties of your lack of leadership mount and over 20 ERs find themselves in crisis, I raise the issue of one more.

St. Francis Memorial Hospital, in my home town of Barry's Bay, may be forced to close its ER because you would rather write letters to the editor, such as the one today in the Pembroke Observer, spreading propaganda instead of finding real solutions to the ER mess created under your leadership.

Minister, when are you going to stop writing letters, roll up your sleeves and find some real solutions to the ER problem in this province? It is affecting over 20 hospitals, including my hometown of Barry's Bay, St. Francis Memorial Hospital, which might be forced to close under your leadership.

Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care): Firstly, with respect to the emergency room issue, which is indeed a very serious one, I'm happy to report to the House that we've been working very vigorously, between the Ontario Medical Association, our government and the venue of the physician services committee, to be able to establish some good progress on this. It's a challenging one, for all the reasons that we know.

In answer to the direct question from the honourable member about letters to the editor in the Pembroke Observer, any time a privatizing ally like the friend of the honourable member's writes a story in the Pembroke Observer that's advancing the idea that more private delivery and two-tier health care is the answer to health care, I will write a letter in response.

I know the honourable member sits and stands in a party alongside his leader, who is in favour of a \$2.5-billion cut to health care, in favour of two-tier medicine and also in favour of advancing private delivery. This is not our model for health care.

On behalf of the people of the province of Ontario, I'll proudly stand in defence of medicare on any day, as required.

Mr. Yakabuski: Well, Minister, instead of an answer, we get more propaganda. Barry's Bay is largely a tourist-based economy, particularly in the summertime.

I spoke to the chief of staff at St. Francis Memorial Hospital, Dr. Denise Coulas, and she doubts, under the current circumstances, whether that ER will be open next summer. What is that going to do to the economy of Barry's Bay and the Madawaska Valley if tourists know there's not an operating ER in that hospital?

Minister, when will you stop with your \$31-million propaganda campaign, partisan propaganda that flies in the face of the facts? I say, shut down that ad campaign and do something about the mess in the hospitals, or the only ad you're going to be running is, "Liberals ruin health care. Apply within. Help wanted." That's the ad

you're going to need, Minister, because you've made a mess of it and you're not addressing it.

Stop with the propaganda. Fix the problem you've created.

Interjections.

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

Hon. Mr. Smitherman: The honourable member indicates in this House that he can't even make up a number with any credibility. You know, the circumstance for the honourable member is that he responds with a word like "rhetoric" to an answer I gave about the mechanism we're working with.

Here's what I will offer to the people of Pembroke. They have lost any sense of optimism. This party opposite reflects no positive view of the province of Ontario. It will not come to terms with its own history, which is well known to the people of the province. What we know is that the people of Pembroke are smart people. What I offer to them is the evidence of a government that's working deliberately, very aggressively, to fix a problem that is long-standing in our health care system. We have more work to do, but I bring a lot more optimism to my work and offer to the people of Pembroke every expectation and every assurance on the part of this government that their emergency room will remain open next summer. We will not stand any longer working against honourable members who'd rather cheer for defeat from the sideline.

WORKERS' COMPENSATION

Mr. Howard Hampton (Kenora–Rainy River): To the Premier: Six months ago, I asked you about the plight of 160 seriously ill workers who became ill after working at the air emissions project at the Weyerhaeuser pulp mill in Dryden. Between 2002 and 2004, these workers were repeatedly exposed to a plume of chemicals, including mercury, manganese, hydrochloric acid, ammonia, chlorine and arsenic. As a result, these workers became, and continue to be, seriously ill. Many have suffered neurological damage, damaging their motor skills such that they can't work. Some are completely disabled and can't work. Some of these very sick workers have now died.

But my question is this, Premier: Why, in the fourth year of the McGuinty government, are these seriously injured workers still waiting for compensation and help from the Workplace Safety and Insurance Board?

Hon. Dalton McGuinty (Premier, Minister of Research and Innovation): The Minister of Labour.

Hon. Steve Peters (Minister of Labour): I thank the member for the question. The issue of our commitment to health and safety is unprecedented in this province. When we took office, we saw a substantial number of inspector positions that were vacant. We moved forward in hiring an additional 200 inspectors in this province. As well, we've implemented a permanent system to develop occupational exposure limits for hazardous substances in workplaces. This approach means that the limits are up-

dated annually. Before that system was put in place, occupational exposure levels had not been updated in 15 years.

As well, in 2006, we embarked on an additional consultation to review the changes in limits of 27 additional substances, including new limits—revised OELs—for 25 substances. I'd be very happy in my supplementary and following question period today to speak with the honourable member, and we can talk in detail on that specific issue.

Mr. Hampton: I raised this issue six months ago. This is what you said six months ago: "Our government is committed to working with workers to see that they are treated fairly and ensure that they are compensated fairly." It's six months later; some more of these workers have died. It's been four years for these workers. For four years, they've been repeatedly referred to medical specialists, neurologists and neuropsychologists, who all confirm that this illness was sustained as a result of the inhalation of toxic chemicals at the work site. But four years later, they have not received justice, nor have they received any compensation.

Tell me, what has the McGuinty government been doing for four years while these injured workers have been suffering? They certainly haven't been compensated. They certainly haven't been fairly treated, as you promised six months ago.

Hon. Mr. Peters: I thank the member again for the question. As I said earlier, our commitment to health and safety is unprecedented in this province, and I'd gladly put our record up again the honourable member's record in his term in government any time. As well, we've worked very closely with the WSIB. We have undertaken a comprehensive audit of what has been taking place at the WSIB, and most of those initiatives have been put in place.

As I said earlier in the initial question, we take the issue of health and safety and the protection of our workers extremely seriously within this government. Again, as was pointed out last week in this House, if the honourable member would have picked up the phone and called me in advance, I would certainly have been very happy to have met with him directly. He chose not to do that, but I am prepared to sit down and work with the honourable member to look into this issue in further detail.

1510

RENEWABLE FUELS

Mr. Bruce Crozier (Essex): My question today is for the Honourable Minister of Energy. Ontario's energy sector is going through a lot of changes, as we know. After years of neglect, we're starting to build again. We have new gas plants and wind farms all across this province, and we're making the necessary upgrades in our transmission to ensure system reliability. Not only are we doing that, Minister; we're also investing and creating a culture of conservation, because we know that it's cheaper to save a megawatt than produce a megawatt.

However, unlike my friend the member from Kenora—Rainy River, we know that Ontario cannot run on conservation alone. We need generation, but we have to start to be smart about what we build. We have to make sure that it's efficient.

Earlier today, the Ontario Power Authority announced seven cogeneration—

The Speaker (Hon. Michael A. Brown): Thank you. The question has been asked. Minister?

Hon. Dwight Duncan (Minister of Energy): I heard the member talk about the seven new cogeneration projects that were announced this morning, and one of them is in his riding. It's called the Great Northern Tri-Gen facility in Essex. Congratulations to that company on their bid.

The opposition want to laugh, but 414 new megawatts of clean, renewable power have come on stream today in Ontario, something that should have happened 10 years ago and didn't, including these: high energy efficiency combined with heat and power projects. We did so because this is an opportunity to help industry cut their electricity and heating bills. Indeed, there's good news right across the province: in Niagara, in Sault Ste. Marie and in my hometown of Windsor.

This kind of project should have been undertaken by the New Democrats when they were in power. It's a shame that they're laughing at this today in their seats, because this is the future. This government—

The Speaker: Thank you. Supplementary?

Mr. Crozier: We're certainly going to talk about this across my riding, because the greenhouse growers in the riding of Essex and that of Chatham—Kent—Essex are very anxious to start these cogeneration projects. The one today will be an investment of \$3 million to \$4 million, it will create jobs and it will help us in the Essex area with energy that we need.

It's important to work with our industry and help them find innovative ways of cost cutting, such as cogeneration. There is a clear benefit to industries' investing in cogeneration, as they save on their heating and electricity bills. But before industry can enjoy the benefit of cogeneration, they must first make their establishment cogeneration-capable, which means that capital and labour investments need to be made, something that the member from Kenora—Rainy River would know nothing about.

Minister, what do projects announced today mean for—

The Speaker: The question has been asked.

Hon. Mr. Duncan: These seven projects represent a total investment of \$800 million. Now, the New Democrats laugh at that, just like they laughed in the 1990s, when they were shutting down conservation initiatives and energy-efficiency projects. Earlier today, the member from Kenora—Rainy River talked about the need for jobs. This creates jobs, and it helps produce a cleaner economy. It produces jobs in Sault Ste. Marie, London, Thorold, Windsor, Durham and Markham. Companies are investing in making their facilities more efficient, an

investment which will not only benefit the facilities themselves but indeed the local economy.

This is good news. The member for Essex, as do his colleagues, wherever these announcements happen, deserves credit for supporting energy efficiency. We invite the third party to put aside the rhetoric and support positive economic and green policy—

The Speaker: New question.

GOVERNMENT ADVERTISING

Mr. John Tory (Leader of the Opposition): My question is for the Premier. Earlier on, the Minister of Health said that you, meaning the McGuinty Liberals, are not the people using advertising to spread your own faces around. That brings us to the brochure emblazoned with the government logo—which I assume means that it's paid for, at least in part, with taxpayers' money—on the symposium on character development that you spoke to today. We have no issue with the symposium itself; we may have some questions on that later. But when we turn to page 1 of the brochure, what do we see here, I'm sure, but none other than a picture of the Premier of Ontario, Dalton McGuinty. Then we go to page 2, and whose picture do we see there but the Minister of Education's. But it gets better. We then go to page 3, and we actually have a quote from the platform of the Liberal Party from the 2003 election.

I want to ask the Premier this question: Will you have the Liberal Party of Ontario repay this money to the taxpayers of Ontario? Will you apologize for this scandalous waste of taxpayers' money—

The Speaker (Hon. Michael A. Brown): Premier?

Hon. Dalton McGuinty (Premier, Minister of Research and Innovation): That was an interesting and exciting display, but I think the facts, as usual, remain important. The leader of the official opposition will know that there was a pamphlet distributed to people who attended the symposium, there was a greeting letter there from me and there was a greeting letter there from the Minister of Education. I think that is appropriate. What I found to be inappropriate, and what was rejected by the people of Ontario, were the pamphlets that rained down across Ontario on every single door, every single family and every single household. The people of Ontario said that was unacceptable. I'm sure the leader of the official opposition is not saying that somehow we shouldn't have a letter receiving and welcoming people to a symposium.

Mr. Tory: What I think we are entitled to know is whether there was any taxpayers' money involved in these pictures and these messages. It was your law that you passed—this is the same old story; it's "say one thing and do another"—that said that an image of a member of the Legislative Assembly or executive council cannot be used. How do you explain the fact that you've got in this very same brochure, paid for with taxpayers' money, a quote from the platform of the Liberal Party?

Premier, you owe the taxpayers an apology for this, and you owe it to the taxpayers to have their money

repaid by the Liberal Party of Ontario. You should withdraw these kinds of ads that you are wasting taxpayers' money on to put forward your propaganda. Pay for it yourself. Spend the taxpayers' money on nurses, doctors, farmers and autistic children. Stop this stuff.

Hon. Mr. McGuinty: It's an exciting display and a pretty good performance, but it just doesn't have much bearing on reality. Again, we're talking here about a pamphlet that was distributed to 600 or 700 attendees at a particular symposium.

I have a variety of pamphlets here: the Ontario SuperBuild progress report; education and learning for life; the health report to taxpayers; the Ontario report to taxpayers; the report on jobs and the economy; the Ontario report on education. Each and every one of these was delivered to Ontario households. Each and every one of them contains, at a minimum, a picture of the Premier of the day, particularly Premier Harris.

The leader of the official opposition may not recognize the difference between advertising put forward by the Conservative Party and a greeting letter sent to 600 people attending a symposium—

The Speaker: Thank you. New question?

1520

CANCER TREATMENT

Ms. Shelley Martel (Nickel Belt): I have a question to the Minister of Health. On February 28 and again on April 11, I asked when your government was going to deliver on your election promise to establish a province-wide colorectal screening program. On both of those occasions you said that this matter was a priority. On April 11 you even said, "I accordingly look forward to the opportunity to participate with her in announcements soon."

Minister, that was six months ago. Where is the promised screening program for colorectal cancer?

Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care): It's a matter that is under current active policy development. In fact, I have a briefing on it this afternoon. I'm working very, very hard to ensure that the model we develop is one that appropriately engages our primary care physicians. I'll be direct to the honourable member in saying that I felt the model that was presented to me was operating at too high a level, in the sense that it didn't have the engagement of primary care physicians in the method with respect to getting the highest degree of testing possible for target audiences. We're working to redefine that element of the program. So "soon" is still the appropriate word. As I said, I'm working on it even as we speak.

Ms. Martel: "Soon" was six months ago, and there's still no evidence of a screening program in the province of Ontario. I want to remind the minister that colorectal cancer is the second-leading cause of cancer in Ontario. There were 3,000 Ontarians who died from it last year. But this cancer, if detected early through screening, is 90% treatable.

Peter Goodhand, the CEO for the Ontario division of the Canadian Cancer Society, said it best when he said, "The sooner the government gets moving on this, the more lives will be saved." I agree.

I ask the minister again, because it was he who said on April 11 to expect an announcement soon: Six months later, when will you make good on your election promise to develop this screening program?

Hon. Mr. Smitherman: As the honourable member herself has indicated by the nature of the question, having an appropriate screening model is important to be able to take advantage of the detection that it presents. What I say to her very directly is that the model that came forward for my consideration, in my view, did not meet the necessity of having primary care physicians appropriately involved in it. I regret that this has caused more time, but I do think the honourable member would agree that if we're going to make a rollout, an investment which will be tens of millions of dollars a year, it's crucial that we do it in a fashion that is not going to be about a nice announceable but rather about a program that really does hit the marks appropriately.

I acknowledge that this is taking some time. It's time that is necessary to get it right. I can commit to the honourable member that I'm moving this forward as a priority.

ONTARIO PUBLIC LIBRARY WEEK

Mr. Jim Brownell (Stormont-Dundas-Charlottenburgh): My question to the Minister of Culture. Barbara Tuchman once said, "Books are the carriers of civilization. Without books, history is silent, literature dumb, science crippled, thought and speculation at a standstill." I couldn't agree more. Books are the DNA of society. The stories and wisdom of our ancestors are imprinted upon their pages. They open up their readers to a better understanding of who we are on every level. The knowledge gained through reading benefits us in navigating our complicated world. For many, libraries are the easiest places to access books. I believe it was Socrates who once referred to libraries as "the delivery room for the birth of ideas—places where history comes to life."

Minister, this government has time and time again shown its support to libraries and an understanding of the essential services they provide to the people of Ontario. Can you tell us how we are celebrating Ontario Public Library Week and promoting libraries this year?

Hon. Caroline Di Cocco (Minister of Culture): I'd like to thank the honourable member for the question. As a former educator, I know he understands and values libraries in this province. The theme of this year's celebration is "Libraries: the World at Your Fingertips." I encourage all Ontarians to celebrate our world-class libraries, to go and thank dedicated staff and volunteers at their local libraries. This is exactly what we did at this morning's event in Hamilton.

I'm proud of the support our government is providing our libraries. Every year, we invest more than \$28 mil-

lion in 1,100 public and First Nation libraries across Ontario, of which \$450,000 flowed into this honourable member's riding. We augmented the province-wide funding with an additional \$15 million this year. As part of that investment, \$8 million was allocated to support Knowledge Ontario. I'm very proud of this record.

PETITIONS

WATER QUALITY

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):

"To the Legislative Assembly of Ontario:

"Whereas every Ontarian wants the best water quality possible; and

"Whereas the goal of clean water can be achieved effectively through amendments to existing legislation; and

"Whereas the McGuinty Liberals are determined to hammer through the flawed legislation known as the Clean Water Act; and

"Whereas the McGuinty Liberals have failed to put in place adequate, stable, long-term funding into the bill; and

"Whereas the McGuinty Liberals have failed to effectively address the numerous problems in the bill; and

"Whereas rural Ontario stands to suffer significantly under this poorly-thought-out policy;

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

"To not pass Bill 43 (the Clean Water Act) until proper funding and amendments are in place."

I support this petition and I affix my name to it.

IDENTITY THEFT

Mr. Tony Ruprecht (Davenport): I keep receiving petitions from Consumer Federation Canada, and this one reads as follows:

"To the Parliament of Ontario and the Minister of Government Services:

"Whereas identity theft is the fastest-growing crime in North America;

"Whereas confidential and private information is being stolen on a regular basis, affecting literally thousands of people;

"Whereas the cost of this crime exceeds billions of dollars;

"Whereas countless hours are wasted to restore one's good credit rating;

"Therefore we, the undersigned, demand that Bill 38, which passed unanimously on November 30, 2005, be brought before committee and that the following issues be included for consideration and debate:

"(1) All consumer reports should be provided in a truncated (masked-out) form, protecting our vital private information, such as SIN and loan account numbers.

"(2) Should a consumer reporting agency discover that there has been an unlawful disclosure of consumer information, the agency should immediately inform the affected consumer.

"(3) The consumer reporting agency shall only report credit-inquiry records resulting from actual applications for credit or increase of credit, except in a report given to the consumer.

"(4) The consumer reporting agency shall investigate disputed information within 30 days and correct, supplement or automatically delete any information found unconfirmed, incomplete or inaccurate."

I agree with this petition 100% and therefore I'm delighted to sign it.

HIGHWAY 417

Ms. Laurie Scott (Haliburton–Victoria–Brock):

"To the Legislative Assembly of Ontario:

"Highway 417 Four-Laning.

"Whereas modern highways are the economic lifelines to communities across Ontario and crucial to the growth of Ontario's economy; and

"Whereas the Ministry of Transportation has been dealing with the planning and design of the extension of Highway 417 for several years; and

"Whereas the previous Conservative government followed through with their commitment to extend Highway 417 to Arnprior; and

"Whereas Highway 417/17 is part of the Trans-Canada Highway system; and

"Whereas local municipal governments, the county of Renfrew and MPP John Yakabuski have continued to press the Liberal government on this issue;

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

"That the Liberal government move as swiftly as possible to approve the extension of Highway 417 through Arnprior to Renfrew and beyond and that this be included in their next five-year plan."

It's signed by many people from the riding of Renfrew–Nipissing–Pembroke, and I give it to page Breanna.

MUNICIPAL RESTRUCTURING

RESTRUCTURATION MUNICIPALE

Ms. Shelley Martel (Nickel Belt): I have a petition that has been signed by 52 residents of the city of Greater Sudbury. It has been sent to me by Claude Berthiaume, who is the ward 2 councillor for the city of Greater Sudbury. It reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas the citizens of the city of Greater Sudbury believe they are overtaxed and underserved and feel like second-class citizens;

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

"Direct the city of Greater Sudbury council to hold a referendum. The purpose of this referendum would be to obtain the citizens' opinion as to whether they prefer to maintain the city's new structure or return to the previous regional municipality structure."

1530

« À l'Assemblée législative de l'Ontario :

« Alors que les citoyens de la ville du Grand Sudbury croient qu'ils payent trop de taxes, voient une diminution dans les services et ressentent que leur voix ne compte pas;

« Nous, les soussignés, pétitionnons l'Assemblée législative de l'Ontario comme suit :

« Exiger que le conseil de la ville du Grand Sudbury tienne un référendum. Le but de ce référendum est de connaître l'opinion des citoyens : savoir s'ils préfèrent conserver la présente structure de la ville ou de retourner à l'ancienne structure de la municipalité régionale. »

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

FAIR ACCESS TO PROFESSIONS

Mr. Bob Delaney (Mississauga West): I have a petition in support of skilled immigrants addressed to the Legislative Assembly of Ontario. It reads as follows:

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

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

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

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

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

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

There are a number of signatories from within my riding of Mississauga West, particularly from Colonial Drive and the Collegeway. I thank them for their signatures. I'll ask page Lindsay to carry the petition, which I will now sign.

MACULAR DEGENERATION

Mr. Garfield Dunlop (Simcoe North): I'd like to read into the record the petition on macular degeneration. I'd like to particularly thank Dr. Tim Hillson, an ophthalmologist in the city of Orillia, who has helped draft this.

"To the Legislative Assembly of Ontario:

"Whereas age-related macular degeneration (AMD) is the leading cause of blindness in the elderly and is present in some form in 25% to 33% of seniors over the age of 75. AMD has two forms: the more common 'dry' type and the 'wet' type. Although the wet type occurs in only 15% of AMD patients, these patients account for 90% of the legal blindness that occurs with AMD. The wet type is further subdivided into classic and occult subtypes, based on the appearance of the AMD on special testing. Photodynamic therapy, a treatment where abnormal blood vessels are closed with a laser-activated chemical, has been shown to slow the progression of vision loss in both subtypes of wet AMD;

"Whereas OHIP has not extended coverage for photodynamic therapy to the occult subtype of wet AMD, despite there being substantial clinical evidence demonstrating the effectiveness of this treatment in patients with either form of wet AMD. Untreated, these patients can expect a progression in their visual loss, with central blindness as the end result;

"Whereas affected patients are in a position where a proven treatment is available to help preserve their vision, but this treatment can only be accessed at their own personal expense. Treatment costs are between \$12,500 and \$18,000 over an 18-month period. Many patients resign themselves to a continued worsening of their vision, as for them the treatment is financially unattainable. The resultant blindness in these patients manifests itself as costs to society in other forms, such as an increased need for home care, missed time from work for family members providing care, and an increased rate of injuries such as hip fractures that can be directly attributable to their poor vision.

"We, the undersigned, petition the Legislative Assembly of Ontario to fund the treatment of the occult subtype of macular degeneration with photodynamic therapy for all patients awaiting this service."

I am pleased to sign my name to this.

FAIR ACCESS TO PROFESSIONS

Mr. Tony Ruprecht (Davenport): This petition is in support of Bill 124, and that is skilled immigrants. It reads as follows:

"To the Legislative Assembly of Ontario:

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

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

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

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

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

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

I’m delighted to sign this petition because I agree with this 100%.

LANDFILL

Mr. Norman W. Sterling (Lanark–Carleton): I have a petition to the Legislative Assembly of Ontario:

“Whereas there is currently a proposal to more than double the size of the Carp landfill in west Ottawa; and

“Whereas this site has been in operation for some 30 years and had been expected to close in 2010; and

“Whereas the surrounding community has grown rapidly for the past 10 years and is continuing to grow; and

“Whereas other options to an expanded landfill have yet to be considered; and

“Whereas the municipal councillors representing this area—Eli El-Chantiry, Janet Stavinga and Peggy Feltmate—and the MPP, Norm Sterling, all oppose this expansion;

“We, the undersigned, support our local representatives and petition the Legislative Assembly of Ontario to ensure the Minister of the Environment does not approve the expansion of the Carp landfill and instead finds other waste management alternatives.”

I have signed that.

HIGHWAY 417

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke): “To the Legislative Assembly of Ontario”—I’m just getting my glasses here. The writing’s a little small on this one.

“Whereas modern highways are the economic lifelines to communities across Ontario and crucial to the growth of Ontario’s economy; and

“Whereas the Ministry of Transportation has been dealing with the planning and design of the extension of Highway 417 for several years; and

“Whereas the previous Conservative government followed through with their commitment to extend Highway 417 to Arnprior; and

“Whereas Highway 417/17 is part of the Trans-Canada Highway system; and

“Whereas local municipal governments, the county of Renfrew and MPP John Yakabuski have continued to press the Liberal government on this issue;

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

“That the Liberal government move as swiftly as possible to approve the extension of Highway 417 through Arnprior to Renfrew and beyond and that this be included in their next five-year plan.”

Of course, I support this petition. I affix my name to it and send it down to the table with Lindsay.

FAIR ACCESS TO PROFESSIONS

Mr. Kevin Daniel Flynn (Oakville): I have a petition in support of skilled immigrants.

“To the Legislative Assembly of Ontario:

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

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

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

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

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

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

WATER QUALITY

Ms. Laurie Scott (Haliburton–Victoria–Brock): “Amend the Clean Water Act.

“To the Legislative Assembly of Ontario:

“Whereas every Ontarian wants the best water quality possible; and

“Whereas the goal of clean water can be achieved effectively through amendments to existing legislation; and

“Whereas the McGuinty Liberals are determined to hammer through the flawed legislation known as the Clean Water Act; and

“Whereas the McGuinty Liberals have failed to put in place adequate, stable, long-term funding into the bill; and

“Whereas the McGuinty Liberals have failed to effectively address the numerous problems in the bill; and

“Whereas rural Ontario stands to suffer significantly under this poorly-thought-out policy;

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

“To not pass Bill 43 (the Clean Water Act) until proper funding and amendments are in place.”

I’m pleased to sign this and hand it over to Max.

1540

ELECTRICITY SUPPLY

Mr. Norm Miller (Parry Sound–Muskoka): I have a petition to do with hydro reliability in the region of Parry Sound–Muskoka. It reads:

“To the Legislative Assembly of Ontario:

“Whereas Hydro One Networks Inc. provides hydro to many communities in the region of Parry Sound–Muskoka; and

“Whereas there have recently been several lengthy power outages in this region affecting both private residences, schools and businesses; and

“Whereas rural customers pay among the highest distribution and delivery charges for electricity;

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

“That the Minister of Energy and the Ontario Energy Board require Hydro One Networks Inc. to make improvements in line maintenance and forestry management in the region of Parry Sound–Muskoka to ensure reliable energy for its customers.”

I support this petition.

ORDERS OF THE DAY

INDEPENDENT POLICE REVIEW ACT, 2006

LOI DE 2006 SUR L'EXAMEN INDÉPENDANT DE LA POLICE

Mr. Bryant moved second reading of the following bill:

Bill 103, An Act to establish an Independent Police Review Director and create a new public complaints process by amending the Police Services Act / Projet de loi 103, Loi visant à créer le poste de directeur indépendant d'examen de la police et à créer une nouvelle procédure de traitement des plaintes du public en modifiant la Loi sur les services policiers.

The Deputy Speaker (Mr. Bruce Crozier): Minister Bryant, the floor is yours.

Hon. Michael Bryant (Attorney General): I am very pleased to share my time with the great member from Willowdale.

I rise in the House today to open second reading debate on the Independent Police Review Act, 2006. The government introduced this legislation last spring. This bill, if passed, would entrench an independent and transparent police review system in Ontario.

The McGuinty government is committed to establishing a police complaint system that has the confidence and the respect of both the public and the police. Our proposed legislation would do just that. The Independent Police Review Act, 2006, would, if passed, provide the public with a significant new option when filing police complaints. It would ensure that there is no interference with the good work done by Ontario’s police services in keeping our communities safe. The proposed legislation would implement recommendations made in the LeSage report.

I’d remind members of this House that the LeSage report that I’m referring to is the result of extensive work on this matter by the Honourable Patrick LeSage, the former Chief Justice of the Superior Court of Ontario and former chief prosecutor of Ontario. We are very grateful for the masterwork that is the LeSage report and to His Honour for his detailed and insightful review.

Former Chief Justice LeSage indicated that improvements could be made, and this bill seeks to enact those improvements. Mr. LeSage noted that while independence is critical to foster trust and respect for the system, he was not convinced that a system totally removed from the police is in the interests of the community or the police in Ontario. And we agree.

Ontarians have enormous confidence in their police services. According to a 2003 Statistics Canada study that was cited in Justice LeSage’s report, more than 80% of the Canadian public say they have confidence in our police. We feel our proposed approach is a balanced one that would help maintain public confidence in our police services.

Mr. LeSage’s recommendations included establishing a new, independent civilian body to administer the police review system in Ontario, and we propose to do that in this bill. The independent civilian body, led by an independent police review director, would be responsible for receiving complaints and then determining, on a case-by-case basis, who would investigate the complaint: the independent civilian body itself, the police service affected or another police service.

In addition to the independent police review director’s duties, under the bill the director would have the ability to examine and review systemic complaints. He or she would be able to make recommendations on these issues to the Minister of Community Safety and Correctional Services, the Attorney General, chiefs of police boards or any other person or group. Performance audits of the administration of public complaints would also be carried out by the independent police review director. The director would be required to provide the public with accessible information and assistance regarding the police complaints process so that the system would run sensibly and efficiently for all concerned.

This bill would also make it easier to handle complaints best dealt with outside the police complaints system. The director would not necessarily handle a complaint if it could be better dealt with under another act or another law. This would ensure that the public’s complaints are dealt with in the most appropriate matter.

In developing this legislation, we didn't want to prevent the public from bringing complaints directly to their local police services, so this legislation would still allow members of the public to deal directly with their local police service if that is what they wish.

Through this proposed legislation, we are offering the public an option when bringing forward their concerns. Police services boards would still be able to establish their own guidelines for dealing with public complaints if a complaint was made directly to the police service. However, any guidelines would have to be consistent with guidelines established by the independent police review director or by regulation.

Third party complaints would be allowed if they met certain legislative criteria. However, third party complaints would only be considered if they met those criteria. If the independent civilian body deemed that a complaint was frivolous or made in bad faith, then that complaint would be rejected; more on that in a moment.

If the new body was to decide that a complaint was valid and an investigation warranted, it would be investigated. Following an investigation, the matter could be referred for a hearing if there were reasonable grounds to believe there was misconduct or unsatisfactory work performance; if not, it could be decided that no further action be taken.

Complaints could also be resolved informally at any time under the system being set up by this legislation. The proposed legislation would allow us to design an informal resolution process as part of the operational development phase of the legislation's implementation.

Former Chief Justice LeSage made a number of observations in his report; one of them was that there needed to be some flexibility within regions to handle complaints in a certain way, at the same time recognizing that there had to be universal standards in place. There also needed to be some flexibility to deal with complaints in different ways, depending on the circumstances. It is in the name of that flexibility that we have accepted that recommendation and implemented that with the bill that is before us. We're proposing amendments to the Police Services Act solely to implement Mr. LeSage's recommendations. This is a distinct and discrete part of the act dealing with this matter. It is not a general review of the Police Services Act in any way, shape or form.

Les Ontariens et Ontariennes veulent un système de plaintes contre la police qui soit solide et juste aussi bien pour la police que pour la population.

The goal here is to foster even greater confidence in the provision of police services across the province. The system would generally eliminate the need for costly and very time-consuming appeals to the Divisional Court. However, judicial review, of course, would always be available. The government is simply proposing a more streamlined appeals approach that would offer finality to parties sooner. This is consistent with broader efforts to reduce duplicative and repetitive steps and encourage tribunal excellence in other areas of administrative justice.

The proposed legislation would provide the independent civilian body with search and seizure powers. These proposed powers are consistent with search and seizure powers given to other regulatory bodies in Ontario, including those that govern security guards and lawyers. These powers are proposed for the simple reason that investigative bodies need investigative powers in order to be effective and, equally importantly, Mr. LeSage recognized this fact in his report.

For the benefit of members of this House, I'd like to address an issue that has been raised since the introduction of the legislation. As I'll talk about in a moment, there was very significant consultation. Concern has been raised about the potential for individuals to make frivolous or vexatious complaints against police officers, and I don't know of anybody who believes that frivolous and vexatious complaints are in the public interest. They're not.

1550

The vast majority of Ontarians want an atmosphere where citizens can bring legitimate complaints about the police force so they can be addressed in a fair and efficient manner. I emphasize "legitimate" complaints. If passed, Bill 103 would allow the independent police review director to deal with all complaints that are deemed to be frivolous or vexatious or made in bad faith. This would ensure that such complaints were rejected at an early stage and not allowed to proceed, not allowed to be a part of the system, not allowed to slow down the system, not allowed to get in the way of the system dealing with legitimate complaints. We believe that the proposed legislation helps strike the right balance between upholding citizens' rights to make complaints and ensuring that police officers are not, in fact, interfered with in their day-to-day activities.

This was an important issue that involved careful review. Mr. LeSage took on a very difficult assignment and brought his judgment to bear on this important issue. In addition to reviewing written submissions from the public and holding three public meetings, His Honour travelled extensively across the province of Ontario to meet personally with over 200 individuals from 85 groups representing the police and the general public. In addition to that consultative work, we in the government also met with a number of key stakeholders, citizens' groups, including police associations, chiefs of police and numerous community groups. I'm not going to list every one of them, other than to say thank you to all of them for taking the time to provide their experience and insight on this issue.

We wanted to take the time to ensure that we introduced the right solution for Ontario, and I submit to this House that this proposed legislation does just that. I would encourage all members of the House to support Bill 103 so that Ontarians can benefit from an important new option in dealing with police complaints.

As I said at the outset, I'm sharing my time with the great member from Willowdale.

Mr. David Zimmer (Willowdale): I want to speak briefly to four points—just a little bit about the history of

this legislation, a few comments about the differences that will be found in the new legislation compared with the existing legislation, a comment about frivolous and vexatious claims and the issues surrounding that, and I want to say something about the extent of the consultations that our government has undergone.

In 1981, just by way of history, an independent civilian complaints commissioner was established in 1981 in Toronto on a trial basis. That was one of the first in the country. Nine years later, 1990, the newly named police complaints commissioner system was extended to the whole of the province; that is, it moved from the city to the whole of the province. In 1997, the police complaints commissioner was dismantled and the current complaints model was introduced.

That then takes us up to June 2004, when the McGuinty government appointed Justice LeSage to review the system. He did an extensive consultation with stakeholders throughout the province from all perspectives and walks of life, and he presented his report in April 2005. The report contained 27 recommendations, including a recommendation that a new independent civilian body be created to administer the police complaint system in Ontario. The rest of his recommendations touched upon all areas of the system, including access to the system, informal resolution, investigation, hearings and appeals, audits and, of course, appropriate funding for the system. The system that we're proposing now is based on the LeSage report.

A number of people have asked how the proposed legislation is different from what's currently in place. The most significant difference is increased civilian oversight at the various critical stages of the police complaints process. Under the current system, police are responsible for the intake, investigation and adjudication of complaints. Civilian oversight in relation to complaints is facilitated primarily by the Ontario Civilian Commission on Police Services. The commission has a role in hearing appeals of decisions that have been made by the police. It's generally an appellate role, and one that is engaged only after a decision has been made.

Under Bill 103, an independent police review director would provide independent civilian review at three important stages. First, the director would be responsible for the intake and initial screening of all public complaints about the police. The director would be able to weed out frivolous or unjustified complaints to ensure that police are not bogged down by those frivolous and bad-faith complaints. The legislation would still allow the public to complain directly to the local police if they choose to do so. The local police service boards would be able to establish their own guidelines for dealing with public complaints if a complaint was made directly to the police service board. However, any guidelines would have to be consistent with the broader guidelines established by the independent police review director or by the regulations.

The second layer of civil oversight comes into play if a complaint were to be deemed justified. What happens then is that the director would be able to decide who is

going to investigate that complaint. In some cases, where appropriate, the independent police review director would conduct his or her own investigation. The legislation would also give the director the ability to refer matters to the subject police service or to another police service for investigation.

Lastly, an investigation, be it by the director or a police service board, the chief of police would make a decision about whether or not to pursue disciplinary action where he or she believed the complaint was substantiated. The director would also be able to review those decisions if the complainant requested it. Complaints could also be resolved informally at any time by the parties. Members of the public would also have the option of withdrawing a complaint at any time.

As with other complaints, the independent police review director would be able to receive complaints about chiefs themselves and screen them. The proposed legislation would provide an extra level of screening in the process where frivolous complaints could be weeded out by the director. Complaints about chiefs would be forwarded to the respective police services boards to determine whether or not an investigation is necessary. This is consistent with the existing system and with the very important role of police service boards in Ontario's system of civil civilian oversight. If a board were to determine it necessary, the director would ensure that complaints about a chief of police were investigated and reported on. This process will ensure significant civilian oversight for complaints about chiefs and ensure that it is consistent with the LeSage recommendations. Public complaints about the conduct of the commissioner or a deputy commissioner of the Ontario Provincial Police would be dealt with by the Minister of Community Safety and Correctional Services as he or she saw fit. There would be no appeal from his or her decision in the matter.

Bill 103 would also make it easier to handle complaints best dealt with outside the police complaints system. If a complaint could best be dealt with under another act or law by bodies like the criminal or civil court, the director would not be required to deal with it, but could refer it directly to the appropriate body for resolution.

The Attorney General has also talked about the issue of frivolous complaints, but just let me add that the vast majority of Ontarians in fact want a system where citizens can bring forward legitimate and worthwhile meaningful concerns about the police so they can be addressed in a fair and efficient manner. I want to emphasize that the emphasis here is on legitimate complaints. If passed, Bill 103 would allow the independent police review director to weed out complaints that are deemed frivolous or vexatious or are made in bad faith. This would ensure that such complaints were rejected at an early stage and not allowed to proceed and wreak their sometime havoc on the system.

We believe that the proposed legislation helps to strike the right balance between upholding citizens' rights to

make complaints and ensuring that our police officers are not bogged down with frivolous and vexatious complaints.

I think it's important: I do want to say a few words about the extent of the consultations on this issue and I'll just take a few minutes here. It was a complex issue that required careful study, and Justice LeSage did a careful study. So in carrying out his review, Justice LeSage consulted widely. In addition to reviewing written submissions from police and holding public hearings, Mr. LeSage travelled extensively across the province. He personally met with over 200 individuals from some 85 groups representing police and the general public throughout Ontario.

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The government itself consulted widely. After receiving Justice LeSage's recommendations, we met with many stakeholder groups, including police associations, chiefs of police and many community groups. These groups included—it's not necessarily a complete list—the Police Association of Ontario, the Urban Alliance on Race Relations, the Association of Black Law Enforcers, the Canadian Civil Liberties Association, the Toronto Police Accountability Coalition, the Ontario Association of Chiefs of Police, the Metro Toronto Chinese and Southeast Asian Legal Clinic, the Ontario Provincial Police Association, the Toronto Police Association, Parkdale Community Legal Services, St. Stephen's Community House: Conflict Resolution Service, Aboriginal Legal Services of Toronto, Scadding Court Community Centre and Operation Black Vote Canada.

It's important to give a list of some of these groups that we consulted with because this was a wide consultation. This legislation reflects the very best of public involvement and public opinion.

We also considered the many letters we received following the release of the report. We gave all views careful thought and consideration before proposing the legislation that is before the House today. It's simply too important an issue to be rushed.

We believe that this legislation, if passed, will provide the public with a significant new option for bringing forward concerns, while ensuring there is no interference with the good work being done by Ontario's police services in keeping our communities safe. We believe that our proposed approach is a balanced one, we believe it's a fair one, we believe that it's an effective one, and we want this bill to be passed quickly. I urge my colleagues to join me in support of this bill so that all Ontarians can benefit from having a significant new option in dealing with police complaints.

The Deputy Speaker: Questions and comments?

Mr. Norm Miller (Parry Sound–Muskoka): It's my pleasure to add some comments to the speech from the Attorney General and the member from Willowdale on the Independent Police Review Act, 2006, which is Bill 103.

The Attorney General began his speech by saying that 80% of the public has confidence in their police forces,

and I understand that was from a 2003 Statistics Canada study. It would seem to me that's a pretty high number, and I would wonder why this is necessary. It seems to point to the fact that the system we have, that's been in place since 1997, is working pretty well. I know I certainly have great confidence in the OPP, which looks after the area of Parry Sound–Muskoka.

I would say that in terms of policing, a significant issue for northern and rural Ontario is the cost to municipalities. That's particularly true in the north, and more and more of the load is being put on the property tax owner through the government's OMPF—Ontario municipal partnership fund—plan, where there's a threshold, that a certain amount of the cost is covered. But the real costs tend to be much higher, and as a result a much higher tax burden is shifting to municipalities. This is particularly true in northern Ontario, where every week there is another paper mill shutting down and another sawmill shutting down, where the forestry industry is being crippled under the McGuinty government's forestry plan and energy plan.

The cost of providing police services in the north and rural areas is a significant issue. With the confidence shown for the police forces, I wonder whether this is something that's necessary right now, or are we just creating another bureaucracy like the local health integration networks or like the one proposed under Bill 43?

Mr. Peter Kormos (Niagara Centre): I sat attentively during the comments by the Attorney General and his very able parliamentary assistant and noted the brevity of their remarks, notwithstanding the complexity of the issue. I will have the opportunity in around half an hour's time here at Queen's Park to speak to the bill, unfortunately for the limited time that this government permits opposition members to address bills of such importance. I'm pleased that I'm joined here by my colleague the member for Parkdale–High Park, Cheri DiNovo, because I know that this is something in which she has a strong interest on behalf of her community.

It is the sort of thing—we only get one kick at the can. That means we have to make sure it's done right. I appreciate the parliamentary assistant's exhortation for us to pass this bill speedily, but I suggest to him that that's not perhaps the most responsible course of action to take. Governments only address these things once every five, six, 10 years or so, and it's of significance not just to people in Toronto but across the province, including aboriginal communities in the north. It is imperative that this bill undergo some pretty extensive public hearings.

Look, I'm familiar with the LeSage report, and I'm going to be referring to it at length in the hour that I've got available to me. I believe, for the moment, the government when it says it consulted with people, but what we haven't heard was what those people had to tell them. That's why we need public hearings, and I'll be speaking to that as well.

Mr. Kevin Daniel Flynn (Oakville): It is a pleasure to join the debate on Bill 103. I think what people in my riding of Oakville would be looking for in any piece of

legislation is a striking of a balance that allows for all sides of an issue to be accommodated in a way that's reasonable and fair. Certainly, when I look at Bill 103, it meets that test.

Obviously I'm from Oakville, in the region of Halton. Police services in the region of Halton have a very, very good and strong track record of dealing with the community on a street-level basis, dealing with the community in a very fair way. When I see a bill like this, I understand that it's got to be independent, it's got to be transparent, and it's got to meet the needs of both the public and those men and women who serve on our behalf in the police services to keep our streets safe.

When I look at a bill like that, I think it's very well thought out. I think the recommendations that come out of the LeSage report have been accommodated in a way that people in Ontario will find very sensible and very reasonable, because you want a system that you know is going to protect you from any potential abuses by a person who is engaged in the act of policing. At the same time, you don't want those men and women who put their lives on the line every day for us out on the streets to be subject to frivolous or vexatious complaints. So I think the implementation of this system, where you've got an independent director who's got the authority to either deal with a complaint or to refuse to deal with a complaint, if it is deemed frivolous, is one that most Ontarians would find to be very reasonable.

It has had extensive input from stakeholders, as I understand it. Mr. LeSage met with over 8,500 groups to get public input on this bill. I think it's fair, it's reasonable, it's balanced. It deserves our support.

Mrs. Christine Elliott (Whitby–Ajax): I'm also pleased to join the debate with respect to Bill 103. I do have two comments, one with respect to expense and one with respect to the issue of accountability, although my colleague the member from Simcoe North is going to be expanding on these items more in just a short while.

With respect to the question of expense, this is going to be a multi-million dollar project to set up, and it also sets up a much larger bureaucracy that is going to have to be run on an annual basis; one wonders for what reason, given the extensive consultations that were entered into for the existing system to be set up. Perhaps it would have been more cost-effective to the taxpayers of Ontario to simply have worked with what we had and tried to fix that to the extent that it's required. But in any event, given that the taxpayers of Ontario are already over 80% satisfied with their police and the way things operate, we wonder if it's necessary to revamp the whole system.

With respect to the issue of accountability, I would follow the comments that have been made by some of the members of this Legislature that there is a need for extensive public consultation with respect to this bill, particularly in the northern regions. We want to make sure that everyone from across Ontario has a chance to have some input into this bill. But there is a flaw in it, with respect to the Ombudsman of Ontario noting that there is no judicial review of any of the agencies'

decisions. The Ombudsman also noted that this new system puts a heavy emphasis on secrecy. So one hopes that in the issues of providing greater accountability and transparency in these matters this will be addressed as public consultations progress.

1610

The Deputy Speaker: Response, the Attorney General.

Hon. Mr. Bryant: I thank the members from Parry Sound–Muskoka, Niagara Centre, Oakville and Whitby–Ajax for their comments. I thank the member for Willowdale for his remarks and for his, as ever, fantastic effort on this particular bill.

I want to assure the member for Niagara Centre that all that Mr. LeSage consulted on was reported upon in the LeSage report. I have no doubt that as we enter into this debate we'll talk about aspects of the LeSage report. I also have no doubt that adequate debate will follow this.

I say to the member for Parry Sound–Muskoka, I couldn't agree more that the confidence in our police services is extremely well deserved. It is the goal of this bill, in fact, to underscore the confidence in our police services system. That's something that has been recognized for some time. Civilian oversight of police was brought into the province of Ontario by our current Chief Justice of Ontario, the former Attorney General Roy McMurtry.

The member for Oakville very adequately addressed issues around frivolous and vexatious complaints and spoke to, in some ways, what the member for Whitby–Ajax raised, which was a concern about a larger bureaucracy. That's an old concern that was really directed towards the system. I know the Conservatives had that concern in 1992, and that was directed to that old system. This system, in fact, includes a significant component for flexibility, and it's incorrect to say there is no judicial review available; in fact, there is judicial review.

The Deputy Speaker: Further debate.

Mr. Garfield Dunlop (Simcoe North): Mr. Speaker, I was wondering if I could have unanimous consent of the House to defer the leadoff by Mr. Runciman so I could speak for the next 20 minutes, please.

The Deputy Speaker: Consent has been requested for deferral. Agreed? Agreed.

Mr. Dunlop: Thank you very, very much, Mr. Speaker. I appreciate the fact that the House has allowed the deferral, because Mr. Runciman will be speaking tonight on Bill 14, the leadoff on the access to justice bill. So it's a little bit difficult to expect him to do two one-hour leadoffs in the same day.

First of all, I'd like to start this off by saying that it is my pleasure to be speaking today on the first day of the reading of Bill 103. It's a bill I have a lot of comments to make on. To begin with, I really do look forward to the debate in this House on this, and of course I really look forward to taking part in the extensive committee hearings that I expect will happen sometime over the winter months as we want to travel this bill.

Bill 103: An Act to establish an Independent Police Review Director and create a new public complaints pro-

cess by amending the Police Services Act. I don't think we can talk about policing in Ontario in the last few days without mentioning the fact that the Ontario Provincial Police will have a new commissioner, Mr. Julian Fantino—Chief Fantino, as we've know him in the past, from London, York region and the city of Toronto. He's currently the emergency management commissioner in the province of Ontario.

On behalf of our caucus, I want to congratulate Mr. Fantino for being appointed to this position. I don't know whether the government has been up front with this exactly, but I do understand that it was done by a searching committee, or that a searching team had done the actual recruitment of Mr. Fantino. I will watch with a lot of interest over the next few months to see what actually unfolds as a result of that.

When I mention Mr. Fantino, I do know that he has a rich history in the province of Ontario and a great deal of respect. What I've heard recently in Ontario—and I'm surprised when we talk about legislation like this coming up, with all the things that are actually happening in policing right now. I'm actually wondering who the police complain to with this independent review director, because certainly the police have a lot of reasons to have their complaints addressed as well, particularly with the way this government has handled the whole issue in Caledonia over the last 230 or 240 days.

When we talk about the bill itself, I'm trying to figure out—I've been an MPP here since June 1999, and I don't think I've had in my riding, or as critic for Community Safety and Correctional Services, probably any more than a few, one or two, complaints about any police officer or policing department in the riding I represent or anywhere in the Ontario Provincial Police, which of course has the headquarters in my riding.

This is going to cost a tremendous amount of money to implement—I believe I've heard estimates as high as \$10 million to \$15 million just to put this new bureaucracy in place—so I'm wondering what the screaming need is to actually have this legislation brought forward. I would really like to see some examples brought up—maybe we could listen to some of the government members who will be clearly supporting this bill—of just how many complaints they've had, their police services have had or the police services boards have had about officers in this province. I think that's what I would like to see, more than anything.

Police themselves have a lot of reason to complain. As I mentioned a little bit earlier, we talk about the 230 days that Caledonia has gone on and on and on. It's cost the province of Ontario tens of millions of dollars. I don't know when it will ever end. Obviously, we're stagnant right now. The Premier mentioned today that there's been peace down there, so I guess it is going to continue on forever. I do understand that the government is planning a new detachment for the OPP in the Caledonia area. That's my understanding, that that has gone to Management Board. How much will it cost to add another 70 or 80 officers in that area? I guess it will happen indefinitely.

I talk to a lot of police officers across our province, and what I have been told is that, in the province of Ontario, with the lack of leadership from Dalton McGuinty and Minister Kwinter, the police feel like the meat in the sandwich. That's what they refer to themselves as, because no matter what happens, they get blamed for everything down there.

Although the government tells me that they do not interfere, that it is strictly non-political, that there are no decisions coming from the Premier's office, that there are no discussions with Minister Kwinter, however, it continues on.

We look forward to October 30, when Commissioner Fantino takes office, and what his plan will be to deal with Caledonia in a hands-off approach from the Premier's office.

Talking about Minister Kwinter—

Interjection.

Mr. Dunlop: Yes, well, I understand, according to what I have been told from the minister's office and from what I've heard the Premier say, that Chief Fantino was selected by an independent team of selection committee; nothing to do with Minister Kwinter, nothing to do with the Premier. But somehow he was the one they picked.

1620

It was interesting, because I got a complaint from a police officer the other day. He had read a story—I won't put the paper up because I know it's illegal to do that in the House here—that came from the Minden Times. It's a story about the opening of a new OPP detachment up in that particular area. One of the things that I found funny in the article is that it refers to the OPP helicopter flying Minister Kwinter to the ribbon-cutting of this building. In my opinion, that's wrong. If the minister had to be taken to an emergency situation like the flooding disasters that we've seen in northern Ontario, I could understand that. But you take a machine that costs \$1,000 an hour just to maintain to a ribbon-cutting? Minister Kwinter takes an OPP helicopter out of service so that he can get back to Toronto and avoid traffic jams or highway gridlock. I don't find that very funny. Quite honestly, I would like to know where Mr. Kwinter was going in such a hurry that he had to take an OPP helicopter out of service with the OPP to fly back to Toronto. I certainly hope it wasn't to a Liberal fundraiser. That would be a very, very sad story, but I suspect that's what it would be about. Why would the minister use an OPP helicopter to fly from a ribbon-cutting in Minden? He's already provided—

Interjections.

Mr. Dunlop: I guess I've rubbed them the wrong way over here.

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke): Say that he didn't do that.

Mr. Dunlop: Just say that he didn't do it. But I actually have a picture of him in front of the helicopter and I have a picture of him boarding the helicopter, so he can't hide from that. Why would the minister be on a helicopter, especially if he's a hands-off minister? This is a guy who wasn't going to interfere with the selection of

Chief Fantino. He certainly won't interfere, apparently, with Caledonia.

Mr. Dave Levac (Brant): On a point of order, Mr. Speaker: There are two things I'd like to refer us to. The standing orders, in section VI, rules of debate:

"In debate, a member shall be called to order by the Speaker if he or she... makes allegations against another member" or "imputes false or unavowed motives to another member."

The second point of this point of order is the fact that the speaking is supposed to be done on the bill that's present.

The Deputy Speaker: The member has drawn my attention to the fact that we are debating Bill 103, and I was waiting patiently to hear some reference to that.

The member for Simcoe North.

Mr. Dunlop: I appreciate your bringing it up, because I was dealing with a complaint that a police officer gave me: Why was Minister Kwinter flying around Ontario in an OPP helicopter? That's a complaint coming from a police officer. All I want you to do, as members of this House, is stand in here and say why he was doing it.

Interjections.

Mr. Dunlop: You can heckle me all you want, but the reality is that he flew in an OPP helicopter and there was no emergency; he didn't need to be in it. A police officer complained to me about that.

Mr. Levac: On a point of order, Mr. Speaker: The second part of the ruling that I asked for was about speaking on the bill that's presently before him. No matter what he talks about in terms of the complaint, it has nothing to do with the bill.

The Deputy Speaker: I'm interested to hear the comments, and I'm sure the members are, with regard to Bill 103.

Mr. Dunlop: Absolutely. I thought the bill was called An Act to establish an Independent Police Review Director and create a new public complaints process by amending the Police Services Act. You want to create a new act, and I'm telling you that police officers feel like the meat in the sandwich in this province today. I've told you that they have a reason to complain. How do you handle that in the legislation? You haven't done it. I'm telling you that police officers are coming forward and telling me they've got complaints with this government. They feel like the meat in the sandwich, particularly at Caledonia. That has been said many, many times. I'm telling you that one of them came forward just recently and complained about Minister Kwinter flying around the province of Ontario in a helicopter. I don't have any problems with him doing it if he was doing really legitimate police business, but a ribbon-cutting on his way back to a Liberal fundraiser? I don't think so.

Interjection.

Mr. Dunlop: Well, I won't spend any more time on Minister Kwinter right now. I didn't get a chance to ask him last week. He was away with the Attorney General all week.

The Deputy Speaker: Member for Simcoe North, you know we don't refer to members' absences in the Legislature. Please: Bill 103.

Mr. Dunlop: I apologize for mentioning that. It's terrible when you bring that type of thing to the attention—and I'm not really all that sorry. The fact of the matter is, we've watched over and over again this government talk about one thing, about the transparency, and then we see example after example coming forward.

I want to talk a little bit about what I heard mentioned here a little bit earlier, and that was Justice LeSage's extensive consultations. It's almost like you were trying to tell us that the consultations have been done. They were done on Justice LeSage's report, but we have a lot of consultations we want to see done here. I'm told that this minister and this House want to see this legislation passed by December 14. Surely that can't be true.

Hon. Marie Bountrogianni (Minister of Intergovernmental Affairs, minister responsible for democratic renewal): Why not?

Mr. Dunlop: Because we haven't had any committee input on it. This is a piece of legislation that affects every police service in the province of Ontario. So during the winter break, I would expect that this government would certainly agree to extensive travel of this bill to all types of police services right across this province. I can imagine that the Kenora Police Service, Timmins and probably Sault Ste. Marie would all want input. I don't think they're just taking the word of LeSage's report and using that as the basis for speedy passage.

We will want to debate this bill substantially, particularly when it comes to the opportunity to debate more on what we'll be doing with committee hearings, because I know that's decided by the House leader's office. But certainly a bill of this magnitude and this expense—because it will cost, I'm told, up to \$15 million to implement this on a yearly basis. When we do some Qs and As this afternoon, or some comments, I would hope that the government members could tell us how much this will actually cost, because it's always interesting. It's not like that recycling program they started and the Premier has no idea what it's going to cost. I would like to think in this House that we can get some straight answers right away. Tell us the cost to implement this.

As well, I understand that a lot of this will be left up to regulations after, very much like Bill 159, another bill of Mr. Kwinter's. It has never been proclaimed as a bill and become law, so we'll have to look forward to what happens with 159. But I can tell you, if we're dealing with amendments, if we're dealing with regulations, this House deserves to know what those are and get as much input as possible. Of course, we get a lot of that through the committee hearings, which I think we'd be able to do in the future, when we actually travel the bill during the winter months.

The other thing I wanted to point out today is, when we're talking about police complaints, I understand there have been a number of complaints, and we've seen that in the media, about the OPP in Caledonia. I think that

demonstration on the weekend led in that direction. However—

Interjection.

Mr. Dunlop: You know what? I wasn't there. But I should point out that I've been to Caledonia three times this summer. I've talked to police officers on the line; I've talked to them in their cruisers. I believe at any given time there are about 124 OPP officers there. It's costing hundreds of thousands of dollars per week to have them there. Do you know who hasn't been there? Minister Kwinter, Minister Ramsay, Minister Bryant and the Premier.

Hon. Mrs. Bountrogianni: He was there.

Mr. Dunlop: No, no; never been there. He completely has not been there. But I can tell you—we're talking about police complaints—that there's another complaint—

Hon. Mrs. Bountrogianni: On a point of order, Mr. Speaker: I know for a fact, because Minister Ramsay invited some of the—

The Deputy Speaker: Take your seat. That's not a point of order. You can't correct the member's record; he can only correct his own.

Mr. Dunlop: I do believe, if the minister was referring to Minister Ramsay, that he came within the vicinity; he never actually made it into Caledonia. That's my understanding. If he did, I stand to be corrected. Just give me the date and times and I'm happy to—

The Deputy Speaker: I think the members would like to hear about Bill 103.

Mr. Dunlop: The intent here today is to tell you that they're creating legislation in Bill 103 that no one is screaming for. What I'm trying to say is, the police have a lot of complaints, and part of the complaints is the way this government has handled Caledonia. That's part of it. We're talking about police complaints here, and you haven't done your job.

1630

Then they say, "How many times have we been to Caledonia?" We've been there and kept a close eye on it. I have talked to OPP officers across this province, and I'll tell you once again, they feel like the meat in the sandwich. Over and over again they feel that the government has let them down. There's been no true leadership on this issue. If you think you're going to start talking about bringing in a bill like this at a time when we've got such a hot topic as Caledonia and that Caledonia is not going to come up during the debate, you've got to be kidding yourselves. Of course it is. You're going to hear that every day during this debate.

As I get back to the topic—and I won't go back to Mr. Kwinter in the helicopter—I want to say that I look forward to this debate in this House. I look forward to the leadoff that Mr. Runciman will be doing, and Mrs. Elliott behind me, as they bring their points forward as well. But I can tell you that the thing that we will demand most of all with this legislation will be extensive committee hearings. That's what we expect to have.

I'm told, and I was told earlier today, that the government wants the bill passed by December 14. I don't think

that's acceptable, because the committee cannot possibly travel in the fall session to do a thorough job of the committee hearings that we would expect with a bill of this size and magnitude and cost. So I look forward to that.

I look forward to taking part in those debates as well, and I look forward to any questions and comments on the comments I've made today, particularly around the cost of the bill, around the screaming demands—who really wants this bill so badly?—around Minister Kwinter's use of the helicopter and, of course, just around the government's inaction on the Caledonia crisis.

The Deputy Speaker: Questions and comments?

Mr. Kormos: In around 10 minutes' time, I'll have the privilege of addressing this bill on behalf of the NDP caucus as the lead speaker. Ms. DiNovo is going to be speaking to this matter and to the comments made by the member for Simcoe North in but a few minutes' time herself.

One of the questions I think important to be raised is, who wants this legislation? I think there's a whole wide range of communities out there that want reform, that certainly want a review of the status quo.

One of the observations I'm going to be able to make while I am speaking to this bill was my participation in the extensive revision of the Police Services Act by a previous government. I was very active in that. There were a whole lot of people who felt that they were not appropriately responded to or acknowledged in the course of that exercise. That system, of course, which is now the status quo, has had an opportunity to demonstrate its successes and its flaws and failures, so it's appropriate that the matter be addressed now.

New Democrats have concern about the legislation, but New Democrats are committed to participating in not only the debate but in public hearings so as to ensure that we develop the best possible reviewed and revised system that a Legislature can cobble together. There's a whole lot that depends on that, and it's in the interests of police, as well as the communities that they serve. I really, really insist that that has to be the premise that we operate from. I want to speak to that. Undoubtedly, that's the starting point, the seminal point of any contribution to this debate: that it's imperative that a police oversight system be respected and regarded by not only the people being policed but by the police themselves.

Mr. Zimmer: I do want to correct something that the member opposite said with respect to the Minister of Community Safety. He made a suggestion that there was a helicopter trip that was taken. Here are the facts of that trip. The minister took the helicopter from Haliburton, where he was attending an OPP detachment meeting. He then took the helicopter back to attend a meeting of the Emergency Measures Organization with respect to the Weather Network announcement in Scarborough with Commissioner Fantino. Those are the facts of the so-called helicopter trip.

Interjections.

The Deputy Speaker: Order.

Mr. Zimmer: With respect, you know, the whole idea behind this piece of legislation is to ensure that we have the confidence of the public that their complaints will be taken seriously and dealt with fairly, and that we have the confidence of the police that complaints that are made will be dealt with fairly and reasonably, and then both sides expect the complaints, whether you're the complainer or on the receiving end of the complaint—the whole idea is to get the complaint dealt with expeditiously, because who wants a complaint hanging over one's head, whether you're the complainer or the complainant? This legislation goes a long, long way in providing a mechanism to ensure that complaints go through the system quickly.

It not only provides a mechanism that complaints can go through the system in a very formal way quickly, but there are processes in the legislation where the parties to a complaint can, in effect, resolve those complaints themselves, perhaps with the assistance of mediation. They can resolve the complaints without the necessity of a formal hearing. That is the very best solution to a complaint.

Mr. Ernie Hardeman (Oxford): I just want to commend the member from Simcoe North for his comments concerning Bill 103. As it relates, I'm standing here just looking over his shoulder at the picture of the ribbon cutting, with the Minister of Community Safety being in the picture. This was the ribbon cutting referred to by the member opposite, that it didn't exist. There must have been an extra stop in the trip, that he decided to do a ribbon cutting in the OPP helicopter.

But I think it's more important to talk about the concern that the public will have with appointing a new commission that's going to look at police complaints—that commission, of course, having no oversight. It will be appointed, and when one makes a complaint, if they are not satisfied with the judgment that comes out of this new commission, then in fact there is no alternative; you're just out of luck. I think that will take away the community's confidence in the complaints system, as opposed to helping it. If the complaint was allowed to go to the Ombudsman in cases where someone were dissatisfied, I think the Ombudsman of Ontario and the people of Ontario would be much happier with a different structure. This structure is not going to improve the system; it is going to make it worse.

Furthermore—I think the member mentioned this a number of times—it's very important that we have a costing, particularly of what this is going to cost the police services in Ontario. We'll have to recognize that, as a municipal responsibility, if it's a great increased cost, the municipalities and the people of Ontario would be much better if that money was put towards more policing, more equipment and more opportunities for the policemen to do their job, rather than to have a new system that, according to Statistics Canada, only 20% even thought they would want, a new system to register complaints to about how they wanted the system improved. I think we should put that money towards

providing better policing, not to find out whether the present policing is sufficient; we all know it isn't.

Ms. Cheri DiNovo (Parkdale–High Park): There's no doubt that reform is needed here. I have a couple of concerns and would certainly want to see this go to committee. First of all, my husband was a police officer for Waterloo regional, and he and I have utmost respect for our police services. I certainly, being the member for Parkdale–High Park, know how hard 11 division works in Parkdale–High Park.

A couple of concerns, though: First of all, I have a concern about funding as well, that proper funding for this independent complaints body be exactly that: proper funding. The Liberal government has not been particularly stellar in funding justice initiatives for marginalized citizens. Legal aid, for example, is nearly broke. The fund established to provide legal assistance once had an emergency fund, and that's almost depleted. The number of people refused service has increased by 42% in less than two years.

The other concern I have as well is about complaints from within the police department, the whistle-blowers within the force, and how their rights will be protected. I draw attention to page 10 of this bill. Down at 58 there are a couple of points here: A member or auxiliary member of a police force or another member of that force is prohibited from making a complaint if that force is the subject of the complaint. For example, Sergeant Jim Cassells, who made some accusations—this is an on-going case—has been found on one count of discreditable conduct and one count of breach of confidence by his own force. I wonder how our whistle-blowers within the police forces will be protected by this bill.

Those are my concerns. I think there are concerns enough that warrant far more extensive study.

1640

The Deputy Speaker: Member for Simcoe North, you have two minutes to respond.

Mr. Dunlop: I want to thank the members for Niagara Centre, Willowdale, Oxford and Parkdale–High Park for their comments, and particularly the member from Willowdale for straightening me out on the minister's tour. I guess this article in the paper by Bryn Weese of the Minden Times must be wrong. I'll inform him that his story is wrong. It's incredible because, do you know what? There are two pictures of a helicopter in here. In one, it just looks like Monte Kwinter standing in front of it. But maybe it's not Monte Kwinter. Maybe it's a look-alike from Minden, but it looks like him.

The reality is that he's not supposed to use a helicopter for that. He took a valuable piece of equipment out of the hands of the OPP that could be used for emergency services. How do you know there wasn't someone who could have been lost in the woods or something at that particular time and they would have needed that? The minister has no right to use it. That's why he's got Johnny Tomilko running around in that blue car. The minister is supposed to take a car like the other ministers. That's all I'm saying. I think it's very unfair to criticize

me for saying that, because the bottom line is that it's an emergency services vehicle.

Mr. Zimmer: On a point of order, Mr. Speaker: Are we on topic here?

The Deputy Speaker: Member for Simcoe North, you can finish.

Mr. Dunlop: Thank you very much, Mr. Speaker.

You're the one who brought up the topic. You claimed we were wrong. All I'm saying is that he shouldn't have been using that vehicle. He owes an apology to the citizens of Ontario.

What is going to happen to the budget of the OPP, with tens of millions of dollars that you've spent at Caledonia in this year's budget, plus this kind of waste of money here? He could have gotten Johnny Tomilko to drive him back to Toronto, to the Liberal fundraiser or wherever he was going. But the reality is that he didn't. I'm opposed to that, and I think the minister owes a really strong explanation to this House of why he would use an OPP helicopter to take him from Minden to Toronto.

The Deputy Speaker: Further debate?

Mr. Kormos: Not wanting to dwell on the matter, I for one am prepared to cut the Solicitor General some slack. He has served here for how many years now? He's the Solicitor General, and if he wants to take one helicopter ride courtesy of the OPP, I say God bless, assuming, of course, that it was just a helicopter ride. We all remember Ken Keyes, who took the boat ride with the police. To his regret, he had a beer with them, and that was his downfall. But I'm confident that the Solicitor General had a dry helicopter ride.

This is important stuff, incredibly important stuff. I was just telling Mr. Sterling that I remember as a student here in Toronto, back in 1973-74, I sat in on the inquiry into Toronto police misconduct. I wasn't in law school yet but I was aspiring. It was the great Arthur Maloney who was conducting that inquiry, of course, with some incredible, shocking allegations as revelations about the police, some of which were found to be, in fact, fact. There really hadn't been much focus—it was wonderful to watch Arthur Maloney work. He was a great litigator, a great lawyer. I appreciate Judge LeSage because he makes reference to the Criminal Law Quarterly article dating back to 1986, authored by—here he is again—Clare Lewis, Sidney Linden and one other, where they look at the history of public complaints against police. They reference the work done by Maloney as one of the, again, seminal exercises in developing a public complaints process. I'll just read the paragraph.

“In 1974, after a series of highly publicized complaints involving the actions and activities of officers of the Metropolitan Toronto Police Force, the late Arthur Maloney, QC, was appointed by Metropolitan Toronto to study police complaints procedures. Among other initiatives, he recommended the appointment of an independent civilian commissioner of complaints.” Of course, there was a succession of sources with similar recommendations.

What are the premises? One of the premises is that the police shouldn't be investigating the police when there's a complaint about police misconduct. Let's be very candid: There was a time—and it was a time that Arthur Maloney was addressing when he was conducting his inquiry—when the police had *carte blanche*. There was a police culture—mind you, that's not to say that it wasn't without community support. I'm sure there was a great deal of community support for the police having *carte blanche*. Heck, I remember, as a kid, down on King Street in Welland, a gang of us kids out at 1 in the morning outside the Bright Spot restaurant. George West, a Crowland cop—he was around six foot eight; big hands the size of baseball mitts—would just come and lift us up by the neck and hold us up against the wall. Mind you, he didn't arrest any of us. We got maybe roughed up a little bit, but it was considered part of the relationship.

But several things clearly happened: one, a fear around police abuse of the incredible powers that they have; the incredible consequences that that fear has in communities of new Canadians, who may feel less than fairly treated by the police. Again, I'm talking about 30-plus years ago. Police have great power in this country, and we hold them to incredibly high standards; we do. That's one of the incredible tensions that police officers have to endure, have to work under. On the one hand, we have incredibly high expectations. We expect cops to find the bad guys and to make sure that there is enough evidence to convict them, and sometimes they're very, very—they're people who have committed some extraordinarily repugnant crimes. Again, we expect the cops to find those people, to collect the evidence and to collect enough evidence to make sure they're convicted. Yet, at the same time, we tell the police that they of course have to comply with the Criminal Code, they've got to comply with the Charter of Rights and Freedoms and they can't break the law in the course of putting a case together.

I'm old enough to have practised law, criminal defence work, when, heck, Don Harris—do you remember him, Mr. Bradley, the chief of police down in Niagara? Although some of the stories about Don Harris may well be apocryphal, I can assure you, Mr. Bradley, that some of them aren't. If Don Harris were prepared to speak candidly, he'd acknowledge that there were times when the zealotry around catching the criminal resulted in—and, again, the police never thought they had the wrong guy; it was just the frustration of not being able to come up with the right evidence. Sometimes they knew they didn't have the wrong guy, but they had a bone to pick and wanted to teach somebody a lesson, but those days are increasingly long gone. As we deal with, for instance, the plight of the wrongly convicted and the incredible tragedy that is, the blight that that is here in Canada with our judicial system, with our criminal justice system—I mean, heck, while the public, from time to time, is abhorred by the prospect of guilty people being found innocent, surely even more horrible than that is an innocent person being found guilty, not necessarily because of police misconduct but perhaps because of the zealotry—it's a word that's used so often in describ-

ing police behaviour, trying to describe it in a benign way so that you don't really label the activity as misconduct—mere zealotry in the pursuit of investigating sometimes horrible crimes. But we have become well aware of the dangers in that.

1650

I hope the public understands that the public has some responsibility to understand that the police indeed are responsible for not only enforcing but abiding by the rule of law. If that results, from time to time, in people who otherwise should have been locked up being set free because the police in the course of their investigations weren't able to acquire enough evidence lawfully to ensure the conviction of that person, then at the end of the day we truly are better for it. As I say, the only thing that's worse than a guilty person being found innocent is an innocent person being found guilty. I think that's an important premise, and I think it's very relevant to the conversation, the discussion, we've got to have about oversight, police oversight, the complaints process.

I have already indicated, and I'll do it again, that the NDP is incredibly grateful to Judge Patrick LeSage for his report to us, to the Attorney General. We should note, however, that even he is cautious, because Judge LeSage says, "The following recommendations should be seen as a response to some of the fundamental problems underlying the current legislation, with the goal of improving parts of the system so that it operates more effectively." I think it's pretty clear that Judge LeSage didn't intend for his report to be taken as a complete response to all of the questions that might be asked about the status quo of the current legislation, nor as a complete formula for reform.

That's one of the troubling things that happens when reports like this get tabled. If the government likes them, then of course they use them to say, "Well, there's been an exhaustive study already. There's been thorough consultation." If the government doesn't like them, why, they just get piled on yet another shelf and they collect dust.

But I think here we have to be cautious in terms of understanding that, even as Judge LeSage says that this is a response to some of the fundamental problems and it has as its goal improving parts of the current system. So it's not a response to all of the problems, nor is it a formula for improving all of the system. What he's saying is, we can't delegate our responsibility to consider this legislation, to hear from the public, to hear from the public, to hear from the public.

Judge LeSage lists, at the back of his report—I hope folks have read it—the exhaustive list of persons who spoke with him in the course of his preparation of this report. But once again, we don't have a summary of what those people had to say. We don't know how Judge LeSage got to where he got to with the information that was put before him. We just know that that's where he got to. We just know that that's what the report in fact is.

Let me deal with, right off the bat—because one of the overriding concerns that the New Democrats have about this legislation is the government's exemption of this police oversight process from the oversight of the Om-

budsman. It's already been mentioned by one of the Conservative speakers, and I expect that when Ms. Elliott—

Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader): He's a busy man.

Mr. Kormos: Mr. Bradley is a fan of Mr. Marin. And yes, he is busy. One of the ways a government can strangle an Ombudsman is by underfunding him; right? Because all of the Ombudsman powers in the world become irrelevant if the Ombudsman doesn't have the funding, the staff to perform his or her function.

I for one say, this Ombudsman should be assured of the resources that he needs, that that office needs, to effectively carry out its function. But it also needs the legislative framework, because we note very specifically that the government has exempted police oversight in this legislation from oversight by the Ombudsman. That's a pretty big omission, isn't it? I don't think it's oversight on the part of the drafters or the policy people. Surely it was in their mind. Heck, New Democrats have been raising that about family and children's services for darned near three years now here in the Legislature, about how this government refuses to submit family and children's services to oversight by the Ombudsman. Now, once again, they refuse to submit police oversight to the oversight of the Ombudsman.

As the Ombudsman said in his speech in May of this year to the Toronto Police Services Board, "Quis custodiet ipsos custodes": Who will guard the guards themselves? I am grateful to Mr. Marin for his Latin. Clearly, what we don't learn from him, we can now learn—I'm so pleased that Pope Benedict appears to be prepared to restore the Tridentine Mass in our Roman churches across the world, because what Latin we don't learn from the Ombudsman, those of us who go to Roman Catholic churches will learn in our Catholic services.

It's an important point: Who will guard the guards? I want to make sure that Hansard contains the specific comments by Ombudsman Marin with respect to that omission from this bill of oversight by the Ombudsman. Quite frankly, the Ombudsman gives the government credit for coming forward with Bill 103.

It goes on: "I have a question regarding Bill 103, however, which should be of equal concern to both the police, members of the public and everyone in this room: Quis custodiet ipsos custodes or who will guard the guards themselves? Who can the police or the public turn to if someone is dissatisfied with the delicate decisions this government body will make regarding complaints against the police?"

The Ombudsman is very fair in that regard: Who will the public or the police go to? Because it is going to be a politically appointed body that constitutes the new civilian police oversight body. I join with the Ombudsman in saying that it's imperative that the Ombudsman have oversight, in the traditional Ombudsman role, of this civilian complaints body and its decisions, either decisions made directly or decisions that are made as a result of its delegating its power.

Let me go on briefly, because it's important that what Mr. Marin said in May be part of this debate. I really think it is. He said, further, "There is no doubt merit in protecting this new body not only from unmeritorious complaints but to extend special protections for it to do its job properly and with some level of finality. Thus, the bill proposes to arm the new director with extraordinary tools to reject frivolous or vexatious complaints, or even if, in the opinion of the director, dealing with the complaint is not in the public. Similarly, the director is not compellable in an outside civil proceeding, documents collected during the course of his work are inadmissible and finally the director and his office enjoy a very generous immunity"—very generous—"against civil suits, with heavy emphasis on secrecy."

1700

For a moment I depart from the comments made by the Ombudsman, Mr. Marin. "Emphasis on secrecy": That should ring alarm bells for all of us, shouldn't it? Shouldn't a process of oversight be as open and transparent as is at all possible so that people can have confidence in it? We condemn and reject secret trials, although regrettably Canada's had some of those. We, as Canadians, condemn and reject secret trials. We believe that even the most heinous of offenders is entitled to have a public trial, a trial wherein there's transparency, where the public can view either directly or through the media exactly what took place in that courtroom.

I return to Mr. Marin's comments: "The director and his office enjoy a very generous immunity against civil suits, with heavy emphasis on secrecy. These protections don't necessarily favour either the complainants or the police officer. They are meant to keep the new body focused on its job and not being forced on wild goose chases by disgruntled complainants or being drawn into courts by either complainants or the police for merely doing its work. They encourage efficiency and authority, discourage distraction and foster an environment of finality. I hasten to add, having been on the receiving end of more than handful of silly lawsuits and other dilatory manoeuvring while the head of SIU, I understand and fully support these extraordinary measures.

"Not only does the bill confer extraordinary protections to the director and his staff, it also provides extraordinary powers to this new body including the powers of a commission under part II of the Public Inquiries Act."

I leave Marin's comments and I'm going to talk about that in a few minutes, because the bill very specifically says that the body, in the course of conducting an investigation, has the powers under the Public Inquiries Act, part II.

Back to Marin's comments: "These powers are considerable and include the power of summoning witnesses to testify under oath. In addition, this new body will, upon proper notice, have the power to enter and search any station or detachment of a police force, including any vehicle that is owned by the police force wherever it is located. Investigators acting on behalf of the director will be able to require a person to produce or provide access to any record, data or information that

relates to the investigation, search for, examine, copy" etc.

Here's where an ellipsis in the Hansard would be appropriate because I'm going to move on to the next thought by Mr. Marin in these comments:

"Suffice it to say, the independent police review director will have vast exceptional powers and reach into the police domain. The director can decide to investigate systemic issues and make recommendations that could, in theory, tell chiefs and police service boards how to do their jobs. Life as an Ontario police officer will never be the same again. But, I put it to you, who will guard the guard themselves? Given that the bill blesses the director with wide-ranging judicial immunities, who will keep this new provincial body in check and independently investigate complaints against it?"

You see, Ombudsman Marin acknowledges the need for immunity from civil action. He refers back to his own experience. He calls this an extraordinary thing, and that should ring alarm bells for us. He perceives it as extraordinary. He refers back to his own experience as head of the SIU, the special investigations unit, and talks about how it's necessary so that the body won't become distracted by the sorts of lawsuits that disgruntled parties could bring and that serve merely as a distraction. But he says then specifically that in view of the fact that the director has these judicial immunities that protect him from lawsuits, that protect him from oversight by the courts—because that's what a lawsuit would be all about, right? In view of that, then where is the oversight, if not from the courts because of the judicial immunity, of the director of this new civilian complaints body going to come from?

"Who will keep this new provincial body in check and independently investigate complaints against it?" Mr. Marin does have a way with words, doesn't he? This is where Mr. Marin demonstrates his distinctive way with words.

Hon. Mr. Bradley: Aha.

Mr. Kormos: He says, "Who will keep this new provincial body in check?" "Aha," as Mr. Bradley says. "The answer is buried deep into the entrails of the bill." The government wasn't even proud of this. The government buried this in the bill, with the hope that nobody would see it. That's why we hear from government members that this bill should pass speedily: so that the stuff that's buried deep in its entrails won't be discovered until it's too late, huh, Ms. Elliott?

Well, too late already, because the whistle was blown on you back in May by Mr. Marin. The answer is buried deep in the entrails of the bill. "The penultimate section, section 97, is a particularly troublesome provision." I've got to tell you, when the Ombudsman is troubled, I get troubled too. When the Ombudsman is troubled, fair-minded people across Ontario—their antennae go up. When the Ombudsman is troubled, people's eyes widen a little bit, because if the Ombudsman is worried, they know they should be worried as well.

Let's understand that this concern, this worry, this trepidation is as likely to be felt by members of the

public, who might complain about police misconduct or other things, as by police officers who might be accused of misconduct, amongst other things. If the Ombudsman is troubled about section 97, police officers should be troubled about and by section 97. If the Ombudsman is troubled by section 97, members of the public should be troubled by section 97.

Section 97 “is a particularly troublesome provision. It specifically provides that the Ombudsman is to be prevented from overseeing how this government body conducts its business of investigating complaints”—specific, not accidental; specific, not inadvertent: specifically bars, prevents, prohibits, makes it impossible for the Ombudsman and his office to examine how this new body will conduct its business of investigating complaints.

Mr. Marin says, “This is dangerous territory to venture onto.” I’ll add to that, this is very dangerous territory to enter into. The Ombudsman, back in May, said, “This is dangerous territory to venture onto and goes beyond what the LeSage report recommended.” That’s interesting too, isn’t it? “This, in my view, is a grave flaw that must be addressed and corrected.”

He goes on then—and I invite people to reference the May 16, 2006, speech by the Ombudsman to the Toronto Police Services Board on the occasion of its 50th anniversary. He goes on to talk about, in a broader sense, the role of the Ombudsman, the history of the Ombudsman with respect to other governmental bodies, and basically make the observation that what should be sauce for the goose should be sauce for the gander.

1710

I think one of the questions that this government has got to answer, one of the very fundamental questions this government has got to answer, is, why section 97? What is the government fearful of? Why would the government, after giving those extraordinary protections and powers to this oversight body, immunizing it, if you will, from supervision by the courts by way of lawsuits, then bar, very specifically bar, the Ombudsman and its office from overseeing how this body conducts its business? Of course, Mr. Marin goes on to note that this wasn’t one of the recommendations of Judge LeSage.

What Judge LeSage did find, though, is that the current system is perceived by so many as not being user-friendly. Page 37 of his report: “The police have made few attempts to make the complaints system user-friendly, and I was told that only the most educated and determined complainant would be able to successfully find their way through the process.... Community groups submitted that a legitimate complaints system cannot be based on a process where a complaint about a police officer must be filed with the police.” Two separate things here, two separate issues: One is that the process that exists—and the process that exists is one where a complaint must be made directly by the complainant—is one which even the most educated and determined complainant might have difficulty with. Certainly, only the most educated and determined complainant could weave his or her way through.

The bill expands the complaints initiation process by permitting complaints to be made on behalf of complainants, right? But here we are in the same dilemma as we are with that notorious government Bill 107. Some complaints against police officers will be made by people who are very affluent, who are well educated, who speak good English, who will be able to hire lawyers—big, high-priced downtown Bay Street law firms. You know the lawyers, the ones with the gold cufflinks and the Montblanc pens, the big fat ones, and the Gucci shoes. There will be complainants who will be able to wheel up in their BMW 6 Series sedans to their favourite Bay Street law firm and hire the guys in the Harry Rosen suits, or gals, to process their complaints for them, to write the letters, to deal with the complaints procedure. I’m talking about the proposal now.

What about the uneducated person? What about the person for whom English is not a first language, hasn’t even become a second language? That’s what happens when you live, blessedly, in a multicultural, multi-ethnic society, a country like ours. There are new Canadians for whom English hasn’t even become a second language yet. There are some of us, I fear—from time to time I suspect I’m one of them, but I do my best. I say where, exactly, do we take care of and accommodate those folks for whom, as I say, English might not even yet have become a second language, those folks who are new to this country, those folks who may well have come from—indeed, many did—countries where the prospect of complaining about the police is beyond daunting? It’s unthinkable.

Please, don’t even think of suggesting that that’s hyperbole on my part. If you reflect on some of the people you’ve met in your constituency offices, whether you’ve been here a few years or many years, you’ve met those people. You’ve met those people who come from totalitarian regimes and who fled them, who are here as refugees, who are victims of police in those countries for whom there are no checks and balances, for whom there is no governmental oversight, never mind civilian oversight, and where the police are the government. It’s a pretty frightening thing for that person. As I say, if that person happens at the same time to be a person of means, they can hire a lawyer to act for them. Why I reference Bill 107 is of course because there, in a desperate effort at catch-up, the government’s talking about ensuring that every person has access to counsel.

Let me compound this one further: When you’ve got the Toronto Police Association signalling very clearly to members of the public that that Toronto Police Association will leave no legal stone unturned in suing people who make complaints about their members and taking away their homes, if they get a judgment against that person and that person happens to have a home—that’s the way I read the comments. I’m sure the parliamentary assistant will take great pleasure in correcting me should I be wrong, but I’m not. The Toronto Police Association is right, in my view, to say this. It’s another matter as to how we respond to it, but that’s what they said. They’ve sent a strong, clear message that complaints about them

are going to be responded to with civil actions. That raises the price of poker a little bit, doesn't it, Mr. Parliamentary Assistant?

I say the government has now yet another question to answer: Where is the resource whereby complainants about police misconduct and police behaviour, who can't afford their own counsel, will be able to access counsel to assist them in the preparation of the complaint and in pursuing the complaint through the system? It's got to be multilingual as well, doesn't it? Of course it does, or else you're not being sincere about the proposition.

We then come to the concern about the observation by many community groups that a legitimate complaint system cannot be based on a process where a complaint about a police officer must be filed with the police and, to go one further, where a complaint about a police officer will be investigated by the police. I understand, and I think all of us do, how Judge LeSage here has tried to draw a continuum of complaints that, once received by the civilian body, will be referred back to the local police force for that chief of police to deal with; you move on down that continuum to refer it to a neighbouring or another police force to be investigated by that other police force; and all the way to the end, where the oversight body will conduct its investigation.

I submit to you—because I want to then move on to the so-called informal resolution proposal, which we agree with, by the way, in principle—that there should be a requirement, or at least consideration of a requirement, for learned consent on the part of the complainant before the matter is referred by the civilian oversight body to the same police force, to its chief of police, for investigation. Otherwise, you undermine one of the fundamental underpinnings of having civilian oversight, and that is the police investigating the police. There could well be circumstances in which the complainant says, “Well, yes, I have no qualms about that,” but there could at the same time be situations where the complainant says, “Are you nuts? Those guys are thick as thieves. They all stick together.” And whether it's real or perceived really doesn't matter much, because it's still about the confidence that the public, that the complainant has, in the complaints system.

1720

Police forces here in the province of Ontario range from the seven sworn peace officers of the Stirling-Rawdon Police Service to the 5,200 sworn members of the Toronto Police Service. I don't know the Stirling-Rawdon Police Service, but it isn't difficult to anticipate that in a very small police service like that, with seven peace officers, you've got some pretty close, intimate relationships. There are only seven cops, for Pete's sake. Of course they know each other. They work together. It's the only squad there is. In Toronto, to be fair, you can draw in peace officers from a detachment who have never met the police officer about whom the complaint is being made. At the same time, having said that—it would be entirely unfair to single out and make presumptions about the Stirling-Rawdon Police Service or any other number of small police services—there may well be

cases where the complainant says, “Well, yes, I have no qualms about the chief of police dealing with this matter. I think he or she could do it very effectively.”

But I ask the government to consider why we shouldn't be discussing and getting some input about the prospect of, if the matter is going to be referred by the oversight body to that same police force that's being complained about, there being at least some consideration of a requirement for consent on the part of the complainant. In your legislation, you've already got the ability on the part of the receiving body, the civilian body, to deem a complaint frivolous or vexatious, don't you, Mr. Parliamentary Assistant? Are we suggesting that somehow it's the frivolous and vexatious complaints that get sent to the local police force instead of another police force? I think it's very dangerous turf, because that undermines the system even further. Is it to be based on the gravity of the misconduct? I think that's very dangerous turf too, because minor misconduct can have as significant an impact on policing and the regard that the public has for policing as a major demonstration of misconduct. So I put to you, why aren't we considering a process whereby a proposal to have the police chief of that same police force investigate a matter be understood and ratified by the complainant?

I'm going to go on to the informal dispute resolution. I want to indicate that New Democrats think that there can be a very valuable role for informal resolution of complaints, and that could include mediation. But the really important safeguard that has to be built in here is 100% voluntariness on the part, quite frankly, of both the parties. There has to be, far beyond what's stated in the statute so far, in the bill so far, an assurance that a party—and in most cases, the complainant—who is going to be invited into a mediative process or an informal dispute resolution process does so without feeling any pressure whatsoever about using that process and that this isn't being used to simply deal with complaints by, let's say, weaker complainants who can be arm-twisted or bullied or lured into the informal complaints procedure.

Once again, it goes to the need for an assurance from this government that there will not be complainants who want or desire assistance who don't get that assistance. And of course, I'm speaking about impecunious complainants, people who don't have means. That, I suspect—I don't know for sure—is where most of it's going to come from.

The reality is that Bridle Path folks—you know, the ones wheeling around in those cars with names that I can't pronounce, that aren't made here in North America—the Bridle Path types, the ones out on Mississauga Road there, north off the QEW—you drive past the parking lot of Pusateri's up there on Avenue Road and you see all the Audi eight-cylinders and the Lincolns and the Cadillacs. Those are the servants' cars. When you see a Mercedes-Benz E series, that's the cleaning lady who's gone to pick up some groceries.

These people don't tend to get involved in altercations or exchanges with the police a whole lot that result in

allegations of police misconduct. It's just a fact of life. So Conrad Black and Babs Amiel—neither of whom has any business in this country, in my view—are not the types who are going to get involved in altercations where there's going to be a complaint of misconduct.

So where in the bill, Mr. Parliamentary Assistant, is the provision that provides assurance that parties to the process will have legal representation? In the vast majority, if not of all situations, police associations are going to ensure that police officers have legal resources, aren't they? And there's nothing wrong with that, is there? But surely if police officers are going to have legal representation, the complainant has a right to that as well.

I want to speak a little bit about the standard of proof. I recognize that Judge LeSage dismissed the adoption of the civil standard and found on the side of the clear and convincing evidence standard. Mr. Zimmer knows what this means; Ms. Elliott knows what this means; Mr. Sterling does. They've raised the bar considerably. One of the things that perplexes community groups out there and perhaps is even bizarre for the subjects of complaints—police officers—is that while the balance of probabilities standard can get them found liable in a civil court, the balance of probabilities standard won't permit an adjudicator to make a finding of misconduct in the complaints process. It seems to me that the far broader and discretionary dispositions available in a complaints process—in the one being contemplated as well—would provide room for the more broadly accepted civil standard of balance of probabilities.

1730

Police officers are going to find that a highly objectionable proposition. But surely there's got to be a debate about this, because the clear and convincing evidence standard is unique. I appreciate that Judge LeSage refers to it, and bases his reference on the decision by the Ontario Court of Appeal, that it is slightly higher, but he also finds that the clear and convincing evidence standard does not appear to be used in any other province except Manitoba. Then there's the prospect of having different standards, depending upon the types of consequences that could flow—I think that's an interesting proposition, don't you?—where, when the nature of the misconduct being complained of is such that it could result in, for instance, dismissal, there could be a valid argument made that it should be the slightly higher standard of clear and convincing.

At the same time, if the misconduct is so serious that it would result in dismissal if there were a finding of misconduct, you're creating a higher standard with a lesser likelihood, in the context of scarce evidence, of there being a finding of misconduct. So it seems to me that a police officer who, like any one of us, hasn't had a whole lot of sleep the night before and may not be as polite as he or she should be or would want to be under normal circumstances to a member of the public, is complained about, that misconduct is not the sort of stuff, first of all, where the focus should be—although it has to be addressed because, for the person who's on the receiving end, it's as disturbing as even more serious forms of mis-

conduct—but there's a balancing act here in protecting the interests of a police officer and protecting the right of a member of the public to have a complaints process that's meaningful and relevant, so we don't create higher standards with the effect or impact of protecting police officers engaging in serious misconduct because there's a higher standard, albeit slightly, than the balance of probabilities from findings of misconduct. All I'm saying, Parliamentary Assistant, is that it seems to me that that warrants some more consideration.

What's noted, interestingly, by Judge LeSage—read the report, because it's well written and the footnotes are a valuable source of reference—is, “The clear and convincing evidence standard is not a standard that is referred to in Ontario statutes other than in the PSA, but it has been accepted as the relevant standard in the misconduct hearings of many professional bodies.” He seems to use that—and I don't want to draw conclusions on his part—as a justification for adopting it, because it's used as a disciplinary standard in other professional bodies. But we're not talking about other professional bodies here; we're talking about police officers, who carry guns, not inappropriately; we're talking about police officers, who can take away people's liberty, not inappropriately; we're talking about police officers, whose jobs are incredibly complex but who must be required to perform to very, very high standards.

Time is going to be a real problem in terms of addressing everything that I wanted to about this, so I won't have spoken to all of the areas of concern, and I apologize to people whose particular area of concern was omitted, but I'm sure others will cover it.

I want to talk about the issue around First Nations people. Judge LeSage—read the report—talks about the OPP, municipal police services and then the range of First Nations police services. I've got to tell you, I know other members have been to, for instance, the Timmins–James Bay area as well, and at least for the last 18 or 16 years or so, if you went to the Timmins–James Bay area, you were going with Gilles Bisson, of course, the member from Timmins–James Bay. But Bisson will take you, as will Howard Hampton, to First Nations communities in their huge, huge ridings. I've been fortunate to be able to visit these communities and the aboriginal police services in them. Again, you're talking about good, committed police officers being told to do dangerous and difficult jobs with broken tools or no tools, and the litany of just disgraces, whether it's the fire in the makeshift jail in Kashechewan, the police officer in Attawapiskat or Peawanuck who has a snowmobile with no rubber tread to travel with, a boat with no motor or a motor that doesn't work, or a jail cell the lock of which is broken, so he doesn't even have a lock-up to put people in.

Judge LeSage deals with the fact that there may well be First Nations police services that want to opt into this provincial complaints procedure. It means it's got to be accessible to them. We're talking about remote, remote communities. We're talking about communities that, when you travel to them, you're not even sure you're in

Canada anymore; you really aren't. But they're communities that are occupied by First Nations Canadians who have every right to oversight of their police, should that be their wish.

Look, I know the government is enthusiastic, and I've heard that the government's proposal was to pass this bill speedily. You've been hasty before, Mr. Parliamentary Assistant. It's only gotten you into trouble. Like your mother told you, "Haste makes waste." You should know better by now; you really should. Do you know what happens when you try to speed it up? You're under time constraints and you start to get careless, huh? You get committee members—Ms. Elliott has witnessed this in her short, but for her I'm sure it seems like long, time here at Queen's Park—government members who vote against their own amendments from time to time, amendments that are improperly drafted, sections that are voted upon with nobody on the committee having any idea, and not having a snowball's chance in Hades of ever knowing, what that section is about but voting on it anyway. Your grandmother told you that it's the slow, steady, cautious approach. That's how you got to where you are now. It's true.

I understand that you may well have been handed a script today that said, "Spin the speedy-passage line." Bad advice; please, it's bad, bad advice. Look, we've got all of next year's pre-summer session. The calendar tells us to come back in the spring. If you want to come back a couple of weeks early, the New Democrats are game. We're looking forward to a good parliamentary session before the election call. I hear you saying, "Oh, there's consultation, consultation, consultation." But it's got to be public consultation.

Did Judge LeSage do a good job? He did a brilliant job, but his report, he acknowledges, is not comprehensive. He deals with some of the issues and addresses some of the problems, and he provides recommendations. Look, it says "Recommendations." That's what they are: recommendations. You didn't follow all of them, did you, Mr. Parliamentary Assistant? Then you threw in little clunkers like section 97, which wasn't recommended at all. You know there are communities out there that are concerned about the very perfunctory way in which complaints can be deemed to be frivolous and vexatious and simply turfed, tossed, out of the system. You know that there are people out there who are concerned about the standard of proof. You know that there are people out there who are concerned, in sharing, that complainants have assistance, be it legal or otherwise, to help them weave their way through what will be a more direct but nonetheless, for many, still a complex process. You know that there are concerns out there about the manner in which the oversight body will simply pass along a complaint, either to the police chief of the force against whose member a complaint is being made, versus another force, versus a thoroughly independent investigative body. You know that there are folks out there who say that there can never be an effective and meaningful police oversight system that in any way, shape or form has the police investigating police.

1740

That means that, unless and until we resolve these concerns to the extent possible, we have a less than ideal system. One can't underscore enough how there has to be regard—well, look at the terms of reference, the very terms of reference your government gave Judge LeSage. They're your terms of reference. I would suggest and hope that they be referred to frequently. It includes the requirement that an oversight body have the respect and regard of the parties that are being, in many respects, governed by it.

I say to you this bill has to go out to committee. We're looking forward to participating in that committee process, suggesting that that committee process take place during the winter months. I know it's uncomfortable, but New Democrats are prepared to make that sacrifice and commitment.

When we come back in the spring for the spring session, we'll have this bill to deal with; we'll have the long-term-care bill, because that bill has to and should go out to committee as well; we'll have the land titles bill, because that bill should go out to committee, because you know there's some real polarization of perspectives about how to address the concerns raised. And don't, for the briefest of minutes, talk about how all of a sudden you've got a jag on about how you've got to get this bill passed. You introduced it in April 2006—the LeSage report was April 2005; you sat on the report for a year—and here we are, it's mid-October, and this is the first day of second reading. My goodness, Mr. Parliamentary Assistant. And now you want to speed it up? Come on.

The Speaker: Questions and comments?

Mr. Bob Delaney (Mississauga West): It's always a pleasure to listen to my colleague from Niagara Centre, a man who, in the three years that I've served here, I've come to realize actually has a fine legal mind—and for any out there who are watching, especially if you're a law student. The notes from this most recent lecture to the Legislature would probably make for a wonderful examination of the pros and cons, the upside and downside, the ins and the outs of the 103. But what people really want to know is, "What does this mean to me in the event that I feel unfairly treated in an interaction with a police officer?"

To borrow a phrase from the same member, back where I come from in Mississauga, where we've been the safest city in Canada for six straight years—and if you accept that Canada's probably the safest country in the world, that puts you pretty near the top of the pyramid in terms of dealing with police services. Still, people there need to know that the checks and balances are there. They need to know that the procedure is open, that it's clear and that it's transparent. That's what Bill 103 is all about. It's about making it open, it's about making it clear and it's about making it transparent. While it may not be perfect and it may not be about making it perfect, it's about making it workable.

My city of Mississauga is comfortable with the degree to which Bill 103 is based on Mr. LeSage's recommendations. Mississauga, in fact, feels that Bill 103 will

actually save some money over the longer term, as some of the costs of handling complaints would be shifted to the province. For example, the Independent Police Review Director would take over receiving and screening public complaints. That's currently the responsibility of the police. He would also be conducting some investigations of police officers—again at its own expense—that otherwise would have been sent out to another police board for investigation at the expense of the police services board. Furthermore, some of the costly appeals to Divisional Court would be mostly eliminated.

This one's pretty easy. Let's get on with it.

Mr. Norman W. Sterling (Lanark–Carleton): I'd like to congratulate the member for Niagara Centre for what I thought was a really good speech, part of the debate with regard to Bill 103. I thought it was a non-partisan intervention and an expression of willingness to work with the government to make this bill better during the committee process. I hope the parliamentary assistant will listen to that, because I think this is the type of bill where the opposition parties can be constructive during the committee process. But in order for the parties on this side to participate in a constructive manner, there must be some willingness on the part of the government to listen and to accept some of the arguments put forward from this side.

I must say that Mr. Kormos's argument for a slow process is one which I endorse. In fact, I would have preferred that last April the government would have immediately put this bill out to committee after first reading, because this bill cries out for that part of our process. If they had done that, it would have allowed the parties to sit in a committee room and listen to Mr. Marin from the Ombudsman's office, police officer associations, chiefs of police and police officers talk about the impact of this bill, and all members could have understood it well before it was called for second reading.

The kind of process that is set up in Bill 103 requires careful consideration and careful balance. That can only be done, I believe, in a committee setting where the government is willing to listen and adopt some of the suggestions put forward by witnesses and members of the opposition.

Ms. DiNovo: I commend Mr. Kormos for his eloquence and his research. Just to reiterate what he was saying, which I haven't heard a response to yet: that we need the oversight of the Ombudsman; that we need funding for counsel for complainants and that that be a multilingual process; that if police have representation, then why not complainants; and that our aboriginal brothers and sisters be included in this in some meaningful way.

I also add to that, the Toronto Police Accountability Coalition maintains, "The bill does not guarantee that an independent investigation will be done. In fact it leaves the assumption that most complaints will be investigated by the police, as they now are. Given that speed and first access are important to accurate investigations," they say, "this is a reason for concern. It is of little assistance to know that after the police have completed their investi-

gation, perhaps taking two months, the police report will be submitted to the director who can then wonder whether the investigation has been done in a satisfactory manner. One fears," they say, "that the lack of a guarantee of an independent investigation will mean that the bill is not much of a step forward."

I bring your attention to the fact that even police whistle-blowers—we all remember the movie *Serpico*. Were we to have a *Serpico* in our midst, that person may not be allowed to bring forward their complaint, so this doesn't particularly serve the police themselves.

All in all, I hear from this side of the floor a recommendation that this be given further study, that this go to committee, that it go to truly public hearings and that it's not there yet.

Mr. Zimmer: I have two points. With respect to section 97, it says, "The Ombudsman Act does not apply." That's correct. You should keep in mind, members, that since 1990 the Police Services Act has not provided that the Ombudsman has any jurisdiction to get involved in these complaints. If this act is passed, that won't change the status quo. What's the reasoning behind that? If you read through the LeSage report, all 27 recommendations, not one of his recommendations recommended the involvement or oversight of the Ombudsman.

Further, it's important to keep in mind that those decisions that are made by the independent police review director are always, always subject to judicial review. You can never exclude judicial review. So if that director exceeds his or her jurisdiction in some way, if it doesn't make the right decision, that decision itself is always subject to judicial review.

1750

I just wanted to say a word about the point that there's no way for people whose first language or perhaps second language is not English, recent immigrants and so on—how are they going to inform themselves of what's going on in the act? You should keep in mind that subsection 58(4)—and I'll just read it: "The Independent Police Review Director shall"—shall—"provide publicly accessible information about the public complaints system under this part and shall"—shall—"arrange for the provision of assistance to members of the public in making a complaint." The intent behind that section is to address the point raised by the member from Niagara Centre about people who are struggling to understand the system, so in section 58 there's a positive duty on the part of the commissioner to make that information available.

The Deputy Speaker: The member for Niagara Centre, you have two minutes to respond.

Mr. Kormos: I appreciate the comments of all the members. I do want to thank the member for Parkdale–High Park for raising the observation—of course that's section 58 of the bill, what would be 58 of the amended act. She's bang on. It prevents a police officer from making a complaint to the oversight body about another police officer in his same police force—very strange stuff.

I appreciate the parliamentary assistant and his reference to the duty of the director to engage in public education. Another damned website, huh? The Kinsella kin aren't rich enough? Come on. You could have a press conference and the Attorney General's going to announce yet another website that the taxpayer is paying for? That's silliness. What we're talking about is the fact that a police officer almost inevitably is going to be represented by counsel. Where is the government's assurance that complainants will have the same access to counsel to give them legal advice before they make the complaint, in the preparation of that complaint, and to lead them through the various options that they'll be confronted with or could be confronted with after the complaint is made? That's what we're talking about. You know darned well that's what we're talking about. I've known you for three years now. Don't try to pretend you don't know what we're talking about, Mr. Parliamentary Assistant.

So I simply want to reiterate—look, wouldn't it be a wonderful endorsement, what public confidence would be generated, if all three parties at the end of this process could stand together and agree that we'd all worked together to create the best possible police complaints procedure? That could happen. With this government's attitude, it's not likely.

The Deputy Speaker: Further debate?

Mr. Lorenzo Berardinetti (Scarborough Southwest): I appreciate the opportunity to speak on this bill, Bill 103, for a few moments anyway. I want to congratulate the Attorney General and his parliamentary assistant for bringing forward this legislation. I think it's an important piece of legislation, an Act to establish an Independent Police Review Director and create a new public complaints process by amending the Police Services Act. This is something long overdue, and it would be great if everything could be done as soon as possible. We have taken some time. I think the Attorney General is justified in going to consult with the police and other interest groups before bringing it to this point here today, because you don't want to ambush the police, and you don't want to ambush other interest groups as well, by suddenly introducing this bill without letting them know that it's going to contain certain provisions, because these provisions, in my view, are quite strong.

The fact that for the first time there's an independent and transparent police review system is something that I think is quite significant for the province of Ontario. The fact that the public has the option—it's a new option—to bring forward a concern to an independent civilian group, a police review director, so that this new group can intake, process and screen the police complaint. It's something that's different from what we presently have, because at present, when someone wants to complain against something the police have done, they have to go to the police, which creates a number of problems. We all deal with constituents at the local level and we all see our constituents when we have our constituency days, either on Fridays or on weekends or whenever. We have time set aside for that. But inevitably someone will come in

and speak to me about a complaint they have about the police, and they feel intimidated because they don't want to go directly to the police department to complain about the police. It's kind of odd, in a way, to do that, because you're going right to the place you're complaining about, and you know, or you feel sometimes, that you might not get a fair hearing.

Here, you have an opportunity, through this legislation, to allow the complaints to be made directly to this new board, this new review system, and allow that independent police review director to review your complaint. It doesn't mean that we don't trust the police system at all. In fact, we listened carefully, and there was a report done by Justice LeSage. He made it clear that the police should still have the right or the opportunity to be involved in that review process and also to have the board or this new independent review board weed out some of the complaints that will not be of any real significance. So you'll be able to weed out some of the complaints that aren't really valid, but at the same time this review board can take in valid complaints, look them over and then decide whether or not to proceed further with that complaint. I think it instills more confidence for the public, and it also instills more of a sense of fairness and a sense of justice out there. The police themselves should have nothing to be afraid of as well, because this system allows them to defend and/or respond to any complaints that are made against them, either individually or as a police service.

So the legislation is something that I think is ready for this time and for this day and for this age. I think that to have an independent board review the police, and do so in this fashion, is something very important. Whether or not we make touch-ups to the bill and the other parties get involved, certainly I do support this bill going to committee and being looked at, and if any amendments or changes need to be made at that time, then certainly they need to be heard, considered and looked at. We don't know, at the end, what those changes will be, but up to now Mr. LeSage, in order to prepare his report, travelled across the province and met personally with over 85 groups and individuals representing the police, community groups and the general public. He has reviewed numerous additional written submissions and held three large public meetings. So we have started on that process.

I think that is the right way to start: Allow Mr. LeSage to bring forward his report, which he has, analyze that report, draft the proper legislation, bring it forward here for second reading, then take it to committee and have it dealt with there, and when that's done, hopefully come back for third reading and make the necessary final amendments so that we have a proper system in place.

Those are my comments. I see the time is winding down, unfortunately. Hopefully, we can continue this debate soon.

The Deputy Speaker: It being 6 of the clock, this House is adjourned until 6:45 of the clock.

The House adjourned at 1759.

Evening meeting reported in volume B.

LEGISLATIVE ASSEMBLY OF ONTARIO
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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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