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**Official Report
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(Hansard)**

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Monday 23 February 2009

Lundi 23 février 2009

Speaker
Honourable Steve Peters

Président
L'honorable Steve Peters

Clerk
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LEGISLATIVE ASSEMBLY
OF ONTARIO

Monday 23 February 2009

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Lundi 23 février 2009

The House met at 1030.

The Speaker (Hon. Steve Peters): Good morning. Please remain standing for the Lord's Prayer, followed by a moment of silence for inner thought and personal reflection.

Prayers.

ONTARIO BUDGET

Mrs. Elizabeth Witmer: Mr. Speaker, I rise on a point of order today regarding the announcement of the budget date. The finance minister had ample opportunities last week to announce the actual date of the budget in this House, while all of the members were assembled. You would know, Mr. Speaker, from presiding in the chair during question period, that members of the PC caucus asked many budget-related questions. Instead, breaking from the custom and tradition of this chamber, he chose to announce the date of the budget in a media scrum on Thursday, February 19. This was followed later in the day by a media advisory. The end result of these announcements is that most members of this assembly learned from the media, rather than the finance minister himself, the actual date of the delivery of the budget in this Legislature.

In your ruling of February 18, regarding the member from Oshawa's concerns, you said, "... but I will say to the Minister that it is less about the timing of the announcement outside the House yesterday and more about the fact that the announcement did take place outside the House."

In the spirit of this ruling, I ask, on behalf of my colleagues in the PC caucus, that you apply this precedent to the matter at hand. I also ask that you consider in your ruling the spirit of democracy under which the majority should rule. An overwhelming majority of our 107 elected members were not present at the media scrum to learn information to which they are entitled as MPPs.

Hon. Dwight Duncan: The member opposite is correct. They did ask a variety of questions; they didn't ask the date of the budget. I went out to scrum and was asked what the date of the budget is, and we responded. This is not, in my view, a point of order. Budget dates have been announced outside of the House on many occasions, including the Magna budget announcement, which was done outside of the House, as the budget was—

Interjections.

Hon. Dwight Duncan: That plant is still open, Mr. Hudak, and you shouldn't be speculating on something like that. This is neither a point of order—it just repre-

sents an opposition that's divided, doesn't have its act together and has no plan for the economy.

Hon. Monique M. Smith: Mr. Speaker, on the same point of order: I would just take note that last week, you did rule in this House about an announcement that was made through a question to the Minister of Infrastructure that was on the opposite side of the point of order that the opposition House leader is making today. I think they should actually determine which way they would like it.

The Speaker (Hon. Steve Peters): I thank the honourable members for their comments. I anticipated that this issue may arise today and had the opportunity to confer with the table this morning prior to coming to question period. I will continue to remind members of the statement I made last week and that previous Speakers have made.

In the discussions we had this morning, the focus of that statement had been on a policy announcement being made outside of this chamber and those questions being raised within the chamber. In this instance it was the specifics of a date that were announced. I'm not going to take any further action but I do appreciate the member's bringing the issue forward.

INTRODUCTION OF VISITORS

Mr. Bill Mauro: I'd like to introduce to the assembly today, repatriated back to the city of Thunder Bay—stolen back from Burlington—the relatively new city manager, Tim Commisso.

Mr. Garfield Dunlop: I'm pleased to introduce the representatives of the township of Georgian Bay and some members of my constituency; so with that, I'll share this with Mr. Miller. They are all attending the ROMA conference. I'd like to introduce Mayor Jim Walden and his wife, Anita; the chief administrative officer, Brenda Black; and the public works supervisor, Rick McMaster, and his wife, Kim. Again, they're all attending the ROMA conference. Thank you very much, and welcome.

Mr. Rosario Marchese: I would like to introduce three representatives of the Ontario Public Service Employees Union who are here with us today: Brenda Wall, Roger Couvrette and Candy Lindsay. Welcome.

Mr. Khalil Ramal: I would like to introduce the president of Tourism London, Brad Rice, and also the acting director, John Winston, just here in the gallery.

Mrs. Julia Munro: I'm very pleased to be able to welcome the parents of Rachel Trow—Betty Fallis Trow,

her father, Phil, her grandmother Jacky—and friends Ashley Hopper and Liz Westlake. Welcome to the assembly.

Mrs. Liz Sandals: I'm delighted today to be able to introduce representatives of the GRCA, the Grand River Conservation Authority, the best conservation authority in Ontario. We have with us today Paul Emerson, Alan Dale, Joe Farwell and Lorrie Minshall in the west gallery. Welcome.

Hon. Deborah Matthews: I am delighted to introduce the members of the Black Education Awareness Committee from the Children's Aid Society of Toronto. They're joining us in the public gallery today. Their names are Tre Bailey, Teka White, Tyler Lloyd, Trina Amin, Stephanie Bedard-Dempster, Melanie Bedard-Dempster, Asher Khan, Brenda Akumu, Julia Hejazi, Crystal Adams, Tyler Bryant, Bernard Dobrovolski, Clunis Johnson, Merle Fleming, Moy Bromfield, Patricia Malcolm, Naiomi Singh, Denise Anderson, Sophia Mazurek, Clayton Greaves, Charmaine Hylton, David Henry and Michael Bowe. Welcome to all of you.

Mr. Bob Delaney: I'm very pleased to introduce Irena and Jas Rosic, the parents of page Andrej Rosic from Mississauga—Streetsville.

Hon. Monique M. Smith: It's a big day in the Legislature today: it's Tourism Day at Queen's Park today. I'm delighted to introduce, in our galleries here, the president of the Tourism Industry Association of Ontario, Bill Allen, as well as a variety of board members and members of the Tourism Industry Association of Ontario: Terry Mundell, with the Greater Toronto Hotel Association; Tim West, the chair of the TIAO, and with the Ontario Federation of Snowmobile Clubs; Michelle Saunders, with the Ontario Restaurant, Hotel and Motel Association; David Hornstein, the past chair of Tourism Sault Ste. Marie, and with Dynamic Hospitality; Garrett Klassen, the vice-president of the Federation of Bed and Breakfast Accommodation and the owner of Three Bears B&B in Elora; Beth Potter, the executive director of the Ontario Private Campground Association; Bruce Gravel, the president of the Ontario Accommodation Association; Nancy Adamo, president and owner of the Hockley Valley Resort; Susan Cudahy, general manager of the Waterloo Regional Tourism Marketing Corp.; and John Winston, of Tourism London.

I would welcome all of our members to the reception this afternoon at 5 o'clock in the dining room, on behalf of the tourism industry.

1040

Mrs. Maria Van Bommel: I'd like to introduce the mayor of Brooke-Alvinston, Don McGugan, and his wife, Ann. They're here for the ROMA conference, and they're from my riding of Lambton—Kent—Middlesex.

Mr. Bruce Crozier: I want to introduce somebody who is not exactly a visitor here today, but new to the world, and that is Cate Robin Crozier, who came into the world this morning at seven pounds, five ounces.

Applause.

Mr. Bruce Crozier: Mother Jolean, father David, brothers Benjamin and Cowan are doing well, as well as grandma and grandpa.

The Speaker (Hon. Steve Peters): I want to take this opportunity to welcome, in the east public gallery today, students from Immaculate Heart of Mary School in Scarborough, and a special welcome to my brother Joe and an extra-special welcome to my nephew Nicholas, who is here today. Welcome to Queen's Park.

PREMIER'S ATTENDANCE

Mr. Tim Hudak: On a point of order, Mr. Speaker: We were told that the Premier would be in question period today, and we note that he is not. We have not been informed that he would be missing today's question period.

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

Hon. Monique M. Smith: Sorry, I am unaware of any assurance that the Premier would be here this morning.

The Speaker (Hon. Steve Peters): I'm going to go back to the government House leader. I see a note arriving.

Hon. Monique M. Smith: Thank you. As I should have known, because I was there this morning, the Premier is at OGRA/ROMA this morning. I believe the opposition was aware that he was speaking at OGRA/ROMA this morning.

Mr. Tim Hudak: With respect, it makes the functioning of us holding the government to account far better when the House leader or members opposite inform the opposition when ministers will not be available. We were notified, for example, that Minister Best would be away, that Minister Bryant would be late and that Minister Bradley had a commitment later in question period—Mr. Bryant has, in fact, arrived. We would appreciate the respect due to the official opposition by letting us know when the Premier is not going to be here in question period.

The Speaker (Hon. Steve Peters): I thank the members for rising on the point of order. As much as some of you may wish, there is nothing that allows me, as Speaker, to compel the Premier or a minister to be here at question period. I just ask that, as has been done in the past, courtesy be extended about members who will or will not be in attendance.

It is now time for oral questions.

ORAL QUESTIONS

ONTARIO ECONOMY

Mr. Tim Hudak: In the absence of the Premier, I will direct to the Minister of Finance. Minister, while other Premiers were announcing—

Interjections.

The Speaker (Hon. Steve Peters): Member from Niagara West—Glanbrook—and I appreciate the efforts of

the armchair Speakers on the other side—we have the custom within this Chamber of not making reference to people being or not being here during questions.

Mr. Tim Hudak: I have a question to the Minister of Finance. While other Premiers were announcing economic stimulus plans, Premier McGuinty visited your hometown—a community beset by the highest unemployment rate in all of Canada and plunging real-estate values—to speak to the chamber of commerce, where he gave this deep economic insight: “We’re going to be okay.” He topped that on November 27, 2008, when he told Ontario families worried about their jobs or their ability to pay their mortgage to go out and buy a fridge to kick-start the economy.

Minister, can you inform the Legislature how many jobs were lost since the Premier dispensed this pearl of economic wisdom?

Hon. Dwight Duncan: Well, having been at the speech, I can tell you that the Premier received a standing ovation at the end of his speech. The Premier reminded the Windsor Chamber of Commerce that three weeks earlier, the city of Windsor had received \$21 million in infrastructure money, which that member voted against. The Premier reminded the audience that when Saskatchewan announced a \$500-million infrastructure program for 2007-08, we did \$9.9 billion. When Nova Scotia released its economic update, they said they’d wait until after the federal budget to address issues; we did a full fall update.

President Obama is going to speak about the American economy tomorrow and his budget for a fiscal year that began last October. This government is the only government that has introduced budgets and fall statements on time, before the beginning of fiscal years. Our government’s record on infrastructure—

The Speaker (Hon. Steve Peters): Supplementary.

Mr. Tim Hudak: How soon the minister forgets. He promised us an early budget only a few weeks ago; now we find out it’s the last Thursday of the fiscal year. I’m here to say that the minister probably mistook a standing ovation in Windsor for the growing number of people lined up at the unemployment office down the streets of his home community.

Minister, when the PCs were in office, our pro-job-creation policies helped create 1.2 million jobs in the province of Ontario, a record that stands to this day. Since Dalton McGuinty talked about going out and buying fridges, durable goods sales have plummeted in Ontario and 105,000 Ontarians lost their jobs. What Ontario families worried about their mortgage and jobs want to see is a leader in the Premier’s office. Instead, they’re seeing a deer caught in the headlights.

When are we going to see some action to revive our economy, or are you looking for more jobs as Dalton McGuinty roadkill?

Hon. Dwight Duncan: After the Premier gave his speech to the Windsor chamber, we attended the Ford re-training centre, which this government set up to help displaced workers. The Conservative members who laughed

about unemployed people in Windsor ought to be ashamed of themselves. We set up a skills training program—\$1.5 billion—that is helping unemployed people across Ontario. That member and his party voted against it. The one thing unemployed workers in Windsor need today is earlier and more access to employment insurance. His friends in the Conservative Party in Ottawa said no to that at the very time they should have been endorsing it.

This government has laid out a plan to deal with the world financial crisis; that party is nothing but hot air and smoke. We’ll continue to speak for the unemployed in Windsor and right across Ontario.

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

Mr. Tim Hudak: I don’t know what the finance minister himself is smoking. What we’re laughing at over here is a Premier confronted by families worried about their jobs and mortgages, and they hear the Premier telling them to go out and buy a fridge. They hear a Premier say, “Steel yourselves.” They hear a Premier say, “Don’t worry; we’re going to be okay.” What a bunch of horse feathers. They want to see a leader in the Premier’s office, not some third-rate inspirational speaker.

Minister, PC policies of lowering the tax and the red tape burden helped create some 1.2 million jobs in the province of Ontario. What you claim to create in five years, we created in one. I want to see you get off your duff, bring forward a budget, help businesses create jobs and bring this province out of the have-not status that you dragged it into.

Hon. Dwight Duncan: The member opposite must be missing the world financial crisis and what’s going on. To compare the situation to the late 1990s is an absolute absurdity.

But let’s see what the Tories have said about job hiring. On the weekend, John Tory laid out his sixth five-point plan. In fact, it’s a three-point plan when you look at it. In it, he very clearly says that government shouldn’t be spending on stimulus to create jobs, that we shouldn’t be hiring in the government. We reject that. We reject your leader, and we reject your policies. I guess they had a bit of a celebration of Mike Harris last weekend, and let me tell you, we reject that. We reject that whole ideology.

Our government has invested in infrastructure. Our government has invested in training. Our government has invested in targeted tax cuts. Our government has invested in red tape reduction. That member and his party have no plan, no vision—

The Speaker (Hon. Steve Peters): Thank you. The member from Kitchener–Waterloo.

RURAL HEALTH SERVICES

Mrs. Elizabeth Witmer: My question is for the Minister of Health, in the absence of the Premier.

Interjections.

The Speaker (Hon. Steve Peters): Do I need to remind the member again about making references to attendance?

Mrs. Elizabeth Witmer: Thank you very much, Mr. Speaker. It's just that we weren't informed.

Minister of Health, there is growing fear and trepidation in rural Ontario about your government's clandestine plans to close emergency rooms and beds and eliminate services. In fact, the rural mayors are in Toronto this week to ask you about your policy on rural hospitals. Despite your Premier's promise not to cut services, we now know about your plans to close the emergency rooms in Port Colborne and elsewhere. Can you tell the people in rural Ontario: What is your plan for rural health?

1050

Hon. David Caplan: I thank the member for the question in the absence of the Leader of the Opposition. I had a very constructive—

Interjections.

The Speaker (Hon. Steve Peters): There is a Leader of the Opposition who is here, and the same reminder that I just gave to the honourable member I give to the Minister of Health. These silly games need to come to an end.

Mr. Ted Chudleigh: He's a silly person.

The Speaker (Hon. Steve Peters): The member from Halton will withdraw the comment that he just made, please.

Mr. Ted Chudleigh: Withdraw.

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

Hon. David Caplan: I can tell the House and the member opposite that today I had a very good and constructive meeting with the mayor of Port Colborne, in fact outlining the various steps that this government is taking relating to strengthening investments in health care, in Niagara in particular, but also right across the province. So far, \$62 million invested in small and rural hospitals since 2003; more than 130 foreign-trained doctors are today working in—

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

Mrs. Elizabeth Witmer: To the health minister again: The residents of Lindsay and surrounding communities are also concerned about the possibility that there will be cuts made—in particular, the cut to the mental health unit at Ross Memorial Hospital. We've seen this happen at Rouge Valley. I ask the minister today: Will you guarantee that the mental health unit at Ross Memorial Hospital will not be closed or any services reduced?

Hon. David Caplan: I don't know where the member comes up with these scaremongering tactics. The only people who have closed facilities are that member and her colleagues opposite when they were in the privilege of serving as the government of Ontario. In fact, they cut and closed thousands of beds across the province. They fired 6,000 nurses. Coming into office, in their first two years, they cut 7.5% from health care spending right

away. And it gets worse, because it is the avowed position of the member opposite and her colleagues to cut another \$3 billion in health care funding.

I say that Ontarians have rejected that approach. Ontarians want an approach which encourages more investment, as we have seen: a 37% increase in health care spending under this government, and we're going to continue to hire more nurses, hire more doctors, expand services and, in fact, provide better quality of care—

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

Mrs. Elizabeth Witmer: Maybe the member opposite would like to read the editorial in the Toronto Star from Saturday about what happened 20 years ago to the Peterson government and the emergency room crisis. I say to you today, Mr. Minister: Letters are flooding in from all over rural Ontario. They refer to the decimation of our public health system. I've got them right here.

I would say to you: Are you today prepared to share with the people in this province, the mayors and the councillors who are gathered here for the first time in about six years, what your plan is for rural Ontario hospitals?

Hon. David Caplan: As I indicated in the answer to the first question, so far, to date, \$62 million invested in small and rural hospitals; more than 130 foreign-trained doctors currently working in underserved communities; 44 family health teams, in service to over 1,000 rural Ontarians; \$1 million for new tuition fees for new rural nurses; and 19 new community health centres and satellites in rural communities. That stands in stark contrast to the efforts and the record of the member opposite, who cut services in those communities, who supported the work of the Health Services Restructuring Commission as they went from community to community closing and slashing their services. This member fired nurses. Her Premier called them hula-hoop workers.

This government is hiring more nurses. This government is having more doctors in—

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

CHILD PROTECTION

Mr. Howard Hampton: My question is for the Deputy Premier.

The Provincial Advocate for Children and Youth tells us that 90 children a year are dying in Ontario's child welfare system. The children and youth advocate further says that this number of deaths in Ontario's child welfare system is too high by any standard.

My question is this: How does the McGuinty government explain the deaths of 90 of the most vulnerable children each year in Ontario's child welfare system under the McGuinty government's watch?

Hon. George Smitherman: To the Minister of Children and Youth Services.

Hon. Deborah Matthews: I want to start by thanking the advocate for his work.

Every death of a child is a tragedy. These 90 deaths are 90 separate tragedies. I can assure the member opposite that we take them very, very seriously. We work with the chief coroner every time there is a death reviewed. We take it very seriously and make sure that we take the steps necessary to prevent future deaths.

The Speaker (Hon. Steve Peters): Supplementary.

Mr. Howard Hampton: The minister says that the McGuinty government takes this situation seriously. This has been going on for some time. The McGuinty government has presided over this for five and a half years. It means that more than 500 children have died in Ontario's child welfare system while the McGuinty government says that it takes the problem seriously and is doing what it can to address it. How can that be? How can this be happening every year—90 of the most vulnerable children dying? How does the McGuinty government explain five and a half years of inaction while 90 of the most vulnerable children are dying a year?

Hon. Deborah Matthews: I would urge the member opposite to carefully read the pediatric death review committee report. I think it would be a mistake that none of us would want to make to interpret these results differently than our coroner has reported to us.

Let me just tell you about some of the changes that we have taken as a result of the pediatric death review committee report. One of the big factors when it comes to infant death is sleeping arrangements. When my children were young, we put them on their tummies with toys and stuffed animals. That is no longer understood to be the best way to put a child to sleep, so now we train child protection workers and parents so that they understand that the safest way to put a child to sleep is on their back, without any of the toys. That is making a difference—

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

Mr. Howard Hampton: The fact remains that under this government's watch, 90 of the most vulnerable children a year, children who've been taken under the control of child welfare agencies, are dying.

The child and youth advocate makes it very clear: He says that most of these deaths were preventable. These are suicides. Some of them are homicides. Some of them are situations involving children between the ages of 12 and 18 years old which clearly could have been prevented.

How does the McGuinty government justify presiding over this situation year after year after year while the most vulnerable children are dying under your watch and under your control?

Hon. Deborah Matthews: Let me repeat: We take each death very, very seriously. When we think about kids who die from suicide, that is something we take extremely seriously. That's why, in the support that we are providing for crown wards and kids in care, we take their mental health very seriously. We've funded community partnerships between CASs and mental health agencies.

I'm not going to, for one minute, pretend that everything is perfect. The number of deaths of kids in care has actually remained constant since 1991.

We are continuing to make improvements. Last week, I was with the Minister of Training, Colleges and Universities, announcing yet another step in our transformation of child welfare to improve outcomes for kids in care.

These kids are our kids. These kids belong to all of us—

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

1100

CHILD PROTECTION

Mr. Howard Hampton: The McGuinty government says that you're doing all you can to prevent this, but the child and youth advocate sees it quite differently.

Interjections.

Mr. Howard Hampton: To the same minister, Speaker.

In fact, just this past December, the child and youth advocate had to go to court and fight the McGuinty government to gain access to an investigation report from the Ministry of Children and Youth Services, your ministry. The child advocate's report makes it clear that this kind of stonewalling by the McGuinty government is repeated and repeated.

Tell me: if the McGuinty government is doing all that it can to protect these children, why is the McGuinty government continuing to stonewall the efforts of the child and youth advocate, who is only trying to do his job and protect these children?

Hon. Deborah Matthews: I'm very happy to be able to actually report to the member opposite that in fact a protocol agreement has been signed between the advocate and our ministry so that the information will flow. We obviously have to respect privacy considerations. When we made the office an independent office, which I think was the right thing to do, we had to ensure that privacy considerations were addressed. In fact, today the advocate is meeting with members of my ministry staff to ensure a smooth implementation of that protocol.

The Speaker (Hon. Steve Peters): Supplementary?

Mr. Howard Hampton: Today, after the child advocate releases his report, after the child advocate has had to go to court to fight the McGuinty government, after 500 children have died under the McGuinty government's control, suddenly the McGuinty government says, "Oh, we have to get together and talk." But this is not the first time that the child advocate has made these points. To quote him, "These are obviously very critical documents for the understanding of the events leading to the death of the child or youth, and entirely necessary for the work of the advocacy office."

Why again, when these documents are needed, when the child advocate is simply trying to do his job for this Legislature and protect these children, is the McGuinty government doing everything it can to inhibit the work of the child advocate?

Hon. Deborah Matthews: I just completely reject the premise of the leader of the third party. My ministry

shares the concern for kids that the advocate exemplifies. I have tremendous respect for the work he does. I have tremendous respect for the person he is. His background speaks volumes about his concern for the most vulnerable children. I think he was a brilliant choice as a child and youth advocate for this Legislature.

We are working very hard to work with him. As I said, today he is meeting with my ministry officials to talk about the flow of information. We had to work hard to reach that protocol agreement, but it's important that the privacy of children and youth is respected as we go through this.

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

Mr. Howard Hampton: More words from the McGuinty government, but they're just words. This is what the Premier had to say a year ago: "We accept our responsibility to do more to help the poor, and poor children in particular. If it's not simply a moral imperative, it's a matter of enlightened self-interest. If our children do well, then we all stand to do well."

But here's what the child advocate had to say yesterday. He says he is "struggling ... to build working relationships within the ministry itself." He says of the McGuinty government, "It's hard to tell what is smoke and mirrors and what isn't," because you continue to try to inhibit him from doing his work.

I say again, this is not about whether the child advocate is credible or whether he's a good person. This is about the McGuinty government's failure: 500 children in five and a half years, and the child advocate says you continue to do all you can to stonewall his work and make it difficult for him to protect children. Why?

Hon. Deborah Matthews: I would suggest that the member opposite actually look at the report. It's dated December 31, 2008, and he says that as of this writing, we are working on reaching that protocol. In fact, we have reached that protocol, and we are implementing that protocol as we speak.

I think it's important to note that according to the coroner, the death in most cases was not a preventable death by the CAS, and the CAS involvement was not a factor in the deaths. That is not to say that any death is an acceptable death, but I think it's important what you infer from this report.

I also think it's important to contrast our position with the position of the NDP. When you were in office, you cut CAS staff. In fact, the number of CAS staff has gone up by 20% since we were elected, and that is because we take our—

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

HOSPITAL FUNDING

Mr. Frank Klees: My question is to the Premier, and it relates to a question that I asked him last week. It deals with the issue of downloading provincial health care costs to the municipalities.

York region passed a measure that adds \$12 million for hospital capital costs to the local tax base for property taxpayers. John Taylor, the regional councillor for York region and a former Liberal candidate, said that this is essentially "voluntary downloading," raising the fact—and he said specifically—that "this is really a provincial responsibility."

So I ask once again, on behalf of taxpayers in York region: Why is the provincial government downloading essential hospital costs to taxpayers in York region?

Hon. George Smitherman: I have utmost respect for my honourable friend, and indeed for John Taylor as well, but I think they misunderstand some elements of history on the file of community contributions for purposes of health care capital construction. When Elizabeth Witmer—when the member from Kitchener-Waterloo—

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

Hon. George Smitherman: —was Minister of Health, the funding relationship on capital projects was either 50-50—provincial, community—or, at the highest, 70% provincial, 30% community. We've raised that to 90%.

There is, inherent in the construction of new hospitals, a recognition that communities should and must be involved. In the case of York region, rather than relying only on contributions from individuals and businesses in the community, the region has decided to take a leadership position to raise those resources through the tax base. I see that as leadership. There are other models and mechanisms, but at all times there's a community—

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

Mr. Frank Klees: East Gwillimbury Mayor Jamie Young agrees with York regional councillor and former Liberal candidate John Taylor that what is happening in York region is fundamentally wrong. The fact is that this government slapped a new health care tax levy on people across the province, including people in York region, under the guise that it would pay for growing health care costs. We know full well that this government has abandoned fast-growing communities because they are not funding their rightful amount of costs.

In the past, yes, it's true that communities have raised costs to help with capital construction. However, we in York region are growing at the rate of 35,000 people a year, and this government is not keeping up to that rapid growth; they know they're underfunding health care. Why now are they insisting that the local municipality download costs onto the property taxpayer that he knows they should be paying?

Hon. George Smitherman: The honourable member sure does stretch himself into a pretzel with some of what he has to say. He talks about not funding growth in high-growth regions as if he can't see that in Richmond Hill there's a great big construction crane adding an element to the hospital. It's as if the honourable member doesn't know that in the last five years, a small hospital in York region, in Newmarket, has emerged as one of our biggest and has under way at the moment a regional cancer

centre. It's as if he doesn't know that in Brampton, at Credit Valley, at Trillium hospital, in Oshawa and in Ajax at present, there is hospital construction under way. And it's as if the honourable member from York region doesn't know that new hospital construction will begin very soon in Markham, and that work is under way to build on the community health centre that's already under construction in Vaughan, with new health care facilities. Our government has constructed more hospitals in the last five years than the last five governments in the province of Ontario.

1110

GREEN POWER GENERATION

Mr. Paul Miller: My question is to the Minister of Economic Development. January's job numbers from Stats Canada show a collapsing job market, with 71,000 jobs lost in January alone. Over 300,000 manufacturing jobs have been lost over the past four years.

The NDP is a strong supporter of green energy jobs, but we also know that without a strong buy-Ontario component to the new act, green energy manufacturing jobs will be created in Europe and the USA.

Will the green energy act, Minister, require wind turbines, solar panels and other green energy components and inputs to be manufactured in the province of Ontario?

Hon. Michael Bryant: To the Minister of Energy.

Hon. George Smitherman: I want to thank the honourable member for the question. I really appreciate his anticipation of the introduction later today of the Green Energy Act. It's a comprehensive piece of legislation that, amongst other things, does carve out the capacity to establish by regulation domestic content guidelines on a case-by-case basis. Wind turbines and biogas may reflect different opportunities to build an Ontario supply chain, and the piece of legislation will most certainly give us the opportunity to do that.

The Speaker (Hon. Steve Peters): Supplementary.

Mr. Paul Miller: The problem is that the government is really off to a bad start on this issue. Of the 2,200 estimated jobs to be created by the six new wind farm projects announced in late January, there are absolutely no manufacturing jobs being created with them. According to the energy ministry staff, the jobs are primarily short-term construction jobs, with some ongoing maintenance and operations work. Any energy project, green or not, will create some short-term construction jobs.

I repeat: Will the Green Energy Act require wind turbines, solar panels and other green energy inputs to be manufactured in the province of Ontario, or will most of the 50,000 new jobs go to the United States or Europe?

Hon. George Smitherman: The 50,000 new jobs associated with the Green Energy Act over the course of three years do most certainly depend upon the creation of enhanced manufacturing capacity in the province of Ontario. This will be substantially aided by the legislation itself, which will have domestic content provisions, if supported by the Legislature.

On that point, I do believe that when my honourable friend has an opportunity to review the legislation when presented, if passed, he will see the opportunities to build a much greater domestic supply chain in the province of Ontario.

We have wind turbines rising up to provide energy from what the wind has to offer. We want to make sure that they're standing on steel that has been milled by the good people of Sault Ste. Marie and by the good people of Hamilton. I think that's one of the reasons that the honourable member, I hope, will be encouraged to find support for today's forthcoming Green Energy Act.

TOURISM

Mr. Bruce Crozier: My question is for the Minister of Tourism.

Minister, recently a report was presented to you entitled *Discovering Ontario: A Report on the Future of Tourism*, by the member for Vaughan, who last year was appointed to chair the tourism competitiveness study. The chair met with tourism operators and other stakeholders throughout the province to hear what they had to say on how to improve the industry. In fact, I am aware that the chair heard from Windsor-Essex Trolley Tours, the convention bureau of Windsor-Essex county and the township of Pelee, and the town of LaSalle.

Now that the report is complete and the recommendations have been provided to the minister, I ask the minister to provide this House with the next steps the province will be taking with regard to this report.

Hon. Monique M. Smith: I'd like to thank our new grandpa, the member for Essex, for the question this morning.

It being Tourism Day at Queen's Park, it also gives me a great opportunity to thank again the member for Vaughan, Greg Sorbara, and his team, who did such a great job in preparing the report that the member for Essex was referring to.

We're currently reviewing the report. It is a very substantial report, with 20 recommendations that are going to have a great impact on the entire tourism industry across the province.

Many of those who participated in the consultations in the drafting of this report are here today with us in the Legislature, and I want to take this opportunity to thank them.

This study was commissioned by our government to take a total overview of the tourism industry. We committed to this study in our 2007 election platform, and I'm very proud that within two years we've delivered on this study. We involved over 500 stakeholders in 13 public consultations across the province, including in the areas of Windsor, Niagara Falls—

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

Mr. Bruce Crozier: As the minister mentioned, the chair's recommendations in the competitiveness study are advice to our government, and his report contains

suggestions to help government work with the tourism sector.

In the report, the chair proposes several recommendations on how to strengthen the tourism industry. The second recommendation outlined in the report, as a matter of fact, is to establish tourism regions to better coordinate tourism marketing and management across the province.

I know of tourism marketing organizations that exist to promote my riding, such as the convention bureau of Windsor, Essex County and Pelee Island. I ask the Minister: How would this recommendation, if implemented, affect these local organizations and initiatives?

Hon. Monique M. Smith: Thanks again to the member for Essex. I had the opportunity to meet with the good people in the town of LaSalle this morning at OGRA/RAMA. There was a lot of interest around this study and around some of the recommendations in this study, particularly one about the creation of regions.

Tourism in Ontario is an economic driver, and it's important for everyone in this Legislature and for the people of Ontario to understand what an economic driver it is. We are looking, through this report, to create regions across the province, and to provide more support to our regions in order for them to market themselves across the province and around the world. We want to create strong regions and strong organizations within those regions. We will be consulting closely with our industry partners across the province as we work in co-operation with our industry partners to create these regions and organizations.

Again, I want to thank the chair for drafting this report for us. I want to thank the many, many stakeholders and private citizens across the province who provided the—

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

AUTOMOTIVE INDUSTRY

Mr. Ted Chudleigh: My question is to the Minister of Economic Development. Minister, you're aware that the auto agreements in the United States keep coming to fruition; they keep moving down that road. What we hear from your ministry and what we hear from you is that we're still negotiating.

In 30 days, President Obama put together the most comprehensive stimulus program that the world has ever seen. In that same time, Ontario announced that our budget is going to be delayed by 30 days. There's a timeliness associated with these things, and we have to move down the road in concert with the United States and keep in lockstep with them.

Minister, can you tell us if the negotiations are going on well, and can you also tell us whether or not the legacy costs of the automotive industry are on the table?

Hon. Michael Bryant: The member asks a very good question. This is the challenge that the companies are facing because of the huge risks that would take place with respect to either filing under Chapter 11 or CCAA. The effort is to undertake a massive restructuring outside

of that scenario that requires the companies to address their legacy costs.

The plans that were submitted by General Motors, quite comprehensively, and Chrysler, in a more compact form, sought to address that. The government of Ontario continues to work with the federal government and the auto companies. There is an exchange of information. It is satisfactory to date. Yes, this is the second round of negotiations. They have provided an ask, which doesn't necessarily mean that that is what the government is going to provide, and we will continue—

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

Mr. Ted Chudleigh: To the same minister: I think I heard that the legacy costs are on the table, along with many other issues. Minister, are you aware that those legacy costs could amount to as much as \$40 billion of Canadian and Ontario taxpayers' dollars? Are you willing to go down that road?

Hon. Michael Bryant: I can safely say that there will absolutely not be a \$40-billion give from Canada to those auto companies. So, no, that ain't going to happen.

North American-wide, the decision that the United States makes is going to be one in which we collaborate significantly with Canada, but the situation that we have here is a proportion of the North American industry at large. What Canada wants to obtain is proportionate and continued viable growth by these companies, in exchange for a proportionate loan or other delivery of financial assistance that the government may negotiate with these companies.

So that number that you threw out there is in a different stratosphere. What we're trying to do is deal with the Canadian issues, on Canadian terms, in a very Canadian—

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

1120

COMMUNITY COLLEGES COLLECTIVE BARGAINING

Mr. Rosario Marchese: A question to the Minister of Training, Colleges and Universities: In October 2008, the McGuinty government changed the Colleges Collective Bargaining Act to recognize a worker's right to join a union and take part in collective bargaining. From January 19 to February 5, more than 3,500 people voted at 60 college locations around Ontario to see if they wished to join the Ontario Public Service Employees Union. These workers, however, are being denied the results of their own vote. Ontario's community colleges are blocking the votes from being counted. They are using every option available to stop part-time and sessional faculty from knowing the results of their legal vote. Will the government call on the colleges to drop their opposition to counting the votes and support the democratic rights of their employees?

Hon. John Milloy: To the Minister of Labour.

Hon. Peter Fonseca: First, I want to commend the Minister of Training, Colleges and Universities for bringing forward the Colleges Collective Bargaining Act, 2008.

I want to say to the member opposite that this government is committed to restoring balance and fairness to labour relations in Ontario. That is what we have done for the last five years, working with trade unions, working with employers and working with the employees.

The collective bargaining for college employees is governed by MTCU. The matter that the member brings forward is before the Ontario Labour Relations Board, and it would be inappropriate for me to comment because the matter is before the board.

The Speaker (Hon. Steve Peters): Supplementary.

Mr. Rosario Marchese: It seems to me that this government supports the existence of democratic rights but not their actual implementation. You know what, Minister? I believe that you don't mind the delay in this process. In fact, I think you would be very happy if these workers were denied their rights until after the next election.

In light of your enthusiasm for your own bill, I hope you would prove me wrong today. Will this government honour its own legislation and instruct the colleges to drop their opposition and count the votes?

Hon. Peter Fonseca: Just to repeat to the member, we were the ones who introduced this piece of legislation. I would hope the member doesn't want me to presuppose what the board's decision will be. Right now, it is before the board.

What I can tell the member is that we work very closely on labour relations. Our ministry is always there to assist with our mediators. We have the best labour relations in this province that we have seen in the last 30 years. That is bringing stability. It is bringing fairness. It is working with our partners, our employers, our labour unions and our employees.

Allow the board to do its work, I say to the member, so that we can continue with the type of labour relations we have had over the last five years and continue to build on that.

HOSPITAL SERVICES

Mr. Yasir Naqvi: My question is for the Minister of Health and Long-Term Care. Many Ontarians feel they are waiting too long to receive care in hospital emergency rooms. I know it's a problem that is not isolated to this province alone. Patients across the country are having similar complaints. I also know it's a challenging problem. Wait times in emergency rooms depend on a number of factors: what other options exist in the community, the number of available beds in a hospital, the number of health care professionals who are able to work, and the list goes on.

Ontarians are eager to see ER wait times come down. Can the Minister of Health tell the House what he is doing to reduce the amount of time that Ontarians spend waiting in hospital ERs?

Hon. David Caplan: I'd like to thank the member from Ottawa Centre for his question and for his advocacy, because, in fact, most recently this government has begun setting targets for time spent in emergency departments. As Dr. Eric Letovsky, head of Credit Valley Hospital's emergency department, said recently, "This is really the first time we've seen government make emergency wait times a political priority."

Since our government was elected in 2003, we've launched a number of initiatives to help reduce emergency department wait times, including a \$109-million emergency department strategy. We're helping patients learn about health care services in their communities other than emergency rooms where they can go to get care. We have accomplished this through our new website called Your Health Care Options. We're creating more family health teams and nurse-practitioner-led clinics. We're paying hospitals incentives to improve ER performance. We're addressing the alternative-level-of-care challenge, combined—

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

Mr. Yasir Naqvi: I'm glad to hear that the government is taking steps to reduce ER wait times, and I'm pleased that the minister has decided to take measures on the amount of time Ontarians have to spend in the ER and set wait-time targets. Still, looking at the hospital in my riding of Ottawa Centre, I'm concerned. The total time patients will have to wait in the ER at the Civic campus of the Ottawa Hospital is above the provincial target. Though I know the hospital is working hard to meet the newly established goals, I also know that my constituents are no doubt concerned about the length of time they may have to wait to get there.

Can the Minister of Health and Long-Term Care explain why he decided to publicly report the length of stay in Ontario's ERs, and when Ontarians can expect to see progress?

Hon. David Caplan: When Ontarians need to use an emergency department, we want to make sure that they can get fast, appropriate and a high quality of care as quickly as possible. We're beginning to report on how long Ontarians may have to wait in a provincial emergency room because we govern on the principle that if you track it, you can improve it. We're committed to improving hospital emergency department wait times in this province. There is no doubt in my mind that meeting these targets will take time, but I'm encouraged by what I'm hearing from our hospitals.

Dr. Naveed Mohammad, site chief of emergency at Brampton Civic Hospital said, "The Ministry of Health and Long-Term Care and our LHIN are taking a comprehensive, multi-pronged approach to improving things. This is something we will solve but we will solve over time. I am confident that as the data comes out every few months, you will notice that things are getting better." I agree with Dr. Mohammad. I know that with our continued investment and support, Ontario's hospitals—

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

PUBLIC TRANSIT

Ms. Lisa MacLeod: My question is for the finance minister. On December 2, the Premier wouldn't commit to funding Ottawa's \$278 million in shovel-ready projects like the Strandherd-Armstrong bridge and rapid transit routes, yet you've been hoarding \$200 million, first promised in 2004. Since then, times have changed. We're in a massive recession and we need to bolster transit after our strike. Your government has a responsibility to kick-start our local economy and move Ottawa's transportation plan forward.

Will you put your money where your mouth is and work with the other levels of government to fund projects like the Strandherd-Armstrong bridge?

Hon. Dwight Duncan: As much as I would like to take the response, I'll pass it to the Minister of Infrastructure.

Hon. George Smitherman: I do think that the tone of the question doesn't actually reflect the tone of our government's view towards opportunities to participate with the government of Canada, with the city of Ottawa, in what we would all agree are much-necessary investments in public transit initiatives in that community. To be very forthright about this, we have had money on the table there for quite a long time. The Ottawa community has still been challenged a little bit, getting their act together more recently, for sure, and we're very, very supportive of that.

I could tell my honourable friend—I know she has a good relationship, as I do, with the federal minister for transportation with responsibility for infrastructure—that a quiet conversation with Minister Baird might provide the honourable member with some backdrop for the extent to which we're all very committed to finding solutions that can advance on the much-needed public transit infrastructure investments in the nation's capitol.

The Speaker (Hon. Steve Peters): Supplementary?

Ms. Lisa MacLeod: I appreciate the minister speaking with me, but I have had conversations with both levels of government over the weekend and they are concerned. It's now been three months since the city set its priorities; it has been over five years since your government first promised \$200 million to Ottawa, yet it has not flowed. How can we trust any commitment your government is going to make with respect to infrastructure if it has taken five years for \$200 million to flow?

Your days of making phony photo-ops are over with. We're in a recession and we need you to act. When are you going to let 2004's money flow so that shovels will be in the ground for the Strandherd-Armstrong bridge and other transit priorities in the city of Ottawa, or is that \$200 million just a broken promise?

Hon. George Smitherman: The honourable member used the word "phony" in her question. She ought to practise her questions like other members of the opposition do, in front of the mirror, because the word applies rather well here, as if none of us know that the Ottawa community itself, the city of Ottawa, had been struggling

somewhat with what their transit priorities are. We have been waiting patiently, as one that's very, very eager to participate in these projects. Not that bridge project; we've been clear on that.

But honestly, the honourable member has done an injustice to the conversations that are ongoing between our government, the government of Canada and in participation with the city of Ottawa. Our commitment to building out transit capacity in that community is clear. We've had \$200 million on the table. No one expects that that will be the final number. We're looking for the opportunity to increase that, but some of the rules around how money will be spent are only being determined today by that same federal minister that we speak about—

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

1130

MANUFACTURING JOBS

Mr. Paul Miller: My question is to the Minister of Economic Development. Bauer Industries, a 120-year-old manufacturer in Waterloo, without any warning told its employees not to come back to work until further notice. Many Bauer employees have given 25, 30 and more years of their labour to this employer but were shut out without their last week's pay, without their severance, without their record of employment. What is the government's plan to help Bauer Industries and these long-term workers?

Hon. Michael Bryant: I obviously want to agree with the member and thank him for raising this issue, in the sense that this is a heck of a time for those people. They're going through a heck of a time. The lack of information, the jolt of losing their job, the impact on their families and communities must be enormous. I appreciate that the member's doing everything he can to assist, and certainly, on behalf of the government, I want to make the same commitment.

The individuals, the workers, may be eligible for some assistance working through the Ministry of Training, Colleges and Universities, and I'm happy to follow up with the member on that. In addition to that, the work with the federal EDC or BDC or the existing funds here in the province of Ontario—if there is a way in which we can provide assistance to the companies so as to provide them with a jump-start within the criteria that exist, I'm more than happy to do that.

Mr. Paul Miller: Thank you, Minister, for your concern. However, the government has failed these employees, with scant protection for their hard-earned wages and severance.

In 2007, I tabled Bill 6, An Act to amend the Employment Standards Act, 2000, to provide for an Employee Wage Security Program, which would provide these workers with their earned wages and severance. This government has deliberately held Bill 6 off the table of a standing committee, and these hard-working employees of Bauer face a long, drawn-out, costly process to try and get their money back. Will this government finally stand

up for workers in Ontario and bring Bill 6 onto the committee agenda for public consultations and hearings immediately?

Hon. Michael Bryant: I'm going to refer that supplementary to the Minister of Labour.

Hon. Peter Fonseca: As the Minister of Economic Development said, it is always very difficult when somebody loses their job—the impact on the individual, their families and the community. The ministry has been working with the federal government on the wage earner protection program, which is now in force. I've also written to the federal Minister of Labour. I know that my colleagues Minister Bentley and Minister Duguid also wrote to the Minister of Labour, because when it comes to bankruptcies and insolvencies, it does fall under the jurisdiction of the federal government. The wage earner protection program will go a ways to helping employees who have unfairly lost their jobs, but we want to get more for them, and that's why we're working with the federal government to see if they can enhance those programs.

SMALL BUSINESS

Mr. Jean-Marc Lalonde: My question is for the Minister of Small Business and Consumer Services. Minister, every day we see stories in the paper about the challenges that businesses are faced with in the current economic climate. Some businesses are closing, and others are struggling to stay open.

What is the government of Ontario doing to support small businesses in these tough economic times?

Hon. Harinder S. Takhar: I want to thank the member from Glengarry–Prescott–Russell for asking this question. I also want to thank him for actually doing a lot for the small businesses when he was the chair of the Small Business Agency of Ontario.

Our government has a lot of programs and services that we provide to small businesses. I know these are tough economic times, because of the global crisis, for our families and also for our businesses.

But I want to talk especially about one program which we have, which is the Ontario craft brewers opportunity fund. This is a program that we introduced to assist the small brewers in our local communities who provide a very useful service and add a lot of value to the local communities. This is an \$8-million fund over a four-year period, and some of the breweries that operate in our province and provide a very useful service are eligible for this fund. I would be more than pleased to—

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

Mr. Jean-Marc Lalonde: Minister, the craft brewers opportunity fund is a great initiative by the McGuinty government, and the government should be applauded for recognizing that it is important to help these small businesses succeed. Recently I was at Beau's Beer, the best beer in eastern Ontario, the all-natural brewing company in Vankleek Hill, to announce their funding grant.

Can you tell us who is eligible and if any other grants have been made?

Hon. Harinder S. Takhar: I want to thank the member again for asking this question. There are 40 craft brewers in our province, and they contribute between 15% and 20% of the jobs of the Ontario brewing industry and produce about 300,000 hectolitres of beer annually. These are quality products that they produce in our local communities, and they contribute a great deal to our communities as well.

In the first phase of this program we already distributed the funds, and my colleagues from Kitchener–Conestoga and Kitchener Centre made the announcement for the Brick breweries in Kitchener. Also, my colleague from Huron–Bruce made the announcement at Steelback Brewery in January. Overall, we have paid about \$1.79 million to 33 breweries who are eligible under this fund, and this is a program that will assist them greatly to do the kind of work they do in our local communities—

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

CHILD PROTECTION

Mrs. Julia Munro: My question is for the Minister of Children and Youth Services. The Provincial Advocate for Children and Youth released his annual report today, called 90 Deaths: Ninety Voices Silenced. He asked the question: Why did 90 children die in care in 2007? The only things standing in the way of his answering the question are your ministry and your government. Last year he had to sue you to get the information he needed to protect children. In response to an earlier question this morning, you referred to the protocol as a current work in progress. However, the advocate says in his report that the protocol speaks to the process, not the information itself.

Will you guarantee that this new protocol will give the advocate all the information he deems necessary?

Hon. Deborah Matthews: I think it's important to note that the advocate's report that highlights the death of 90 children who were in the care of the children's aid society actually comes from the report from the Paediatric Death Review Committee and the Deaths Under Five Committee, which that reported in June last year. The information is contained in this report and is not available through our ministry, but rather through the coroner. The protocol, which now has been signed, is designed to ensure that information can flow to the advocate in a way that is timely and fulsome.

The Speaker (Hon. Steve Peters): Supplementary?

Mrs. Julia Munro: Whenever a child dies in care, the children's aid society prepares reports for the coroner and your ministry. You have decided that these reports must remain secret for privacy reasons. Minister, why won't you let the advocate receive these reports on children who have died so he can use them to help those still in peril?

Hon. Deborah Matthews: There is nothing more important when a child dies than that we learn from that death and make changes as a result of that death so that

other children will not die in the future. We have a very clear approach. When the coroner recommends that changes be made, we make those changes. We will all, in this House, remember the tragic death of Katelynn Sampson, and we all are aware in this House of the changes that have been made as a result of that tragedy. The Paediatric Death Review Committee and the Deaths Under Five Committee are the vehicles where we examine these deaths, and they make recommendations. Our ministry is completely committed to acting on the recommendations of those committees.

DIAGNOSTIC SERVICES

Mr. Michael Prue: My question is to the Minister of Health and Long-Term Care. Ontarians across the province are waiting up to a year for a MRI scan, a scan that can provide life-saving information for a patient with cancer or other acute conditions.

The residents of Haliburton–Kawartha Lakes–Brock are not even so lucky as to be on the waiting list. There is no MRI machine in that entire riding. Will the minister provide a date when the good people of this riding will have the MRI machine for which they have waited so long?

Hon. David Caplan: I can't provide a date for that. However, I can tell you that 16 new MRIs have opened since 2003: three in Ottawa, one in Owen Sound, one in Richmond Hill, one in Markham, one in Halton, one in Windsor, one in Niagara Falls, one in Orillia, one in Guelph, one in Belleville, one in Cobourg, one in Bradford, one in Chatham and one in Hamilton.

In fact, the result of these investments in new capacity and in new MRIs right throughout the province has meant that MRI wait times have declined 22%. This is the first government, I say to the member from the New Democratic Party, that has taken this concerted action to expand capacity for MRIs right across the province. The results have been better service for Ontarians, and I say quite confidently to the member that we're going to continue with those actions.

The Speaker (Hon. Steve Peters): Supplementary?

Mr. Michael Prue: I listened to that great, big, long list, but the list never included the good people of Haliburton–Kawartha Lakes–Brock. There's no mention of Lindsay or any other city or town in that riding.

In 2007, Haliburton–Kawartha Lakes–Brock was promised an MRI machine. The community desperately needs the scanner, just like every other community. Residents have raised the funds to purchase an MRI machine, yet the province has refused to deliver on their end of the promise. For communities like those in Haliburton–Kawartha Lakes–Brock, the government's response of launching yet another study confirms their fears that the wait will continue.

Will the minister admit that his government has failed the people of this good riding and all the communities in it?

The Speaker (Hon. Steve Peters): Minister?

Hon. David Caplan: I'll admit no such thing. In fact, no commitment has ever been made to this riding or to this hospital foundation or corporation for additional MRIs. In fact, we have expanded significantly services to there.

I've had an opportunity to speak with Rick Johnson, the candidate who I believe is going to provide the kind of representation that the riding deserves. I think the member opposite is confused in the representation, understanding that, back when New Democrats were in government, they cut nurses. Back when they were in government, they cut medical school spaces.

Rick Johnson is the kind of member who will make sure that residents of Haliburton–Kawartha Lakes–Brock have the kind of access to primary health care—have the kind of access—whether that's family health teams or nurse practitioner-led clinics. That's the kind of work that I know the people of Kawartha—

The Speaker (Hon. Steve Peters): Thank you. The time for question period has ended. This House stands recessed until 1 p.m. this afternoon.

The House recessed from 1143 to 1300.

INTRODUCTION OF VISITORS

Hon. George Smitherman: It's my privilege to introduce in the members' gallery several guests, most notably my husband, Christopher Peloso, Chief Charles Fox and Meladina Hardy, Chief Isadore Day of the Serpent River First Nations, Deb Doncaster from the community energy fund and the Green Energy Act Alliance, Don McCabe from the Ontario Federation of Agriculture, and Ken Elsey from the Canadian Energy Efficiency Alliance.

Mr. Mike Colle: I'd like to introduce the former member from Thornhill and one of the best councillors to ever come out of York region, Mario Racco.

Hon. Monique M. Smith: I would like to introduce David Clancy, who is in the gallery today. He is one of my staff members who doesn't often come over to the House, so we're excited to have him with us.

Mr. Phil McNeely: I'd like to introduce Chris Chopik in the gallery today: chief agent of change, Bosley Real Estate. Thanks for being here, Chris.

Hon. Dwight Duncan: I'd like to introduce Kristen Annis, who used to be my senior policy adviser. Anything that I did well is her responsibility; anything I did badly is my responsibility.

Mr. Bas Balkissoon: I just want to introduce three members of the great riding of Scarborough–Rouge River: Steve Szilard, Shamoon Poonawala and Murad Hussain. They are here to observe the Legislature.

Mr. Bob Delaney: I would like to welcome Erika Mozes in the west gallery, a former staff member who now works for GlaxoSmithKline in the proud Mississauga–Streetsville riding.

Mr. Reza Moridi: It's my pleasure to introduce Mr. Ghulam Sajan in the west gallery.

The Speaker (Hon. Steve Peters): For anyone who wasn't introduced today, welcome to Queen's Park as well.

MEMBERS' STATEMENTS

MORRIS NEWSPAPER GROUP

Ms. Lisa MacLeod: Last week, the news actually made the news in Nepean–Carleton. I learned last week that my good friends at the Manotick Messenger, the Morris group of newspapers, were up for several awards at the OCNA: best newspaper for the Manotick Messenger; OCNA columnist of the year for Jeffrey Morris—he's also nominated for OCNA reporter of the year; and best editorial for the Barrhaven Independent.

But they also made the news last week because they lost their advertising executive, who was a very close personal friend of mine. As Mr. Morris, the owner and publisher of the Morris group of newspapers, said, "the celebration is somewhat hollow without Glen Dicks here to share it with us. Dicks, who was the Independent's advertising manager until he went on medical leave in January, passed away last week at the age of 48. Glen was a part of everything we did. He was heavily involved in the community and he was the one who gave us so many leads or acted as a sounding board for us."

I can attest to that. Glen campaigned for me in two elections. But he was also the type of character we all have in our ridings, one who knows everybody, attends every community event, and always brings a camera. About a month ago, Glen stopped into my office. I didn't know he was sick. He hid it from all of us because he was so active in the community. He was apparently at the time on medical leave but didn't want to let me know that, and it was the last time I saw him. He was bringing in the community newspapers, which he had done every Friday for the past three years.

So to Glen's family, his wife, Debbie, and all of the staff at the Manotick Messenger, Barrhaven Independent and other papers of the Morris group of newspapers, I want to send them my condolences in what must be a very stressful and strenuous week, but also congratulate them on the wonderful awards they are up for.

HOSPITAL FUNDING

Mr. Paul Miller: "Save Our Hamilton Hospitals": This is the theme at the Hamilton-wide rally tonight, where residents will fight to end our local health care crisis.

We are calling on the McGuinty government to give Hamilton hospitals the funding they need. We cannot afford to be squeezed any further: 400 nursing job cuts, \$21 million cut from Hamilton Health Sciences, speech and language services cuts, babies' Best Start program cut, rehab beds cut. The pain continues: Funding for 70

transitional beds is running out, housekeeping and food services are being threatened with contracting out, our fertility clinic is being privatized and we have lost an emergency room.

It's appalling that the government supports these cutbacks. Have they thought of the cost: more backlogs, more delays and more infections?

Let's stop gambling with the health of Hamiltonians. My message to the Premier and Minister Caplan is clear: Properly fund and save our Hamilton hospitals from future tragedies.

We in Hamilton are once again getting together, as we did in the VON crisis, and there will be many, many people out to this rally tonight to send a strong message to Queen's Park. I hope they're listening.

SANTÉ WINE FESTIVAL

Mr. Mike Colle: The Santé International Wine Festival, from May 5-10, is for wine and food lovers alike. It is an opportunity for Ontario to compete and showcase our superb wines on an international scale. The Santé International Wine Festival is a chance for people to savour the diverse flavours of international wines from all over the world, meet winemakers and sample premium vintages. If you are a wine enthusiast—as you are, Mr. Speaker—you will enjoy a variety of events at the Santé international festival.

The festival attracts people from everywhere and brings together many culinary talents. This year, guests include American iron chef Cat Cora, as well as Toronto celebrity chefs Corbin Tomaszeski and Anna Olson, and even Greg Couillard is coming.

Among the Santé wine festival's events is the ultimate winemakers dinner, which pairs celebrity chefs with world-class wines. The festival's highlights also include international wine tasting, along with sip, savour and learn seminars aimed at wine connoisseurs as well as novices.

As you know, our hospitality industry employs tens of thousands of Ontarians in tourism and also employs tens of thousands of Ontarians in making Ontario's wines, which are some of the finest in the world. I invite everyone to participate in the Santé wine festival, which was supported last year by a Celebrate Ontario grant of \$75,000. Let's all enjoy Ontario wines and world wines at the Santé wine festival.

CARDIAC CARE

Mrs. Christine Elliott: Recently, I had the pleasure of attending the first annual Wyatt's Warriors Have a Heart Gala in Whitby. The event was held in support of Wyatt Steven Berndt and the cardiac critical care unit at Sick Kids Hospital in Toronto. It was a wonderful evening filled with a five-course meal, dancing, auctions and live entertainment, and very fitting, considering it was held the day before Valentine's Day.

Wyatt was born in April 2007 in Ajax and weighed in at six pounds, three ounces. He was immediately trans-

ferred to Sick Kids Hospital, as he was clearly lacking oxygen. Wyatt was later diagnosed with a multitude of cardiac problems and DiGeorge syndrome. Wyatt has spent 18 of the first 20 months of his life at Sick Kids Hospital, and his family can't say enough good things about the hospital.

In his short life, Wyatt has been through five open-heart surgeries, two cardiac catheterizations, two airway stents, a tracheotomy and countless other procedures and tests. Wyatt definitely is a warrior, and so are his dedicated and loving family members.

I'd also like to take this time to recognize Wyatt's aunt, Laura Celsie, who worked tirelessly to organize this wonderful and successful gala.

Recently, we've heard that Wyatt is going through another difficult period and may be fighting off a case of meningitis and is awaiting another catheterization. I would like to ask that the members of this House keep little Wyatt and his family in their thoughts, in hopes of a favourable outcome for this little champion who has fought so hard.

WINTERLUDE

Mr. Yasir Naqvi: Over the past three weekends, my riding of Ottawa Centre has been honoured to host Winterlude, one of Canada's most famous winter carnivals.

Every February, hundreds of thousands of people, more than one third from outside the Ottawa area, take part in Winterlude's many activities. Now in its 30th year, its success relies on the support of the community, the private sector, the media and all levels of government. That said, I'm very proud that the McGuinty government invested \$300,000 this year to help strengthen the festival through the Celebrate Ontario program and help support the production of a new multimedia sound and light show called Ukiuk that celebrated Canadian winters.

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Winterlude also helps to generate more than \$82.5 million of economic spinoffs throughout the national capital region. It is estimated that this year alone, over 650,000 people visited Winterlude in Ottawa. I want to thank the over 800 volunteers who made this year's celebration a success.

INFRASTRUCTURE FUNDING

Mr. Garfield Dunlop: I'm pleased to rise today, and it's my pleasure to welcome all the delegates of the Ontario Good Roads Association and the Rural Ontario Municipal Association. As a person who has spent 18½ years in municipal politics, I have a lot of respect for municipal politicians as, each and every year, they try to face the challenges and come up with a reasonable tax base.

Earlier today, I introduced some friends of mine and some constituents who reside in the riding next to me, the

township of Georgian Bay, which is in Mr. Miller's riding. They're here to try to solicit some appropriate meetings with some of the ministers. So far, they've been unable to actually get meetings with the appropriate ministries.

But, you know, an example of why people come to the good roads conference is to try to get some of the issues resolved. An issue they had is with the infrastructure announcement at AMO last year. They have 18,000 residences in their municipality, but only about 2,500 permanent residences. They received an infrastructure grant of \$79,000. But a municipality almost exactly the same size, with exactly the same number of residents but with 14,000 permanent residents, received \$800,000. It's a true discrepancy. Those are the kinds of discrepancies that we have to try to resolve. I wish all the delegates all the best as they try to resolve the discrepancies and move forward to do the very best they can for their constituents.

THUNDER BAY BLUES FESTIVAL

Mr. Bill Mauro: The Thunder Bay Blues Festival will be held from July 3 to 5 at Marina Park on the city's waterfront and will feature two of North America's top blues groups, the Lost Lonely Boys and the Robert Cray Band, among 18 different acts.

Adjacent to Lake Superior and overlooking the legendary Sleeping Giant, Marina Park provides a spectacular setting to enjoy a wide range of blues performers. Through the contributions of the Ontario Ministry of Tourism's Celebrate Ontario, which donated over \$32,000 to the festival, corporate sponsors and over 300 volunteers, the festival has had an average attendance of 15,000 fans, making it one of the most anticipated annual musical events in northwestern Ontario.

In addition to its potential for increased tourism and economic development for Thunder Bay, profits from the festival are donated to the George Jeffrey Children's Centre and Camp Quality, which provide support to children with cancer and their families. Blues fans come from all over northwestern and southern Ontario, Minnesota, Wisconsin and the Dakotas, and as far away as England and the United Arab Emirates.

More than music, the blues is everyone's psychologist, confidant, personal adviser and friend. The blues is realistic. It keeps life in perspective, offering frank discourse, humour and shared sorrow as valid options for dealing with the tribulations that periodically come our way. In so doing, the blues is a refuge where optimism and human resiliency reign, souls are cleansed and spirits raised.

A very special-thank you goes out to Bob Halvorsen, the hard-working staff at the Thunder Bay Community Auditorium and the tireless volunteers who make this festival happen. Come to the Thunder Bay Blues Festival this July 3 to 5, 2009, for the best in blues music, great food and a world-class location.

RENEWABLE ENERGY

Mr. Lorenzo Berardinetti: It's with great pleasure that I rise and remind members about the McGuinty government's commitment to creating a cleaner, greener and healthier Ontario. We all recognize the need to reduce our dependence on fossil fuels and increase the province's sources of renewable energy to help clean our air, combat climate change and stimulate Ontario's economy.

After eight years of increased reliance on coal and no long-term energy plan under the previous government, the McGuinty Liberals have been moving forward with the most ambitious climate change initiative in North America: the elimination of coal.

We have already cut our coal generation by one third, and by 2011 it will be cut by two thirds. We're also supporting renewable energy projects, from wind and water to bioenergy and solar. We're increasing capacity at the Sir Adam Beck generating station, which will produce an additional 1.6 billion kilowatt hours of clean, renewable electricity per year. In 2003, there were only 15 megawatts of wind power in operation in Ontario from 10 wind turbines. Ontario now has 964 megawatts of wind power online from 589 wind turbines.

These investments are examples of the McGuinty government's commitment to Ontario's environment and future generations through renewable energy sources that allow us all to breathe easier.

ENERGY CONSERVATION

Mr. Pat Hoy: Climate change is quickly becoming the central issue of this new century. The McGuinty government understands that energy conservation must involve everyone working together to use less energy, whether it is in our houses, businesses, schools or industrial operations. We also recognize that government has a primary role by making resources available and conservation affordable.

More than 124,000 Ontarians have participated in the Ontario home energy savings program, which provides homeowners with up to \$150 toward the cost of a home energy audit. More than 42,000 Ontarians have completed retrofits and received rebates of up to \$10,000 for retrofits that address the energy issues identified in that audit.

The Ontario solar thermal heating incentive has allocated up to \$14.4 million to assist Ontario institutional, commercial and industrial organizations in advancing solar water and solar air installations.

My colleague Phil McNeely also introduced a private member's bill in this House that would require home energy rating reports. This bill received praise from many organizations, including the Consumers Council of Canada.

These initiatives underscore the McGuinty Liberals' commitment to being a leading jurisdiction in energy conservation. We will continue to work hard for Ontarians to show that it's actually pretty easy to be green.

INTRODUCTION OF BILLS

GREEN ENERGY AND GREEN
ECONOMY ACT, 2009LOI DE 2009 SUR L'ÉNERGIE VERTE
ET L'ÉCONOMIE VERTE

Mr. Smitherman moved first reading of the following bill:

Bill 150, An Act to enact the Green Energy Act, 2009 and to build a green economy, to repeal the Energy Conservation Leadership Act, 2006 and the Energy Efficiency Act and to amend other statutes / *Projet de loi 150, Loi édictant la Loi de 2009 sur l'énergie verte et visant à développer une économie verte, abrogeant la Loi de 2006 sur le leadership en matière de conservation de l'énergie et la Loi sur le rendement énergétique et modifiant d'autres lois.*

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

First reading agreed to.

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

Hon. George Smitherman: I will make a statement during ministerial statements.

STATEMENTS BY THE MINISTRY
AND RESPONSESRENEWABLE ENERGY
AND ENERGY CONSERVATION

Hon. George Smitherman: It's a pleasure to welcome guests to the Legislature today.

Since 2003, the government of Ontario has been moving forward with the most ambitious climate change initiative in North America: the elimination of coal. Our progress to date, a renaissance of our energy system, reflected by billions in new investments, has been so successful that today Ontario is raising the bar on our collective ambitions.

If the Green Energy and Green Economy Act that has been introduced today is passed, it would make this province North America's green energy leader. The act, which would in turn amend no less than 15 existing statutes, has two equally important thrusts: first, making it easier to bring renewable energy projects to life, and secondly, creating a culture of conservation, one where we go about our daily lives using less energy. These two thrusts combined would support a new green economy for this province and help create sustainable green employment for Ontarians.

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Economic modelling predicts that the act would help create more than 50,000 direct and indirect jobs in the next three years: employment in construction, manufac-

turing and assembly, servicing and installation, engineering and trucking; vast job opportunities and more efficient building design and retrofits involving architects, engineers, contractors and installers; work for builders, financiers, electricians and inspectors; and jobs in technology as we build on our smart-metering initiative and move toward a smart grid.

If passed, the act would turbocharge the creation of renewable energy in this province and set the standard for green energy policy across this continent. It would make this province the destination of choice for green power developers and incent proponents, large and small, to develop projects by offering an attractive price for renewable energy and the certainty that creates an attractive investment climate: certainty that power would be purchased at a fair price; certainty that wherever feasible, the power would be connected to the grid; certainty that government would issue permits in a timely way.

If passed, the act would ensure that new green power doesn't get tripped up in all kinds of red tape, but instead that new renewable generation would be built and flowing into the system faster, complete with service-time guarantees on our processes. And it would enable the government to set reasonable domestic content requirements for renewable power projects to ensure that more dollars are spent right here at home.

Our proposed legislation would create a best-in-class renewable energy feed-in tariff, a feed-in tariff that would offer an attractive price for renewable power, including wind, both onshore and offshore, solar, hydro, biomass, biogas and landfill gas, and would not limit the size of projects; a feed-in tariff that would guarantee that price for the life of the contract. With this single bold move, Ontario would join the ranks of global green power leaders like Denmark, Germany and Spain. We would also adopt a new and very different approach to the development of the grid infrastructure necessary to take the energy to market.

Our green energy experiences over these past several years have told us volumes about where our best renewable opportunities lie. Working proactively with our energy agencies, we would initiate investments in the development of new transmission capacity, and the act would replace the snail's pace with a sense of urgency.

Nowhere would our intentions be clearer than when it comes to streamlining the cumbersome processes that have created a patchwork of municipal bylaws. Like the Smoke-Free Ontario Act that came before it, this act would build on municipal leadership, uploading responsibilities to Queen's Park. The current model, where different municipalities have imposed varying setbacks on wind projects, would be replaced by universal setbacks from adjacent homes and other sensitive areas.

The proposed legislation would coordinate approvals from the Ministries of the Environment and Natural Resources into a streamlined process within a service guarantee. And so long as all necessary documentation is successfully completed, permits would be issued within a six-month service window. My ministry would emerge

with new capabilities and new leadership to support the facilitation of renewable energy projects.

The proposed act contemplates the emergence of thousands of smaller projects, especially in our urban areas. The reliability of our electricity system would be substantially enhanced with distributed generation projects that, for example, transform roofs that currently reflect the sun to rooftops that put it to use, for, while the bill may be called the Green Energy Act, make no mistake that the conservation thrust is just as important. Without a doubt, the least expensive energy to be found is the energy that we do not use in the first place. This legislation and the policies that it engenders seek to create a culture of conservation. We know that Ontarians themselves support this. Their actions speak volumes of their intentions. Recall Earth Hour, when we banded together in respect of our natural environment: one hour's worth of reverence that helps to stimulate awareness and create momentum for the culture of conservation, a culture capable of easing the burden on Mother Earth and our pocketbooks at the same time.

We've seen recent data that shows that people are changing their behaviour. For example, when it comes to changing light bulbs, a recent survey found that 84% of Canadian households have at least one green bulb in their home. We can build on that awareness to make even more impressive inroads.

If passed, the act would amend Ontario's building code, making energy efficiency a central tenet. We'll establish Energy Star as the energy efficiency standard so that household appliances sold in Ontario achieve continued reductions in their energy use, and implement standards for the efficient use of water, as this too has a direct impact on the electricity grid.

Building on the unanimous support offered by members of the Ontario Legislature to the bill introduced by the member for Ottawa-Orléans, my parliamentary assistant Phil McNeely, this proposed legislation would enable us to mandate home energy audits on all homes at the time of sale, and we won't stop there.

We must and we will take even bolder steps to address energy use in our own government operations and those that we fund. We'll establish Leadership in Energy and Environmental Design—LEED—silver as the new standard for the new buildings, and we will work with our broader public sector players like colleges, hospitals, universities and municipalities to develop energy plans to reduce their energy consumption.

In partnership with the private sector, we will invest in making commercial and industrial operations more energy-efficient and more productive at the same time. Because all energy consumers would reap the benefits of an improved energy system, we want to recognize that our investments in certain initiatives and programs that would be made possible by the legislation would be borne through energy rates.

This bill, this Green Energy Act, continues to transform Ontario's electricity generation system into one of the cleanest, greenest energy supply mixes in the world.

Indeed, we've made great strides already, and the Green Energy Act would stimulate an even greater focus in this area. Make no mistake: The things that we want, that all Ontarians want, are a cleaner climate, jobs in the green economy, enhanced productivity, a culture of conservation and a break for Mother Nature.

Thank you very much, Mr. Speaker.

Interruption.

The Speaker (Hon. Steve Peters): I'd just remind our guests: It's a pleasure to have you all here today; you are certainly welcome to observe but not to participate in the democratic process that is unveiling before you.

Responses?

RENEWABLE ENERGY AND ENERGY CONSERVATION

Mr. John Yakubuski: It's my pleasure to respond to the minister. I must commend him on his choice of neckties today. I searched through my closet, but the only green tie I could find was one with shamrocks on it. I just didn't think it would fly.

Anyhow, he did say to me the other day, "You know, Yak, there are things in this bill you're going to like more than others," and he's absolutely right about that.

The environment has no greater friends in this Legislature than the members of the PC Party. I'll give you a couple of examples. Lands for Life, which was brought in by the previous government, was the biggest set-aside of protected lands in the history of this province; also the Smart Growth initiative that the current government borrowed much of when it came out with its current growth plan.

But the act that he is presenting today leaves us with a whole lot more questions than it does answers. The act is vague in many ways, and in the briefing that I had earlier today from ministry staff, they conceded that there are so many things yet to be determined through consultations with the OPA and other groups. As I said, there are so many questions about what this act will actually do. In fact, as the minister showed—he even gave me a CD today—there are no less than 15 statutes and acts that this act being presented today will actually amend here in the province of Ontario. So it's a very broad and far-reaching act, but we're getting very little information about what it will actually directly do.

One of the questions that people ask, and one of the questions I hear when we're out—this has been in the news because the minister has been out on a pre-selling tour this last little while with his supporters about this act. One of the questions we're getting is: "What will it actually mean to the ultimate price of electricity?" One thing about our economy here in the province of Ontario, and indeed the tremendous standard of living that we have enjoyed for decades: It has been built on access to reliable, abundant, affordable electricity. So there are some questions as to what this act will actually mean to the price of electricity. I know the Premier is talking about 50,000 new green jobs as a result of it, and he talks

about some of them being in the manufacturing sector. The manufacturing sector is one of the ones that is most affected by the price of electricity, and indeed the forestry sector as well.

The other group of people who are most affected by the price of electricity, and the minister knows this, are the people who are in the lowest level of incomes. If you're making a six-figure salary, the price of electricity is a relatively small part of your budget. But with the things that you cannot eliminate from your budget, such as food and housing and clothing, if you are a low-income resident of the province of Ontario, that electricity component of the bill is indeed significant, and we need to have some answers as to how this is going to be affected by this initiative.

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There's no question that conservation is important. No watt, no kilowatt, no megawatt, should ever be wasted. I can tell the minister, and I've told his predecessor, that several years ago my wife and I, along with our children, embarked on a program to conserve energy in our own home. We reduced our usage in our home by 40%, but over the last few years that has kind of levelled off, so we haven't done much better over the last couple of years. But we did do a pretty darned good job between 2003 and 2005 in making the changes in our home to reduce our usage of electricity. I think that is an important thing, and I think there are some gains to be made out there today in that part of this act.

The conservation part of this act, I think, is a little easier to understand than some of the things such as the feed-in tariffs that the minister is talking about, which indeed will offer incentives to produce new, green, renewable power. I think the people in the province of Ontario have a right to know what those incentives are going to be and how much they're going to be. For example, in the latest RES III buy-ins that you recently awarded 492 megawatts of wind, there has been no release of even the average price that you paid in that, which is unusual, given that those average prices were released on the earlier renewable energy standard offers that were awarded in the province of Ontario. So there are issues to be asked about.

The minister talks about and the Premier talked about the municipal component and how they're going to remove some of that red tape. Well, this is the government that has instituted more red tape in the last five years than any government before them. So we do have to see how that's going to roll out.

We will have a chance to debate this further in the House—

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

RENEWABLE ENERGY AND ENERGY CONSERVATION

Mr. Peter Tabuns: Today, Ontario kind of accepted Denmark's point of nearly 40 years ago. In the 1970s, Denmark decided that one oil crisis was enough. It had

choices to make about its future: Would it invest heavily in nuclear? Would it develop renewable power? In fact, Denmark in the 1970s made the right choice, and now 20,000 people work in their wind industry.

In Germany, the second-largest purchaser of steel is the wind industry. Nine thousand people work in Pennsylvania, in Ohio, in their solar industry. In 2006, Portugal passed mandatory solar standards for homes. Australia today is fighting recession with a program to insulate two million homes—not 42,000; two million.

It's the new energy economy, and we are way past due for actually paying attention to what the rest of the world has been doing. Time is running out. Oil is running out. The climate is moving fast. We need to move fast, too.

The fact that this government is finally saying it will link jobs with climate change is welcome. It opens the debate. My goal in this process is to see that what we actually have come out at the end is a Green Energy Act that provides hundreds of thousands of jobs in Ontario, that transforms our economy, that actually does, George—Minister. Sorry, Speaker. My apologies.

Hon. George Smitherman: You're my constituent. You can call me George.

Mr. Peter Tabuns: Now, George, as I was saying, my goal is to see that we actually deliver, that we don't get trapped in the timidity that I see in the bill before us. To that end, we'll work with trade unions, businesses, communities and all of those people who see the connections that have to be made if we're actually going to transform our economy and take advantage of what's happening in the rest of the world.

Like the other critic, when I had my briefing at noon, there weren't hard targets, there weren't hard numbers—"Wait for the IPSP; wait for the OPA." So what we have is a bill without targets for renewable energy. I asked whether this was going to affect the investment in nuclear. Right now, as far as they know, no.

So I have to ask myself: If this is a bill that's going to transform our economy but leave everything else the way it is, what really is happening here? We need large-scale energy retrofits in the hundreds of thousands, in the millions, in this province. I'm not seeing that in the material before us. We need to be working with industry to transform both the way they consume energy and the way they produce it. Every factory, every smelter, every steel mill and every refinery in this province should be an energy generator. They should be making money by selling into the grid and making sure that people have jobs.

There's a statement that there will be domestic content requirements. Quebec already has a 60% domestic content requirement for wind turbines; that's kick-starting their wind energy industry. We need that here. We'll get a chance to speak to this bill later this week, but for a government talking about 21st-century energy, still addicted to 20th-century nuclear power, there are real problems. The approach doesn't make sense. We're not actually taking on where the rest of the world is going. We're sticking with high-spending, risky nuclear alter-

natives instead of taking on fully what the world has to offer.

It's very belated that this government is acknowledging that there is an economic crisis and a climate crisis that can be addressed through the means of renewable power. We in the NDP will fight for a real green energy program, one that puts people to work—puts people to work in Hamilton, puts them to work in Welland and puts them to work across this province. We will fight to ensure that this proposal today doesn't act as a deflection, as a cover, for what is your largest investment, and that is in nuclear power. Face the facts: As long as you go down that road, it is going to be difficult to get over to the right road, the road that will build this province.

PETITIONS

SALES TAX

Mr. Frank Klees: This petition is to the Legislative Assembly of Ontario.

"Whereas the auto industry in Ontario and throughout North America is experiencing a major restructuring; and

"Whereas the current economic crisis is affecting the auto manufacturers and the front-line dealerships throughout Ontario; and

"Whereas many potential automobile purchasers are having difficulty accessing credit even at current prices; and

"Whereas the three-month tax holiday of the GST and the PST on the purchase of new and used cars and trucks would stimulate auto sales;

"Therefore we, the undersigned, petition the provincial and federal governments to implement a three-month tax holiday, and that the Ontario Minister of Finance include the PST holiday in the next provincial budget."

I believe strongly in this initiative. I sign it and present it to the table.

LONG-TERM CARE

M^{me} France Gélinas: I have a petition from the people of Ottawa.

"Whereas understaffing in Ontario's nursing homes is a serious problem resulting in inadequate care for residents and unsafe conditions for staff;

"Whereas, after the Harris government removed the regulations providing minimum care levels in 1995, hours of care dropped below the previous 2.25 hour/day minimum;

"Whereas the recent improvements in hours of care are not adequate, vary widely and are not held to accountable standards;

"Whereas there is currently nothing in legislation to protect residents and staff from renewed cuts to care levels by future governments; and

“Whereas care needs have measurably increased with aging and the movement of people with more complex health needs from hospitals into long-term-care homes;

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

“Immediately enact and fund an average care standard of 3.5 hours per resident per day in the regulations under the new Long-Term Care Homes Act.”

I fully support this, and will send it to the clerks' table with page Yan.

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EMPLOYMENT INSURANCE

Mr. Pat Hoy: “To the Legislative Assembly of Ontario:

“Whereas the federal government's employment insurance surplus now stands at \$54 billion; and

“Whereas over 75% of Ontario's unemployed are not eligible for employment insurance because of Ottawa's unfair eligibility rules; and

“Whereas an Ontario worker has to work more weeks to qualify and receives fewer weeks of benefits than other Canadian unemployed workers; and

“Whereas the average Ontario unemployed worker gets \$4,000 less in EI benefits than unemployed workers in other provinces and thus not qualifying for many retraining programs;

“We, the undersigned, petition the Legislative Assembly of Ontario to press the federal government to reform the employment insurance program and to end this discrimination and unfairness towards Ontario's unemployed workers.”

I've signed the petition.

HOSPITAL FUNDING

Mr. Norm Miller: I have a petition to do with Burk's Falls health centre:

“To the Legislative Assembly of Ontario:

“Whereas the Burk's Falls and District Health Centre provides vital health services for residents of Burk's Falls and the Almaguin Highlands of all ages, as well as seasonal residents and tourists; and

“Whereas the health centre helps to reduce demand on the Huntsville hospital emergency room; and

“Whereas the operating budget for Muskoka Algonquin Healthcare is insufficient to meet the growing demand for service in the communities of Muskoka–East Parry Sound; and

“Whereas budget pressures could jeopardize continued operation of the Burk's Falls health centre;

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

“That the McGuinty government and Minister of Health provide adequate increases in the operating budget of Muskoka Algonquin Healthcare to maintain current health services, including those provided by the Burk's Falls health centre.”

I support this petition.

CHILD CUSTODY

Mr. Jim Brownell: I have a petition from some residents of the riding of Stormont–Dundas–South Glengarry:

“To the Legislative Assembly of Ontario:

“We, the people of Ontario, deserve and have the right to request an amendment to the Children's Law Reform Act to emphasize the importance of children's relationships with their parents and grandparents.

“Whereas subsection 20(2.1) requires parents and others with custody of children to refrain from unreasonably placing obstacles to personal relations between the children and their grandparents; and

“Whereas subsection 24(2) contains a list of matters that a court must consider when determining the best interests of a child. The bill amends that subsection to include a specific reference to the importance of maintaining emotional ties between children and grandparents; and

“Whereas subsection 24(2.1) requires a court that is considering custody of or access to a child to give effect to the principle that a child should have as much contact with each parent and grandparent as is consistent with the best interests of the child; and

“Whereas subsection 24(2.2) requires a court that is considering custody of a child to take into consideration each applicant's willingness to facilitate as much contact between the child and each parent and grandparent as is consistent with the best interests of the child;

“We, the undersigned, hereby petition the Legislative Assembly of Ontario to amend the Children's Law Reform Act as above to emphasize the importance of children's relationships with their parents and grandparents.”

As I agree with this, I shall sign it and send it to the clerks' table.

SALES TAX

Mr. Norm Miller: I have a petition to implement a sales tax holiday for vehicle sales, similar to what my father did as Treasurer in 1980. I shall read the petition. It reads:

“Petition to the Legislative Assembly of Ontario:

“Whereas the auto industry in Ontario and throughout North America is experiencing a major restructuring; and

“Whereas the current economic crisis is affecting the auto manufacturers and the front-line dealerships throughout Ontario; and

“Whereas many potential automobile purchasers are having difficulty accessing credit even at current prices; and

“Whereas a three-month tax holiday of GST and the PST on the purchase of new and used cars and trucks would stimulate auto sales;

“Therefore we, the undersigned, petition the provincial and federal governments to implement a three-month tax

holiday and that the Ontario Minister of Finance include the PST holiday in the next provincial budget.”

I support this petition.

MULTIPLE MYELOMA

Ms. Cheri DiNovo: “To the Legislative Assembly of Ontario:

“Whereas Health Canada has approved the use of Revlimid for patients with multiple myeloma, an incurable form of cancer; and

“Whereas Revlimid is a vital new treatment that must be accessible to all patients in Ontario for this life-threatening cancer of the blood cells; and

“Whereas multiple myeloma is treatable with the proper therapies, thereby giving hope to the 2,000 Canadians diagnosed annually;

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

“Immediately provide Revlimid as a choice for patients with multiple myeloma and their health care providers in Ontario through public funding.”

I absolutely agree with this and affix my signature hereto.

MULTIPLE MYELOMA

Mr. Bas Balkissoon: I have a petition to the Legislative Assembly of Ontario:

“Whereas Health Canada has approved the use of Revlimid for patients with multiple myeloma, an incurable form of cancer; and

“Whereas Revlimid is a vital new treatment that must be accessible to all patients in Ontario for this life-threatening cancer of the blood cells; and

“Whereas multiple myeloma is treatable with the proper therapies, thereby giving hope to the 2,000 Canadians diagnosed annually;

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

“Immediately provide Revlimid as a choice for patients with multiple myeloma and their health care providers in Ontario through public funding.”

As I agree with this petition, I will affix my signature and send it to the centre desk.

CHILD CARE

Mr. Norm Miller: I have a petition I received from the Windermere Women’s Institute, and I shall read it.

“To the Legislative Assembly of Ontario:

“Whereas the Minister of Community and Social Services, Madeleine Meilleur, has decided that grandparents caring for their grandchildren no longer qualify for temporary care assistance; and

“Whereas the removal of the temporary care assistance could mean that children will be forced into foster care; and

“Whereas the temporary care assistance amounted to \$231 per month, much less than a foster family would receive to look after the same children if they were forced into foster care;

“We, the undersigned, petition the Legislative Assembly of Ontario to immediately reverse the decision to remove temporary care assistance for grandparents looking after their grandchildren.”

I will affix my signature to this petition.

HOSPITAL FUNDING

Mr. Bob Delaney: I have a petition to the Ontario Legislative Assembly, signed by my neighbours from all over western Mississauga—in Streetsville, Meadowvale and Lisgar. It reads as follows:

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

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

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

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

I am very pleased to sign and to support this petition, and to ask my page, Andrej Rosic of Lisgar, to carry it for me.

FIREARMS CONTROL

Mr. Mike Colle: I have a petition from the students and staff of Yorkdale Adult Learning Centre. It’s a petition in support of Bill 56.

“Say No to Drive-by Shootings and Illegal Guns in Cars....

“Whereas there are a growing number of drive-by shootings and gun crimes in our communities;

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

“Whereas a growing number of illegal handguns are transported, smuggled and being found in cars driven in our communities;

“Whereas impounding cars and suspending driver’s licences of persons possessing illegal guns on the spot by police will make our communities safer;

“We, the undersigned, petition the Legislative Assembly of Ontario to pass Bill 56, a bill proposed by MPP Mike Colle and entitled the Unlawful Firearms in Vehicles Act, 2008, into law so that we can reduce the number of drive-by shootings and gun crimes in our communities.”

I support this petition and affix my name to it.

LUPUS

Mr. Kim Craitor: I'm pleased to introduce this petition on behalf of the Lupus Foundation of Ontario, signed by many people from Ridgeway, Crystal Beach and Stevensville. The petition reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas systemic lupus erythematosus is under-recognized as a global health problem by the public, health professionals and governments, driving the need for greater awareness;

“Whereas medical research on lupus and efforts to develop safer and more effective therapies for the disease are underfunded in comparison with diseases of comparable magnitude and severity;

“Whereas no new safe and effective drugs for lupus have been introduced in more than 40 years. Current drugs for lupus are very toxic and can cause other life-threatening health problems that can be worse than the primary disease;

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“We, the undersigned, hereby petition the Legislative Assembly of Ontario to assist financially with media campaigns to bring about knowledge of systemic lupus ... and the signs and symptoms of this disease to all citizens of Ontario. We further petition the Legislative Assembly of Ontario to provide funding for research currently being undertaken in lupus clinics throughout Ontario.”

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

TOM LONGBOAT

Mr. Mike Colle: I have a petition from the good people of Six Nations and their chief, William Montour, whose grandfather was a great friend of Tommy Longboat.

“To the Legislative Assembly of Ontario:

“Whereas Tom Longboat, a proud son of the Onondaga Nation, was one of the most internationally celebrated athletes in Canadian history; and

“Whereas Tom Longboat was voted as the number one Canadian athlete of the 20th century by Maclean's magazine for his record-breaking marathon and long-distance triumphs against the world's best; and

“Whereas Tom Longboat fought for his country in World War I and was wounded twice during his tour of duty; and

“Whereas Tom Longboat is a proud symbol of the outstanding achievements and contributions of Canada's aboriginal people;

“We, the undersigned, petition the Legislative Assembly of Ontario to recognize June 4 as Tom Longboat Day in Ontario.”

I sign this petition in support, along with the good people of Six Nations and Chief William Montour.

COMMUNITY MEDIATION

Mr. Lorenzo Berardinetti: I have a petition, and I just want to recognize Mr. Sheikh Motalieb, who is here today from the riding of Scarborough Southwest. The petition is addressed to the Ontario Legislative Assembly and reads as follows:

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

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

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

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

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

I agree with this petition—I hope we set the same thing up in Scarborough—and I affix my signature to it.

ORDERS OF THE DAY

FAMILY STATUTE LAW AMENDMENT ACT, 2009

LOI DE 2009 MODIFIANT DES LOIS EN CE QUI CONCERNE LE DROIT DE LA FAMILLE

Resuming the debate adjourned on February 19, 2009, on the motion for second reading of Bill 133, An Act to amend various Acts in relation to certain family law

matters and to repeal the Domestic Violence Protection Act, 2000 / *Projet de loi 133, Loi modifiant diverses lois en ce qui concerne des questions de droit de la famille et abrogeant la Loi de 2000 sur la protection contre la violence familiale.*

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

Mr. Peter Kormos: *[inaudible]* I have this opportunity as critic for the NDP *[inaudible]* very, very important bit of legislation. I truly believe that this warrants a broad and thorough consideration, not just here in this legislative chamber but in the committee process.

I also want to thank the Attorney General for abiding by the tradition and protocol of either he or his parliamentary assistant being here when one of his bills is going through the process. Some newer members don't understand that that is a very important tradition, and have, from time to time—

The Speaker (Hon. Steve Peters): I'd just ask the honourable member: Your earpiece around the mike is causing some challenges. I know that you especially, as an honourable member, do not want to cause a health and safety issue for any of our interpreters.

Mr. Peter Kormos: *[inaudible]* providing feedback that was totally inappropriate and unwarranted.

As I say, I was complimenting the Attorney General for abiding by that protocol, and I know that his colleagues take note of that and will ensure, I'm sure, that either the minister or his or her parliamentary assistant sit through this very important process.

There are basically three parts of this bill that I want to speak to. One is the legislative amendments that deal with the valuation of a pension, of a defined benefit pension, because these are going to be controversial. I'm worried that that particular set of amendments may end up flying under the radar. There's been a cry in the legal community for a simplification of what can become a very expensive actuarial process and a contested one to boot, but I'm not sure that the legislation, especially in the context of 2009, where defined benefit pension plans are diminishing in their number—and they're also diminishing in terms of funding.

I want to speak to the repeal of the Domestic Violence Protection Act of 2000. That was supported by all three parties in this House after some considerable committee hearing. Of course, I want to speak to the amendments to the Children's Law Reform Act. While I acknowledge that the Attorney General noted the name of that little girl, that tragic victim Katelynn Sampson, as did Ms. Elliott when she spoke on behalf of the Conservatives, I note also that she was referred to very sotto voce, perhaps but in passing.

When I speak to the amendments to the Children's Law Reform Act, I know that Ms. DiNovo, my colleague from Parkdale–High Park, has a strong interest in this, not just as a justice advocate, because this girl was her constituent. She knew the community, she knew the three people, so she has a strong interest not just as a justice advocate but as the MPP for this little girl.

It's especially noteworthy that here we are—why, this morning, question period was dominated, at least from the New Democrats' point of view, by questions about the inability of the province of Ontario to protect children in its care: 90 kids dead, children, babies, young teens, and the vast majority of those deaths preventable, according to our province's child and youth advocate. Irwin Elman, our child and youth advocate for the province of Ontario, who has been frustrated at every step of the way trying to investigate concerns around the safety and welfare and health of children in the custody of the state—blocked at every opportunity; given no opportunity—has also, as we all know, called for an inquiry into the death; oh, let's not dignify it by calling it a death. It was a brutal murder of Katelynn Sampson. The 20-year veteran homicide detective sergeant who found Katelynn's body said she suffered severe and complicated injuries that he characterized as among the worst that he had seen in those two decades as a Toronto police officer. Katelynn Sampson died a brutal, painful and oh-so-undignified death.

I want to address the matter of pensions first, and I want to appreciate or acknowledge the assistance of an actuary down in Welland, Jamie Jocsak, who has written to me about Bill 133, whom I have had the opportunity to speak with and who has provided some very strong guidance for me in response to this bill. I know that my colleague Ms. Elliott addressed this portion of the bill. As I say, I think it's very important that this part of the bill dealing with pension valuations doesn't end up under the radar or swept aside, which is why we need full public hearings. I have no doubt we're going to want to hear from members from the family law bar, family lawyers, matrimonial lawyers. We're also going to want to hear from the actuaries who have been doing this work and from people who have experienced some of the problems. We acknowledge, everybody here acknowledges, that pension valuation, in a perfect world, would be as simple as the determination of child support using the federal and provincial child support scales. But it's not that straightforward.

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Let me give you an example. You know, down where I come from—you were down there this weekend, Speaker, monitoring the Conservative policy convention and trying to scoop press wherever you could. That's your job. Don't think the Tories don't do it to the Liberals or the NDP. I've done it myself a few times. You did get some press, and I congratulate you for that. But down in Niagara where we've lost industry after industry after industry and sadly, where we see successive governments not recognize this as the proverbial canary in the coal mine, we've seen industries collapse; the "Oh, too big to fail" type of industries like Atlas Steel with defined benefit pension plans and seriously underfunded pension pools.

So here's the scenario as it has been related to me by more than a few Atlas Steel workers who have suffered matrimonial breakdowns, divorces—who have had their

pension valuation determined as if, indeed, it was a too-big-to-fail type of company and the pension plan were fully funded—who pay out their spouses, and, as Ms. Elliott noted on Thursday, the two big items in most matrimonial breakdowns are the family home and the pension plan. These workers paid out 50% of the value of their pension plans, so what you've got to do is—you know what you've got to do—you've got to borrow the money, finance something. Most people don't have that kind of cash sitting around. But then they're only getting 30% or 40% with a defined benefit because the pension plan was underfunded.

So right off the bat, calling upon a plan administrator to provide a valuation creates some problems. I put to you that most plan administrators aren't going to want to acknowledge that the plan is failing or collapsing. Most plan administrators are going to want to embellish their own credibility as plan administrators. The fact is that in these very, very troubled economic times, the actual value of a pension can vary day by day as the stock markets take their toll on pension plans' investments.

I want to make reference to some of the comments relayed to me by Jamie Jocsak. I think they're very valuable, I think they're important, and I've encouraged him to participate in public hearings. He has assured me that he will be dealing with his colleagues and the national body of actuaries to address this bill. I encourage them to make sure that they find themselves on the list of people entitled to make presentations.

One of the points he makes, which I find very interesting, is his surprise to read that Bill 133 proposes that the pension plan administrator determine the value of the defined benefit pension on marriage breakdown in accordance with a set of regulations. As Mr. Jocsak says, "this approach was considered and dismissed by the Law Commission of Ontario in its recommendations released in September 2008." Indeed, he refers us to page 14 of that report. I thank him for that research; it made my life a little easier.

He points out that the "issues regarding the valuation of pensions on divorce are very technical and unlikely to draw a large amount of public attention" but that "the valuation methodology has a very significant impact on the value assigned to the pension at separation." Of course it does; that's the whole point. "Differences in methodologies can change the value of a defined benefit pension by 100% or more. When one considers the fact that the value of the pension for a person close to retirement can be worth several hundred thousand dollars and as such is often the couple's most valuable asset, the financial impact of the proposed bill for divorcing couples could be substantial."

Those are the kinds of admonitions that I take very seriously because they are not partisan or over the top. They are rational, thoughtful considerations.

He goes on to talk about the financial impact of the proposed legislation, which could vary depending upon the age of the person who's a member of the pension plan and the years left before their date of retirement.

He notes that the bill "does provide a welcome increase in flexibility for divorcing couples by allowing an immediate lump sum transfer from a registered pension plan to the non-member spouse when the pension is not in payment. This increased flexibility, however, could be implemented regardless of whether the pension valuation methodology is changed." Of course it could. "In fact, there currently exists such a scheme in Canada. The federal Pension Benefits Division Act allows members of certain federal government pension plans to immediately transfer up to 50% of the value of their defined benefit pension on a termination basis to the non-member spouse." This, of course, relieves them of the obligation of having to generate cash right then and there in what is a very difficult and a very expensive process for most divorcing couples.

Let me tell you, divorces are not cheap. They take huge tolls and, at the end of the day, the lawyers have the money. That's in a scenario we're talking about where we want to, of course, provide flexibility if parties are in agreement, so that isn't not a need to put cash on the barrelhead right then and there.

But I am very concerned about the methodology and the fact that the government will say, I believe, that this will be addressed in regulation. I'm concerned about the tendency of a pension administrator to want to err on the side of, oh, self-interest and not acknowledge that that pension is perhaps in trouble or even in serious trouble, where you have the capacity—look, if General Motors goes down, we've got the largest unfunded liability in terms of pensions. Even if the government were to accept the NDP's proposal to increase the pension benefit guarantee fund to \$2,500 a month, you're going to see a serious shortfall in pensions. I am hard-pressed to even imagine the billions of dollars or the capacity of the province to fulfill the moral responsibility that it would have. It would be catastrophic.

When I talked to Mr. Jocsak earlier today, I suggested to him that the proposal might have been fine and good 40 years ago when defined benefit pension plans were probably peaking in terms of number and in fact were very stable, and where you could do this sort of evaluation with a lot more confidence than you can now where the real value changes. It's fluid. It's extremely unstable. I'm sure that Jamie Jocsak and others of his profession will be before the committee to comment on that. I would invite and encourage the government and government members to listen carefully.

I'm going to be taking a closer look at the law reform commission and its recommendations, and I know that Ms. Elliott and I are going to have some interesting conversations not just with each other but with government members and with people appearing before that committee when it sits.

You know that I'm not a big fan of MPPs junketing around anywhere, but it seems to me that when you have some of the very special problems, not just with the pension issue—and I'm going to talk about this more as we get into the repeal of the Domestic Violence Pro-

tection Act and then also the amendments to the Children's Law Reform Act. We've got a whole chunk of this province that's very isolated. I've been up to places like Peawanuck and Attawapiskat with my colleague Gilles Bisson. One other part around domestic violence: A whole lot of these towns don't have jails. They've got de facto jails, but there are no locks on the doors. If a spouse gets arrested for beating the daylights out of his wife, there's no place for him to be put or to go. You're talking about one-cop towns. We have some very special issues around domestic violence in those isolated, remote communities—no women's shelters, no advocacy for women.

1410

So let's talk about the repeal of the domestic violence protection legislation of 2000—and I remember it well. As I indicated earlier, it underwent some pretty thorough committee consideration. I have no quarrel with Bill 133 and the power of a Family Court to issue a restraining order; no quarrel with that whatsoever. But understand that the matter has to be before the court for that to happen, that there have to be the applications done, and process, and you have to wait for your first court date. And I'm going to talk about the Jarvis Street Family Court—you bet your boots I am—because we can't not talk about it. But, like others here, I've been in a whole whack of these Family Courts across the province. They're sausage factories. People are lined up. The dockets that judges deal with in these courts are these huge, huge sheets of three or four pages tacked up on the bulletin boards. We're going to talk about that, too, I hope, in the course of the next 40 minutes.

The wonderful thing about the legislation of 2000 is that it provided for an ex parte application for a restraining order, a much more limited order than could be made with an on-notice application, but the other party had an opportunity to go there. It was a 24/7 proposal. Others can stand up and correct me if I'm wrong, but one of the problems at the time in terms of enacting it, proclaiming it—we passed it—was the number of JPs available, because it was going to use justices of the peace. We had an incredible opportunity to develop a very specialized JP role, hopefully highly sensitized to the issues of domestic violence. What would happen is that, under urgent circumstances, if a person—but let's face it; not too many men get beaten black and blue by their spouses, by their wives. Well, they don't. Somebody's going to call me and say, "Well, I was," and I'm sure you were. But the reality of domestic violence is that that doesn't tend to—we're talking about women. The legislation of 2000 that's being repealed would have permitted that woman to, either on her own in a taxicab or taken by the police or taken by an advocacy group, at 2 in the morning get a restraining order.

Let's face it: Restraining orders in and of themselves have dubious value. It's symbolic. It's like legislation that one private member, for whom I have a great deal of respect—he wants to make it illegal to carry an illegal gun in your car, so you can suspend the licence of the

driver. The guy's got an illegal gun in his car. You think he gives a tinker's dam that he's going to get his licence suspended? He's out there ready to shoot somebody and all of a sudden he's going to say, "Oh, boy, I'd better not put this gun in this car, because if I get stopped they'll suspend my licence"? I don't want his licence suspended; I want his butt busted and I want him thrown in jail. For Pete's sake, how silly. This overreliance on restraining orders—we don't have to go very far or look very deep to find women killed by spouses against whom there's a restraining order. I appreciate what they do do. If a woman is being harassed or threatened by her husband, under the law as it stands now, were it proclaimed, she could go before a JP and get a restraining order so that if her husband shows up around the house, the police can at least arrest him. But let's be clear: Restraining orders in and of themselves don't stop women from being murdered; not by a long shot.

I find it troubling that the government is repealing the 2000 legislation rather than sitting down and trying to find ways of making it meaningful and effective to the extent that it can be—because it's there. It has been debated. It was supported by all three parties here at Queen's Park. There was unanimity in its value. It earned critical and rigorous scrutiny. Women's groups supported it. Advocates for abused women supported it. I'm not sure that they understand what's happening with this legislation now, because, again, giving the Family Court the power to make a Criminal Code-enforceable restraining order—fine and good; we support that. Of course we're going to vote for that part of the bill. But why are you repealing legislation that could have ratcheted up the level of protection for a woman at risk by giving her immediate access to a JP—hopefully, a JP who is trained in domestic violence matters? Because do you know what that also means? It means she's more likely to get referred to a shelter, for instance. It means that she's more likely to get referred to a family law clinic, if a family law clinic exists in her community. It means that she's more likely to have the cops show up in a timely way than the woman who doesn't have access to these things. I don't think it's unfair on my part at all to make that observation.

As I say, restraining orders don't protect women's lives—but sometimes they help. So New Democrats are going to be pretty vigilant about questioning the repeal of that legislation, especially when it was never put into practice. We haven't even had a chance to test it.

I'll make a deal with you right now: Enact it, get it going, and we'll commit to a one-day passage of a bill repealing it, if it could be demonstrated in two and a half years' time that it's not working. There—on the record. Why wouldn't you?

It's a very, very dramatic step backwards in the ever-present need for the state to protect women and kids, the moral responsibility of the state to protect its victims: women and kids.

Shall we, then, talk about Katelynn Sampson, a seven-year-old girl who was savagely, brutally, attacked, one

can only assume, over a period of time? It's a safe assumption at this point, in view of the types of injuries that were reported by the police homicide detectives who arrived. The two custodial parents are charged—oh, I understand, they're charged. But the charges, as I understand, as well, have been yanked up to first-degree murder from second-degree. The people who were charged with her murder weren't her parents. They hadn't abducted her. They didn't steal little Katelynn off the streets. The state, to the authority of the court, signed off on seven-year-old Katelynn Sampson and, with all the authority and all the seals and all the flourishes of signatures, sent her to her brutal death, her slaughter. She might as well have been sent to an abattoir.

I listened carefully to the Attorney General on Thursday. I commend him for making reference to Katelynn Sampson. You couldn't not make reference to her. It's the elephant in the room.

1420

I heard the Attorney General, and I of course pulled the Hansard, make reference to the fact that the judge had limited tools. With respect, sir, I beg to differ. Look, I've earned some ill will from parts out there in the community for having been critical of this process—not a whole lot. Most of the e-mails and most of the calls are ones that are commending the NDP for keeping on this.

You know I'm not a judge-basher. You know that full well. I don't support propositions like electing judges or propositions like auditing their annual sentences. I voted against these types of propositions that have come from time to time from private members. I also have a great deal of respect for the fact that the appeal process is how you address a judge's error, but there was nobody to appeal this judge's decision.

Katelynn had no voice. Oh, she should have. There were people there down at 311 Jarvis. Go down there or to any other provincial courthouse in this province, family or criminal. You've got people engaged in, again, acrimonious domestic disputes, and women have to sit across the hallway from the guy who beat them up a week ago, waiting to get into court and then being told, "Well, it's 5 o'clock. We're going to have to adjourn your case to a week or two weeks from now." And, yes, it's usually women. Look, call me if you want to, but please, it's usually women, because they tend to be the poorer partner in domestic breakdowns, who have to go to the legal aid office to get a certificate to get legal representation. There are very few family lawyers, especially experienced ones—and we want experienced lawyers working for these people—who will take on a legal aid family law case. One, the hourly rate is just atrocious. Oh, no, I'm not supporting this government's commitment to \$800-an-hour Bay Street lawyers, but I do expect competent lawyers to be financially rewarded for their work and to be compensated for the expenses they incur: their staff, their paralegals, their research and constant upgrading.

We've got these sausage-factory courthouses, hard-working court staff. Look, I've known a lot of judges in

my lifetime, and I know a whole lot more by reputation, let's say. We've got probably the best bench anywhere in the world at our provincial level and at our federal level. I have no hesitation in saying that. I think Ms. Elliott, who's a lawyer, would agree with me.

Oh, I've known the occasional judge who was a drunk and a derelict. Back when I first started practising law, the courthouse in Welland was upstairs at the city hall, and the judge, who had been a crown attorney prior to his appointment—this will help clear the name of other judges who weren't crown attorneys before their appointment and who didn't practise up there—would pass out at 10:30 in the morning in his chambers. So in the court, we'd be sitting there—I was just a young lawyer; I didn't want to be presumptuous—waiting and waiting, and finally the court clerk would talk to him and he'd come to and come out. But he was one of those judges, I recall, where, first of all—when he convicted youthful offenders, I heard him say more than once, "And if I didn't have a reasonable doubt, I'd be sending you to jail instead of simply fining you." You know what that means, don't you? If a judge didn't have a reasonable doubt, he would've—"Good thing I have a reasonable doubt, because this way I'm just imposing a fine." Also the practice was—you're too young; jeez, you weren't even thought of yet—of judges to say, "And where the evidence of the accused is at odds with the evidence of the police officer, I accept the evidence of the police officer"—real classy stuff, right? This is old days. Things have changed dramatically.

One of the things that judges have to do—they're told by the Court of Appeal—is that they have to give reasons for believing or not believing a witness. Am I fair in that one, Ms. Elliott? The Court of Appeal has been very clear. The Court of Appeal says that you simply can't say, "I find you guilty." You've got to explain why. The Court of Appeal has implied as much about "I find you not guilty." You've got to explain why.

I've read the court file of Katelynn Sampson. Nobody got an explanation—nobody. The judge never even saw the child. The judge never had the child brought before her, and this was an experienced judge. As I say, people think that my concern about this judge is somehow some sort of personal attack. Well, I beg to differ. But I got an e-mail just the other day from the legal counsel for the Catholic Children's Aid Society of Toronto, chastising me for criticizing this judge in a very angry way.

She has Catholic Children's Aid Society letterhead all over the e-mail, in colour, and she goes on to say, "I'm not speaking for the Catholic Children's Aid Society; this is personal." Not the smartest thing I've ever seen somebody do. Why didn't you send me a personal e-mail? Good God. Quite frankly, I discredit the criticism just a titch.

I would say to her, Ms. Counsel for the Catholic Children's Aid Society of Toronto, why wouldn't the judge utilize the powers given him or her in the Children's Law Reform Act? Why wouldn't the judge comply with the mandatory requirements of the existing Children's Law Reform Act?

Section 24: In hearing an application for custody, “The court shall consider”—it doesn’t say “may”; it’s not discretionary—“shall consider all the child’s needs and circumstances, including,

“(a) the love, affection and emotional ties between the child and,

“(i) each person ... claiming custody of ... the child,

“(ii) other members of the child’s family who reside with the child, and

“(iii) persons involved in the child’s care and upbringing....”

“Shall,” not “may” or “if you’re inclined” or “if you’ve got the time, and if you don’t have the time, don’t bother.”

Well, as long as I’ve got the transcripts of that court process, nobody ever asked that child what her relationship was with the proposed custodial parent and her spouse/boyfriend. “The court”—section 24 of the existing legislation—“shall consider ... the child’s views and preferences, if they can reasonably be ascertained.” Read the transcript.

I say to Catholic Children’s Aid Society legal counsel, you tell me why a judge failed to comply with the requirement of section 24: The judge “shall consider all the child’s needs and circumstances, including....

“(c) the length of time the child has lived in a stable home environment;

“(d) the ability and willingness of each person applying for custody of the child to provide the child with guidance and education, the necessities of life and any special needs of the child....”

Nobody even asked the applicant for custody whether the child would have its own bed, never mind its own bedroom. Nobody asked what the financial capacity of the family was to care for that child, to feed that child. “The court shall consider all the child’s needs and circumstances”—“shall”, not “may”—“including....

“(f) the permanence and stability of the family unit with which it is proposed that the child will live;” and

“(g) the ability of each person applying for custody ... to act as a parent.” Read the transcript.

1430

Madam—you, Catholic Children’s Aid Society lawyer, who uses the Catholic Children’s Aid Society letterhead to send me an e-mail and then says: “But I’m not speaking for the Catholic Children’s Aid Society”—you tell me why the court didn’t make any of those inquiries of anybody. It treated the placement of that child as though somebody was going down to the motor vehicle office, as if I was selling Ms. DiNovo my old 1991 Buick and we were signing off ownership. This is the law as it stands.

I go to section 30 of the existing legislation, the Children’s Law Reform Act: “The court before which an application is brought in respect of custody”—yes, like the application by Irving for the custody of Katelynn—“... by order, may appoint a person who has technical or professional skill to assess and report to the court on the

needs of the child and the ability and willingness of the parties ... to satisfy the needs of the child.”

It was entirely within that court’s jurisdiction to direct that the Children’s Aid Society do an assessment of the proposed custodial family. So you, Ms. Catholic Children’s Aid legal counsel, tell me why the court didn’t do that. For the life of me, I cannot understand why there hasn’t been more concern about the failure of that court to apply and use the jurisdiction that it had, to use the laws that exist to protect that child. At the very least there is, in Canada, along with a whole lot of other similar types of legal jurisdiction, the *parens patriae* jurisdiction of the court, an inherent jurisdiction, to protect the vulnerable, including children.

Look, I’m going to concede that I referred this matter to the Ontario Judicial Council, and the Ontario Judicial Council declined to consider the judge’s conduct as misconduct. That’s fine. I’m not saying she was drunk at the time; I’m not saying she was not rational; I’m just saying that that kid, Katelynn, had very few other people around to protect her interests.

Any one of you, if you talked to Katelynn’s mother—let’s say that on a bus from here to Hamilton you happened to be sitting beside her, and she told you that she had a drug problem—because the court did know she had a drug problem—and that she was giving up custody of her child because she didn’t feel capable of caring for that child—because the court knew that. You’d have said, “Well, who’s helping you with your drug problem? Are you involved in rehab? This is still your child.” You, sitting beside this woman on the bus as an absolute stranger, would be interested enough to say: “Have you thought about calling A, B, or C? Do the people down at the Addiction Research Foundation over on Russell Street have maybe something that could help? Have you talked to your pastor? Have you talked to a lawyer? Oh, by the way, who are these people that you are giving your child to? Describe these 15-year friends.”

The court was told that. The child’s only seven. The proposed custodial parent, the applicant, misidentifies the child’s natural father. Hmm, real good friends. You see, Ms. Sampson is a committed self-confessed drug addict. What is going on? How come no bells were ringing? How come no red flags were shooting up? Jeez, drug addicts tend to associate, well, with other drug addicts. It’s the nature of the beast.

So we’ve got legislation now that’s going to provide for a criminal record check. The problem with that, though, again, is sort of like restraining orders. A criminal record says something, but the absence of a criminal record doesn’t say anything, does it? The fact that you don’t have a criminal record doesn’t give you a clean bill of health when you’re taking care of a seven-year-old little girl who the court knew was having serious trouble in school, with serious behavioural problems. How come that didn’t ring any bells?

Then you have a court worker with the aboriginal legal services attending with the—don’t forget, the court has never seen the child. The court only sees mother on

one occasion; she doesn't show up the next two occasions. Then you've got a court worker from aboriginal legal services assisting Irving in her legal effort to acquire guardianship of Katelynn, attending two court hearings and addressing the court. Her supervisor at aboriginal legal services says it's not her job to determine whether Irving was a good caretaker—bullfeathers. I reject that and I resent that. You've got a kid who's being handed around like chattel. Some adult had to pay attention and step in.

My concern, and I have no idea whether it's true, is that this rather casual, perfunctory model is not the exclusive style of but one judge in Family Court in Toronto. Because part of the rationale of some of the people who have criticized me for expressing concern is that, well, these were two adults making a decision. No, it's two adults, and one child who had nobody speaking for her. Children are not chattel and children deserve the protection—of all the places where a child should have been safe, it should be in a Family Court room where you've got judges who deal with horrible horror stories like this and who've seen the worst; also the best, but are burdened by dealing with the worst. Here's Katelynn—no voice; she's not even there. No evidence under oath; the conversations are so brief and simplistic: "Oh, she's your good friend. Been a long-time friend? Okay, good; here"—slam, bam, thank you, ma'am. Well, no thank you.

Katelynn wasn't hit by a car that was speeding. She didn't contract some of those horrible youthful diseases that, from time to time, cause death. One can only infer, from what the investigating homicide officer said, that she was brutally, brutally slaughtered after a court had signed off on her placement to that family. Attorney General, this is my concern. It's not just about the legislation. It's about what's going on in our courtrooms. It's about our failure to take our duties, our responsibilities as adults to children, seriously.

Speaker, you're an educated man. You know full well the responsibility that the law has put on people in positions of authority to report the prospect of child abuse, don't you? We have serious consequences for adults who don't report. Ms. Broten's got a bill before the Legislature that will require people who discover child porn on a computer, and I presume she's suggesting that it goes for computer repair shops—it will make it illegal for them not to report it to the police. We're going to support that bill. At the very least, it's symbolic of our recognition of our responsibility to children: not just to our children and not just to the children down the street, but to all of our children.

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The legislation proposes that there be affidavit evidence. My concern is that the problem may not be so much the law as it is the processes—what's happening or not happening in our overburdened Family Courts and our failure to elevate children's interests and prioritize them and to say, "Those interests will prevail over all others." I admit, heck, what do I know? I'm not one of

these downtown-Toronto lawyers. I'm not some \$250,000-a-year judge. Heck, I just do my best on a daily basis; you know that. But having two parents, two adults, in your courtroom talking about a child who's being given up by her mother because she's a drug addict, and who's having problems in school: Isn't that *prima facie* a child in need of protection? In and of itself, a child whose parent can't care for her or him is a child in need of protection. It's not rocket science; it's common sense, and it just means a little bit of caring, and it means maybe saving just one life.

But nobody—the court worker didn't see anything wrong with this. "Well, it's not my job." The judge apparently didn't see anything wrong with this—"It's not my job"—notwithstanding the law. The Ontario Judicial Council says, "Well, the judge didn't misbehave." Who am I to argue with them? All I know is what I know and, by God, there should be a provincial shame and rage about Katelynn Sampson.

The argument, "Well, if we have too rigorous a process for giving up custody, more people will engage in informal custody arrangements"—they already did. Katelynn was already in that home on an informal basis. Here is the chance for the state to intervene. This was a golden opportunity, but nobody thought it was their responsibility. Good God. Once again, if you suspected your neighbour of beating his dog, you'd call the humane society; I know you would. If you suspected your upstairs tenant of not leaving water out for the cat, you'd call the humane society; I know you would. A seven-year-old girl, the daughter of a drug addict, being handed over in a courtroom, being handed over, and the court engaging in a process that's the law of Ontario that gave the court powers and even required the court to do that list of things that I told you—it gave the court the authority to order an assessment of the proposed home. I know how simple it would have been, but because in the interests of expediency—the court has forms. You're familiar with these; you're a lawyer. So that the judge doesn't get fatigue and doesn't get carpal tunnel from writing too much, there are boxes for the judge to check off, like "Request assistance of children's lawyer from the Ministry of the Attorney General." It would have been entirely appropriate in this instance.

It was already written out. All she had to do—nope, not even an X, just a tick mark, the opportunity to order an assessment once again right there, the opportunity to advise children's aid that here was a little girl who had been being raised—if you can call it that—by a drug addict who admitted to not being able to care for her daughter. I have to give Bernice Sampson credit for that. She's a drug addict. Drug addicts don't think rationally.

This legislation will require affidavit evidence. Is it going to be prepared by the same sort of court workers who assisted Donna Irving in her application for custody of Miss Sampson? Is a person who's apparently as careless about other people's lives as Ms. Irving going to care whether she lies in an affidavit?

I tell you, if we're going to do something meaningful, and if the courts won't use the powers given to them,

then we will make them use those powers. Every single case of custody should involve an assessment—every one. Don't start talking to me about, "Some people would appear not to need one." You know what? Child abuse is not restricted to any income bracket or to any age bracket or to any cultural group or to any part of the city, and we shouldn't be thinking about it in those terms. To a trained person who knows what it means to write up an assessment, they may in short order be able to reach conclusions that constitute a professional bit of advice to the court. Others may require more.

The legislation would require a court clerk to inquire of children's aid societies whether or not somebody had involvement with the children's aid society. Again, this is cosmetic stuff—looks good, feels good. People have violent capacities and an inability to care for others who have never been near a children's aid worker.

I, for one, am so distressed by the inconsistency of the conduct of children's aid societies from community to community that I really believe that that Victorian model of child care should be abandoned and that the protection of children should be a direct service of the state, with direct political accountability to the minister in charge, because we know what happens in this chamber when we come forward with concerns about a children's aid society: "They're private corporations." "The ministry has no control over them." "Don't talk to me"—the old Pontius Pilate again, huh? There's been more than a little bit of blood that's had to be washed off hands when it comes to children and women in this province.

We believe that every custody application should require an assessment. We believe that every child in a custody application—every child—should be present in court, or at least directly represented by counsel who knows that that child even exists and the condition that he or she is in and can give evidence to that effect. Why wouldn't the court have asked for Katelynn Sampson to be brought to court? Judges do it all the time: take the little girl into chambers, try to get—look, I respect judges who use their intuition. That intuitive knowledge is one of the most valuable tools that an experienced and good judge has. Good judges can sniff things out and spot things as if they were wizards. I've seen judges do it. It's a skill; it's a quality.

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This bill has to go to committee. I believe this government has a chance to beef this up. I believe the key is assessments. Every time there is an application for custody, I believe the key is in stronger and more effective representation of children, who have a right to counsel in these types of circumstances. I believe the key is us understanding that children are not chattels, the property of their parents, to be handed around and traded off as they wish, just because they're adults and they can make those decisions. I believe that we have to reinforce the *parens patriae* understanding of our courts. I also believe, as the children and youth advocate recommended at the time of this incredible betrayal of this little girl, that we have to have a whole inquiry as to what happened to

Katelynn Sampson. We have to understand why it happened, how it happened. How in God's name could it happen in Toronto? How could this happen? We've got to understand what the standard is for judges who are hearing these sorts of matters.

We also have to have Ombudsman oversight of family and children's services, children's aids. We also have to give the children and youth advocate in this province the resources, the tools, the legislative powers that it needs to conduct investigations, and then some impact as a result of those investigations.

We've sent Katelynn Sampson to her grave. Maybe, after having lost a little child, we can save a few more. Just maybe we can be bold enough and creative enough to accept our responsibilities as adults, and as members of a community—a community, a neighbourhood, a city, a town, a province—to accept our responsibilities to our children. Maybe we can start witnessing generations of Ontarians growing up as children not being abused, not being tortured, not being sexualized, not being turned into frail wrecks of human beings. Do you know what? Adult drug addicts come from somewhere, and as often as not, they come from those kinds of backgrounds. Women who are forced to prostitute themselves on the street come from somewhere, and usually it's that kind of background.

We should be using this legislative opportunity to confer, to declare, our respect for the sanctity of quality life for all Ontarians. I believe we have that chance. I'm not sure we will achieve it.

The Acting Speaker (Mr. Yasir Naqvi): Questions and comments?

Hon. Christopher Bentley: Just to comment on a few of the points raised by my colleague from Welland. First of all, with respect to pensions, of course, they are often the most valuable asset, if they exist, in a family relationship. What the legislation does is no more and no less than this: The family should benefit from the value of the pensions, not those who would argue the case in court or who do the assessments. That's all this is about: leaving more of the value of pensions to those who were a family and are now going to become apart. That's what that's about: simplifying the process. I'm sure my friend would agree that we should simplify court process and not make it more complicated.

With respect to the Domestic Violence Protection Act, of the experts who spoke on our proposed amendments, Peter Jaffe is well known as somebody who stands for the protection of all people, in particular in his work for the Centre for Research and Education on Violence Against Women and Children. He said, "I think this announcement is a breakthrough." Pam Cross, a well-known and well-respected advocate for women subjects of abuse, said, "We're thrilled with this package of family law reforms." Why? The Domestic Violence Protection Act and Bill 10 were simply not workable in the eyes of not only women's advocates, police, the courts. What we have proposed are legislative amendments that will provide broader protection—they don't require a

finding of domestic violence but only a reasonably based fear of it—and, secondly, stronger protection. With respect to the Katelynn Sampson tragedy, I'm sure my friend would not object to there being more information before the court and not less.

The Acting Speaker (Mr. Yasir Naqvi): Questions and comments?

Mrs. Christine Elliott: I'm pleased to add a few brief comments to what in my view were excellent remarks made by Mr. Kormos, the member from Welland. Let me say at the outset that I completely agree with the points he was making. It's not that the provisions of Bill 133 in and of themselves are objectionable; in most situations we agree with the ideas behind them and we commend the Attorney General for bringing them forward. But it's the way they're put into practice and the fact that there are so many missed opportunities here to make real, meaningful change.

With respect to the issue of domestic violence, we have a situation where the Domestic Violence Protection Act would have allowed for emergency intervention orders 24 hours a day, seven days a week. That's not what we're seeing with this legislation. From speaking to family law practitioners—and I understand many women's groups are also saying that there's nothing wrong with the changes proposed by Bill 133, but they're not going nearly far enough. We need to go much further to really protect victims of domestic violence, and it is, let's face it, primarily women. It's important enough that we really should have a stand-alone statute to deal with that, because we need to be much more proactive in preventing situations where women need to have those kinds of restraining orders in the first place. So often after the fact, when somebody has been killed, we keep saying that we need to do something more and more. So we would like to see this opportunity used to take the kinds of preventive measures that we really need to take.

I agree with Mr. Kormos on the situation with little Katelynn Sampson. There is a huge opportunity missed here. We need to make sure that children are given the protection they deserve, that their needs and wishes are elevated to the same level as adults' needs and wishes, and there's so much more that we need to do. That's why we're advocating for extensive committee hearings, and especially to travel to areas where we can meet with the people who really want to tell us their stories.

The Acting Speaker (Mr. Yasir Naqvi): Questions and comments?

Ms. Cheri DiNovo: We're all well aware of the eloquence of my friend from Welland, and he pointed out very clearly, and so did Mrs. Elliott, that this is a centimetre when we need a kilometre.

Katelynn Sampson was a member of my community, and perhaps the most vulnerable member in a very vulnerable community, because it is a vulnerable community. I know Bernice Sampson. For months and months she tried to get help with her addiction issue, but guess what? This is structural victimization. There was no help. There was no help for her mother and there was no help

for her daughter. There was no help for Holly Jones. There was no help for her family when she was murdered. And now they're asking us, because they are activists and they're involved, to bring forward a primary prevention program for our schools, yet this government is loath to do that. A million dollars is all it would cost across the entire province of Ontario.

Parkdale Public School: I know the principal there, I know the teachers; they're wonderful people. It is not in any way their fault, and they've been smeared in the press because of Katelynn Sampson's death. They phoned her home, and guess what they were told? They were told that she was up on the reserve, and they didn't have the funds, they didn't have the staff to send somebody out to check whether or not that was true. There was a time in our school system when they would have had somebody. But, because of the underfunding of our school system, they didn't have the staff. They didn't have the person. Where were social services? Where were they? They don't have the funding. They don't have the staff. That's why this happened.

Once a year it happens in Parkdale—High Park. Rose McGroarty, Holly Jones, Katelynn Sampson: Our only question in Parkdale is, who will be next? What child will be next? How many deaths will it take before this government wakes up and gives us the kind of legislation, the kind of action we need and the kind of funding we need so we can prevent this horror and this conversation from ever having to take place?

The Acting Speaker (Mr. Yasir Naqvi): Questions and comments.

Mr. Bob Delaney: I am pleased to add my comments to those of my colleague from Welland. From one who is not a lawyer, I have to thank him for his very edifying hour exploring the scenarios and the conundrums of family law and some of the challenges that this bill, this proposed piece of legislation, is there to meet.

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He talked at length about a matter of concern for couples who are splitting: the past and the present—the risk to spouses, and the risk especially to children. He talked about the past and the present in custody battles. He talked a great deal about the future in the division of pension assets. He talked about the powers of the court and he talked about some of the things that the courts could do, some of the things the courts do now and some of the things that they could do better, many of which, if I understood him correctly, he agreed were addressed in the bill.

I do disagree with the member from Welland about the status of children's aid societies. He said that children's aid societies should be abolished. I tend to agree with Paul Zarnke, who runs the Peel Children's Aid Society. The CASs, the children's aid societies, do need an arm's-length relationship with the government to best serve those who need their services most, but in an area where I think the member from Welland and I are more on the same page than we are on different pages, I think that would be a minor point.

But when you boil it down, when you distill the value of the member's anecdotes and his passion, when you break down his arguments pro and con, I think we come down to the same point and the point that the Attorney General made: It would be better if there were more information before judges and not less, and that's what this bill does.

The Acting Speaker (Mr. Yasir Naqvi): Reply? Member from Welland.

Mr. Peter Kormos: Thank you, Speaker. I appreciate the generosity of people who responded to my brief comments.

Look, this is about, in no small part, protecting children. I think we are all on the same page when it comes to that. This is about ensuring that the child's best interests certainly prevail.

We've already got an Office of the Children's Lawyer working in the Ministry of the Attorney General, and they have a mandate to represent children and their interests. We've already got a court structure that purports to be a Family Court and to be able to address family matters. We've got children's aid societies coming out of our ears. We've got court support staff.

What we don't have yet is an acceptance of the integrity of the individuality of children. We don't have that yet. I fear that. We still consider children to be chattels, the property of their parents, and we don't, even now, accept the responsibility, the profound responsibility, for all of us to protect children from injury and harm. And you don't have to do it because you're a nice guy. Maybe you just do it because that's how you let young kids grow into healthy adults, and at the end of the day we're all better for it.

That's why we want this bill to go to committee. I would hope the government will keep an open mind, because there will be, in my view, a strong effort by both opposition parties to finish this bill, to complete it, to put some embellishments on it that make it even better, far better than what it is now.

The Acting Speaker (Mr. Yasir Naqvi): Further debate? The member for Mississauga–Streetsville.

Mr. Bob Delaney: Thank you very much, Speaker. I do stand with a certain measure of humility after listening to some acknowledged experts in this field: my colleague the Attorney General, who practised law with such distinction for so many years in London before he was elected, my colleague from Whitby–Oshawa, and my colleague from Welland—lawyers all. And, Speaker, this is your trade as well. So I am going to do my best as a non-lawyer to talk about something that is so important to those in Ontario who are themselves not lawyers.

When a family breaks up, when a home breaks up, it is indeed a tragedy, when people give up on the commitment that brought them together. What Bill 133 proposes to do is to update and modernize those tools and techniques that enable us to sort out the assets, sort out what's in the best interests of the children and to enable everyone to be able to get on with their lives and go forward in time, in peace and in security.

The main objectives of the proposed family law reform are to enhance the effectiveness and responsiveness of the family justice system in three primary ways: to better protect mostly, as most speakers have said, women and their children from domestic violence, and that comes down to the use of restraining orders; to help ensure that judgments take into account the best interests of children in custody; and finally, to support fairness for families when marriages break down, particularly as regards pension reform and child support.

I'd like to cover in the time available to me some of these topics and to discuss them from my vantage point of being an MPP who will deal in my constituency office with some of these matters, discussing them with some of my constituents for whom this is a real turning point in their lives. This is a point when a marriage that may have just begun a short time ago or a marriage that may have been the bedrock of their life has, for whatever reason, suddenly and permanently gone.

There's an awful lot of very thick and complex legalese that boils down to the essence of this bill, Bill 133, which is a surprisingly readable 20 pages. What Bill 133 comes down to is being able to do the right things at the right time for the right reasons.

Now, let's talk briefly about restraining orders. Bill 133 would strengthen the restraining order regulatory regime to improve, primarily, the security of women and their children who would face either the reality or the threat of domestic violence. What it says is that when a judge makes a restraining order, the restraining order needs to have teeth. Many of us as MPPs will have constituents come in and talk to us about matters relating to the Family Responsibility Office, and what it comes down to would be a court order, a restraining order, a judgment that doesn't have the means to enforce it and really doesn't penalize a partner who looks at a judgment, a court order or a restraining order and just ignores it. So Bill 133 sets out the teeth to enable that restraining order to happen.

What it says is that when a judge makes a restraining order, it has to be obeyed. So the proposed legislation sends a very clear and unambiguous message that restraining orders have to be obeyed, and it should act as a very effective deterrent. The restraining order provisions in Bill 133 would expand eligibility to protect those who have lived together as a couple for a fairly short time as opposed to what I understand is the current one, which is a relatively long time; in other words, less than three years. It would strengthen the enforcement by providing for breaches not merely to be pursued through civil litigation, in which one party sues the other, but by a violation of the Criminal Code, which would add an entire new level of deterrent if one party or the other chooses to flout a restraining order.

It's one thing to say, "Okay, I'm going to ignore the restraining order, so sue me." Suing somebody through civil litigation is a very time-consuming and very expensive process. It's one that just grinds you down, whether you're the plaintiff or whether you're the

defendant. On the other hand, if it's a violation of the Criminal Code, then somebody has to look very carefully into the mirror and say, "If I blow my top, if I do something inappropriate, I could go to jail." That's a deterrent, and that's an important one that doesn't exist now. I think that's a real, key enhancement that Bill 133 proposes to make.

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I'd like to talk a little bit about custody hearings. I think we can agree that there's a consensus, not merely in this legislative chamber but throughout the province of Ontario, that one of our priorities is to protect the most vulnerable members of our society. That's one of the bedrocks of Bill 133. How does it do that?

What Bill 133 says is that if there's a violent history that's relevant to the ability to care for a child, then it's important, as the Attorney General said in his response to the member from Welland, and as I concluded in my own, that better information be before a judge when making decisions about custody. That's kind of important.

Now, violence just isn't physical; violence cuts both ways. Words cause pain; words can be hurtful. Verbal abuse is violence. It's important for both female and male members to bear in mind that violence isn't simply one member or the other throwing something or doing physical harm. Violence is violence, regardless of how you're inflicting it.

The proposals in Bill 133 would better protect children by requiring, among other things, a sworn statement with information about what actually is in the child's best interests by either party who applies for custody of the children. It doesn't go by default that custody will reside with one side or the other. It allows a judge to be able to make a better-informed decision about custody on the basis of fuller information. I think, based upon the number of people who have come to talk to me, that that's an important step forward. I think that's one reason, if for no other, to support Bill 133.

The proposals in Bill 133, if a non-parent seeks custody, would require a police records check—what is today viewed as an exercise in due diligence that's fairly common—and it would also disclose the existence of prior children's aid society records—again, in the interests of putting all the relevant information before a judge prior to the judge making a decision that has ramifications over the longer term for the long-term best interests of the child, and similarly, for the ability of both partners in the former relationship to be able to get on with their lives and pursue them.

This would also mean that judges would have access to information about other family law cases that would involve the non-parent, if a non-parent is applying for custody. For example, if, for whatever reason, a non-parent is applying for custody of the children—in many cases, I guess the non-parent would very likely be a grandparent—and it comes to pass that neither parent is either able or willing to accept custody, this allows a judge to be able to make a better decision about the

ability of aunts and uncles or grandmothers and grandfathers to support and care for a child, based upon the best and fullest possible information and full disclosure of all the information relevant to making a decision about the custody of a child.

For so many people, one of the most important assets to be divided, as I said earlier—one of the things that's about the future—is child support and pension assets. Very often, the most valuable asset to be divided in a marriage at the time the relationship collapses is the pension assets of whichever party has been doing the best financially and has the greatest amassed pool of wealth, for want of a better expression. If you had been together for an appreciable amount of time, and that's going to get cut down the middle or cut however the pre-nuptial agreement says it will or however the judge decides that it should, then that too should be a decision made with the fullest possible disclosure and in the best interests of both parties and any children.

The proposed legislation in Bill 133 would make the law fairer for families that are going through this particular anguish, and this is probably where they spend the most number of billable hours on behalf of their lawyers. When you add together the hourly rates, it's probably costing them upwards of \$500 an hour to be able to sit down and sort through and say who gets what. I'm sure both parties in the breakdown of a relationship would prefer that when all of the dust settles, at least they get, however it's divided, to keep the assets, rather than their respective counsel doing so, regardless of the merits of the counsel, because ultimately they've got to be able to use the assets that they have accumulated to provide for themselves and to provide for their children as time goes on. What this proposal seeks to do is to enable more of that money to flow to the long-term benefits of the children and the two partners in the relationship and less of that to have to be spent on doing civil litigation.

To ensure that the obligations for children are being met following a family breakdown, Bill 133 proposes to require, and this is important, annual financial disclosure where child support orders exist. This is going to make it, for example, much easier to obtain fair child support payments, to reduce Family Court battles, and to hopefully help free up some Family Court time so that in the longer term we can use our courts more efficiently and we can get more cases through with less of them clogging up Family Court as they begin wrangling. What Bill 133 proposes to do is to make some of these rules clearer so that both parties can say, "Okay, here are what the rules are," and it's pretty easy to arrive at a decision that says, "This is how the assets should be divided. This is what happens if your ability to earn money changes and you are the one paying the child support."

The legislation would also clarify how and when pensions are divided when marriages break down.

These changes would reduce some of the strain of Family Court proceedings, and I think the most important thing is that they would save court time, which is important in terms of being able to get your case before the courts in a timely manner.

They would also reduce the cost of hiring experts. You know, if one party or the other is either concealing or suspected of concealing assets, sometimes you have to hire a forensic accountant to go through all of their financial history, which involves bringing a motion before the courts, which involves getting a judgment that says you've got to open up, and then somebody has got to pore through all of it. At least with the requirement of an annual financial disclosure, what it should do is to make the playing field level and to say to both parties, "Here is all the relevant information. Let's make an objective, a fair, an impartial, a reasonable judgment based on the fact that we've got all of the information on the table."

It may also come to pass, and I'm sure it does very often, that one partner with perhaps a substantial support obligation may run into circumstances that see his or her income substantially reduced for a time or through circumstances beyond their ability to control. It would be reasonable to ask, then, is it the intent of the support agreement that you impoverish a party by simply saying there is no flexibility here? What Bill 133 does is that it provides a measure of reasonableness to allow for changing circumstances.

The legislation was introduced in November 2008, and this is one of the planks that the Attorney General considers as a very important one to clarify the fair division of assets when marriages break down.

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In our community in western Mississauga, we live in a very privileged place. Our streets are clean and safe. For nine consecutive years, Mississauga has been the safest city in the safest country on earth. As two police chiefs have told me on various occasions, "You're a very lucky elected member. You represent the safest part of the safest city in the safest country on the face of the earth." All that said, inside those neat rows of relatively modern homes with well-tended yards and nice new cars in the driveway, there are a lot of families that are profoundly and deeply unhappy, and many families that break up. So when that happens, even amidst plenty, we need to settle on custody of the children, and in this case there are often considerable assets to divide. These days, many families in new homes are looking at a declining market for the homes and they may actually, in a very expensive home, have relatively little equity. When it comes to dividing the equity in the home, they may be looking at a situation in which, for all of the mortgage on the property, there may not be a lot of equity in the home.

So Bill 133 is going to provide some measure in which, as long as the information is fully disclosed, a judge, and presumably the two parties, can come to an agreement on what should be done with a valuable asset, like a home, that may be heavily mortgaged, may have been bought just a short time before, and should the judgment force the sale of a home in a bad market, should one party or the other keep the home for a period and then have it divided? These are all things that in our area of the world people have to consider. No one, I'm

sure, enters into a relationship with the avowed intention that it's not going to work out, but sometimes it doesn't work out. When it doesn't work out, what we need are very clear sets of rules and guidelines that make it possible for assets to be divided fairly and equitably.

Now, this is reform that's long overdue. There had been no significant reform to family law in Ontario in more than 20 years. I'm not going to pass judgment on that. There has just been no significant reform enacted to family law in Ontario in 20 years. So it's about time to revisit it.

One of the things about this is that it has had an awful lot of wide support. In the last few seconds remaining to me, let me just quote some of the support that this legislation has garnered. Said Tom Dart, the chair of the family law section of the Ontario Bar Association: "This is indeed a day that the family law bar has been waiting for. Minister Bentley is taking significant legislative steps towards a number of OBA goals and for which we have been advocating for many years."

There are many, many people who have added their quotes. I think all of the feedback on this, in one way or the other, has been positive. It's been, for me, a pleasure to stand up to join in the debate to bring the concerns of our community forward. I thank you for the time.

The Acting Speaker (Mr. Yasir Naqvi): Questions and comments?

Mr. Norman W. Sterling: I want to thank the member for his contribution to the debate.

This issue and the issues contained in this Family Law Reform Act are complicated, they are technical, and the understanding of them depends upon a person's understanding of what happens when these changes are implemented. Therefore, our party and the third party of Legislature would really appreciate the government allowing as many of the people who are involved in this kind of law—the lawyers, particularly the family law branch of the legal profession as well as children's aid societies and people who are involved in the care of children—to have the opportunity to have their say on the technical aspects of this bill before a committee of this Legislature.

I understand we are going to have some hearings. However, the law is administered or applied in different ways in different parts of this province, depending upon the various resources that different communities have. Therefore, we continue to ask the government side for the opportunity to have committee hearings in various different communities across Ontario. To date, we have heard the government say that this is not needed. We disagree with them entirely. This bill is very important to, hopefully, a smaller segment of our society. However, it can have unbelievable effects on the lives of the people that the bill does affect. I would ask the government to reconsider where the committee would travel with regard to their hearings on this bill. Thank you very much.

The Acting Speaker (Mr. Yasir Naqvi): Questions and comments?

Ms. Cheri DiNovo: Again it's a privilege to be able to speak about not only this bill but about this topic and to

respond to the member from Mississauga–Streetsville. I listened with interest to what he had to say.

The problem, again, and it has been reiterated here many times, is that not only does this bill not go far enough but also that this bill deserves examination. It needs to be looked at. It needs to be looked at in committee. This is an incredible chance. It would be a chance missed not to have child advocates come forward, not to have lawyers who are involved in the field come forward, not to make this bill as strong as you possibly can as it moves forward, not to correct, perhaps, some of the aspects of this bill that aren't as strong as they could be. That's the chance we'll be missing here if it does not go to committee. So that's demand number one.

Certainly the other demand that arises out of this discussion, because the death of Katelynn Sampson was in part the aegis, the seed of this bill, is to look at the way in which her life and her death were handled. You've heard the member from Welland call for an inquiry or an inquest into that death. Certainly I think that comes out of her life as well. This is an incredible opportunity to look at the ways in which we could prevent—so it's the prevention that I'd like to discuss if I have some time—this from ever happening again.

So again, this bill does give us an opportunity, not perhaps as the government sees it, to examine all of the different facets of the case of Katelynn Sampson, all of the different facets of family law and perhaps even the domestic violence itself that of course is the bane of the existence of 50% of our women in this province. So that's what this bill gives us the chance to do. We need committee time. Thank you.

The Acting Speaker (Mr. Yasir Naqvi): Questions and comments?

Mr. Shafiq Qaadri: It's a privilege to speak on Bill 133, the Family Statute Law Amendment Act. I first of all would like to commend our Attorney General, the Honourable Christopher Bentley, for taking on what is of course a very controversial, difficult and challenging portfolio specifically with reference to this particular bill. I would also just like to commend him for coming to my riding very recently to hold hearings and a public outreach gathering of stakeholders with regard to crime: prevention of crime and the causes of crime.

So I would first of all like to say that from my perspective the Attorney General, it seems, is engaging in what I call applied humanity or possibly mobilized humanity. All of us in our various constituency offices unfortunately, and through the press, come across cases where, for example, restraining orders have been breached; where individuals are suffering because child support obligations are not met. Of course this is likely, unfortunately, to become even more acute over time as the economic downturn hits home in our various ridings with the different fallout that it might have. So for example, one of the interesting and I think very appropriate measures that Minister Bentley is going to move forward with is the idea of pension reform and child support. My colleague from Mississauga–Streetsville

spoke to that aspect with regard to, for example, it being fairer for families and making it easier to obtain fair child support payments, and hopefully helping families to also navigate what is, after all, a fairly complex legal labyrinth that's out there, meaning the court system. All in all, I think this is a very impressive and important step with regard to the Family Statute Law Amendment Act.

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The Acting Speaker (Mr. Yasir Naqvi): Questions and comments?

Mr. Mike Colle: Like many issues dealing with family law reform, we have to keep in mind that we're dealing with children, we're dealing with families and we're dealing with women who are very, very vulnerable. We're dealing with very difficult situations, and certainly, if you talk to police officers, they'll say that one of the most difficult things they do is deal with domestic disputes and deal with custody situations with children.

I know that the Attorney General, in his usual prudent, very astute manner, will proceed to make the necessary adjustments to the Family Statute Law Amendment Act. Just to remind us all of how this is really, tragically, a universal problem, I don't know if you noticed that last week on the international news there was a tragic situation in Buffalo, New York, where a very prominent woman broadcaster was murdered by the husband, or allegedly murdered by the husband, in incredibly horrific circumstances, beyond—I won't even mention in this Legislature how she was murdered. But there had been a number of interventions by the police, a lot of warnings, and yet this unfortunate, innocent mother of two, who was very prominent in Buffalo and upper New York state, lost her life. So it's a plague that not only engulfs situations here in Ontario but, sadly to say, goes beyond the borders of this country.

The Acting Speaker (Mr. Yasir Naqvi): The member from Mississauga–Streetsville.

Mr. Bob Delaney: I'd like to thank the members for Carleton–Mississippi Mills, Parkdale–High Park, Etobicoke North and my colleague from Eglinton–Lawrence for their comments and their addition to this particular debate.

I think one of the best summations of what Bill 133 is trying to do was given to me in a handwritten note by my legislative assistant, Jessica MacInnis. Let me just quote it because it comes across very nicely. She says, "Children do best when they are not only safe but comfortable in a place that they can call home. No one should be afraid to be in their home." That's one of the things that this particular piece of legislation sets out to do.

Some of the members had called for committee time. I quite agree. I'm sure that following second reading debate, which is the stage at which this bill is, it will be referred to a standing committee. As the government has discovered over the five and a half years that we've had the privilege and responsibility of governing Ontario, bills only get better, particularly when their measures touch everybody, when we send them out and we get

good, thorough, vigorous participation from people from all over Ontario with a stake in their success. Whether that be the Greenbelt Act, whether that be our measures relating to health care or whether that be our measures relating to energy, the committee process has made good bills better, and it will take this bill—which is a good bill and which is a bill that’s going to make a system more fair, more transparent and more easy to administer—it will take Bill 133 and make it a better bill.

The Acting Speaker (Mr. Yasir Naqvi): Further debate?

Hon. Monique M. Smith: I’m delighted to have the opportunity to rise in the House today, expecting full well that my colleagues on the other side were going to speak a little bit longer.

I am happy to have the opportunity to speak to this piece of legislation. We have a number of supportive comments being made today in this House by a variety of speakers. I want to add to that list as we look at what the Advocates’ Society had to say about this piece of legislation: “We welcome this much needed and long-awaited reform. It will simplify the law and enhance fairness for the many Ontarians whose only contact with the justice system is in the area of family law.”

Again, the YWCA here in Toronto had a great deal to say about the legislation: “The YWCA Toronto provides emergency shelter to 547 women and their children each year, many of whom are fleeing violence. This package of reforms will ensure that more of these women are able to keep themselves and their children safe as they move forward to lives free from violence.” That’s from Heather McGregor, the YWCA Toronto CEO.

Ghislaine Sirois, the executive director of the AOcVF, had this to say: “Action ontarienne contre la violence faite aux femmes appreciated being consulted about the proposed reform. If, as a result of this reform, women are better able to explain their situations and thus be better heard by the courts, their safety will have been improved.”

From Barbara MacQuarrie, the community director at the Centre for Research and Education on Violence against Women and Children: “The Ministry of the Attorney General has recognized the particular vulnerability of women and children and provided Family Court judges with a valuable array of tools to help protect their safety. Advocates for women and children, certain that the new legislation will help to save lives, welcome the steps this government has taken to bring about these reforms to family law in Ontario.”

The senior vice-president of member services for the Ontario Teachers’ Pension Plan, Rosemarie McClean, had this to say: “Giving couples the power to settle pension assets at the time that their marriage breaks down is a big win for our members. The proposed approach is fair and simple for all parties involved, including pension plan administrators, whose efforts can remain focused on other value added services to members.”

The Law Society treasurer had this to say: “The Law Society of Upper Canada shares the government’s con-

cern with access to justice and public protection for Ontarians. These reforms will provide benefit to both women and children, particularly through times of increased vulnerability resulting from family distress.”

Finally, the executive director of the Islamic Social Services Association, Shahina Siddiqui, said that the government focus on helping families to have the right to prosecute breaches of restraining orders will help keep women and children safe. “We welcome this announcement and support the government’s commitment to ensuring the rights and safety of women and children in Ontario.”

I believe it’s our duty as legislators to assist in keeping women and children safe across this province. We have so many wonderful people working in our communities, and I want to just say a big hello and thank you to the people at the transition house in North Bay and my native transition house in the First Nations community of Nipissing, who are doing such a great job protecting our women and children and providing them with hope and a new beginning in their lives when they’ve found themselves in situations of a great deal of distress and turmoil. Finding a way to change their lives is incredibly difficult, and at that point in time they need a great deal of support and assistance. We certainly have a number of people in our community who are able to do that and who are doing it so lovingly and respectfully. I want to, in particular, say hello to Janine Lafreniere and her staff at the transition house, who are doing some great work in North Bay.

The main objectives of the proposed family law reform package are to enhance the effectiveness and responsiveness of the family justice system as outlined by my colleague the Attorney General earlier. He talked about our ability to better protect women and their children from domestic violence, to help ensure the best interests of the children in custody decisions, and supporting fairness for families when marriages break down.

Family law legislation has had no significant reform in the last two decades, and it’s time to reform our family laws to ensure that they support Ontario’s families through times of breakdown and distress.

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We are determined, as a government, to see that disputes are resolved fairly by a system of justice that is fast and more affordable. The proposals that have been brought forward in the package today have broad consensus from police, violence against women stakeholders and the family law bar. I appreciate the opportunity to speak to this legislation today, and I look forward to hearing from my colleagues as we move forward.

The Acting Speaker (Mr. Yasir Naqvi): Questions and comments?

Mr. Garfield Dunlop: I’m pleased to make a couple of comments on Bill 133, An Act to amend various Acts in relation to certain family law matters and to repeal the Domestic Violence Protection Act, 2000. I can really only say, from what I have heard of the debate to this

point—I guess there is a conflict on whether the government wants to have this bill travelled across our province. Apparently, someone said it has been a while since it has been amended, so in my opinion it would be better if there was some travelling. In some cases, you don't always get a lot of input, but if you set those dates up and there is interest in those communities, I believe it is the proper thing to do, and then people won't come back later on and say, "You didn't have a chance to travel."

If there are committee hearings at Queen's Park, that's one thing, but when it is a bill that affects families across the province of Ontario, it's probably best that we, as parliamentarians—there are not an awful lot of things happening; we don't have a lot of bills to debate and a lot of bills to travel. I think this is one that would satisfy the needs of the people of the province if we can get out there and hear what their concerns are. If there are, as the member from Mississauga mentioned earlier, then there is some very valuable—usually bills come through committee hearings improved, with amendments made to them, and I think the same would occur here. So I would encourage the government to reconsider travelling across the province. Take a few days and make it appropriate, and if that's the case, we might have a better bill than ever.

The Acting Speaker (Mr. Yasir Naqvi): Questions and comments?

Mr. Peter Kormos: It was a delight to witness the Minister of Tourism and government House leader rise to the occasion, and to witness the deference to her by her colleagues. You notice that not one of them wanted to take her spot. They were eager to hear from their House leader and Minister of Tourism, and remained seated, notwithstanding the *cri du jour* of Parliament: Who is going to speak next? They wanted to hear from their House leader, and they have.

I was delighted to hear from her. Her command of the issue is profound, and I look forward to the prospect of her being one of the committee members when we have committee hearings on this bill. She obviously has an interest in the matter; she obviously has background that would prove invaluable to the committee process.

If she could do something about the poor quality of the Northland Express, I would be truly indebted to her. If we're going to promote tourism in this province, surely the government's own rail line can be clean, staffed by people who are less than surly and run on time most of the time, if not all the time. Thank you kindly, and thank you, Ms. Smith.

The Acting Speaker (Mr. Yasir Naqvi): Questions and comments?

Mr. Mike Colle: The comments by my colleague the member from Nipissing outlined the various stakeholders who have been contacted in terms of this legislation and how it affects them. It will be very much appreciated, as they keep adding to their input in the process as this bill goes through the House and as it goes through committee, because there are a lot of complexities here. This

deals, again, with issues that are very real to people in very difficult—you know, restraining orders. We've all seen some very tragic situations when restraining orders were not upheld properly. Also, custody hearings can tear families apart. Generally speaking, the real victims of these custody hearings are the children, who really have no one to turn to when mom and dad are in dispute.

Also, it deals with pension reform and child support. There has been more emphasis placed on this in recent years because, obviously, when you're going after the assets of one of the partners in a dispute, a pension can amount to a great deal of money, especially when all there is left is perhaps—the home is usually divided, then the pension assets, and they can be quite contentious in dealing with the amount of pension available.

This debate will hopefully help us all better understand the complexities and, again, the real human issues that we deal with when we look at family law reform. We hope that we'll get better ideas of how to deal with these perplexing problems that face all of us.

The Acting Speaker (Mr. Yasir Naqvi): Questions and comments?

A reply from the House leader?

Hon. Monique M. Smith: I appreciate the comments from my colleague the member from Eglinton–Lawrence and, of course, from my colleague the member from Welland, also the House leader for the third party, who I have the opportunity to spend a great deal of time with these days as we try and get through these tumultuous times in the House.

Interjection.

Hon. Monique M. Smith: It's just working so well, isn't it? I mean, you could just see that—all the respect that he showed to me in his comments today was gratefully received.

I was just pleased to have the opportunity. These are very important issues. These are very important issues to women across the province and to all people across the province. I mean, the security and safety of children is a priority for, I think, everyone in this province, and should be.

I think the security of women and children will be improved by this new legislation through the strengthened restraining order regime with expanded eligibility for those who have lived together in a relationship for fewer than three years. Under the new legislation, restraining order breaches would be prosecuted under the Criminal Code, and this would increase protection for victims by allowing for tougher enforcement by police and stricter bail conditions.

I've had the opportunity to meet with a variety of stakeholders in my riding, including law enforcement agencies, who work so very closely with those victims of violence, and those who work in the transition house system. I know from all of them that they are looking forward to seeing increased protection for our victims and tougher enforcement so that we can ensure the safety of women and children who are victims of violence in our communities.

I do also want to acknowledge the member for Simcoe North, who also spoke to my comments. I appreciated his comments as well, and I look forward to hearing the continuing debate in the House today.

The Acting Speaker (Mr. Yasir Naqvi): Further debate?

Ms. Laurel C. Broten: I'm very pleased to have the opportunity to rise today and speak to Bill 133, being brought forward as the Family Statute Law Amendment Act.

The issues being debated in the House today are ones that affect families, women and children in communities around the province. In the first session that I had the opportunity to sit in this House, I had the privilege to travel around the province and talk about the reforms that we should bring forward or could bring forward to better protect women and children in cases of domestic abuse and violence. The amendments being brought forward and proposed through Bill 133, in the context of the revisions to the way we approach restraining orders, are amendments that arose directly in the context of those consultations.

The security of women and children would be improved under the new legislation through a strengthened restraining order regime with expanded eligibility for those who live together in a relationship for fewer than three years. The mechanisms for women who cohabited with a partner or a spouse to obtain a restraining order—as a young lawyer, not even yet called to the bar, working in a legal clinic and as a summer student in a family law office, it was unfortunate how many restraining orders I sought on behalf of women in London, Ontario, at the time.

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The issues that are being resolved and amended in the context of this legislation and the prosecution of breaches are something that, as a lawyer—you would work with your clients to obtain that protection for them and their children in some very difficult and trying circumstances. The enforcement of a breach is something that family law lawyers and those working to better protect women and children have been talking about for some time. That's why I am very pleased that, in the context of the amendments being brought forward, some of the experts around the province who may have been mentioned in this House—but I will do so again because their work, day in and day out, across the province is really the shoulder that we are standing on here today as we debate this legislation.

Pamela Cross, a legal consultant and advocate against violence against women advocate who is well-known in the community, says, "Those of us who work with abused women and their children are thrilled with this package of family law reforms. This legislation would help hundreds of women and children by making justice faster, more accessible and more affordable. Making restraining orders more available to more women who live in an environment of violence is an important step forward in both preventing and responding to violence

against women." For me, a statement from someone I've known for many years, such as Pamela Cross, giving such significant support to Bill 133, is really to be commended. I congratulate the Attorney General on bringing this forward.

Nicole Tellier, who is now the director of the Advocates' Society, someone with whom again I had the privilege to practise in law many years ago, said: "We welcome this much-needed and long-awaited reform. It will simplify the law and enhance fairness for the many Ontarians whose only contact with the justice system is in the area of family law." I think Nicole makes that statement and brings it forward as someone who has practised in the area for many, many years. For so many families it is true that their only interaction with the system, and a system that hasn't always worked perfectly, is in the context of very, very trying personal circumstances. If we, as legislators, can do one or a few small things to make the system work better for those families as they go through the dissolution of marriages and of relationships, seek to leave violent circumstances, in the case of women and children seeking to flee domestic violence, these are critical steps forward, and ones that will make a big difference in the lives of those who turn to that system. Many of us are lucky and we don't need to seek relief from the justice system to protect our children or to make sure that we can walk forward in our lives, but many women turn to that system. The system needs to work, because when it doesn't, tragic circumstances result. Being able to enforce breaches of hard-fought-for and received restraining orders is of absolute critical importance. I believe that it will better protect the lives of many women and children.

My sentiments are shared by individuals such as Heather McGregor, who's the CEO of the YWCA of Toronto. She says, "YWCA Toronto provides emergency shelter to 547 women and their children each year, many of whom are fleeing violence. This package of reforms will ensure that more of these women are able to keep themselves and their children safe as they move forward to lives free from violence."

Barbara MacQuarrie, who is the community director for the Centre for Research and Education on Violence Against Women and Children in London, also supports the legislation, saying, "Advocates for women and children, certain that the new legislation will help save lives, welcome the steps this government has taken to bring about these reforms to family law in Ontario."

I want to acknowledge the groups in my own community, my home community of Etobicoke-Lakeshore, who work hard every single day to better protect the lives of women and children. They are the wonderful staff and volunteers at Women's Habitat who do that work; at the Gatehouse, who work to better protect children and help bring forward evidence with respect to the abuses that children may have suffered; and MicroSkills, who help women find their footing and develop the skills that they need for economic independence to continue along their journey of independence.

It's a long time coming that these reforms take place, and I think that we'll never fulfill all of the work that is ahead of us with respect to ending domestic violence, but we need to take steps to prevent the continuation of violence in families to break the intergenerational cycle, as a government. We started that journey at the very beginning of our mandate, soon after our privilege to serve as government in 2003, and I'm pleased to stand in the House today to see more steps being taken.

The very first volunteer role that I ever undertook as a very young teenager was to work in the yard of a domestic violence shelter, and to have an appreciation, a very slight appreciation, of the very difficult lives that were being lived behind those windows and doors.

I think today we in this House are standing up and saying that we believe we can do better, that we will do better, to better protect women and children, that we will improve evidence in custody hearings to make sure that the custody of children is determined in the best interests of the children in those decisions, and that the judges have access to the information that they need about child protection or family law cases to make the best determination and to truly make the decision that is in the best interests of the child.

We will ensure that our restraining orders can be enforced and that fairness for families will be better ensured when marriages, unfortunately, do break down.

With that, I am very pleased to have the chance to stand in support of Bill 133, to congratulate the Attorney General on bringing forward this package of amendments and to look forward to the conclusion of this debate when, in this House, we will support Bill 133 and make sure that women and children in Ontario are better protected tomorrow.

The Acting Speaker (Mr. Bob Delaney): Questions and comments?

Mr. Norm Miller: I'm pleased to add some comments to Bill 133, the Family Statute Law Amendment Act, and to the speech from the member from Etobicoke–Lakeshore. As was pointed out earlier in comments by the member from Carleton–Mississippi Mills, this bill is dealing with technical and complicated issues, particularly as it relates to the calculation and entitlement for pensions, with amendments to the Family Law Act. Certainly, that's why, on this side, we've been asking for committee hearings of four to five days travelling around the province. I understand the government's not interested in doing that, and we're disappointed by that, because I think that we especially need some expert advice on the technical aspects of this bill.

I believe that there are also some shortcomings to the bill which we'd like to see addressed. I know that the member from Durham, who is going to have an opportunity to speak to this bill on Wednesday, has a private member's bill called the Lori Dupont bill.

From what I understand with this current bill, Bill 133—unfortunately, its section 46, as restated, does not appear to deal with the need for emergency intervention orders, which the Lori Dupont Act would have done and

which are clearly needed. The new section 46 essentially just restates the old section 46, which allows for a restraining order upon application. The Lori Dupont Act would allow for emergency applications to be made without notice where there is an immediate threat of harm. Obviously, we think that would be an improvement. We look forward to hearing from the member from Durham, who will speak on Wednesday, and we hope that the government will agree to our critic's request for travel of this bill.

The Acting Speaker (Mr. Bob Delaney): The member for Parkdale–High Park.

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Ms. Cheri DiNovo: It's a pleasure, again, to say something about this issue and this bill, and I look forward to adding some comments in more length in a few minutes.

Suffice to say, the member from Etobicoke–Lakeshore pointed to some of those groups in her riding that are doing what they can to combat violence against women. The group in my riding that springs to mind immediately is Redwood shelter. Unfortunately, the Redwood shelter, which is known throughout Canada and throughout Ontario, always has a lack of funds, always has a lack of beds, and always feels as if they're not doing what they should be doing were they adequately funded and had they adequate beds for the women in our community and across Toronto. I also think of victim services, another amazing organization, government-funded, that, again, is chronically underfunded and wishes they could do more when they arrive at the scene of a crime, usually with a police person in tow, for the victims. They simply don't have the money to have the staff they need, and so they're largely staffed—both of these organizations—by volunteers. That is how seriously this government takes a response to domestic violence. If we really took it seriously, we would fund it adequately. That's something that I hope for, for those groups in my riding, for the groups across Ontario who spend a good portion of their time writing funding proposals rather than doing what we hope they would do, which is look after women and children. So I look forward to saying a bit more about that and, of course, more about Katelynn in a few minutes.

The Acting Speaker (Mr. Bob Delaney): The member for Etobicoke North.

Mr. Shafiq Qadri: Once again, of course, it's a duty and privilege to rise to support Bill 133, the Family Statute Law Amendment Act. I have a couple of points to mention.

First of all, I'd like to use this opportunity, Speaker, with your permission, to actually commend our Attorney General, the Honourable Christopher Bentley, for coming to my riding fairly recently to engage in a stakeholder meeting. I think everyone who attended that meeting really found it an exercise in applied compassion, and I think this particular bill speaks very strongly to exactly those formats as well.

I was actually privileged just this weekend, courtesy of Dr. Kirsty Duncan, our newly elected federal Liberal

member of Parliament for Etobicoke North, to speak on issues regarding domestic violence, the abuse of women, of elders, and I think this was also a very important aspect that was brought to light. For example, I learned at that particular function how excellent organizations within my own riding, like the Ernestine's Women's Shelter and Women's Habitat, are providing services with regard to people who have to leave abusive situations. I think this particular bill, complex as it is, is strengthening, for example, things like restraining orders; is hopefully helping to streamline, if such a thing be possible, the custody hearings; and of course is talking to the very real issue of financial support and division of assets, which of course will become even more acute as the economic downturn unfortunately takes further hold on our society and on our constituents. So it's a very important bill, a lot of moving parts, but something that we need to speedily pass in this Legislature so that we can actually have the benefits on the ground.

The Acting Speaker (Mr. Bob Delaney): Further questions and comments?

Mr. Mike Colle: It's a privilege to comment on the member from Etobicoke-Lakeshore's dissertation on this important Bill 133. I was just driving through her riding on Saturday, on wonderful Lakeshore Boulevard, where you drive through what is sometimes the forgotten part of Toronto, the old towns of Mimico, New Toronto, where there are a lot of very hard-working people.

Interjections.

Mr. Mike Colle: I know some members are laughing at the people of Etobicoke, but there are people in Etobicoke who have lived there for two or three generations. They live by the wholesale fruit market there, where people come from all over Ontario to sell their goods. These men and women wake up at four in the morning in Etobicoke and they work at the wholesale market every day. They work for many years at Goodyear Tires. They work at all the shops along Lakeshore. They're not people who ask for much, but they ask for government support when times are tough. In this case here, the Attorney General is trying to ensure that there are updated, fair rules when it comes to family disputes.

I'm sure the member's citizens and constituents in Etobicoke-Lakeshore appreciate her seriousness about this issue, because there are situations that arise, and they come to all of our offices on a too-regular basis, whether it's dealing with the Family Responsibility Office—but these are people who are going through some very traumatic times. So whatever we can do in this House to ease that burden and to put in some new legislation that makes it fairer and takes into account the trials and tribulations of these families I think would be much appreciated by the people of Etobicoke-Lakeshore and right across this province.

The Acting Speaker (Mr. Bob Delaney): The member for Etobicoke-Lakeshore has two minutes to reply.

Ms. Laurel C. Broten: I'd like to thank the members from Parkdale-High Park, Parry Sound-Muskoka, Etobicoke North and Eglinton-Lawrence for the comments they've made in joining in the debate on Bill 133.

I want to pick up on the comments made by my friend and colleague from Eglinton-Lawrence, who always tries in this chamber to bring us back to the reality of people's lives. Rather than talk about, "These are technical and complicated issues," the member from Eglinton-Lawrence talks about real people and how the amendments being brought forward in Bill 133 will improve the lives of real people, real women and children, by making sure, in this one instance—and I want to focus on the restraining order—that when a mother, after many, many years of abuse or incidences of abuse, finally picks up the phone or walks out the door and says, "I am going to do something about this; I'm going to see a lawyer; I'm going to go to the clinic; I'm going to get a restraining order"—when she takes that step and goes to court and gets that restraining order, as difficult and as trying as that is, that restraining order will be enforced. There is nothing worse as an advocate than to work with a client, to seek to protect them, to ensure that that restraining order is available to them, and be concerned that it might not have the teeth it needs to be obeyed.

That is the crux of the significant revisions being brought forward in this bill, so that a restraining order will act as an effective deterrent and women who step up and say, "I need the help of this court system to protect myself and my children," will know that that system is there to protect them when they turn to it.

The Acting Speaker (Mr. Bob Delaney): Further debate?

Ms. Cheri DiNovo: It's a privilege to stand—and I certainly stand in honour of Katelynn Sampson, who was part of the inspiration of this piece of legislation—in actual homage to not only herself but to her mother and to all of those people who were intimately involved in the life of that family in Parkdale-High Park. There were many, and they did what they could and many of them did their best.

It's interesting that when we look at the ethical imperative of a response to something like domestic violence or child abuse, there are two things we can do, you know. We can send a cheque in the mail to a shelter, we can pass a piece of legislation that tinkers around the edges and makes us feel better but that is virtually unenforceable, or we can actually, finally—and I think women and children across this province wish that that time was this time, now—look at what causes domestic violence, what causes child abuse, look at some sort of prevention for both and certainly, when they occur, look at systematic structural changes to a system that clearly doesn't work.

What we have here instead is a nice little bill. As I said, it's a centimetre when we need a kilometre. If it was taken seriously as a moment in which to confront these two horrors—domestic violence and child abuse—it should be given its due. It should be taken to committee and it should have a chance to be aired before the victims, before women who've been abused, before children who've been abused, before the people who work with them, before the lawyers who appear in Family Court. It

should be tested before it's put on the road. That's really all that the opposition is asking for here. It's not a lot to ask, considering the profundity of these two evils.

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When I think of Katelynn appearing before that judge that day—in fact, not appearing; adults appearing on her behalf—I think of the miscarriage of justice that clearly happened that day. The member from Welland has outlined that in painstaking detail. When I think of that day, in a sense it was already too late for her. This was a little girl who had already had problems in school. This was a little girl being raised by a woman who was a self-confessed drug addict, whose addiction was out of control and who could find no treatment. This was a situation already that had been going on for seven years. The question is, why? Why, in seven years of this child's life? What structures are in place that allow this to happen? It's not only at the end of her life and the horror of what could have happened and should have happened and didn't happen at that particular court on that particular day, but it's all the seven years before. What should we have been doing as legislators? What should we have been doing as members of her community to help that little girl who was obviously in distress for many, many years—and her mother, by the way, because one of the myths around children and child abuse and even child poverty is that somehow you can separate children away from their families and their communities, somehow you can treat child poverty without treating the poverty of the mother. This is one of the great myths. Somehow you can look after a woman who has been beaten and not look after her children. You cannot separate that family unit. They operate as a family. They're traumatized as a family. They are poor as a family. So was Katelynn's family.

Katelynn's family was a family in distress. Bernice was in distress; Katelynn was in distress. Some really wonderful people in Parkdale worked very hard with them. Parkdale Activity-Recreation Centre is a phenomenal drop-in, one of the best I've ever seen anywhere. They knew Bernice; I knew Bernice because occasionally, when I have time, I serve breakfast at a breakfast program that's operated out of a church. As a minister, I knew Bernice when she used to come to our drop-in at the church and our dinner program. So I knew her, and in fact I never even knew she had a child. She didn't appear with her little girl. I was shocked to discover that she had a child, because the drop-in is really mostly a place for adults.

So when we collectively mourned the loss of Katelynn Sampson, everyone had that question. You can't help it. You're human, and hopefully ethical. The question is, what could we have done differently in Parkdale, in my riding, to prevent what happened?

I have a few answers. We came up with them. They're pretty straightforward ones. First and foremost is that we could have had child care. We could have had child care for Bernice Sampson, the kind of child care that would be, if not free, virtually free, that she could have dropped

that little girl off when she needed to. So that would have been, in a sense, a first line of defence. But even before she was child-care age, there was a wonderful program that I read about—not only in Hawaii but I think it began there—where a woman at risk with a pregnancy at risk, like Bernice, is assigned a social worker who works with that woman from the point of conception right through the birth, right on until the child is in school, and continues to monitor that family. That takes money. That takes funding. That could have saved a life. Daycare takes money. It takes funding. But clearly our neighbours in Quebec have child care, at only \$7 a day, for those who need it. Bernice would have used it if she had it.

Bernice would also have used, if she had access to it, as would many people in my community who have addiction and mental health issues—and often the two go together. She would have certainly and gladly tried rehabilitation, would have gladly gone to a detox centre, would have gladly gone from there to a rehabilitation program specifically designed for those with addiction issues. She would have needed to be there for at least three months for it to have any impact at all. That does not, for all intents and purposes, exist for those who have addiction issues in my riding. The wait-list for something like that—and usually not that long—is at least six months. Anyone who has dealt with drug addicts knows that when you need it, you need it then; you need it now. You can't wait six months. Six months is too late. In six months, you're dead or your child is dead. That was the case here with Bernice Sampson.

So, affordable child care would have helped.

Certainly, a social worker who had the time and the funding to intervene on a consistent basis—not with a caseload of hundreds of people, where maybe you get around to it now and then if there's some trauma reported to you—somebody who had the time to actually monitor that family, would have helped.

Treatment programs for those with addiction issues would have helped.

All of those structural realities would have helped this family, would have potentially saved this little life. Those are structural responses that we in this chamber have the power to enact. We have the power to do it, and quite frankly, no matter what you hear from across the floor, we have the money to do it too. We are one of the wealthiest jurisdictions in the world. The question is, who do we value? Where do we value? Do we value the lives enough to really put the funding behind the programs?

The city of Toronto has a wonderful drug strategy, one that we're trying to implement in Parkdale-High Park. It's a four-pronged approach. We have caregivers who sit around a table, we've had educational events, we've done a number of practical projects related to implementing the drug policy that the city of Toronto has brought in. Does the province of Ontario have one? No, we don't have one. In fact, the reason we're working with the city of Toronto drug policy and drug strategy, its four-pronged approach, is that we're hoping we can show that

it works in a neighbourhood and we're hoping that it can be uploaded to the province of Ontario so that the province and the Ministry of Health sees that this works, because ultimately, this saves money.

What else would have helped this family? Certainly, housing would have helped this family, because Bernice and her daughter moved frequently. This is the life of a mother who is addicted, who lives partly on the streets, partly in housing. Her daughter moved with her to some pretty unsavoury places, I have to say, and it was a pretty unsavoury place in which she died. Nobody knew, nobody saw, nobody was there to monitor. So a housing program—and this, of course, is what women who are fleeing domestic violence need too. They need transitional housing, not a shelter. There are very few shelters for women anyway. But what these women want is someplace permanent, someplace that they can go where their children can be raised with some kind of stability, where they're not living from place to place to place, packing their bags and moving all of the time. That would have helped. That's structural. That takes money. Other jurisdictions do this. Other jurisdictions have these responses.

When I was at an eastern legislators' conference not too long ago, I was in a room where American legislators, state reps, were saying—finally, one might say—“Well, you know, this zero tolerance doesn't work. Locking everyone up for drug abuse issues—dealing, using—doesn't work.” And not only does it not work, Republicans and Democrats agreed, but it's expensive. It's way more expensive to lock up Bernice Sampson—which, by the way, is where she is right now, I think; the last I heard she was locked up in a facility down the hall from those who had abused her daughter. How fair is that?

1620

They discovered in the eastern states that it costs less to treat the addiction issue as a health problem than it does to lock up people with addiction issues. It costs \$40,000 to \$50,000 a year, they figured, to keep somebody in prison, and it doesn't help because they go out and they come back in again: the revolving door that so many of our police force and social workers recognize so quickly. So that would help. That's rational.

It also costs less to put somebody in permanent housing than it does to run a patchwork system of shelters and to keep people homeless, like Bernice. That's very clear. It's been shown both in New York state and in BC in Vancouver. They've done studies that have shown it costs between \$40,000 and \$55,000 a year to keep somebody homeless. That sounds counterintuitive, but it's not, because they stay in shelters. They not only stay in shelters; they are arrested by police. That's expensive. They go in and out of prisons. That's expensive. They go into emergency wards. That's expensive. All of that adds up to being more expensive than simply providing them some relatively inexpensive housing.

I remember when Mr. Gerretsen was housing minister, and being one of those who was taking him to task as a

housing critic, I confronted him with that fact. I said, “You know better than anybody that it costs more to keep somebody homeless. It can cost up to \$150 a night in real dollars to put somebody in a shelter,” and he admitted it. He said into Hansard: “Yes, we get it. We get that it's probably cheaper to put somebody up in a motel than it is to keep our current state of affairs.” What sort of insanity is that? Well, I'll tell you: It's the insanity that ends in a child's death. That's the insanity, the structural insanity, that keeps the poor poor, the homeless addicted, and ends with the most vulnerable among us dying. That's the structural insanity.

I put forward a motion called Holly's law. This, again, is in honour of another victim, a little girl who was also brutally murdered. Her mother, an incredible activist in our riding, is working with others to try to implement primary prevention programs in all of the elementary schools. These are a whole generation more sophisticated than your old “Don't talk to strangers” stuff that some of our children received. Now they are training teachers to sit with children to allow children to express themselves, so that if there's something untoward happening at home they have an audience and somebody who is trained to listen and to get them to talk. It's a very inexpensive program and it has been proven a very effective one.

There are many versions of this program out there. For example, Parkdale Public School uses it now, and it has been costed out. It would cost only \$1 million to implement that program in all elementary schools across the province—because that's the other thing that could have happened. There could have been more involvement when the child goes to school, and that means social work involvement; that means guidance counsellor involvement; that means school psychologist involvement; that means somebody going with a child who's having problems to check out the home scene and see what it looks like. But again, there's not enough funding.

This is not only ethically wrong; it's also economically wrong. It's short-sighted, absolutely short-sighted, because if we have an inquiry, and we should, into Katelynn Sampson's death, you know that the fallout from that death is far more expensive, ultimately, than it would be to take the baby steps needed to prevent it at every turning point. It's like in this little girl's death there was a series of dominoes, and these dominoes of negligent adults, negligent structures and negligent laws have been falling and have crushed her one after the other after the other. So that's what we should be doing.

Quite frankly this bill, small though it might be, would allow us at least a chance to talk this through in this Legislature. That's what committee work can do so effectively. We could hear from deputants who would tell you this and other things about their experience in the field and hopefully, maybe, finally we could look at the root problem, the root cause of domestic violence, the root cause of child abuse, rather than always tinkering after the fact around the edges at far more cost than it would cost to start to get into prevention.

The same, of course, is true of domestic violence. Women get beaten up and women stay in homes where

they get beaten up because they can't afford to leave. Women still make 71 cents for every dollar that men make. The minimum wage earners are mainly women, and the minimum wage is below the poverty line. If women were paid enough to live independent lives, they would much more often take that tack if they could.

This is what we finally need to begin to address. When will it be addressed? That's the cry from the community that looks after the Bernice Sampsons, the Katelynns, the Holly Joneses and their families. This is the cry that comes to this chamber. It's never heard, and it's never, ever acted on. We always are happy with playing around the edges of the issue, making a centimetre move when we need to structurally revamp the way we look at women's and children's issues.

I don't know about you, but—every year the same thing happens. Quite frankly, I feel for our police force. It's not every day that you have a commanding officer of a division weeping in your office, like I have had, over the case of Katelynn, over other cases that they've seen, all in my riding, unfortunately. They need the tools. The social workers need the tools. The daycare workers need the tools. The teachers and the principals need the tools. The housing activists need the tools. They know what they need to do. They have the answers. The research is in. It's been done. We know it would be cheaper in the long run to do what they ask us to do than to bring forth pieces of legislation that tackle only the periphery of the problem, like this one does. We know, but we don't act.

I don't know what it would take; I really don't. But I imagine, I suspect, that if these were wealthy white men and a scourge were upon them where one in every two of them were abused or harassed and where one in every six of them were poor and hungry or where every so often one of them died in horrific situations—I expect that we would act. I expect, if those wealthy white men were lawyers, we might act. But they're not; they're women and they're children.

On behalf of another generation of victims to come, the cry is here and now, and the cry is, "No more small steps." Please, finally, take a big one. Please, finally address the roots of the problems. Please, finally make the structural changes.

This bill is before us. Let's start here. We could start with committee work, we could hear from all of the deputants, and we could move forward in a major way rather than in a minor way. That really, finally, is the only fitting tribute to that little girl, Katelynn Sampson.

The Acting Chair (Mr. Bob Delaney): Questions and comments?

Ms. Laurel C. Broten: I want to pick up on something that the member for Parkdale–High Park was talking about in the need to address the root of problems. I want to spend just a moment, if I can, talking about an organization in my community called the Gatehouse, which really does seek to address the root of the problem when it comes to better protecting children in their area of expertise and adult survivors of child abuse.

The Gatehouse has worked for many years to better help protect children in the instances where they are dis-

closing violent circumstances, and has been looked upon as a leader across North America and sought out for the techniques and the technologies that they use in really making sure that the child has a safe place to disclose abuse, and that adult survivors of child abuse have a safe place to turn to when they are on what will no doubt be a very trying life journey following that abuse.

1630

I'm very pleased to be part of a government and a member of a Legislature that has taken a number of steps over the last number of years to seek to attempt and start to address the roots of these various issues. The domestic violence action plan that was brought forward by the Premier in the last mandate really sought for the first instance to break the cycle of violence by helping children better understand their own self-worth, and by making sure that boys who observed violence in abusive relationships did not perpetuate that abuse, and that girls who witnessed it did not allow themselves to be victimized.

Similarly, in the last session, this House supported my private member's bill with respect to reporting child pornography, which is also one of the root causes of that abuse. I think we can move forward from those steps and know that we are taking steps forward to addressing the roots of this issue.

The Acting Speaker (Mr. Bob Delaney): Further questions and comments?

Ms. Sylvia Jones: How appropriate today that we're discussing Bill 133 when, of course, the children's advocate issued his report and we learned that 90 children died in the last year, all of them under some form of government care. I have to look at that report and read about some of his findings and his concerns, and wonder if we're going far enough with Bill 133.

Many members have spoken about how these statutes haven't been amended in 20 years. I look at some of the work our member from Durham, John O'Toole, has been attempting to do with his private member's bill, and of course the member from Parkdale–High Park with Holly's law. There are a number of experts and people we need to hear from directly to know whether Bill 133 is going to sufficiently protect the next Katelynn Sampson.

I would hope those public hearings are complete and fulsome, and do include the family lawyers, the shelters and, most importantly, the victims who have been through the system and need to share their thoughts on how we can improve it and how we can make it better, so that the next children's advocate's report doesn't have 90 children dying. We aim, through steps like Bill 133, to decrease that number in the years to come.

The Acting Speaker (Mr. Bob Delaney): Questions and comments?

Mr. Peter Kormos: Cheri DiNovo, the member for Parkdale–High Park, has hit the nail right on the head. We can't look at these matters in that narrow, myopic way; we have to examine all the causes and effects and be prepared to take bold steps. She talks about moving a

centimetre when we should be taking metre-long strides. We've got the opportunity.

You know darned well, as I do, that this stuff doesn't get revisited every year or two years; it happens once a decade, once every 20 years. It's going to be a long time before any Parliament in this province re-addresses the very process that's required of people seeking custody of a child. Let's do it right.

The government talks about how more information to the court is better than less information. Let's make sure the court gets all the possible information, and let's talk about ensuring that people in communities across this province have access to resources: the fundamental need for family law clinics, so that children can be represented and their interests can be protected, and so that women can be protected and their interests advanced; an honest, candid look at the huge backlogs in our provincial court system especially. We have private courts for people who can afford chambers—dispute resolution—but those people are most likely to effectively resolve their issues themselves. They're the ones who least need an intervention, an intermediary or a third party. Let's make our provincial court, family division, truly accessible, meaningful and relevant. Let's staff them properly. Let's make sure that people seeking redress in those courts have access to legal representation that's competent and qualified.

The Acting Speaker (Mr. Bob Delaney): Further questions and comments.

Mr. Jeff Leal: I certainly recognize and respect the member from Parkdale–High Park in her former role as a United Church minister, and probably spending a large proportion of her time, during her ministerial activities, dealing with situations of domestic violence.

I must say, though, I'm not an expert on what happens in Toronto, but I just want to congratulate the two school boards in my riding: the Kawartha Pine Ridge board, and the board with which my wife is a vice-principal, the Peterborough Victoria Northumberland and Clarington separate school board, where they've spent and put forward a lot of resources over the last number years into the anti-bullying strategy.

If you address bullies at a very young age, that tends to change behaviours as they mature and grow older. We do know, and we have very clear evidence that shows, that if you don't get at some of those root causes at a very early age, those bullies tend to grow up and they find themselves in a marital situation where they abuse their partner, their wife and ultimately their children. So I think that's a very important area that we need to look at.

The member from Welland is right: When you look at the history of this province in terms of family law, it's about every decade or two that a substantive reform comes forward in this area, building on Ontario's rich history in terms of family law. I did indicate that a member of my family, H. Allan Leal, was the first chair of the Law Reform Commission in the province of Ontario in the early 1960s. When you look at some of his writings back then, in 1962-63, they were certainly the

start of the first building blocks of family law in the province of Ontario. That was carried forward by his successors, Attorneys General and indeed opposition members who took great interest in developing family law in the province of Ontario.

The Acting Speaker (Mr. Bob Delaney): Further questions and comments?

The member for Parkdale–High Park, you have two minutes to reply.

Ms. Cheri DiNovo: Thank you all for your input. I believe that what is going on in the province as far as domestic violence and child abuse is concerned is absolutely terrible, and it's not getting better. In fact, as the recession deepens and our social services get more strained and our courts become more crowded, it's going to get a lot worse. That's where we start from. That's why Bill 133 is not enough. That's why we need committee hearings, to make sure that we get it right and to make sure that finally we do something about the structural problems.

I liked the comments from the member from Dufferin–Caledon. We had a graphic example of that this morning: 90 children dead; 500 in five years. This is unacceptable. This is awful. We don't need a little bill to deal with that. We need dramatic action to deal with that.

The member from Etobicoke–Lakeshore talked about the Gatehouse. I'm familiar with the Gatehouse. Like Redwood, it's chronically underfunded. If she thinks it's doing such a good job—and I think Redwood is, we can all name something in our ridings that's doing the same service—let's give them multi-year stable funding so that they don't have to waste their precious time filling in funding proposals. Let's fund the services adequately. That's, in short, the message. Let's put the money where our mouths are in this chamber, finally, when it comes to talking about domestic violence and child abuse. It's not a lot of money—in the overall scheme of things, a saving—probably, but let's take dramatic action now.

The Acting Speaker (Mr. Bob Delaney): Further debate?

Mr. Khalil Ramal: I'm pleased to stand up and speak in support of Bill 133, family law reform.

Before I start, I want to congratulate the minister, the Attorney General, for bringing such an important step toward reforming the Family Law Act in the province of Ontario. Many people spoke before me and mentioned the importance of this reform and the importance of protecting family and especially children. There's no doubt about it; whatever we do on a daily basis, we're not going to solve the whole problem. But I believe Bill 133 is an important step towards reforming family law in Ontario, since this issue has not been touched for many years.

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I believe strongly that it's a very complex issue—not just about law; not just about certain issues. It's a mix of a lot of issues that get together and create the problem. But in order to start somewhere, we have to make some kind of rule or regulation and change the law in order to

give us the ability and give the court the chance and the tools to be able to exercise the law. They see it's important to protect the family in this province, starting with restraining orders.

I was listening to many members beside me speaking about what's important for us: to protect the people before or after? I believe strongly that it's our obligation and duty to create a prevention mechanism to give to the court, to give them the ability to create a protection mechanism for the people who are in danger. It's not just for people who are married; it's for the people who have been living together for more than three years, because this relationship is almost like a marriage. As people live together, they establish a network. They might have a family, they might have kids, so they might be affected by that relationship.

So I think the restraining order is a very important step. If someone is living with someone for more than three years and sees some kind of strange activities and they believe and feel their life is in danger, I believe the court will act in this regard to protect them and put a restraining order on that partner who is exercising against the law. I think that's a very important step, and whoever violates this step will be prosecuted under criminal law. It puts some kind of punishment against the people who think of violating the restraining order.

We hear a lot of stories on a daily basis, all of us from different constituencies—from the north to the west to the south to the east of Toronto—a lot of different stories, strange stories about domestic abuse. Domestic abuse happens for many different reasons, and my friend and colleague from the NDP party, the member from Parkdale–High Park, mentioned many different times that poverty plays an important role in this element that sometimes causes those strained relationships between partners. So I think it's an important element, but I don't think we are able, in this bill, to address it altogether.

This bill introduced by the Attorney General would reform the law in this province to give the tools to the courts, to the lawmakers, to make steps toward creating protections.

As a result of this domestic abuse—we have a family, we have children. So what happens to those children? Sometimes both partners are equally unable to raise a child. What would happen to those children? Do they go to the street? Who's going to protect them? If this bill passes, it gives people who are non-parents the chance to apply to gain custody, according to the rules and laws of province of Ontario, if they are fit in all the meanings of the word; which means, if they are able financially, psychologically, and they are also respecting the law and able to raise the kids, because raising children is a very important step; it's not just putting food on the table. They also need a lot of psychological treatment, nurturing, because you are bringing up people who are going to be adults and able people in the future. Childhood is an important step, according to all the psychologists, all the people who work at the education level. Whatever we feed our children in the beginning, whatever we give

them in instructions or whatever we raise them on, they're going to be in the future. So psychology and behaviour, I think, depends on the first steps of our lives.

I was reading a lot of psychology books, and many different experiments have been done on many different societies and communities, and they determined that childhood is an important step for our future. Therefore, choosing the right custody is important. This bill, if passed, will create that mechanism, the right fit to raise those children.

Sometimes when we talk about custody we're talking about the importance of the people who are able to carry on the mission of raising kids. To support them is very important, to give them the financial support they need in order to take that responsibility, on behalf of their natural parents. So we have to make the rules and make some kind of way to allow those people to get the support.

Also, part of this bill, as has been mentioned before—a very important step is sometimes the pension. How can we split the pension between the family and the kids, the husband and wife, or partners, to eliminate any problem from arising in the future? Also, the assets, if those assets exist—how we can divide those equally and give a person a chance to live with respect and dignity.

I know that in many different communities we have a lot of shelters for women to go to and get financial support from community organizations, from city or government or whatever; they exist in every different jurisdiction. I get the chance from time to time to visit those places. I see how much effort they put in, first, to protect them, to create some kind of safe haven for those people and their children and their escaping any violence, to live in those shelters. I think it's our obligation and duty to create that system and to support that system in order to create a transitional time for the family which is under abuse, psychologically and physically and mentally—to create those transitional homes for them.

My friend from Etobicoke–Lakeshore spoke about her community and was talking about the great organizations that look after women who are escaping from family abuse. I think it's our obligation also to support them and give their children the support they need, give the families the support they need and the legal support they need.

Some people are privileged; they have the ability to go to those places safely, without being killed or kidnapped or abused more in their partner relationship, but some people cannot; we understand that. Some people cannot make that decision because they're afraid; they're afraid of the future. They have no other alternative, as the member from Parkdale–High Park mentioned many different times. Some people don't have that determination, that will, that ability mentally and physically to move on and choose the alternative. I think that's why we have so many different family clinics across the province of Ontario. I especially want to mention the successful ones in London, Ontario, which are playing a pivotal role in our community to create or to give the family, which is under a lot of pressure, the counselling and the support

they need to move on to the second stage. They give them the psychological support, the mental support in order to give them that little push, a little help to move them from a dangerous situation to a better place to live.

I also want to speak about a very important element. I heard the member from Parkdale–High Park mention certain communities' views and that we forget about many different multicultural communities and that people from different backgrounds come to Canada, to Ontario. They have no idea, no understanding of the law that exists in this province, especially the females who are not able to speak the language, not able to navigate the system to go from place to place. They don't know their rights. So those people, those females, those women, are under a lot of abuse and a lot of stress. That's why I got the chance, I guess a month or a month and a half ago, to meet with the Attorney General in London, Ontario, and a very good organization from London. We came to his office and explained the circumstances, with the support, I think, from the family clinic of London, led by Barb MacQuarrie, who is a leading expert in this field—to help domestically abused women in the London region, to see what kinds of possibilities we have to create the same chance for those people who come from different backgrounds, who cannot speak the language, who do not understand the law or who don't understand their rights in the province of Ontario, to create organizations that give them the support they need, give them a way to escape from their abusive husband or partner.

1650

As we mentioned, not just females are being abused; sometimes it's males. But the majority of abusers, sadly, are from the male side. We, as males, sometimes use our strength, our physical ability, to abuse our partners for many different reasons—and also because, in general, most of the working partners are male, so we use our economic strength to put more pressure on our female partners. Therefore, I think this bill, if it passes, will create some tools and mechanisms for the courts, for the lawmakers—to give them the chance to create a support mechanism.

I want to congratulate the Attorney General for bringing forward such an important bill to help our families and our children in this province to live with respect and dignity and also at the same time be protected and treated fairly according to the laws and regulations of this province.

Thank you very much for allowing me to speak. I hope we hear from many people about my speech.

The Acting Chair (Mr. Bob Delaney): Questions and comments?

Mrs. Christine Elliott: I appreciate the opportunity to just make a few comments with respect to the remarks that were made by the member from London–Fanshawe.

I would say at the outset, I certainly agree with you that Bill 133 does make changes to very significant areas in family law: with respect to the splitting up of pensions as net family property on marriage breakdown or breakup of a relationship; with respect to protection of children;

custody and support issues; the recalculation on an annual basis of financial statements; and then, not least of all, of course, is the issue of domestic violence.

I would say that the point that we're making is not that the changes that are being made are bad. They are good. They're a step in the right direction, but they're not enough. It's very seldom that we have the opportunity to debate issues, especially relating to family law, on a comprehensive basis. So our hope would be that we would be able to make some of those other changes that you spoke of to make it a safer system for victims of domestic violence.

You mentioned that there may be women who may be new to Canada, new to Ontario, who may be facing significant language difficulties, who are coming into some of the legal clinics and having problems understanding what their rights are and finding avenues for support and assistance when they need it. That's something that perhaps could have been dealt with, in addition to the restraining orders and the other changes that are being contemplated by Bill 133.

The other issue is with respect to the actual restraining orders themselves. I have certainly been told by several family law practitioners that there is a concern with respect to the enforcement of those orders. Certainly, the changes contemplated by Bill 133 are helpful, but it has also been suggested that maybe there should be greater coordination between the courts and the police services to make sure that these are enforced uniformly, and perhaps even have a common form of restraining order that they could use.

These are some of the things that we're hoping we can deal with in committee.

The Acting Chair (Mr. Bob Delaney): Further questions and comments?

Mr. Mike Colle: I appreciate the comments of the member from London–Fanshawe. He certainly has walked in the shoes of the newcomers who come to London and come to Ontario and have very daunting challenges.

You can imagine what it's like for young mothers, especially, and mothers trying to raise a family, when they come to this country with no language capability, trying to access services. Try to do it on the phone: All you get is this voicemail runaround and you don't know where to turn. So the phone doesn't work. You try to go online; everybody now says, "Well, go online." Well, it's like saying, "Go for a walk in the park." Going online sometimes, you can imagine, for some people with a language barrier, and the complexity of services—sometimes the services are there, and I think this is one of the roles we play as MPPs.

I visited Yorkdale Secondary School. There are a lot of newcomer women there, the majority of them from Turkey and Palestine. If I can just mention, this young woman from Palestine really impressed me. She said: "You know, this country isn't perfect, but you know what happened to me? I was in Riyadh, Saudi Arabia, last month. I was in a cab asking directions of the driver and I

was talking and smiling with the driver because the driver was helpful. Well, I got arrested in Riyadh. I was jailed for three days because I was smiling in the back of the cab in Riyadh.” So she said: “This is the kind of oppression that sometimes happens and that women find very, very difficult to deal with.” So at least, hopefully, we don’t have that here.

The Acting Speaker (Mr. Bob Delaney): Further questions and comments?

Ms. Laurel C. Broten: I’m really pleased to have a chance to join in the debate and congratulate my colleague from London–Fanshawe, who speaks regularly in this House with a great deal of passion, with a great deal of understanding of his home community and the challenges that individuals right across our province face.

The amendments that are being debated today with respect to family law reform to some may seem technical; to others, they may seem really just the tip of an iceberg. The reality is, with respect to family law there are many challenges, but these are very important places to start with respect to restraining orders and evidence in child custody cases. They are ones that the experts—as I named and commented with respect to earlier—who work in this field each and every day say will make a meaningful difference in the lives of women and children.

For those of us in this Legislature who don’t practise in that world every day, don’t have an appreciation of the significant challenges that women and children face, I think we need to take and heed the good advice that is being offered to us. That is what our Attorney General has done in bringing forward this package of reforms: heeding and taking the advice of those experts who have gained expertise through many years in the trenches fighting these battles on behalf of women and children. That is who I know my colleague from London–Fanshawe listens to, has listened to, advocates on behalf of. His community in London has shown incredible leadership when it comes to better protecting women and children, and they’ve sent a wonderful representative here on their behalf.

The Acting Speaker (Mr. Bob Delaney): Questions and comments?

Mr. Pat Hoy: I’m pleased to join in and comment on the presentation by the member from London–Fanshawe. He spoke about families, which this bill naturally addresses in a great way, and the breakdown of families, that sad situation when that might happen.

I have come to learn of a situation. I don’t know the names of the people, and you’ll know why in a moment, but there was a family breakdown; there were situations that were extreme. I really can’t imagine this happening and explaining it to a young child, but the mother in this particular case moved away from the area, far enough away from an abusive spouse, and they had to change their names to protect their family. So not only do we have a situation where you’re talking to a young and impressionable child, “We’ve left Daddy,” trying to explain what might be very difficult circumstances as to

why—maybe you won’t explain that until they are much older—but, “We’re going to another city in order to protect ourselves,” and further than that, “We’re going to change our names. Your last name is not going to be the same anymore. We’re going to change it. We’re just going to change it.” But it’s all done for protection purposes. The stories are many and varied. Bill 133 is to help protect those people who find themselves in these very difficult circumstances.

There is much in society that can be appalling, but I don’t think there’s anything more appalling than the abuse of children in any form, whether it’s verbal, physical or otherwise. So I’m pleased that the minister has brought this very important legislation forward at this time, and I would urge the House to support it, and we can move forward with it.

The Acting Speaker (Mr. Bob Delaney): Member for London–Fanshawe, you have two minutes to reply.

Mr. Khalil Ramal: I want to thank all those who spoke, especially from Whitby–Oshawa, Eglinton–Lawrence, Etobicoke–Lakeshore and Chatham–Kent–Essex.

I want to echo my friend from Etobicoke–Lakeshore. Yes, it’s a technical amendment and changes. It’s important to open the door for our social reform to take place in order to continue the job.

The member from Whitby–Oshawa mentioned that it’s not just technicalities that are the problem; some social issues also have to be addressed. There’s no doubt about it, but it’s very important. We have to take the technical step in the right direction in order to give the courts and lawmakers in this province the ability to protect the vulnerable people among us.

Also, some kinds of technicalities sometimes make a huge difference, especially when a family or a marriage breaks up. What happens? They fight about the assets, about the pension, about money, about custody. All this should be mentioned, should be detailed, should be updated in order, first, to lower court costs, and also to make fewer problems between the two partners. The transition would be easier if everything is clear to them and the law comes to assist them.

I also think it’s very important for all of us to make sure that the relationship between two partners, whether married or not married, can be well designed and well known before the marriage, and especially after the marriage, because it causes a lot of harm, not just for them but also for the children they have, which is important for all of us from many different points of view, because they are the future of the province and the future of the nation. Therefore, it is our duty and obligation to protect them and make sure they are protected according to the law we have.

The Acting Speaker (Mr. Bob Delaney): Further debate?

Hon. Madeleine Meilleur: I move adjournment of the debate.

The Acting Speaker (Mr. Bob Delaney): The Minister of Community and Social Services has moved

adjournment of the debate. Is it the pleasure of the House that the motion carry? Carried.

Second reading debate adjourned.

Mr. Peter Kormos: What's the next order for debate?

Hon. Madeleine Meilleur: I move adjournment of the House.

Mr. Peter Kormos: It's only 5 o'clock.

The Acting Speaker (Mr. Bob Delaney): Member for Welland.

The Minister of Community and Social Services has moved adjournment of the House. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it. This House stands adjourned until Tuesday, February 24, at 9 of the clock. Good evening.

The House adjourned at 1704.

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