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**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Monday 18 April 2005

Lundi 18 avril 2005

Speaker
Honourable Alvin Curling

Président
L'honorable Alvin Curling

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Monday 18 April 2005

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Lundi 18 avril 2005

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

ANNUAL WALK FOR
MULTIPLE SCLEROSIS

Mr. Garfield Dunlop (Simcoe North): Yesterday, Sunday, April 17, I had the privilege of participating in the fifth annual Super Cities Walk for Multiple Sclerosis. It was held at the Orillia District Collegiate and Vocational Institute in Orillia. It had approximately 300 participants and dozens and dozens of volunteers. In Orillia alone, the Super Cities Walk raised \$56,000 for MS research.

I want to put on record a couple of key points: Canadians have one of the highest rates of multiple sclerosis in the world; MS is the most common neurological disease affecting young adults in Canada; every day, three more people in Canada are diagnosed with MS; women are twice as likely as men to develop MS; MS can cause loss of balance, impaired speech, extreme fatigue, double vision and paralysis; MS was first identified and described by a French neurologist, Dr. Jean-Martin Charcot, in 1868; we don't know what causes MS, but researchers are closer to finding the answer.

What's important is that in communities across our country—I believe the goal this year was 150 communities participating, and they tried to raise approximately \$11 million for MS research.

I would just like to take this opportunity to thank those folks in my riding who participated in this walk, and all the volunteers and participants across the country who have helped find the cause of this disease.

EARTH DAY

Mr. Toby Barrett (Haldimand–Norfolk–Brant): As the 35th annual Earth Day fast approaches this Friday, April 22, it's important that we pause to recognize the true challenges we face in protecting our environment.

I was shocked to read the United Nations Millennium Assessment and its stark warning against continuing in our current direction of using up our natural resources at such an alarming rate. Among the findings: Global fish stocks are at a 30-year low; deforestation and loss of wetland is reducing our protection against pollution; the

majority of wildlife species are declining—a 12% decline for birds and a 25% decline for mammals; 32% of amphibians are threatened with extinction in the next 100 years.

Human activity is putting too much strain on our earth. I mention this, cognizant of the fact that, right here in the GTA-Golden Horseshoe, we're expecting another four million people to arrive in the next 30 years.

I recall my first Earth Day as an environmental science teacher in 1970. At that time, the global population was 3.7 billion; today, it's 6.5 billion. That's a lot of garbage, a lot of water pollution for an already stretched-out ecosystem.

As I look to celebrate the environment on Earth Day this Friday, I'll be planting trees. People in my riding will be cleaning up streams. We have to keep in mind the bigger picture and the challenges we face.

EDUCATION IN HAMILTON AREA

Mr. Ted McMeekin (Ancaster–Dundas–Flamborough–Aldershot): I rise to share some great news about some extraordinary developments taking place with the Hamilton-Wentworth Catholic District School Board. Yesterday, I had the privilege of participating in the dedication of a new Catholic high school, appropriately named after Hamilton bishop the Most Reverend Anthony Tonnos. Located in the community of Ancaster, this is the first new Catholic high school built in Hamilton in the past 26 years. The community gathered to give thanks. It was indeed a joyful occasion.

In addition, this past Friday I had the opportunity to visit Cathedral high school in my beloved Hamilton. I learned about a new program designed to provide support to this inner-city school's significant ESL student population. With funding provided by our government under the student success program, Cathedral high school has developed an innovative program called the Canadian Language Benchmarks project. The educators involved in this project have brought together students from diverse backgrounds. In one class I met young people from 10 different countries, all being provided with full-day, intensive language classes.

The program reminded me of the good work that is also taking place at the St. Charles Centre in Hamilton. The centre runs an ESL program for adults, helping new immigrants cope with the changes they're facing.

The ingenuity and dedication demonstrated by these educators is a joy to see. They get it, and they understand that by partnering together we can continue to make a

difference for all students involved in education in Ontario.

ANNIVERSARY OF ARMENIAN GENOCIDE

Mr. Frank Klees (Oak Ridges): Yesterday afternoon, the Canadian Armenian community of Toronto commemorated the 90th anniversary of the Armenian genocide of 1915. I had the honour of representing the Ontario Progressive Conservative Party and our leader, John Tory, at the ceremony. No one could have left that gathering without being moved by the accounts of atrocities in which 1.5 million Armenians were massacred, and there can be no doubt about the historical fact of the Armenian genocide.

Elected officials from all levels of government attended the event and brought their traditional greetings. There was a welcomed acknowledgment of the House of Commons's endorsement of the Senate's motion M-380, which unequivocally recognizes the Armenian genocide as a historical fact, but there was justified disappointment and indignation that, notwithstanding the support of Canada's Senate and House of Commons, the government of Canada continues to deny the Armenian genocide.

As a member of this Legislature, I committed to take this issue beyond the annual laying of wreaths and commemorative statements. I undertook to bring a motion to the floor of this House calling on all parties to support a resolution that will call on the government of Canada to comply with the expressed will of the Senate and the Parliament of Canada. Today, I'm putting my colleagues in this Legislature on notice that I will be making that request during Wednesday's sitting. On behalf of the Armenian community in Ontario, I look forward to receiving unanimous consent from all parties in this House. It is the right thing to do.

1340

HARRY JEROME AWARDS

Mr. Michael Prue (Beaches–East York): This past weekend, not only did I go to the Armenian event, but I was also at the Harry Jerome Awards on Saturday night, when the entire community came together in Toronto to recognize the accomplishments of the African-Canadian community.

I was there on behalf of the New Democratic Party to give greetings from our party and from our leader. But I especially went to celebrate the accomplishments of a certain Mr. Kevin Modeste. Mr. Modeste might be known to some of you. He was a high school valedictorian in his town of Pickering. He has been active in the Black Business and Professional Association. He is an entrepreneur. He has helped work to bring Desmond Tutu to Toronto. He has organized past Harry Jerome Awards. He has been instrumental in their scholarship fund. He is active in his church. He is on the Urban Alliance on Race Relations.

Most importantly, Mr. Modeste is a person who toils tirelessly in my office. We are so proud of him in Beaches–East York. He is a very valued member of the team. He keeps me on the straight and narrow. He tells me especially how to work the computer: how to turn it on, how to turn it off and how to find the many details that we as parliamentarians need every day.

Congratulations, Kevin. You're doing a great job.

NORTHERN ONTARIO COMMUNITIES

Mr. Michael A. Brown (Algoma–Manitoulin): Our quality of life in the north depends on the strength of our communities. The government of Ontario is making northern communities stronger.

The government is helping to make our municipalities stronger by replacing the old, inequitable community re-investment fund with the new Ontario municipal partnership fund, targeting its funding to help small northern and rural communities pay for the costs of social services and policing. In my riding, that represented an 11% increase.

The government is helping to make our fire departments stronger by providing a special grant, \$50,000, to all small communities to help our firefighters with training and equipment.

The government is helping to strengthen our northern infrastructure by participating in the new Canada-Ontario rural municipal infrastructure program. The government of Canada and the government of Ontario have signed an agreement to each provide up to \$298 million over the next five years to improve public infrastructure.

The government is helping to strengthen the northern economy. In the past 12 months, 3,100 net new jobs have been created in northern Ontario.

The Ontario government is ensuring that the north has a strong voice at Queen's Park. Under the previous government, northern Ontario lost one third of its MPPs. The government has introduced democratic renewal legislation that will protect the number of seats in northern Ontario. A strong northern voice at Queen's Park will help build strong communities in northern Ontario.

HEALTH CARE REFORM

Ms. Kathleen O. Wynne (Don Valley West): The McGuinty government's plan to reform health care is clear and transparent. After years of Tory cuts and mismanagement, the Liberal government is taking the necessary steps to ensure that Ontarians get the health care they need when they need it. Our party is the only party that supports real innovation within our health care system that will improve the services that the people of Ontario receive.

Consolidating cataract surgeries at Kensington Health Centre, a not-for-profit downtown Toronto clinic, makes sense. It will efficiently complete thousands of cataract surgeries per year and will result in better patient outcomes.

Our government also optimized the medicare advantage and saved \$25 million by bulk purchasing seven MRI and 26 CT scanners and other machines last fiscal year for our hospitals.

Family health teams will have doctors, nurse practitioners, registered nurses and other health professionals working as a team to provide care to up to 52% more people than if doctors worked solo.

These are examples of innovation within the principles and the essence of the Canada Health Act. Why is John Tory against innovation and in favour of the unsustainable status quo? Or does he, like Mike Harris and Preston Manning, believe that innovation can only occur outside the Canada Health Act? What is Mr. Tory's hidden agenda on health care?

ELEMENTARY SCHOOL TEACHERS' AGREEMENT

Mrs. Maria Van Bommel (Lambton–Kent–Middlesex): Last week saw the first results of the ongoing provincial dialogue between the McGuinty government, teachers' federations and school boards in Ontario. This agreement, the first of its kind in Ontario, will lead to peace and stability in elementary schools for the next four years.

The hard work of the Elementary Teachers' Federation of Ontario and the Ontario Public School Boards' Association to conclude this agreement will mean that teachers, students and parents will no longer have to endure the years of conflict that characterized education under the Conservative government. Elementary school teachers will have additional time to prepare materials for class, correct assignments, and connect with teachers and parents.

Sandra Emery, who is the president of the Hamilton-Wentworth local of the elementary teachers' federation, said, "I think they will see this agreement as giving them the prep time that they need, ultimately. We also fully expect that this will translate into additional staff in the schools—for instance, specialist teachers—and a general improvement in working conditions." Teachers will now be able to focus on teaching students and not have to worry about labour unrest in their profession.

I am pleased that Minister Kennedy has worked so hard to help educators and school boards reach this understanding, and I know he will continue the provincial dialogue with the Ontario Secondary School Teachers' Federation and the Ontario English Catholic Teachers' Federation to further the collaboration between school boards and teachers.

FAMILY HEALTH TEAMS

Mr. Bruce Crozier (Essex): The McGuinty government's plan to reform health care is clear and transparent. After years of Tory cuts, the McGuinty government is taking the necessary steps to ensure that Ontarians get the health care they need when they need it.

By establishing family health teams, we will have doctors, nurses, nurse practitioners, registered nurses and other health professionals working as a team to provide care to up to 52% more people than if doctors worked in a solo practice.

This is great news for the people of Ontario and for the people of my riding. Residents of Essex and Chatham-Kent are welcoming the announcement of family health teams in Chatham, Harrow, Leamington and Tilbury. People have great things to say about this announcement. Brian Gray, for example, chair of the Harrow committee, was quoted in the Windsor Star as saying that he "can't find words to describe how big it is. It's absolutely amazing. We were in a health care crisis. This is the next evolution in family doctors."

We've exceeded our goal with the first 52 family health teams and three networks of teams, and we're on track to create 150 more over the next three years that will help more than 2.5 million Ontarians. We will continue to work with local communities to expand access to comprehensive primary care for all Ontarians. We're committed to providing all Ontarians with the high-quality care they need where they need it, when they need it.

MOTIONS

COMMITTEE SITTINGS

Hon. Dwight Duncan (Minister of Energy, Government House Leader): Mr. Speaker, I believe we have unanimous consent to move a motion without notice regarding the standing committee on social policy.

The Speaker (Hon. Alvin Curling): Do we have unanimous consent, as requested by the House leader? Agreed.

Hon. Mr. Duncan: I move that, notwithstanding the order of the House dated June 17, 2004, the standing committee on social policy may meet on Friday, April 29, 2005, for the purpose of considering government business.

The Speaker: Is it the pleasure of the House that the motion carry? Carried.

Hon. Mr. Duncan: I believe we have unanimous consent to move a motion without notice regarding the standing committee on finance and economic affairs.

The Speaker: Is it agreed? Agreed.

Hon. Mr. Duncan: I move that notwithstanding the order of the House dated June 17th, 2004, the standing committee on finance and economic affairs may meet on Friday, April 22, and Friday, April 29, 2005, for the purpose of considering Bill 164, An Act to rename and amend the Tobacco Control Act, 1994, repeal the Smoking in the Workplace Act and make complementary amendments to other Acts.

The Speaker: Is it the pleasure of the House that the motion carry? Carried.

HOUSE SITTINGS

Hon. Dwight Duncan (Minister of Energy, Government House Leader): I move that, pursuant to standing order 9(c)(i), the House shall meet from 6:45 p.m. to 9:30 p.m. on Monday, April 18, 2005, for the purpose of considering government business.

The Speaker (Hon. Alvin Curling): Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those against, say "nay."

I think the ayes have it.

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

The division bells rang from 1350 to 1355.

The Speaker: All those in favour, please rise one at a time and be recognized by the Clerk.

Ayes

Arthurs, Wayne	Fonseca, Peter	Phillips, Gerry
Barrett, Toby	Gerretsen, John	Pupatello, Sandra
Bentley, Christopher	Gravelle, Michael	Racco, Mario G.
Berardinetti, Lorenzo	Hoy, Pat	Ramal, Khalil
Bountrogiani, Marie	Jackson, Cameron	Ramsay, David
Broten, Laurel C.	Jeffrey, Linda	Rinaldi, Lou
Brown, Michael A.	Klees, Frank	Runciman, Robert W.
Cansfield, Donna H.	Kular, Kuldip	Sergio, Mario
Caplan, David	Kwinter, Monte	Smith, Monique
Chambers, Mary Anne V.	Levac, Dave	Smitherman, George
Colle, Mike	Marsales, Judy	Sterling, Norman W.
Cordiano, Joseph	Matthews, Deborah	Takhar, Harinder S.
Crozier, Bruce	McMeekin, Ted	Tory, John
Delaney, Bob	McNeely, Phil	Van Bommel, Maria
Dhillon, Vic	Meilleur, Madeleine	Watson, Jim
Dombrowsky, Leona	Miller, Norm	Wilson, Jim
Duguid, Brad	Milloy, John	Wong, Tony C.
Duncan, Dwight	Munro, Julia	Wynne, Kathleen O.
Dunlop, Garfield	O'Toole, John	Zimmer, David
Flynn, Kevin Daniel	Peters, Steve	

The Speaker: All those against, please rise one at a time and be recognized by the clerk.

Nays

Bisson, Gilles	Kormos, Peter	Ouellette, Jerry J.
Hardeman, Ernie	Marchese, Rosario	Prue, Michael
Horwath, Andrea	Murdoch, Bill	

The Clerk of the Assembly (Mr. Claude L. DesRosiers): The ayes are 59; the nays are 8.

The Speaker: I declare the motion carried.

STATEMENTS BY THE MINISTRY
AND RESPONSESFAMILY HEALTH TEAMS
ÉQUIPES DE SANTÉ FAMILIALE

Hon. George Smitherman (Minister of Health and Long-Term Care): It is with very great pride that I rise in the House today to speak about what I consider to be a great step forward in health care in this province. Last Friday in Brighton, Premier McGuinty and I announced

the creation of 52 family health teams and three bigger family health team networks in communities across Ontario. That is 55 in total, exceeding our initial commitment to create 45 family health teams this spring, and is just a down payment on the 150 we will have created in communities across Ontario by 2007-08.

You know, when we drove into Brighton there was a sign proclaiming that the town motto is, "Where the past greets the future." I thought that was wonderfully appropriate, because in Brighton and in other communities across Ontario the past is indeed greeting the future. We have launched the future of medicare in the form of our family health teams, multi-disciplinary teams of nurses, doctors, nurse practitioners, pharmacists and other health care professionals—working to provide the very best kind of integrated, patient-centred care; a continuum of care, day and night.

1400

Family health teams provide after-hours and weekend coverage, and patients will also be able to call a telephone health advisory service after hours to get health advice from a registered nurse. This is precisely the model of primary care reform that experts like Roy Romanow have been calling for for years and that previous governments have tried, with only limited success, to introduce.

We are enjoying an unprecedented level of success. The 55 family health teams that we announced—and remember, this was only a first instalment—were selected from 213 applicants, representing 1,300 doctors and 2,600 other health care professionals from communities that want a family health team of their own—213 applications. It seems that people understand instinctively that this is a great idea.

Our government shares a vision of health care with Ontarians. It is a vision of a system that helps keep people healthy, delivers good care to them when they need it and that will be there for generations to come. Our plan to make that vision a reality operates on three fronts: healthier Ontarians, reduced wait times and better access to doctors and nurses. Family health teams are going to help us deliver on all three.

We're going to have healthier Ontarians because family health teams will stress health promotion and disease prevention, because these are just as important as treating minor ailments and managing serious chronic disease in the overall health care scheme of things. It is health care as opposed to illness care, and it saves lives as well as precious health care dollars.

We're going to reduce wait times by providing comprehensive care closer to home, thereby reducing the need for emergency room visits. They will ease the strain on our hospitals, allowing them to deliver the acute care they were designed to deliver, only faster.

Above all else, family health teams will improve access to doctors. This is of particular importance given the current shortage of doctors in this province, a shortage over which both previous governments presided and to which they have both contributed.

I know my friends opposite will be interested to hear that 35 of the family health teams we are announcing are going into communities that are underserved in terms of family doctors. That means that thousands of Ontarians, so-called orphan patients, who previously did not have access to a family physician, now will. They will have access to a doctor, a nurse, a nurse practitioner—to a whole team of health care professionals. In the coming months, we're going to carefully track the number of orphan patients that our family health teams take in, and we will report back to Ontarians so that the full value of health teams will be known to all.

We've scattered this first batch of family health teams across a wide and diverse number of communities in this province: from rural FHTs like the one in Dryden, to Seaton House in downtown Toronto, which will specialize in providing services to the homeless, to the family health teams at teaching facilities like McMaster and Mount Sinai, where young professionals will be exposed as early as possible to the family health team model.

This is a model that is attractive to doctors and other health care professionals because it allows them to share the workload, have greater flexibility and balance their work and home lives. It leverages the benefits that doctors can provide like no other model. A doctor working in a team model can care for 52% more patients than a doctor working in a solo practice precisely because he or she is supported by and working together in a circle of care with a dedicated team of health professionals. Not only are patients getting better care; more of them are getting it.

This first batch of family health teams will provide care to more than a million Ontarians. In 2008, the 150 family health teams we will have built will be serving an estimated 2.5 million Ontarians.

As I said at the outset, family health teams represent the future of health care. They are that rare example of an idea that is almost universally seen to be great. Patients, providers, political leaders and academic experts all agree: Family health teams are a huge step on the road that is taking Ontario to a better health care system, a system that helps keep people healthy, delivers good care to them when they need it, and will be there for generations to come.

The Speaker (Hon. Alvin Curling): Responses?

Mr. Cameron Jackson (Burlington): I want to thank the honourable member for his statement in the House today. Like many of us, we had an opportunity to read his press release and package of materials last Friday when he made the announcement. Today in the House, several members have referred to their plan as "clear and transparent." Based on the number of additional announcements we are getting from the minister, I would like to add that it's not only "clear and transparent," in his words, but also repetitive.

The member opposite will know that every member of this Legislature supports the principle of family health networks, which is something the previous government

began—the first government in Canada. I remember as if it was yesterday when a certain Dr. Neil McLeod, being one of the first teams in the province, in Thunder Bay, heralded this wonderful model and its success in our province. Of course, Dr. Neil McLeod is no stranger to the members of the Liberal government; he was Lyn McLeod's husband. So we know that the model works, and we know it requires a commitment.

Many of us in Ontario are asking, why, after receiving \$2.4 billion of an illegal health tax, is the agenda moving as slowly as it is with this government? The first decision you made was to delist physiotherapy, chiropractic services and ophthalmology services; you know that your ministry is discussing cuts to the Ontario drug benefit plan with reference-based pricing, and seniors' groups have expressed concerns with that move; the hospital funding—these are not necessarily cuts, but the limited amount of additional resources has amounted to unprecedented high deficits. We know that your plans to date have cut nurses in this province by 757. You have been dismantling district health councils—that wasn't done in a clear and transparent manner; in fact it was done literally under the cover of darkness, with millions of dollars put aside for severances to some of the very people who are being rehired under your local health integration networks, and we're still trying to figure out exactly what authority they will have.

Minister, believe me when I say that we are all anxious to drive the agenda of primary care reform in this province. To be fair, in May 2002, my colleague Tony Clement presided over the opening of the Dorval Medical Associates family health network in Oakville. Lo and behold, imagine our surprise when in your Friday press release you announced that your contribution was that you were going to take credit for the Dorval Medical Associates family health team. So apparently, in three years, the major change in contribution is that we are going to change their name from a network to a team. There are many of us who are concerned that much of today's and Friday's announcements is based on public relations, but there are a substantive number of questions that remain unanswered. We want to know, for example, what is the level of the funding commitment for these clinics? It was very clear in the OMA agreement, Minister, that you have recognized the challenge. Unfortunately, in your first attempt at an agreement with the OMA, you got the concept correct, but you failed in terms of providing a timely compensation package to encourage doctors to make the conversion into these family networks. In your second attempt with the doctors, the agreement has been struck, and I note that as a result of your negotiations, fee-for-service doctors will get a 14.5% increase over the life of this agreement, and those physicians operating in an HSO or in a family health network will get a 36.5% increase over the life of this agreement. Clearly, you are now finally putting financial incentives in place that were not spoken to in the first agreement.

I want to indicate a concern we on this side of the House have about the growing number of pressures on

hospitals in high-growth areas. The number of orphaned patients in this province is growing exponentially as our immigration grows and as people move. We realize now that there was not an attempt to match the hospital funding with those communities that had the highest numbers of orphaned patients. We would ask you to better manage the system, and consider in the new funding formula our hospitals who patiently wait to know what budget they will be given this year. We ask you to be sensitive to that so we can dramatically reduce the number of orphaned patients in our province.

1410

Mr. Gilles Bisson (Timmins–James Bay): I say to the Minister of Health, my dear friend, I'm underwhelmed by this announcement and I'll tell you why. It's not because of the issue of family health networks or teams, or whatever you want to call them. The idea in itself is a good one; in fact, we supported that initiative when it was first announced under the Conservative government. I'm underwhelmed because you got inside the big limo with the Premier and drive down the highway to a community in order to make this great announcement, and you said, "We made a promise in the last election and we're going to have 110 or 120"—

Mr. Lou Rinaldi (Northumberland): One hundred fifty.

Mr. Bisson: Excuse me; I stand corrected by my Liberal friend—"150 new family health teams." And what did they announce? They announced 52. But here's the problem: Over half of the ones he announced had already been created by the Tories. There was nothing new.

In Timmins, the town from which I come, a great place to live, I must say, we have a family health network that was started up under the Conservatives. In fact, in the announcement last Friday, they didn't even change the name. They didn't call it a family health team; it's still being called a family health network. So I say to the government that that's pretty underwhelming.

There's another point that really galls me as a northerner. We have friends here from across northeastern Ontario who come from underserved communities, and over half of those announced are not even in underserved-area communities. I say, great idea, but tell me how that's going to help somebody to get health services in Kapuskasing, Hearst, Kirkland Lake, Chapleau or Opasatika. It's not going to do a lot.

Je dis au ministre, écoutez, si vous essayez de nous impressionner avec vos belles annonces que vous avez faites vendredi, vous avez besoin de retrousser vos manches un peu puis faire de l'ouvrage. Tout ce que vous avez fait vendredi, c'est d'annoncer—d'abord, vous n'avez pas gardé votre promesse telle que vous l'avez faite dans la dernière élection. Vous n'en avez pas créé 150; vous en avez créé seulement 52. Mais ce qui est vraiment difficile à accepter est que la moitié des équipes que vous avez annoncées vendredi passé avaient déjà été annoncées par les conservateurs quand ils étaient au gouvernement et elles ont été établies par le gouvernement

conservateur. Je dis au ministre, écoutez, il n'y a rien de nouveau.

Deuxièmement, il y a des communautés à travers le nord de la province, comme dans les parties rurales de la province, qui ont besoin de ces équipes de santé dans leur communauté pour les assister à donner des services médicaux à leurs communautés et aux citoyens qui restent là. Mais si on regarde, la majorité des réseaux qui ont été annoncés et établis sont dans des communautés qui ne sont pas sous-desservies.

On dit au gouvernement, écoutez, il n'y a rien de nouveau ici. Si vous allez faire quelque chose, on vous demande d'au moins retrousser vos manches et faire un peu d'ouvrage pour être capable de travailler à mettre en place ces équipes dans les communautés qui en ont besoin.

Again, I say this is an underwhelming opportunity for the government in this particular announcement. It's a bit of a sad day.

ORAL QUESTIONS

OBSTETRICAL CARE

Mr. John Tory (Leader of the Opposition): My question is to the Minister of Health. You promised better health care closer to home—in fact, you used those words again today—and that that would come, together with the Minister of Finance's illegal health tax; in fact, it belongs to the entire government, including the Premier. However, like all of the Liberal promises, the facts just don't back up the spin.

Could you tell us today exactly which hospitals in Ontario will be forced to cut out and cancel childbirth specialists and services as a result of your "pay more, get less" health care plan.

Hon. George Smitherman (Minister of Health and Long-Term Care): I know of only two situations in the course of our 18 months in government where the provincial government has asked to address the local issue of obstetrics. In the case of Wallaceburg, on which I spoke in the House last week, I supported the move of that program because it had a very low number of births—perhaps 50 or 60—to Chatham, nearby; 22 kilometres, I believe. I think that was the appropriate thing to do.

In the case of Halton region, that the member from Halton would be well aware of, the Georgetown hospital, the site of the William Osler Health Centre, was threatening to close their obstetrics program and transfer those volumes to the main site of William Osler. In that instance, I didn't support it.

Further to that, the government has no plan with respect to obstetrics. But I leave the member on this challenge: Do you believe, sir, as an example, that a cataract program consolidated in downtown Toronto, into a site that's easier to access for patients, is a bad thing for health care?

Mr. Tory: With respect, I'm looking forward to the day when the member opposite will have a chance to ask me questions. That'll come soon enough.

Doctors have told me over and over again that the more of these services like childbirth and other services the Liberal government orders cancelled, the less likely hospitals are to be able to retain and attract the services of these people. This is particularly true, as the minister knows, in smaller communities, where the doctor shortage, as he said himself today, is already a problem. By cancelling childbirth and other services, aren't you just making the doctor shortage worse, notwithstanding your empty promises to fix it?

Hon. Mr. Smitherman: If the honourable member had quite as much courage of his convictions about the outcome of the next election, maybe he'd agree to run in the riding where he lives, which he just conceded to me.

On the matter at hand that the honourable member raises about obstetrics programs, of course there needs to be particular sensitivity given to the needs of the more rural and remote parts of our province. At the very same time, I can't believe that the honourable member, quoting references to doctors who go unnamed—that they're giving him advice that says that a program that does not sustain a certain capacity should continue, even though all of the clinical evidence is very clear that moms and babies do better in an environment where more babies are born. We're simply operating on the advice that might be provided from the clinical community.

As I said to the honourable member in an earlier answer, there have been but two occasions where we've been involved in issues around obstetrics. Our record remains clear, I believe we've made the right decisions, and I'd be encouraged by—

The Speaker (Hon. Alvin Curling): Final supplementary.

Mr. Tory: I did misspeak myself earlier; you're quite right. I'm looking forward to the day when other members will have a chance to ask me questions, and that will come soon enough. The member opposite may well not be here at that time. It's a very good point.

Minister, when we talk about quotes, the only person whose quotes we're here discussing today is you. You were musing at a press scrum, where you seem to make a number of your announcements, about how it wasn't necessarily sensible to have obstetrics services available in hospitals that have certain volumes. You are the one who's going around talking about cutting out services and cutting out various things in health care services, while people are filling out their income tax returns and paying your government's illegal health tax.

What are the specific details of your scheme to cut out these services? Can you give us a guarantee that no other hospitals in Ontario will lose their obstetrics services under your watch?

Hon. Mr. Smitherman: It sounds interesting that the honourable member, himself the author of a commitment during his leadership campaign to reduce health care spending by \$2.4 billion, would be asking the government which, on behalf of Ontarians, has made this sig-

nificant investment in health care this year. All across the breadth of the province of Ontario we see the benefits of a \$3-billion investment in health care in fiscal 2004-05. Contrast that to the circumstances that would be current if the honourable member were bringing forward his \$2.4-billion cut to health care. What would we have? A flashback to 1995-97.

I would just encourage the honourable member, if he wants to know how his plan is going to work, to talk to his former health minister, who sits in the second row. Do you want to talk about hospitals? How about a \$557-million cut to hospitals? That's what your party brought in the last time the people of Ontario gave you power and that's why they're not doing it again any time soon.

HEALTH PREMIUMS

Mr. John Tory (Leader of the Opposition): This minister who lives in the past continues to talk about the past and totally shirks, in the process, his responsibilities in the present.

I'll tell you one thing—

Interjection.

The Speaker (Hon. Alvin Curling): Minister, come to order, please.

Mr. Tory: I'll tell you one thing. While the minister is mired in the past and can't talk about the present at all, there are a lot of people who are very focused on the present as they fill out their income tax returns for this year and are paying your Liberal government's, Mr. McGuinty's, illegal health tax. Even some of the lowest-income people in Ontario, as they fill out their income tax returns, are paying your health tax. How do you explain to someone who is paying that tax and filling out that form this week that the physiotherapy they received for their injury or disability when they were 18, the day before their birthday, and the day after, when they turn 19, they no longer receive that coverage from you? How do you explain that to them?

Hon. George Smitherman (Minister of Health and Long-Term Care): All across the province of Ontario, as Ontarians sit down to do their taxes, they'll recognize that important public services need important public support. The reality of the honourable member's questioning is that it's all built on this false foundation, because he is the architect of a commitment to cut \$2.4 billion from health care. I'm quite sure, for many Ontarians, seized and aware as they are of your commitment to cut health care spending by \$2.4 billion, that they'll have these very pointed questions for you.

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From our standpoint, we have communities all across the province of Ontario—in Harrow, in Tilbury; where I was, in Brighton—where in some cases people were brought to tears at the enthusiasm they had for finally seeing reform to primary care which involves doctors and nurses and nurse practitioners: a total \$600-million investment in primary care in the province of Ontario on top of the work that we've done to enhance home care

and a multitude of others areas. Ontarians recognize that we're fulfilling our commitments to improve the quality of public services, and within the mandate of medicare.

Mr. Tory: The people of Ontario know two things: They know I've made no such commitment whatsoever, and they know for sure that with the McGuinty Liberal government, they are paying more and getting less.

Some of the very same people filling out their income tax returns and paying hundreds of dollars more in taxes for the pay-more, get-less system are in waiting lines that aren't growing any shorter. The Premier couldn't tell me last week where the starting points of those waiting lists were. He said that he had commissioned a study. I attended the radiologists' convention this weekend, and they said that they had available detailed wait times from across the province coming from front-line people who know what they're doing. Why don't you just stop spending money on the study, stop wasting time on the study, get those numbers, tell everybody where you're starting, and then get to work getting the wait-lists down?

Hon. Mr. Smitherman: In addition to the fact that we've already invested \$107 million exactly to get wait times down, with investments in cataract surgery, cardiac surgery, cancer surgery, more hips and knees and a 20% increase to MRIs and CTs, this honourable member just proposed that stakeholders write up the research on behalf of the people of the province of Ontario. Instead, we went to ICES, the Institute for Clinical Evaluative Studies, a renowned group of scientists who can help to establish these things with complete independence and objectivity.

The honourable member stands in his place today and suggests that it's inappropriate to use ICES for this work. This is ludicrous and speaks to that honourable member and his commitment to the status quo that stems from being so sucked in to having to support the agenda of that party that he sits with, which for eight and a half years in this province brought turmoil and tragedy to community after community after community.

We will move forward and—

The Speaker: Thank you. Final supplementary.

Mr. Tory: The only person who's been sucked in around here is the Minister of Health, who has been sucked in by his own rhetoric. He's actually beginning to believe it. He thinks that the louder he says it, the more likely it is to be true.

The people are just seeing the big cheques they have to write in taxes to your government and no results. Let's just review it. The hard-working taxpayers who are filling out their income tax returns and paying you hundreds of dollars in extra taxes are seeing eye exams cancelled, chiropractors cut off, physiotherapists cut off, childbirth services shut down, \$170 million in hospital cuts approved by you, 757 nurses fired, and signalled cuts to the drug benefit program. Is that the value for money you're offering because of your illegal health tax? Is that what you're giving people in this province?

Hon. Mr. Smitherman: What we're offering is a very, very strong contrast to the role that your party played as they wreaked havoc on health care for eight

and a half years. As part of that Tory legacy, you're doing a fine job of preserving it. In your short time here, you have come to represent, on health issues, John Tory, SQ, for status quo. You are so committed to all the things that they did and so unwilling to branch out on any innovation that you have quickly come to be summarized this way: John Tory, SQ.

We have made a \$3-billion investment in health care; \$1.7 billion in total for hospitals since we arrived here. That stands in sharp contrast to the work of your health critic there, your former health minister, who in two fiscal years cut \$557 million from Ontario hospitals. That, sir, is the legacy that you have embraced.

PUBLIC SERVICES

Mr. Howard Hampton (Kenora–Rainy River): My question is for the Acting Premier. During the last election, Dalton McGuinty promised to invest two cents a litre of the provincial gas tax in public transit. So far into your second year of government, municipalities still haven't received the two cents a litre of the provincial gas tax. In the federal election, Paul Martin promised to invest five cents a litre of the federal gas tax for municipal transit. Promptly after the election, he broke that promise. Today, Jack Layton and I called upon Prime Minister Martin to keep that promise. My question for you is, with a budget forthcoming, are you going to keep the McGuinty government's promise and fulfill the two cents a litre of provincial gas tax?

Hon. George Smitherman (Minister of Health and Long-Term Care): The Minister of Transportation.

Hon. Harinder S. Takhar (Minister of Transportation): The fact is that this is good news, and I think the leader of the third party can't accept the good news for the municipalities. This is funding that the municipalities never had until our government decided to give it to the municipalities. I also want to tell you that municipalities are putting this money to good use. We are increasing ridership and buying more buses, and this is helping all the municipalities across Ontario.

Mr. Hampton: I take it that municipalities are supposed to be happy that neither the McGuinty government nor the Martin government have kept their promises on the gas tax.

I want to ask you about another promise. Prime Minister Martin promised a national child care program in the last election. I think it's about the fourth time it was promised. Here we are a year later, with no national child care program. The McGuinty government, not to be outdone, promised \$300 million of new provincial investment in child care. Here we are into the second year of your government and no investment of \$300 million of provincial money in child care. We call upon Paul Martin to keep his promise, but my question to the Acting Premier is, in this, your second budget, will you keep your promise and put \$300 million of new provincial money into the child care program, like you promised?

Hon. Mr. Takhar: The Minister of Children and Youth Services will answer this question.

Hon. Marie Bountrogianni (Minister of Children and Youth Services, Minister of Citizenship and Immigration): I want to tell the honourable member, in case he hasn't noticed, Best Start has already started. We've created over 4,000 new subsidized spaces. The truth is, as valued as the money will be coming from Ottawa, the province of Ontario pays the lion's share of child care in this province and will continue to do so. We have created more than 4,000 subsidized spaces. We have developed our model and our demonstration sites in three parts of province which will guide us in the implementation of Best Start and we have also developed expert panels that will guide us on a college for early childhood education and educators, as well as curriculum in the JK and SK half-day child care programs. So we're well on our way in fulfilling our promise on Best Start.

Mr. Hampton: So far no one is seeing the national child care strategy promised by Paul Martin and we haven't seen the \$300 million of new money from the McGuinty government either.

But I want to ask now about the issue of child poverty. In 1989, Ed Broadbent, former leader of the NDP, succeeded in having a motion passed unanimously in the House of Commons to eliminate child poverty. The federal government responded with a national child benefit. This morning, Jack Layton and I called for an increase in the national child benefit to finally deal with the issue of child poverty. My question is, when will the McGuinty government stop clawing back the child benefit from the poorest families in Ontario? When will the McGuinty government keep its promise to stop clawing back \$250 million a year from the poorest children and the poorest families in Ontario?

Hon. Mrs. Bountrogianni: The Minister of Community and Social Services.

Hon. Sandra Pupatello (Minister of Community and Social Services, minister responsible for women's issues): I think the member opposite is well aware of the number of things that we've done in a brief year and a half to make up for at least 10 years of the people affiliated with community and social services being treated like a punching bag in this province. After one and a half years, we have made significant progress helping people who live in poverty. We have said, very upfront, that we are not finished yet; we have much more work to do. We will continue to work every day until everyone in Ontario gets a fair shake and gets every opportunity that this province can offer them.

We hope we will continue to make the same kinds of moves as we did the moment we took office, and that was to change the policy on the national child benefit so that \$7 million this year alone has travelled right straight through to families. That's our commitment to children, and we stand by it.

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NORTHERN ECONOMY

Mr. Howard Hampton (Kenora–Rainy River): A new question to the Acting Premier. I guess the poorest

children and families in Ontario should be happy that the McGuinty government's only keeping 97% of the national child benefit, that you're giving them 3%. But my question now is about the northern economy.

Since the McGuinty government came to power, the northern economy has been in real trouble. Your own economic statement last December showed a net loss of 6,000 jobs in northern Ontario, and your policy of constantly raising electricity rates is killing more jobs. You're making things worse across the north.

Today, there are workers here from communities across the north to send you a message. They want to know, since you've got an investment strategy to sustain jobs in the auto sector, an investment strategy to sustain jobs in the movie and television sector and in the casino sector, where is the McGuinty government's strategy to sustain jobs in the forest sector in northern Ontario instead of killing them, as you have been?

Hon. George Smitherman (Minister of Health and Long-Term Care): The Minister of Natural Resources.

Hon. David Ramsay (Minister of Natural Resources): First of all, I'd like to correct the member's statistics when it comes to northern employment. From March 2004 to March 2005, northern Ontario gained roughly 3,100 net jobs.

This is not to say that the forest industry is not undergoing some severe restructuring right now. I know it's regrettable that some of the decisions that some companies are having to make in order to make their mills more competitive are hurting our northern towns. But I'm determined, through the minister's council, with whom I will be meeting and whose report I will be receiving this week—I'm working with them to make sure that we can build a sustained forest industry in northern Ontario.

Mr. Hampton: Workers from Chapleau, Kirkland Lake and Opasatika are so impressed with the McGuinty government's record that they came here 14 hours by bus today to demonstrate that you're killing their jobs.

But I want to ask you about the promise you made during the election. You said you were going to stand up for the north and northern jobs. You said you were going to make a difference, that you had a plan. But the perspective of people across the north is that you've abandoned them. You promised to keep hydro rates at 4.3 cents a kilowatt hour. You've raised hydro rates by 34%, and that increase in hydro rates is killing more jobs in paper mills, more jobs in pulp mills and more jobs in sawmills. Bowater said to you very clearly, "Forest companies are cutting back in Ontario and increasing production somewhere else under the McGuinty government."

I say to you, Minister, where is your economic strategy for forest industry communities in northern Ontario, the one you boasted about before the election?

Hon. Mr. Ramsay: In regard to the mention of the pulp and paper operation in Thunder Bay by Bowater, the Premier is meeting with the CEO and chairman of Bowater in Washington today. We spoke earlier about their particular challenges.

We have a plan. It's the northern prosperity plan. My colleague Rick Bartolucci, the member from Sudbury and Minister of Northern Development and Mines, has brought forward some extensive changes to our northern heritage fund, which now addresses private sector job creation for the first time in 15 years. It was the previous government that cancelled all of those programs. We have brought those back with the original intent that René Fontaine, who authored that plan, brought forward in the late 1980s under the David Peterson government. We are bringing that plan forward now, and the people of the north are responding to that. I believe that with that plan we are going to start to build the sustainable jobs the member is looking for.

Mr. Hampton: Here's the reality: Electricity rates are up by 34%; 6,000 jobs have been lost; Bowater in Thunder Bay is one of those companies talking about shedding more jobs, as is Abitibi, as is Neenah Paper, as in St. Marys; and the list goes on. Your so-called northern prosperity plan is really a northern disparity plan.

I say again, you boast that you've got an economic strategy for the auto sector to sustain jobs, you boast that you've got an economic strategy for the movie and television industry in Toronto to sustain jobs and that you've got an economic strategy to sustain jobs in the casino sector. What these workers, who came 14 hours by bus, want to know from you as you close their sawmills is, where is your economic strategy? Where is the McGuinty government's economic strategy to sustain jobs in the forest sector? Raising hydro rates and doing backroom deals with the large sawmill companies isn't sustaining jobs; it's killing jobs everywhere across the north. Where is your economic strategy?

Hon. Mr. Ramsay: I want to assure the member that the McGuinty government considers forestry a top priority. In fact, as the member knows, it's the second-largest export product of this province. It's very important to all the province, north and south, where we have jobs in almost equal proportions.

I would say to the member again that I am working with the council. They are bringing in their final recommendations this week, and I will be working with them on such a strategy.

ELEMENTARY SCHOOL TEACHERS' AGREEMENT

Mr. Frank Klees (Oak Ridges): My question is to the Minister of Education. Last week you committed your government to a multi-billion dollar peace bond with Ontario's teachers. Although you deny it, and the Chair of Management Board seemed not to have an answer either on the total cost of that plan, we know that the salary grid component of that, when applied to all the panels, accounts for some \$2.68 billion of additional spending by your government.

Minister, can you confirm for us today—I would like you to be on record today—that the deal you announced yesterday will not in any way—not to the extent of one

dollar—encroach on special needs or on the capital budget you have already announced in your education plans?

Hon. Gerard Kennedy (Minister of Education): The critic has shown that his math is as faulty as his logic when it comes to education. The figure he mentioned is nowhere near the cost that is involved. We offered him a briefing. He is welcome to have one, if he would like to do his homework. Come in and see what the actual costs are, rather than throw numbers around. He obviously doesn't appreciate the teachers of this province. His government's record shows that.

We have an arrangement that is about 2.5%, which is good for teachers and good for students but also brings around specialty teachers. We've provided those numbers publicly. I think that number is good, in the interests of education. Again, we would be very happy to assure the member opposite, and this House, that this government is prepared with a fiscal plan to support good investments for better student performance. That's exactly what we're going to get from having the specialty teachers in place and from having the lower class sizes that we promised to do before. This fiscal plan is going to be met within the confines of the cost of the arrangement with the elementary teachers, as we said earlier.

Mr. Klees: My question to the minister was very direct. I asked a specific question; that is, could he stand in this place today and guarantee that not one dollar of the deal he announced will be taken away from the special-needs budget already committed to schools in this province and that not one dollar will be taken away from the capital budget already committed to? It's a very, very simple question. I would ask, on behalf of every member of the Legislature, of school boards and of teachers, who all have a vested interest in this, that the minister simply answer that very simple question.

Hon. Mr. Kennedy: I try to ignore some of the more off-putting parts of how the member puts his questions.

Let me say what should be obvious: The answer is yes. This government has made commitments to kids with special needs that that government would never do for six or seven years: "Let them go without." He sat in a cabinet that year over year made the schools in this province fill in paperwork and then ignored the kids. We made a commitment of \$100 million, and more than that, we've delivered it. It's in the schools now helping kids.

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I would say as well that after their letting the schools of this province crumble, we have provided \$4 billion toward that. Every dime of that will be delivered. More repairs will be done in Ontario schools in the next 18 months than were done in the last 10 years. That will happen, and so will the other things that are necessary to be done for students.

I think the students of this province are seeing every day that they're very pleased that we're here and you're there.

The Speaker (Hon. Alvin Curling): New question; the member for Timmins—James Bay.

Mr. Gilles Bisson (Timmins–James Bay): That was a pretty arrogant answer, I thought.

TIMBER MANAGEMENT

Mr. Gilles Bisson (Timmins–James Bay): My question is to the Minister of Natural Resources. You would know, Minister, that late last year, Domtar and Tembec came to you with a request that basically undid all the practices we had in northern Ontario regarding the re-allocation of timber. Specifically, they asked to take the wood from the mills in Opatatika, Chapleau and Kirkland Lake and divert it to other mills in their chain, creating supermills.

Up until that date, every government in the past, when approached with that kind of request, had gone through a public process in which the communities affected had an opportunity to be part of the discussion in order to take a look at the possibilities in terms of restarting a mill under a new owner or building a new mill with timber normally allocated to those communities. Instead, you said to Domtar and to Tembec, “Whatever you want, guys, it’s yours—no public process.”

I’ll ask you a very specific question: Are you prepared to reverse your decision and, at the very least, open up the process to public tender so those communities can reorganize themselves under new ownership?

Hon. David Ramsay (Minister of Natural Resources): The short answer to the member’s question is no.

I want to say to the member that what he’s doing is confusing, first of all, the Opatatika closure with the re-organization between Kenogami and Elk Lake, Chapleau and Domtar. Opatatika, as the member knows, because of the timber licence that was granted by the previous NDP government to Spruce Falls, allowed them to ship the wood to either mill. And what happened?

Interruption.

The Speaker (Hon. Alvin Curling): Order. I ask the Sergeant-at-Arms to escort the visitor out. Let me also warn the other visitors here that they are, of course, welcome here, but not to participate in those disruptive behaviours or they will be asked to leave.

The member from Timmins–James Bay?

Mr. Bisson: Minister, I don’t think there’s confusion as to what is going on. It has been the practice in this province, until your time in office—when Jerry Ouellette was the Minister of Natural Resources, when Howard Hampton was the Minister of Natural Resources, and when Alan Pope, under the Conservatives, was the Minister of Natural Resources, it was always clear that there would be a public process. When companies decided to shut down a sawmill or whatever type of forestry operation, there was an opportunity for communities to participate and to look at what was possible in terms of either restarting the existing company under new ownership or starting up again.

We’re asking you directly. Workers are here from your community of Kirkland Lake, from our community of Opatatika and from Mr. Brown’s community of

Chapleau and are asking one question: Are you going to commit today in this House to open up a public process by which we can determine how that wood, that these companies are trying to steal from these communities, is going to be allocated?

Hon. Mr. Ramsay: The member would paint the situation that it’s all negative impact to these communities.

As you know, in Kenogami, Tembec and Domtar have now announced a \$9-million investment that will give a value-added plant. Tembec said the other day that there would be further announcements consolidating future investment into that plant for another product line. In the Elk Lake Domtar mill, we’re going to see an expansion of jobs there. In Chapleau, the local member, Mike Brown, and I are working with the Moose Cree to supplement the 28 jobs that were lost, to establish a cedar mill in that area that will in the end give us more jobs in Chapleau than we had in total. So Chapleau now has a large-size, very competitive sawmill and will soon have a cedar mill that will provide more jobs than were there before.

That’s the type of work we need to be doing. I want to work with the member for Opatatika. We’ve been able to secure the mill from the company. I ask the member to work with me to get more jobs in Opatatika.

IMMIGRATION POLICY

Mr. Phil McNeely (Ottawa–Orléans): My question is for the Minister of Training, Colleges and Universities. Today, the federal government made an announcement with respect to their immigration policy, which included a component that will allow international students to work off-campus. I know that international students in Ottawa have been looking for an opportunity to work in the community while in school. I’ve always supported their desire to work off-campus, because I believe it is an opportunity for them to better integrate into the community, while also providing these international students with a source of income to help fund their education.

Minister, does our government support this initiative of allowing international students to work off-campus?

Hon. Mary Anne V. Chambers (Minister of Training, Colleges and Universities): I’m happy to respond to the question from my colleague the member for Ottawa–Orléans. We are really very pleased that the federal government has responded to our request for off-campus work permits for international students. This is a request that my colleague who is responsible for citizenship and immigration here in Ontario, Minister Bountrogianni, and I have been working on for over a year now with the federal government. I also want to take this opportunity to thank all the student associations representing college and university students here in Ontario for working alongside us in this lobbying effort.

This announcement is good for international students who are studying here, but it’s also wonderful for Ontario students, who speak of the value of the international students as part of their educational experience here. This

is in fact very good news, and I'm thrilled that international students in Ontario will now have the opportunity to work—

The Speaker (Hon. Alvin Curling): Thank you. Supplementary.

Mr. McNeely: Thank you, Minister, for the response. I too am pleased to have heard this news today. I know that international students in Ottawa will greatly benefit from this.

After reading the reports of the federal government's announcement, I know that they are also planning on reducing application processing times for permanent residents and sponsored parents and grandparents who want to be reunited with their families in Canada. This announcement of \$69 million over the next two years is good news for newcomers in my riding; however, I know that it is not enough. What Ontario immigrants need now is an immigration agreement. I know that the Minister of Citizenship and Immigration has been working on this with the federal government. Minister, I wonder if you could please explain why today's federal announcement does not go far enough and why an immigration agreement for this province is essential.

Hon. Mrs. Chambers: My colleague the Minister of Citizenship and Immigration is the appropriate person to respond to this.

Hon. Marie Bountrogianni (Minister of Children and Youth Services, Minister of Citizenship and Immigration): I'm encouraged that Minister Volpe has heeded the advice of my colleague the Minister of Training, Colleges and Universities with respect to international students, a very important development today. I want to thank her for her advocacy as well.

While this is good news, and the \$69 million over two years for the whole country is good news, we still don't have an immigration agreement here in Ontario. We have been negotiating in good faith with three federal immigration ministers up to this point. The majority of immigrants still come to Ontario; 75% of those come to Toronto. We need to have an immigration agreement that treats Ontario fairly. It's \$800 per immigrant for Ontario, \$3,800 for Quebec. This is simply unsustainable and unfair, and we're working in good faith to remedy that.

ANTI-SMOKING LEGISLATION

Mr. Toby Barrett (Haldimand–Norfolk–Brant): To the Minister of Economic Development and Trade: This week, finance committee hearings commence on a smoke-free Ontario. The Pub and Bar Coalition of Canada anticipates closure of an estimated 900 small businesses if Bill 164 proceeds without compromise. This number is conservative, considering more than 700 establishments across the province have applied for or have already implemented designated smoking rooms to ensure a smoke-free environment not only for their customers, but also for their employees.

Minister, do you have any idea what it costs to build a designated smoking room with a ventilation system?

Hon. Joseph Cordiano (Minister of Economic Development and Trade): It's important to recognize that when it comes to this policy in terms of banning smoking across the province, that is a priority. The health of Ontarians comes first.

In fact, when you look at the experience in a city like New York, where smoking was banned in restaurants and bars across the city, business went up for those restaurants and bars. So I think this is good policy. It's good for Ontarians right across the province, and it will be good for small business as well.

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Mr. Barrett: Well, Minister, there are statistics that fly in the face of what you've just said. As the minister responsible for small business in the province, you should know that it can cost anywhere from \$15,000 and upwards of \$300,000 to install one of these designated smoking rooms. I wish you and other members present would consult with professionals like Pubco. These small business operators have acted in good faith to comply with their own municipality—

Interjection.

The Speaker: Minister of Agriculture, come to order, please.

Mr. Barrett: Minister, the businesses you represent have complied in good faith with their own municipalities. Now we have the province of Ontario telling them that this investment is worthless. Can you give the hospitality industry an idea of how you are fighting on their behalf around the cabinet table and how much in dollars you are requesting your government to provide in compensation for those who have installed the rooms and those who are going to be laying people off?

Hon. Mr. Cordiano: Again, I would say to the member that the experience in other places—not only in New York City but in Ottawa—is that small businesses saw an increase in business as a result of the ban on smoking. This is not only good health policy, I'd say—with the Minister of Health sitting right next to me—to help all Ontarians in terms of better health, but it's also good economic policy. The evidence is very clear that these businesses would increase their activity. Businesses would see an increase in revenue as a result of the ban on smoking. I say to the member that this ban would come into effect at the end of 2006, it gives businesses the opportunity to adjust, and this will be good for them as well.

CHEDOKE LONG-TERM-CARE FACILITY

Ms. Andrea Horwath (Hamilton East): My question is for the Minister of Health. Some of the most vulnerable and disabled adults in Hamilton are housed in a facility right now that's falling apart. A new home for the continuing care centre at Hamilton's Chedoke hospital was ready and set to be built two years ago. The previous government approved \$15 million in funding for a complete overhaul of this antiquated facility, but you've held it up for two years. In that time, the situation has moved

from very serious to critical. Had you not put the brakes on, three months from now Hamilton would be celebrating the opening of a new and advanced long-term-care centre providing state-of-the-art care to our most fragile citizens. Minister, what is your plan for moving ahead with the new Chedoke facility, and when will the funding flow?

Hon. George Smitherman (Minister of Health and Long-Term Care): It seems a little bit like the honourable member is the only person I've met so far in Ontario who took seriously one of those Tory plastic-cheque presentations right before the last election. Even the opposition leader was very clear, saying in Cornwall that he found that practice, which had been carried on by the former government, to be regrettable.

The reality in the province of Ontario is that we inherited an expectation list of \$6 billion on capital. We've been working very hard, alongside my colleague, the Minister of Public Infrastructure Renewal, on prioritizing a variety of these projects for the purposes of providing good-quality health care in the province of Ontario.

The member will well know that there are a significant number of projects exactly in her community of Hamilton, all of which cry out for investment. We will be moving forward within the capacity that our fiscal circumstances allow, and of course we're going to be keeping the needs of St. Peter's at top of mind.

Ms. Horwath: Regarding prioritization, Minister, it's obvious that you don't know exactly how bad the situation is for the patients. They're suffering from severe disabilities, brain diseases and injuries requiring complex and long-term care. It's only a matter of time before the aging and totally inadequate Chedoke building closes. Some patients will be losing the only home they've ever known, and you have no plan for them.

You delayed the new construction, so what is your plan for patients when Chedoke inevitably closes and there's no new facility ready? I'd like to pick up on a public invitation that was extended to you recently by Andrew Dreschel and the Hamilton Spectator: Will you at least visit Chedoke this week and see for yourself the deplorable conditions that exist for patients and staff, and then explain again why you cannot release the funding for this promised new facility?

Hon. Mr. Smitherman: As I've had an opportunity to visit St. Peter's other hospital, I think it's only a matter of time before I get there. It is, after all, my plan to visit all the fine health care institutions we have in Ontario. I want to thank the honourable member for extending that very warm invitation.

She makes the point that I couldn't have the interests of patients in mind. But in fact, I have a responsibility to have the interests of patients in mind beyond those whom she speaks about today. Those include the patients who need the Henderson Hospital rebuilt for important provision of cancer services, the patients who want to see more progress at the McMaster site, parts of which are in need of significant alteration, and certainly those patients who are gaining benefit even today from the multi-

million-dollar investment made at Hamilton's St. Joe's. This is evidence of the extent to which we're investing as best we are able in the important priorities that exist in the Hamilton area.

FOOD SAFETY

Mr. Pat Hoy (Chatham-Kent Essex): My question is for the Minister of Agriculture and Food. Minister, there have been several articles and advisories from the Ministry of Health in the last two weeks relating to a story where unpasteurized milk has been purchased or consumed, and the recipients contracted E. coli as a result. The chief medical officer has done an excellent job of communicating the situation to the public but, Minister, I'm curious as to the role your ministry has in food safety situations such as this.

Hon. Steve Peters (Minister of Agriculture and Food): This is a very important public health issue, and this is why we are moving forward on an integrated food safety system: to ensure that there is open dialogue and communication interministerially.

The sale and distribution of unpasteurized milk is prohibited under the Health Protection and Promotion Act. It's an excellent example of why we created the position of the chief veterinarian for Ontario, because the chief veterinarian can work very closely with the chief medical officer of health. I commend the chief medical officer of health for the leadership she has shown on this issue.

We are working very closely with other ministries. The Ministry of Natural Resources is involved with OMAF and the Ministry of Health as we try to determine who is irresponsibly selling unpasteurized milk in this province. The Ontario Farm Animal Council and the Dairy Farmers of Ontario are playing an important role as well.

I ask any member in this House, if they're aware of unpasteurized milk being sold in this province, to report it to OMAF or Crime Stoppers. Putting public health and safety at risk is not an appropriate thing to do.

Mr. Hoy: This ongoing integration of the food safety system shows that the McGuinty government has made food safety a top priority. We know that we want our food to be safe, and we are instilling greater confidence in our consumers by working together to make sure the public is an informed public.

Minister, there are some concerns with government regulations. They have been viewed by some as negative. Will you please tell the assembly your thoughts on this point?

Hon. Mr. Peters: This is a prime example of why regulations are there to support us. This is a prime example of why this government does not support the sale of unpasteurized milk. This government does support the health and safety of our citizens.

What I find very disconcerting is that John Tory and the Tories have stood up in this House and presented petitions on behalf of organizations that support the sale of unpasteurized milk and cider. You can read Hansard

and see where John Tory and his backbenchers have presented these petitions. It's very irresponsible. The Tories are not there defending the health and safety of our citizens. They're prepared to support organizations that support the sale of unpasteurized milk.

If anybody is aware of who is making these sales, we need it reported, because we've got four people in hospital right now. This government stands up for the health and safety of citizens. It's obvious that John Tory and the Tories don't.

HERITAGE LEGISLATION

Mrs. Julia Munro (York North): My question is for the Minister of Culture. Ontario's churches have been telling you for months that your amendments to the Heritage Act could have a harmful effect on their ability to carry out their mission. You did not consult them before you introduced the bill, you did not consult them during its passage through the House, and you voted down amendments that I introduced to protect the churches and require consultation. This bill was then delayed as your government finally woke up to the concerns of our churches and started talking to them.

Our caucus has been telling you for months that you need to listen to the churches. What guarantees can you give this House that you have listened to their concerns, and what action will you take to protect them?

1500

Hon. Madeleine Meilleur (Minister of Culture, minister responsible for francophone affairs): I thank you for your interest in protecting the culture-faith group. We have consulted. Under our own government, most of the groups were consulted. Because of the religious groups expressing their concern about not being consulted, we reopened the consultations. They came, and the ministry staff had at least three meetings with them. They were consulted and we came to an agreement and, perhaps on one point, an agreement to disagree. So they were properly consulted, and I'm pleased with what the staff has been doing.

Mrs. Munro: During the committee hearing on Bill 60, supporters of the protection of Ontario's cemeteries asked for cemeteries to be specifically included in the bill. Your parliamentary assistant first claimed in committee that cemeteries were included, and then claimed that they could not be written into the bill because doing so would be in conflict with other legislation. She then promised in committee that your government would work with cemetery supporters to put in place protections as part of the Cemeteries Act. Will you tell this House what discussions you have had with cemetery supporters to bring in the protections they want?

Hon. Mrs. Meilleur: The Cemeteries Act is the responsibility of the Minister of Consumer and Business Services. The minister and I have spoken about it. The minister is well aware of the concerns of the people and those who are concerned about protection of the cemeteries. We know that it's very important; it's part of our heritage. Both ministries will work together to ensure that

they are protected and that these groups are satisfied that we're doing everything we can to protect the cemeteries.

NORTHERN ONTARIO EDUCATION FUNDING

Mr. Howard Hampton (Kenora-Rainy River): My question is for the Minister of Education. This is the McGuinty election promise for northern Ontario schools. On page 12 it says: "We will respond to the educational needs of northern communities.... We will protect northern schools."

The parents at Fourway school near Thunder Bay are rapidly losing faith in your government. Last week, here, Premier McGuinty said, "We have made a facilitator available, someone who is prepared to go in and review the school closure proposal." We've spoken to the parents at Fourway school; they don't know anything about a facilitator. These parents want action. They want to see your plan. They don't want a fictional facilitator.

You made a promise to protect northern schools. Where is that promise? Where is the plan, or is this just another McGuinty broken promise?

Hon. Gerard Kennedy (Minister of Education): I say to the member opposite that the plan we have for northern and rural schools is encompassed in a policy released on February 18. In that, for the first time ever, but particularly in contrast to what happened in the last seven or eight years, we're saying that every school should be valued in an objective way to find out how it should contribute to the student, the school system, the local economy and to the community. What we have said to the communities—and the member opposite is aware that there is legal action being made in connection with the school he names. But for all the schools that are in the Lakehead system, we're saying that they have to fit the spirit of the new policy. As the Premier indicated, we have arranged for someone to review those policies at Lakehead and elsewhere, and very shortly we'll be announcing that person and exactly how it will be conducted.

Mr. Hampton: Your so-called new policy calls for a public six-month review, but Fourway school is scheduled to close in just two months. So your review policy here is a whitewash. But it's not just Fourway school; it's Gorham and Ware school, Heath Park school, Oliver Road school, Rosslyn Road school, Rosslyn Village school and Fort William Collegiate Institute. Several schools are not going to be protected by the McGuinty government; they're going to be closed. The board says you haven't provided them with any funding to keep the schools open, so they have no choice but to close the schools.

Minister, before the election you said you had a plan. Before the election you said you were going to protect northern schools. The board doesn't have the money; you're not prepared to give them the money. Will you come forward now with a plan so the board can have enough money to operate these schools, and will there be a real review rather than just a whitewash?

Hon. Mr. Kennedy: Again, I don't know what troubles the member opposite. We put out a plan in February advising the boards. We previously asked for a moratorium. There were seven schools closed; as many as 50 a year closed under this member's government, many of them in the north. In fact, in the Lakehead alone they closed some 15 schools, many of them under the opposite member's watch.

I would say to him that there will be a review. It will be done to see whether the board has met—it decided to go ahead even though we asked for the moratorium where very few schools were actually shut down. We will gauge through an independent person whether or not they have met the spirit of our new guidelines on a capital plan and whether or not the way they consulted the public and followed the procedures was consistent with the new procedures we are putting forward.

We believe that the people of the Lakehead want this process to be objective; it will be. They want it to be independent; it will be. They want it to take place soon, and it will.

CHILDREN'S CAR SEATS

Mr. Michael Gravelle (Thunder Bay–Superior North): My question is for the Minister of Transportation. Today, you and the Minister of Children and Youth Services launched the spring seat belt campaign. As the slogan says, seat belts save lives, and our government believes it's important to get that message out there. Certainly we must always strive to improve safety standards for Ontario's most vulnerable population; that is, our children.

Today's launch also touched upon a McGuinty government campaign initiative about upcoming changes to child car seat legislation. Minister, may I ask what Bill 73, An Act to enhance the safety of children and youth on Ontario's roads, will do to ensure the safety and lives of Ontario's children come September 1, 2005?

Hon. Harinder S. Takhar (Minister of Transportation): I was very pleased to have my colleague the Minister of Children and Youth Services join me at the great Hospital for Sick Children in Toronto this morning for this event.

It's a fact that most car crashes lead to injury and death of young children when they happen. It is also a known fact that car seats and booster seats save lives. That's why our government introduced Bill 73, and it passed in this Legislature in December last year.

Under this legislation, we will do three things. Number one, booster seats will become mandatory for all children between the ages of one to eight who weigh between 40 and 80 pounds and are below four feet, nine inches in height. These booster seats will become mandatory on September 1 this year. We will also add two demerit points and have fines in the range of \$110—

The Speaker (Hon. Alvin Curling): Thank you. New question. The member for Durham.

Mr. John O'Toole (Durham): My question is to the minister of—

Interjections.

The Speaker: Order. I'm going to give the member for Thunder Bay–Superior North a supplementary.

Mr. Gravelle: Certainly it's good to hear that our government is committed to keeping Ontario's children safe. As you said, statistics show that car crashes are the number one cause of death for Canadian children. We also know that the risk of injury or death is reduced by 75% when children are in child seats or booster seats.

Minister, to ensure that this life-saving campaign is working effectively, how will the new regulations be enforced, and furthermore, how will drivers in my riding, for example, learn how to use the child and booster seats correctly? Will there be some help for them?

1510

Hon. Mr. Takhar: I think the most effective way of enforcement is public education. We want to make sure that parents choose the right car seats and that children are fastened correctly into the car seats. So there are going to be seat clinics across this province. There are 25 of those happening. In Toronto it happened last week, in Mississauga it will be next week, and in Scarborough a month after. In your particular riding, I think it's happening on April 20. Parents can go there and learn how to use the car child seats, and it will eventually save lives for the children. We are very proud of our initiative on that front.

ENERGY POLICY

Mr. John O'Toole (Durham): My question is for the Minister of Energy, and I hope I'm given time for the supplementary, because it really is two parts.

Everyone in Ontario, Minister, wants a safe and affordable and reliable source of power. You know that last week the grid was at risk of brownout. You, in fact, had to reduce the voltage throughout the province.

The issue here isn't as simple as it taking longer to do my toast in the morning. The issue here is small business that runs motors. It puts these industries at risk. You know that you're putting the industry at risk. You know that you're putting business at risk.

I think it's a larger issue here of supply adequacy. You've committed to shut down the coal plants. You know it's not achievable. You announced last week that you were going to have more natural gas. I guess my question is, can you assure the people of Ontario that you won't put business and consumers at risk with your plan for energy replacement of coal by 2007?

Hon. Dwight Duncan (Minister of Energy, Government House Leader): I can assure the member that we've given them that assurance by getting rid of that government's energy policy, which failed the province miserably. Let's look at last week and let's talk about reductions and the voltage reduction—and that member would certainly understand low voltage.

Number one, our exports exceeded our imports four days out of five last week—absolutely. The price last week came down from Monday to Friday. Was there, in

fact, a point reached where we needed to import? Yes. Were businesses ever at risk? Absolutely not.

I can tell the member that under his government, the reserves of the province of Ontario dropped below the safe level of 20% to 11% for a full year, and one year at 12.5%. Under this government, reserves have consistently been at 20%. We routinely take a number of reactors off-line for maintenance. We did that last week. It's a matter of public safety and good policy, and this government is pursuing a good policy.

Mr. O'Toole: I know the increased relationship with the US marketplace is something you're quite comfortable with, as is evidenced by the Calpine agreement to build another gas-fired generation plant in Sarnia. I was saddened to learn just recently that the Calpine corporation has been under some question in litigation and has been fined over a billion dollars for Enron-style negotiations.

Minister, you're putting at risk, through this investment, the transparency that you speak of all the time, the security of the taxpayers' money in the province of Ontario. This isn't just about energy. This is about your ability to manage this file. Can you assure the taxpayers of Ontario that not one cent will be wasted on one electron that will go to the United States of America?

Hon. Mr. Duncan: I can assure the member opposite and the people of this province that there won't be the multi-million dollar backroom deals with backroom supporters that were done under that government.

I want to address the questions that the member has raised. That party witnessed a decline in our electricity supply year over year over year. They brought no new supply on.

Hon. James J. Bradley (Minister of Tourism and Recreation): They're the party of coal.

Hon. Mr. Duncan: We've moved to bring supply on, including new renewable energy—395 megawatts.

My colleague is right: That's the party of coal. That's the party that wants to do things the old way. That's the party that doesn't want to address childhood asthma. That's the party that doesn't want to address the fact that the price of coal has doubled in the last 18 months. That's the party that would not deal with Manitoba or other provinces to get clean hydroelectric power. The Conservative electricity policy was a failure.

We're fixing the system so that people will have reliable, affordable, sustainable energy—

The Speaker (Hon. Alvin Curling): Thank you. That brings us to the end of oral questions.

PETITIONS

ONTARIO PHARMACISTS

Mr. Cameron Jackson (Burlington): I have a petition to the government of Ontario in support of Ontario pharmacists.

“Whereas we, the undersigned,

“Share the concern of Ontario pharmacists that the government” of Dalton McGuinty “is considering changes to the drug program that could restrict access to some medications or force patients to pay more for their prescriptions, placing seniors, low-income families and many other Ontarians at risk;

“Recognize that these changes could affect the ability of pharmacists to continue to provide quality programs and services, decreasing Ontario's access to essential health care services; and

“Believe that pharmacists, as advocates for quality patient care, should have a greater role to play in advising the government when it considers changes that will affect the health of Ontarians,

“We hereby petition the government of Ontario:

“To work with Ontario pharmacists to prevent cutbacks to the drug program; and,

“To establish a process that brings pharmacists to the table to provide solutions that will protect patients and strengthen health care for all Ontarians.”

Mr. Speaker, this has my signature of support as well.

SENIOR CITIZENS

Ms. Andrea Horwath (Hamilton East): I'm pleased to present this petition to the Legislative Assembly of Ontario:

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

“To immediately commit to action and funding to ensure the rights and protection for our senior citizens living in nursing homes and retirement homes in Ontario.”

It's very brief and to the point. I support it wholeheartedly and have signed it as well. I give it to Jean to bring down to the Clerk's table.

ANAPHYLACTIC SHOCK

Mr. Dave Levac (Brant): I have a petition that is written to the Legislative Assembly of Ontario:

“Whereas there is no established province-wide standard to deal with anaphylaxis in Ontario schools; and

“Whereas there is no specific comment regarding anaphylaxis in the Education Act; and

“Whereas anaphylaxis is a serious concern that can result in life-or-death situations; and

“Whereas all students in Ontario have the right to be safe and feel safe in their school community; and

“Whereas all parents of anaphylactic students need to know that safety standards exist in all schools in Ontario;

“Therefore be it resolved that we, the undersigned, demand that the McGuinty government support the passing of Bill 3, An Act to protect anaphylactic students, which requires that every school principal in Ontario establish a school anaphylactic plan.”

I sign my signature to this petition and give it to our page Alexandra.

ANTI-SMOKING LEGISLATION

Mr. Bill Murdoch (Bruce–Grey–Owen Sound): I have petitions here, many of them, from different Canadian Legions from Hanover, Tara, Durham, Chesley and Walkerton. They are to the Legislative Assembly of Ontario.

“Whereas the current government has proposed province-wide legislation that would ban smoking in public places; and

“Whereas the proposed legislation will also prohibit smoking in private, non-profit clubs such as Legion halls, navy clubs and related facilities as well; and

“Whereas these organizations have elected representatives that determine the rules and regulations that affect the membership of the individual club and facility; and

“Whereas by imposing smoke-free legislation on these clubs disregards the rights of these citizens and the original intentions of these clubs, especially with respect to our veterans;

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

“That the Parliament of Ontario exempt Legion halls, navy clubs and other non-profit, private or veterans’ clubs from government smoke-free legislation.”

I’ve also signed it.

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Ms. Andrea Horwath (Hamilton East): This petition is to the Legislative Assembly of Ontario.

“Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

“Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

“Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

“Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

“We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into ‘centres of excellence’ to provide specialized services and support to Ontarians with developmental needs, no matter where they live.”

1520

WILDLIFE PROTECTION

Mr. Khalil Ramal (London–Fanshawe): “To the Legislative Assembly of Ontario:

“The unreasonable and inhumane restriction that the Ontario Ministry of Natural Resources (OMNR) is placing on wildlife rehabilitators with respect to the release of orphaned animals will eliminate their ability to help wildlife.

“Whereas wildlife rehabilitators provide an essential public service for many thousands of people seeking help on behalf of orphaned and injured wildlife in Ontario;

“Whereas the unreasonable release restrictions imposed on wildlife rehabilitators for animals in their care by the OMNR will prevent responsible wildlife rehabilitation, not only compromising wildlife and frustrating the public but forcing it underground and thereby jeopardizing safety;...

“We petition the Legislative Assembly of Ontario to work with wildlife rehabilitators to ensure progressive, humane and responsible regulations that reflect the international care and release standard that states: ‘Orphaned wildlife should be raised with others of their own species, to learn proper conspecific behaviours, and the group should then be released together in appropriate natural areas, with the transitional care for those species that require it, generally within the city or country of origin.’”

STUDENT SAFETY

Mr. Jim Flaherty (Whitby–Ajax): I have a petition to the Legislature of Ontario.

“Whereas the Ministry of Education has failed to ensure that students are protected from individuals whose past behaviours have directly harmed children; and

“Whereas the Ministry of Education has chosen to ignore the children’s aid society’s recommendation that certain individuals not work with children; and

“Whereas the introduction of a ‘volunteer’ into the school system must not be solely at the discretion of the principal; and

“Whereas the Liberal government promised to ensure that school boards provide strong local accountability and decision-making;

“We, the undersigned, petition the Legislative Assembly to amend the Education Act to place restrictions on the eligibility of persons who act as volunteers in schools, and to include as a formal requirement that volunteers be subject to the approval of the school board and parent council.”

I have added my signature.

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Mr. Pat Hoy (Chatham–Kent Essex): “To the Legislative Assembly of Ontario:

“Whereas Dalton McGuinty and the Liberal government were elected based on their promise to rebuild public services in Ontario;

“Whereas the Minister of Community and Social Services has announced plans to close Ontario’s three remaining regional centres for people with developmental disabilities, located in Smiths Falls, Orillia and Blenheim, Ontario;

“Whereas the regional centres are home to more than 1,000 disabled adults, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

“Whereas closing the regional centres will have a devastating impact on people with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

“Whereas Ontario could use the professional staff and facilities of the regional centres to extend specialized services, support and professional training to thousands more clients who live in the community, in partnership with families and community agencies;

“We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Ontario’s regional centres for people with developmental disabilities open, and to transform them into ‘centres of excellence’ to provide specialized services and support to Ontarians with developmental needs, no matter where they live.”

It’s signed by a number of residents from Berlin, Shrewsbury, Chatham and Tilbury, and I too sign this petition.

HALTON RECYCLING PLANT

Mrs. Julia Munro (York North): “To the Legislative Assembly of Ontario:

“Whereas noxious odours from the Halton recycling plant in Newmarket are adversely affecting the health and quality of life of residents and working people in Newmarket; and

“Whereas local families have lost the enjoyment of their properties for themselves and their children, face threats to their health and well-being and risk a decline in the value of their homes; and

“Whereas for the 300 members of the nearby main RCMP detachment, as well as other workers in the area, the odours are making their working conditions intolerable;

“Therefore, we, the undersigned, demand that the Minister of the Environment take immediate action to halt all noxious emissions and odours from the Halton Recycling plant, and take all steps necessary to force Halton Recycling to comply with environmental rules, including closing the plant if the odour problems continue.”

As I am in agreement with this, I have affixed my signature.

ANAPHYLACTIC SHOCK

Mr. Bob Delaney (Mississauga West): I’m pleased to provide some assistance to my seatmate, Kim Craitor, with a petition from the Niagara Anaphylaxis Support and Knowledge Group. It reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas there is no established province-wide standard to deal with anaphylactic shock in Ontario schools; and

“Whereas there is no specific comment regarding anaphylactic shock in the Education Act; and

“Whereas anaphylactic shock is a serious concern that can result in life-or-death situations; and

“Whereas all students in Ontario have the right to be safe and feel safe in their school community; and

“Whereas all parents of anaphylactic students need to know that safety standards exist in all schools in Ontario;

“Be it therefore it resolved that the government of Ontario support the passage of Bill 3, An Act to protect anaphylactic students, which requires that every school principal in Ontario establish a school anaphylactic plan.”

I agree with this petition, I’ve affixed my signature to it, and Julie’s going to carry it down for me.

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Mr. Jim Wilson (Simcoe–Grey): “To the Legislative Assembly of Ontario:

“Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

“Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

“Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

“Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

“We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into ‘centres of excellence’ to provide specialized services and support to Ontarians with developmental needs, no matter where they live.”

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

Mr. Garfield Dunlop (Simcoe North): “To the Legislative Assembly of Ontario:

"Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

"Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

"Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

"Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into 'centres of excellence' to provide specialized services and support to Ontarians with developmental needs, no matter where they live."

I'm pleased to sign that and pass it to Jessica.

The Deputy Speaker (Mr. Bruce Crozier): Petitions? The member for Simcoe North.

Mr. Dunlop: Thank you very much, Mr. Speaker. Again, this is a very important issue, and I like to keep reading this in.

"To the Legislative Assembly of Ontario:

"Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

"Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

"Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

"Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into 'centres of excellence' to provide specialized services and support to Ontarians with developmental needs, no matter where they live."

Again I'm pleased to sign my name to this.

The Deputy Speaker: Petitions? The member for Simcoe North.

Mr. Dunlop: I thank you for the opportunity.

"To the Legislative Assembly of Ontario:

1530

"Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

"Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

"Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

"Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into 'centres of excellence' to provide specialized services and support to Ontarians with developmental needs, no matter where they live."

I'm pleased to signed my name.

ORDERS OF THE DAY

FAMILY RESPONSIBILITY AND SUPPORT ARREARS ENFORCEMENT AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT LA LOI SUR LES OBLIGATIONS FAMILIALES ET L'EXÉCUTION DES ARRIÉRÉS D'ALIMENTS

Resuming the debate adjourned on April 12, 2005, on the motion for second reading of Bill 155, An Act to amend the Family Responsibility and Support Arrears Enforcement Act, 1996 and to make consequential amendments to the Fish and Wildlife Conservation Act, 1997 / Projet de loi 155, Loi modifiant la Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments et apportant des modifications corrélatives à la Loi de 1997 sur la protection du poisson et de la faune.

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

Ms. Andrea Horwath (Hamilton East): It's certainly my pleasure to enter the debate on Bill 155, the Family Responsibility and Support Arrears Enforcement Amendment Act. When I knew that I was going to have an opportunity to speak to this particular bill, I was very pleased because, unfortunately, there is certainly a lot of work that needs to be done to clean up the FRO generally. It has been, quite frankly, a mess from the get-go,

and certainly anything that can be done to attempt to clean that mess up comes in a welcome way.

There has been, as everyone in this House knows and likely everyone across the province knows, a significant amount of criticism of the FRO through official reports and media condemnation. The amount of criticism and concern over the FRO is legion. It's absolutely voluminous, the amount of documentation that exists around the problems with the FRO. Does Bill 155 bring some legislative change, you might ask, that may be in some way effective? Well, maybe; it may be in some way effective.

More to the point is the fact that legislation alone will not fix the FRO, because what the legislation that's before us does is add a few tools, if you will, add a few new ways for the government to deal with people who are not paying their support payments. But what it doesn't do is deal with the huge problems of enforcing the existing legislation, never mind new legislation. We're talking about the fact that there are not enough people working to clear up, to enforce the support orders that are out there. We don't have enough staff at this point in time who are dealing with our FRO problems. On top of that, we have an entirely ineffective and inefficient system in that it needs a great deal of upgrade electronically, and I'm going to get to that in a few minutes.

I thought it would be important to bring some flavour of what's happening through citing an example of a situation in Hamilton East that has come to my attention, and that we have been working on for many months as a matter of fact. It's an example that really speaks to the issues that I've raised around what needs to happen to fix the FRO. I am going to give an example of a woman who ends up being out somewhere near \$10,000 as a result of a system that has gone terribly wrong. Unfortunately, I don't see that Bill 155 is going to change that in any way. I don't see two years down the road, with Bill 155 in place, that it's going to make any speck of difference in the experience of this woman in Hamilton East.

For privacy purposes, I am going to call her Jane. Her case is quite an interesting one and we're taking it into many different directions. We started dealing with her several months ago. In fact, we had a feeling of incredulity when we read the e-mail that she first sent us and when we first talked to her on the phone. It is absolutely unbelievable what she has had to endure for quite some time in order to get financial justice in the current system. We were extremely concerned, and therefore have been working with her to dig through a huge bureaucratic mire of red tape and having the buck passed back and forth, in order to find out what was really happening.

She was owed over \$17,000 in support arrears. The FRO placed a writ of seizure and sale against the assets of the support payer, including his house. So she's owed the money, and part of the process is that the FRO is able to place what is more or less a lien, in laypersons' terms, on the property. In July last year, the house was sold. There's reason to believe, through knowing what the

market was like in the area, that the net proceeds of the sale were somewhere around \$30,000. In late November, Jane received a notice that she was going to receive \$8,000 as a result of the sale.

If the net proceeds—the amount of money after the mortgage was paid—were \$30,000, and Jane was owed \$17,000, and the writ was on the property that was sold, then why is it that Jane ended up with only \$8,000? The FRO had placed the lien, the house was sold, \$17,000 was owing and she ended up with only \$8,000. That means she was shorted \$9,000 in the transaction.

What we've been trying to find out for her is exactly what the net proceeds of the sale were and whether they were properly applied. Did she, in fact, receive the proper amount? Just to find that out has been an extremely difficult task, I can tell you. It has really been mind-boggling the way we've had to peel through the layers of bureaucracy to try to figure out how this could have happened, or even to confirm what we all suspect, which is that this woman was shorted about \$9,000. Unfortunately, to this very date, neither the FRO nor the office of the minister has provided us with any assurances in regard to this situation. It's just one example, dealing with fairly substantial dollars, that I bring in the context of this debate.

What's needed in this whole area of the Family Responsibility Office is not more legislation—although, again, the bill is not horrendous in terms of what it suggests; it's got some added opportunities in it to find people who are owing their spouses in these disputes. But what it doesn't have, and what we're not seeing, is a commitment from the government to put the tools in place—the real tools, the actual on-the-ground tools, the people tools and the technology tools—that will help to clean up this mess of the FRO. It's extremely unfortunate.

My colleague from Beaches—East York—who is not with me right now, but whom I sit beside on a regular basis during these proceedings every day—is our critic in this area, and he informed me as he was leaving the Legislature earlier on that he gave his leadoff speech on this issue not too long ago, only to find out a couple of days later that the ministry has in fact laid off 120 workers. There have been layoff notices sent to 120 workers in the very department that everybody agrees is dysfunctional largely because it doesn't have enough staff, and the staff it does have are not trained appropriately to deal with the issues because, I've discovered over the last couple of months, they really can get quite detailed and quite specific and you need to have highly trained staff. That's one problem. We were floored when we found out that 120 layoff notices have gone out to the very staff that we're hoping are going to clean up some of these problems.

However, that's not the end of the story. Another piece of the story that I find absolutely stunning is that the ministry is looking at a tendering process for new technology. At least they've acknowledged that the computer systems need to be upgraded, and that's great. The problem is that the very company that once operated as

Andersen Consulting and is now called Accenture, which was scandalously sucking money out of the taxpayers of this province under the previous government in the welfare system, which at this point in time—we've all experienced the government's attempt to increase by a pittance the amount of Ontario disability support and social assistance. But guess what? Those people couldn't even get their 3% because of the computer system that we, the taxpayers, have paid millions, maybe billions, for through the Accenture/Andersen Consulting group. They didn't get their money. The government had to scramble to find a way to pay them because the computer system couldn't handle the increase. Now maybe the Conservatives thought they'd be in power forever and would never have to increase social assistance. Nonetheless, it's a system we spent a heck of a lot of money on as a province, and it was not effective for the job.

1540

The scandal is even worse: This government has that same organization, that same company, Accenture, at the top of the list of bidders for this new FRO office. So I ask you, how do we clean up an office that's a mess; how do we clean up a department that needs a complete overhaul by laying off 120 workers: by hiring, or at least considering hiring, one of the worst scandals in terms of technological consulting and technology firms that this province has ever seen, and by thinking and pretending, in total normal Liberal doublespeak, that this bill is going to fix it?

I have to say it's a very disappointing day for Ontario and for all those people who are owed money in the FRO process, because this bill is not going to get them that money.

The Deputy Speaker: Questions and comments?

Mr. Phil McNeely (Ottawa—Orléans): I wish to congratulate the Minister of Community and Social Services for this undertaking. I haven't sat in on many of the public accounts committee meetings, but I did sit in on the one for the Family Responsibility Office. What was allowed to go on there was atrocious. The assistant deputy minister told us that we were losing about \$10 million a year because we didn't have an adequate computer system—we went through that in other opportunities to speak in this Legislature.

Our plan is to make the Family Responsibility Office work better for Ontario families. The proposed amendments are needed to strengthen enforcement, improve fairness and enhance efficiencies. The proposed amendments will help families get the money they are owed and help them become self-sufficient, strong and healthy.

Providing the Family Responsibility Office with stronger trace-and-locate measures by expanding the number of organizations from which information can be demanded to include trade unions, extending the maximum jail term from 90 to 180 days, suspending defaulting payers' hunting and sport fishing licences and reporting defaulting payers to professional licensing bodies are all things to make it more effective. Obviously, it's that tracking system that hasn't been there, which is about to be chosen and which we're going to go

ahead with, that will allow the office to follow these people who aren't paying.

I had a lady come into my office on Friday. Her deadbeat partner is living in BC, and there are problems between provinces as well. But when there is such a time lag between non-payment and tracking as there is now—with one person handling 1,300 cases, I believe—the system just does not work.

So we must protect our families, we must protect the children and we must protect the public purse that's losing \$10 million year because these families are going on social assistance because they don't get these dollars. So I'm very supportive of this legislation.

Mr. Toby Barrett (Haldimand—Norfolk—Brant): The member from Hamilton East knows of what she speaks with respect to this Family Responsibility Office legislation and the attempts to make some changes, again, through legislation. I know she does raise the question, do we need more legislation? Oftentimes, as a Conservative, I agree with that. We do seem to be in a society that has an ever-increasing number of rules and regulations and red tape. Having said that, I think there is merit in taking a serious look at this bill, just for the simple reason that about 40% of marriages end in divorce, and we hear figures of anywhere from \$1.2 billion to \$1.6 billion in arrears. Obviously, somebody is not listening to judges in this province.

So many issues have been raised in the deliberations on this bill. On the issue of yanking someone's hunting or fishing licence, I don't know whether people are going to pony up the money they owe under the threat of not being able to go fishing. I wonder if that makes a bit of a mockery of the seriousness of this problem that we're dealing with. It's a problem that does require not only one solution but a number of solutions.

I am concerned. For example, with hunting and fishing, or the case now where you can lose your driver's licence, I don't hear any talk of sanctions directed toward urban residents with respect to banning their use of public transit.

So this legislation does raise some issues.

Mr. Pat Hoy (Chatham—Kent Essex): I'm pleased to make some comments in response to the member opposite on Bill 155.

Our government is going to take aggressive action to make parents live up to their family responsibilities. All of us who have been in this place for some time recognize the chaos that existed at the Family Responsibility Office. It was absolute chaos. My staff were put on hold for an hour at a time some years ago, just waiting to talk to someone at the Family Responsibility Office. Our phone bills in the local constituency office were astronomical from being placed on hold for an hour, trying to reach people.

It has improved greatly over time. Our minister wants to improve it and provide a service that responds to both the recipient—those families, many times including children—and the payer.

I've had employers call my office who were equally upset with what transpired in their dealings with the

Family Responsibility Office, because neither the payer nor the recipient was pleased, and sometimes the employer was caught in the middle. They were not pleased in any way, shape or form.

We want to improve the fairness by allowing the Family Responsibility Office to enforce a lesser amount of support when the number of children entitled to support decreases. This is something that I've had persons relay to me in my office. I think it's a responsible way to answer the question for those who are concerned in that particular regard.

We simply want to see the monies that go through the Family Responsibility Office be sent on time and in a fashion that keeps the families who require them from being destitute. Families came to my office who were absolutely destitute, and, as my colleague said, they oftentimes move on to other social assistance that costs taxpayers dearly.

Mr. Michael Prue (Beaches–East York): I had the opportunity to watch my esteemed colleague here from Hamilton East on the television. She's very photogenic, as you know, on the television. I was quite thrilled to hear her speak to this issue.

I just want to comment on one particular aspect that she talked about, and that is the need for workers in the FRO. That's the most important aspect. This bill is all so much fluff without having the workers available to do the work that's necessary. They have not had the tools for a number of years. They have not had the sufficient resources of people to do the job on behalf of the families, on behalf of the children, the job of collecting money for these families, and the very important work that they do. Without those resources, you have seen the backlogs go up and up and up.

They have not had a proper computer system. If ever there was an archaic computer system in government, that is the archaic system. This government has said that it's going to take at least until the year 2006 before the computer system can be installed and get up and operating. It's going to be, I believe, in the 2005-06 budget. We're all hoping that they are going to have a computer system.

The biggest shot, I think, to all of them was this past week when the announcement was made that layoff notices are being delivered in that department. If there is one government department in Ontario that cannot afford a single layoff, surely this is the one. When families have to wait weeks or months to get their money, when people are standing there trying to get the system brought back into line so that it works properly for those who are paying and for those who are receiving the money, clearly we have to have better staff; we have to have more staff. The government should very quickly relook at their decision to hand out the layoff notices.

I commend my colleague from Hamilton East for bringing up this very, very important issue.

1550

The Deputy Speaker: The member for Hamilton East, you have two minutes to reply.

Ms. Horwath: I want to thank the members from Ottawa–Orléans, Haldimand–Norfolk–Brant, Chatham–Kent–Essex and Beaches–East York for their comments. Interestingly enough, as the members opposite, the government members, made their comments, they totally ignored the very issue that I was raising and that was reinforced by my colleague the member from Beaches–East York, and that is the issue of the need not only for legislation but for the tools that you require to make the legislation work.

I think the biggest tragedy is that not only is the technological piece not going to come into play any time soon and that the company they're looking at to provide those services is one that's robbed this province of millions, if not billions, of dollars, but along with that is the issue of the layoff notices that were sent to the very people we hope, we expect, we want to have there, pulling all of the people who are responsible for support but aren't paying it, pulling those people in, putting them on the carpet and making sure they fulfill their obligation to their families to financially support them. And that's what we need. We need those people; in fact, we need more of them, not less, and we need more highly trained workers, because the quagmire—one of the members mentioned it as the chaos that exists in the FRO office. Unfortunately, although the Liberalspeak says that this bill is going to deal with that, it won't. What it will do is put a few more things on the list in terms of enforcement, but the tools to enforce, which is the people to go and make sure those orders are being followed and the technological systems that are required to track these people as they move around and try to escape their responsibilities, are the things we need. Unfortunately, although Bill 155 has a lot of fluff in it, as the member from Beaches–East York said, it doesn't have the tools.

The Deputy Speaker: Further debate.

Mr. Barrett: I appreciate the fact that I can rise in the House to discuss Bill 155. I'm surprised the Liberals aren't speaking to this. It's a pretty important issue—it's not an issue; it's a problem. It's a number of problems. We're dealing with An Act to amend the Family Responsibility and Support Arrears Enforcement Act. Sadly, 40% of marriages end in divorce. Many of these divorced couples have children. Usually one or other of the parents has custody of the children; in 41% of the cases, joint custody. Ideally, the children receive support from the ex to help out.

However, when things fall through, judges get involved, lawyers get involved, the court system gets involved; a judge rules to mandate monthly payments. But just because a judge rules on payment does not mean that people pay attention. Presently, you can put a dollar figure on the fact that people in Ontario are not following judges' orders to the extent of somewhere between \$1.2 billion and \$1.6 billion in child support owing, in payments outstanding. There seems to be very little that judges are capable of doing about this. Given the massive amount of arrears in this province, obviously, in my view, the justice system is failing the children of divorce.

This is where the Attorney General's office comes in. When a judge is ignored, it falls on the parent, often with a lawyer, to try yet again in court, or through the FRO office, which is located in the Attorney General's ministry. As all of us in this House will know, as MPPs, it often ends up on our desk and in the hands of our staff.

I'd like to discuss some improvements suggested to our family responsibility system, much of it coming from my staff down in my Simcoe constituency office. We all know the current system is by no means perfect. The Family Responsibility Office, FRO, strives to help parents either receive support or pay child support. Again, if the improvements are not forthcoming under the present government, ultimately it is the children of this province who suffer.

That being said, Bill 155 is at least a start to rectify some of the problems facing the FRO and, by extension, our offices, and ultimately, by extension, children across Ontario. I'm not here to rip the bill apart. I do wish to address some issues that I feel the bill doesn't address adequately. There's talk of the disadvantage of yet more legislation and more amendments, but I'm suggesting that new legislation is needed. I sincerely hope this government could construct a bill that would seek to improve this office.

Certainly, don't bring in legislation that creates even more bureaucracy. Much of the problem with Bill 155 is the fact that instead of inserting real teeth into the system, when you look at it, I suppose at best we've got a situation where we've inserted dentures, if anything.

I'd like to begin with the concept proposed in this legislation of suspending fishing and hunting licences, as if that's going to force many of the payers to pay their support. I don't feel that the threat of pulling somebody's hunting or fishing licence is going to carry much weight. As with the case in much of rural and northern Ontario, many people would continue to hunt and fish anyway, without a licence. I know we've had many stories of people who have had their driver's licence suspended; they continue to drive. Again, they make a choice to not pay their support; they can make a choice to continue to fish without a fishing licence. I suggest that going down this road makes a bit of a mockery of the seriousness of this situation.

The MPP for Oshawa, my colleague Jerry Ouellette, made mention of this issue. I felt he had some valid points. I can envision a conservation officer down my way, out in the middle of Lake Erie or out in the bush, not having the communication ability to know whether this fishing licence or hunting licence has an FRO suspension on it or not. I don't know whether the government would mail stickers to the payers and ask them to put an invalid sticker on their card to show to a conservation officer. Again, it was mentioned that we beef up the computer system. I don't know whether the database can be cross-referenced with hunting licences and FRO data. There are logistical problems.

The member for Oshawa made mention of moose hunting. By and large, it's a group hunting activity rather

than individual hunting. He pointed out that, with respect to moose hunting, groups are allocated a tag. There could be 10 or more people hunting under the same tag, whether it's for a bull moose, a calf or a cow. Where does that put our conservation officers with respect to dealing with a person who may be under suspension due to arrears? Does that put the whole group under suspension? It's not clear at all. It has not been explained how this would actually work out in the bush.

I question to what extent targeting hunters and fishermen is discriminatory with respect to residents of rural Ontario and northern Ontario, people who either enjoy that kind of activity or depend on that kind of activity to put some venison in the freezer. I would argue the same thing if legislation was brought in targeting urban people, where they would be prevented from using public transit, using the TTC, for example. I don't know where the statistical analysis is with respect to targeting hunters and fishermen or, by extension, targeting people who would want to use public transit.

1600

The legislation talks about increasing jail time from 90 days to 180 days. Again, I suggest that this was designed to make people think that this government is tough on deadbeats. It's a word I don't like to use, in the sense that many payers have been unfairly caught in this system as well.

I've been an MPP for 10 years. I know of very few, if any, cases where somebody is serving jail time because of non-payment. My staff have indicated that they're not aware in the last five years of anybody doing time because of an FRO issue. In those same five years my office has seen only two bank garnishments. As I understand, before FRO can issue this type of enforcement, it has to go through the courts to have it issued and then sent back to FRO to send out. Again, it's something that can easily clog up the Family Court system and clog up the FRO offices.

If this legislation is to be tougher, perhaps we need to take a look at allowing FRO to make those decisions on extreme cases, instead of dragging it through the court, waiting for a judge to have his or her say in a system where people don't seem to be paying attention to the judges anyway. I would argue that going down the road of increasing jail times really doesn't have an awful lot to do with anything.

There's a proposal that information be disclosed to professional associations. I think in the debate many of my colleagues have indicated, to summarize, "So what?" If an association knows that one of their members has not paid, unless there's a mandate to discipline the members, what difference is that going to make?

The Deputy Speaker: Questions and comments?

Mr. Gilles Bisson (Timmins-James Bay): I want to agree with a number of the comments that were made by my good friend and to say that I'll have an opportunity a bit later to talk a little more in detail about the other part of this bill that's lacking, in my view. And that is, we're kind of dealing with this like the barn door is open and

all of the horses have run out and we're trying to close the door after the horses have bolted. I don't blame the government entirely for this because, quite frankly, every government to a degree has had their thumb on the FRO picture—probably the Tories more so than others, but that's a whole other debate.

My point is this: One of the things that we need to take a look at is the Family Law Act. Part of the problem that we have, in my view, is that we have a very confrontational system when it comes to separation and divorce. I sit down with some good friends of mine who are practising in the profession of law and they're pretty upfront about it. Basically, if somebody comes in to see them and wants to argue about who gets the cat, who gets the dog, as one good friend of mine told me the other day, they're more than prepared to make that happen within the courts. If they could lengthen the process or make it more expensive and make more animosity amongst the partners, all the better for them in some cases.

I would argue that one of the things we need to do is to take a look at the issue about the Family Law Act in regard to how we deal with the issue of when there is a couple and there is a breakdown in their relationship. Should we be looking at mediation—not arbitration; a totally different issue—as a way of being able to resolve issues that need to be resolved on separation, such as visitation rights, support, division of assets and debt, all of those issues? Then it becomes less and less an issue of enforcement at the FRO side if the two, the man and the wife, have been able to sit down and come to a fair settlement for the kids, the wife and the husband. In some cases, and I'll talk to that later, what ends up coming out of the courts is really difficult for all parties to live with, and what you end up with is a great big confrontation and FRO, in the end, having to have more staff to deal with more bad judgments.

Mrs. Donna H. Cansfield (Etobicoke Centre): I'm pleased to stand in support of the bill. It's interesting: the member from Haldimand–Norfolk–Brant indicated that in 10 years or five years he had never had anybody who had come in with an issue of arrears—fascinating. I've only been in office for a little over a year and a half and I've had two. So obviously this is a problem. But I think this is really a bigger problem because in fact it's \$1.29 billion in arrears historically in this province.

It's interesting. While we all sit here and discuss, if there's a deadbeat dad, whether we should do it or not, their hunting licence, the bottom line is that there are a lot of children out there who are not receiving the support they need in order to have a level playing field in this world with their peers. It should be irrelevant, some of the stuff that's being brought up. At the end of the day, it's the child who suffers because somebody who brought that child into the world, or who in fact took on the responsibility of that child, is not prepared to pay his or her responsibilities, and that's unconscionable to me. How in the world do you expect children to have ethics and values if they're not instilled in them, even within the government that serves them? This is a critically im-

portant part of the bill that people tend to forget. You know, \$1.29 billion is a great deal of money for a lot of children who aren't fed, who aren't clothed, who aren't schooled properly because they haven't got the tools with which to do it.

I think that what people should be able to do is get to the heart of the problem and deal with it. If there's a deadbeat dad—or mom, for that matter—out there shirking their responsibility, it's our responsibility on behalf of that child, who has no other recourse, to find the money for them so that they can grow up in a reasonable fashion in this province.

Mr. Garfield Dunlop (Simcoe North): I'm pleased to be able to respond to my colleague the member for Haldimand–Norfolk–Brant, who spoke a lot on the hunting and fishing aspect of this particular piece of legislation.

I stand to be corrected by the members opposite, but I understand that there is a real issue around the enforcement of the fishing licences. I understand there certainly is not in place the technology and the computer system to actually enforce the intent of the legislation. So in the case of removing someone's licence, in fact, they unfortunately do not pay their responsibility to their children, and I think that becomes an issue.

I talked last week to a few members from the Ontario Federation of Anglers and Hunters, who have had a great deal of concern with this—not that they for one second don't expect their members or any member of society to fulfill their obligations and commitments to their families. I think the member clearly has indicated this. I've also talked to my friend and colleague from Oshawa, who has tried to reinforce this with me as well.

So I think you've got a bit of a problem in the enforcement of this one particular area. If the government proclaims the legislation, it will be interesting to note how much funding they have set aside for this enforcement, if they're going to carry this legislation through as the bill has been presented in this House, or if they'll make some kind of a regulation that would not make that mandatory at this time.

I look forward to comments from the government members to clarify my position on that.

Ms. Horwath: I'm pleased to make a few comments on the debate by the member for Haldimand–Norfolk–Brant. I have to say that although there are some different perspectives about the amount of legislative auspice we need to have around this very tender area of family, I do have to say that my experience thus far has been that the pieces we have in place are maybe not perfect.

Bill 155 is a bit of extra opportunity, I guess, if you want to call it that, for there to be sanctions against spouses who are not paying their appropriate support. However, and I think I've said it already today and I'm sure I will say it again and many of my colleagues will say it again, this system that is a mess and has been a mess for quite some time will not be fixed by more legislation. What it's going to take is a real commitment to staffing, a real commitment to staff training, and a real

expedited implementation of new technologies within the department.

Unfortunately, on all accounts, it doesn't look like the government is prepared to put the things in place that are necessary to make any of those things work—not only Bill 155, when it eventually gets passed, but the existing legislation that it's trying to add upon. We need to deal with some of those fundamentals, and the way the government has chosen to deal with them is by doing exactly the opposite of what is necessary, and that is, laying off 120 staff people in that very department.

1610

I have to say I don't get it. I understand the bill, although the critic for my party calls it a bit of fluff—and maybe it is—but there are a few extra things in here that might be helpful. The problem is, they won't be helpful if you don't have the tools to enforce them.

The Deputy Speaker: The member for Haldimand–Norfolk–Brant has two minutes to reply.

Mr. Barrett: In reply, I'd like to thank the members who have contributed to the debate. I'm looking forward to hearing a speech from the Liberal side this afternoon. I know the member for Burlington will be on deck shortly.

I'm not only thanking people who are contributing to the debate this afternoon, but I would like to thank the staff who work at the Family Responsibility Office, given the tough circumstances they find themselves in. It was made mention this afternoon of chaos in the Family Responsibility Office. Over the last 10 years, we have been dealing with staff members at that office. They have relayed to us some horror stories, and it's obviously incumbent on us as representatives, and on the government, to do a better job. These people do a tremendous job given the circumstances, and perhaps a better bill or a better approach would serve them well so they could do an even better job and maybe one that's a little easier for them.

I mentioned horror stories. People in the FRO talk about court orders they receive that are virtually unenforceable because they weren't written properly. They're useless. It was mentioned that our children need government to set an example. Perhaps the member opposite was referring to the present federal government—I don't know—but it does suggest to me that, if we're going to look at hunting and fishing licences and other licences, we may want to take a look at the relationship between delinquent payers and the fact that they file income tax. Perhaps the federal government could help out on that angle.

The Deputy Speaker: Further debate? The member for Timmins–James Bay.

Mr. Bisson: Well, thank you very much, Mr. Speaker. I'm so happy to be here with you today, and all my colleagues in this Legislature. It is always a good day to come here and participate in debate on behalf of the good citizens of our riding.

I want to take a bit of a serious note in this particular debate and say that some of what I have to say will probably be misunderstood by some, but I want people to

understand at the outset of the debate why I make these comments. I have become increasingly frustrated with the whole issue of separation and divorce as they affect our society and, more importantly, how they affect the kids and the extended family. We have seen in our constituency offices so many people come in where there is no longer a functioning family as a result of separation and eventually divorce because of the confrontational aspect of our system as it applies to separation and divorce.

What happens today? A man and woman don't get along and, for whatever reason—we're not going to get into the details—they decide they want to separate. They go and see lawyers, normally on one side, so the other guy has to see another lawyer. Then, all of a sudden, the backs come up. The guy says, "Well, I'm not giving her nothing. I'm going to get a good lawyer and I'm going to block her." Or the woman says, "I'm going to get that creep for what he did to me. I'm going to get a good lawyer and I'm going to get him."

There are all kinds of wonderful people in the legal profession. I don't want to cast aspersions on lawyers, because MPPs are not too far behind, if you know what I mean. But I just want to say there is a confrontational system in how we deal with separation and divorce as it gets to the courts, and, as a result of that, we see judgments in the court that are sometimes completely out of whack.

I want to give you a couple of quick examples of things I've noticed, and I'm sure members in this House can all do the same.

I've got a guy who comes into my office who's in arrears with FRO and has been in arrears for about a year and a bit. The issue is that when he and his wife separated, she was really peeved at this guy and got herself a good lawyer. God bless; she's entitled to representation. But when he went to court, he didn't have money for a lawyer. As we all know, legal clinics won't represent him—not legal clinics. Jeez, help me out.

Interjection: Legal aid.

Mr. Bisson: Legal aid. Sometimes we lose terms. We deal with terms all the time.

So this guy had no representation. He didn't feel he needed a lawyer. He felt that the lawyer he had gone to see was really going to stir things up and he decided to represent himself. Also, he didn't have the money, to be quite blunt.

The judgment was made on the basis of him working overtime at a plant when there was construction. He worked in a waferboard plant. The plant was in the middle of construction, so there was all kinds of overtime. When the judge made his order of support for his children and ex-wife, it was done on the basis of the money he was making while there was overtime. Most of us have worked in the industrial sector, and we understand that you can't bank on overtime. Try to buy a truck on a four-year payment plan on overtime and you're going to lose your truck at any time during that four years.

What happened to this guy is that the overtime ran out and he went back to his regular wages, and the support he had to pay was unaffordable; he couldn't do it. By the time he paid his rent—this guy literally disconnected his phone and his cable, got himself a really cheap apartment, like \$300 a month, and paid for his food. He got rid of his vehicle and was carpooling to work. He had no assets—nothing. This guy was virtually broke. He ended up in arrears because he was not able to pay the amount that was awarded to his ex-wife and his kids on the basis of his working overtime. When his wages dropped, he went into arrears. Then FRO comes in and says, "Now we're going to garnish you." Right? That's the way the system works.

It gets even worse. This guy ended up getting laid off for a short time because of something that happened in the plant and he really ended up in a bad mess. Here's the problem: He can't get back to court to get what's called a variance on the order, for the judge to say, "Let's look at your new financial situation and establish what your level of support should be and backdate that to the time your wages dropped." This guy literally almost put a gun to his head. When he came to the meeting in my office, he fell on the ground and talked about what he did the night before, and that was to look at the end of a 12-gauge. That's where the guy was at.

Trying to fix the FRO to have a more severe collection policy isn't going to fix the original problem we've got, and that is, how do we deal with issues more fairly when it comes to separation?

This is why I was saying I'm going to get into a little bit of trouble. I'm a New Democrat and people probably don't expect me to speak to this issue, but I will. I think we need to look not just at the enforcement side but we also have to look at how the process of separation and divorce works. I would favour that one of the standing committees here at the Legislature be charged with the job of looking at what can be done to redraft the various provincial laws and statutes that deal with the issue of separation and divorce. There are a number we have to deal with.

One of them is that we should be looking at mediation. In cases where there has been mediation—this is an established fact—there has been a much better, much more amicable separation between the couple. Who are the winners in that? The kids. What I've seen in almost all cases under mediation is that there is still a relationship between the husband and wife to the point where the kids still get visitation. If they're awarded to the wife or awarded to the husband, the family is still somewhat semi-functional. More importantly, the grandparents on both sides still get access, which is a whole other issue. Imagine being a grandfather or grandmother, or an aunt or uncle, and all of a sudden you lose access to this child you love.

We need to deal with these issues in the context of the modern family of today. The reality is that there's a lot more separation than there was years ago. We need to look at how we deal with extended families. We have to

look not only at the issue of who gets custody and making sure that the opposite partner has access; we also have to look at how we deal with the question of support so that it's fair.

Yes, I agree. I'm a father, and if I had left my wife or my wife had left me when our two daughters were young, darn right I'd have had to pay, and if I didn't pay, darn right FRO should collect. I have no argument with that. But we need to do what's fair and affordable for both parties, because what you end up doing in some cases is making it difficult for the person to keep current with the payments because of the situation they might be in.

1620

Somebody just gave me a note. My wife would never send me a note like this; she loves me. At least, that's what she said 28 years ago.

I think we need to take a look at the laws that deal with separation and divorce. I would argue that this bill, although not a bad thing—I'm not going to stand here and say, "This is a terrible bill. It's the worst thing that's ever happened to the province of Ontario." My point is that it misses the point. You can make it a lot tougher and give more authority to FRO to enforce orders of payment, but at the end of the day, if the person can't pay because they can't afford it, you're no further ahead than you were when you started. I would argue that we need to take a look at that in this Legislature. I would bet that the feds have to do the same because, for example, the amount of money that's given in separation and divorce is based on the federal guidelines. We need to get the federal government involved in this as well. It's not entirely a provincial jurisdiction.

I support some of the measures in this bill, but on the other hand, I'm very fearful because I know what's going to happen. I'm going to have more people come and knock at my constituency door, as you have, and we'll find ourselves in the position of being where we were with this particular individual.

I've got another case I have to talk about. That one is another one that's just amazing. What ended up happening is that there was a separation 15 years ago, I think it was. In the documents of separation, the court documents, it dealt with the issue of the pension. The pension at the time was left with the man in this particular case. Basically, assets were divided in half. He gave her what she was entitled to. He paid support for his children when his children were minors, and when they became old enough to go to college and university, on two different counts, he did his responsibility. No argument; he did exactly what he had to do.

Fifteen years later, as the guy's coming up to retire—he's about a year away from retirement—his wife goes to court in order to get half his pension. The reason is because she hates the guy. That's really what it came down to. I've dealt with both people on this particular one, because in small towns we get to know each other. Yes, the guy did some stupid things when he lived with her; it's not entirely her doing. But how we end up in court and how we drive these things is sometimes pushed by

lawyers to the degree that I wonder who gets served best in the end.

So I say yes, we need to have the ability to go to court in some cases, because mediation won't deal with it all, but I think what we need to do is try to encourage mediation where possible. We need to take a look at our provincial laws so that they're more in keeping with today's society, so that we don't end up separating kids from their grandparents and uncles in the case of separation. Then, where we need to enforce separation orders, of course you have to have laws to do that, but I think you can't do one without doing the other.

The Deputy Speaker: Questions and comments?

Mr. Khalil Ramal (London–Fanshawe): I'm privileged today to stand up and speak in support of Bill 155, An Act to amend the Family Responsibility and Support Arrears Enforcement Act, 1996.

I believe it's a very important move from the government in order to reform an important area. All of us across the province—all of the offices from both sides of the House—are faced with this on a daily basis. Certainly in my office in London–Fanshawe, I have a person, my assistant Steven Rollason, who's in charge of that area. He receives at least one or two calls a day dealing with issues concerning the Family Responsibility Office. It's an important area, because so many families are being neglected by a father who has left the family and kids without any support.

I was listening to my friend from Timmins–James Bay when he was talking about an individual who'd been abused by the system, according to the story. I know there are sometimes exceptions, but let me tell you, I believe that the Family Responsibility Office, if you've been dealing with it, is fair. They deal with the issue in a professional fashion.

I think we have to work a lot in order to reform the whole area, and I agree with my colleague too that this is a very important and crucial time. Sometimes people pay for it, especially a man who cannot afford to pay whatever is being imposed on him. But let me tell you, we have to do something about this area because so many people run away from their kids, run away from their family, cross the border or work under the table to hide their income. Then they won't be obligated to pay their due to their kids or their wives.

I'm honoured to stand up and speak about this issue, and I'm looking forward to all the members in this House supporting this because it's a very good move to reform it and to invest more money in the technology to do it.

Mr. Norman W. Sterling (Lanark–Carleton): I note and agree with many of the comments my friend from the north talked about with regard for this legislation. Having practised family law a long, long time ago, I realize the problems associated with orders that have been made in the court and are not necessarily reflecting the present circumstances. This bill does something to address that by giving the director some additional powers. However, this bill is still lacking in a lot of ways, and I say that, particularly, having chaired the public accounts com-

mittee and reviewing the FRO. The Family Responsibility Office needs to examine its overall mandate: What do we have this particular office there for? I would say its primary task is to collect money or to ensure that money gets into the hands of people who have unfortunately suffered because of a separation or a divorce.

The problem this government has with this office is that they refuse to look at a \$500,000 report that the former government ordered—it's in their hands—examining the BC system. The BC system has much more success than the Ontario system in collecting money from people for kids who are in a situation and need money, with a single spouse.

This act goes partway. Some of it, I think, is ineffective. But the government has failed to examine and look at the whole situation, and I think that's really where the fault is in this whole system. This will not fix the problem we presently have.

Ms. Horwath: It's my pleasure to make some comments on the debate by my esteemed colleague from Timmins–James Bay. I have to say that although my colleague spent some time talking about the details of various types of situations that eventually find themselves in a support order or in the system, or the quagmire, as it currently exists, of the FRO, I think that many would agree—and I think even the comments of the previous speaker reflect—that the big concern we have is not so much the details, the extras, that Bill 155 brings into the realm of enforcement pieces, but rather the actual, specific, on-the-ground things that need to be done by the government to make the legislation work, whether it's Bill 155 or the existing legislation.

The bottom line is that it is a quagmire right now, through no fault of any individual, I think, but certainly through the fault of governments that refuse to recognize that they have to do some very basic things, and those include the hiring of staff, as opposed to the laying off of staff, which is unfortunately the way the Liberals have decided to go, and the upgrading of technological equipment—unfortunately, the Liberals are deciding to upgrade with the likes of Accenture or Andersen Consulting, the same group that made a huge muddle of the welfare system in terms of technology. I think this bill will do nothing necessarily bad, but unfortunately, nothing necessarily good. I think that for the sake of families out there across Ontario who need to have a strong office of assistance to help them with their support orders, Bill 155 doesn't do the job.

Mr. Dave Levac (Brant): I'm going to try to get as many of these covered off as I can, so I'll be as quick as possible.

The characterization we've heard from the NDP on several occasions is that there are going to be massive layoffs in that department. That's not a fair characterization.

1630

As the Chair of Management Board—and anyone who does payrolls—understands, union contracts, as with anything else, make the dictate that you set out what your

plan might be. He has not pulled that back yet; so it depends on the budget. So it's unfair to characterize this as getting layoff notices, and I really wish they would make sure that characterization stops, because it's fear-mongering.

The member from Timmins–James Bay does give us some challenges that I believe are legitimate when he talks about how we can start to prevent some of those problems that exist in the FRO. It would be very wise of all of us to start looking for ways in which we can improve the system. This government and the previous government took some steps to try to get the courts to start to deal with reconciliation and these ways in which we can bring people together in centres and start to have the discussions for the value of the kids.

The member from Oshawa does have a challenge out there about how the licensing process goes and its legitimacy. I think the tweaks need to be there in order to improve it and to use it. He also acknowledges—I think I've gotten nods from him on occasion—that when you try to tell somebody they're going to lose their fishing licence or their hunting licence, they sure as heck pay attention. So it might be one avenue in which we go.

The member from Haldimand–Norfolk tries to tell us that only the rural areas have fishing licences and hunting licences. This is across the board. This is a mammoth situation where we would be sending some signals loud and clear about that.

The member from Lanark–Carleton has indicated to us, or I think he's saying, that he doesn't believe this particular bill is going to be very effective at all. I still say to him that we do have companion pieces of legislation, that this isn't the be-all and end-all. One point six billion dollars not being collected is not acceptable; 250,000 children not getting their say is not acceptable. We need to take some steps to correct that.

The Deputy Speaker: Member for Timmins–James Bay, you have two minutes to reply.

Mr. Bisson: Voilà. I'm here. Excuse me; I was talking to my colleagues.

I want to thank the various members for commenting and end it on this note. Again, I don't not support what the government is attempting to do by way of some of the reforms at the FRO. They're probably not some of the ones I would choose if I were the minister, but we'd send this thing off to committee, we'd take a look, and I'm sure the government would be prepared to make some amendments if better ideas were brought forward.

I do want to make the point that it's a little bit like trying to close the door after the horses have run out of the barn. The problem is that we have a very confrontational system when it comes to separation and divorce. Often, unfortunately, the kids are the ones who are caught in the middle, and the extended family—by that, I mean the grandparents and aunts and uncles—lose access to a grandchild or a nephew or niece.

It seems to me that one of the things we should be doing is saying, "Let's recognize that these laws were written a long time ago, at a time when our society was

very different than it is today." There are many more extended families as compared to 30 or 40 years ago. What we should do is not walk into this blind and have the minister draft a piece of legislation thinking they've got it right. We should refer this thing to a standing committee and say, "Let's charge a standing committee over the summer or next winter with the idea of looking at all of the current laws, using the full facilities we have here at Queen's Park with legislative research and others to look at what the various issues are, and having some public hearings." I imagine they would be quite animated. Then we, as legislators, could go away and do our work in saying, "How do we set up a system that allows for a more amicable way of separating people than what we have now?" Maybe when we do that there will be less of a need to have stricter enforcement methods through the FRO. I think it's a suggestion the government should take.

The Deputy Speaker: Further debate? The member for Burlington.

Perhaps I could just explain that there was an agreement earlier that the official opposition could stand down their leadoff until the critic was available. Therefore, member for Burlington, you have up to one hour.

Mr. Cameron Jackson (Burlington): Thank you very much, Mr. Speaker, for that explanation for my colleagues in the House today. I was rather busy doing Bill 118, the disability act amendments, for the last few months, every Monday and Tuesday. It just seemed that that's when the House leaders had scheduled. So I appreciate the co-operation of the House leaders to allow me a little bit of a grace period before I commented on this important legislation.

Let me begin with those things that I think all of us in this House can agree upon, and then, in the process of discussing this important issue, perhaps focus on areas for improvement which, in and of themselves, represent the differences and the subtleties that may exist between political parties. But I believe there is a whole series of things we can agree on.

Perhaps my first introduction to support and custody issues emerged out of legislation that was born in minority government in 1985-86. That was a very interesting time for most of us, because legislation in those days required two political parties to agree or nothing got accomplished. It was a unique experience when you were crafting legislation. It made sure that a bit of a check and balance went into some of the legislation.

I distinctly remember that the province began its reforms in the area of support and that the legislation was deemed, back in those days, to be very, very harsh. This is not an oversimplification: A disproportionate number of persons paying support in this province are men and a disproportionate number of spouses who are raising their children outside of that marriage are women. I'm not going to comment beyond that, other than to say that that support became very much an issue for men who were called upon to make these payments. I remember the period very well. The Attorney General of the day

brought in some pretty tough legislation for its time. Today we would look back at that and say it wasn't nearly as tough, and I would agree with that. But for its time, it became an important issue.

The quid pro quo, some months later, was in the issue of custody and access. Custody and access have historically been separate, in terms of legislation. Obviously, those lines have become a lot less clear as the process of separation and the disposition that our courts provide in how they protect children and how they support the spouse responsible for the direct care and raising of the children and the responsibility of the other spouse to provide the payments and the financial support to ensure the health and safety and success of those children—and the spouse whose primary responsibility is to raise the children.

So what we've seen over the years is a very interesting evolution of this file. It has evolved in a way that has caused a lot of concern. It has caused concern because a growing number of families find themselves in the predicament that the support payment isn't coming. A growing number of families are having to adjust to a separation or a divorce, where—again, it's a general rule that the quality of lifestyle is severely reduced as a result of a separation. These are matters that are not lost on either the children, who are sensitive to this, or the remaining spouse. There is a whole range of challenges that those individuals are faced with.

I'm saddened to say that, even after this number of years, I'm still coming up with cases I hadn't even quite thought of, yet they're pretty clear if you try to put yourself in the shoes of a spouse who is trying to raise their children without a consistent level of support payments.

The one that came to my mind recently was the inability of a woman to rent an apartment because she couldn't prove the income that the court order provided for her, because the other spouse was not making the payment. She didn't even have a document that could prove she had an income. All she had was a legal piece of paper. That, apparently, after I did some checking, didn't even qualify the individual to rent an apartment. That Catch-22 is particularly harsh, because the woman in question has two daughters, both under the age of 11. Their father, for a series of reasons, was no longer with the family. They weren't even going to accept the assets she might have had that were going to be the subject of the dissolution of marriage.

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The first thing I want to say about this legislation is what I said the day the minister tabled it in the House, and that is, it's important that we continue to look for ways in which to make the system better as it relates to responding to the needs of children and to the principle of fairness and of a timely receipt of these funds, and that the Conservative caucus, under John Tory, would be more than willing to work with the government to look at positive amendments that will move this agenda forward. Now that this legislation has been opened up, we are able

to amend various other sections of this legislation. The case I just referenced should be a trigger to legislators that there is something that should be done in order to ensure that individuals have access to housing.

I'm told I have a case in my office where a family required a specific report from the FRO that would confirm her level of income and was unable to get the report from the FRO. For reasons like that, the individual is unable to rent a premises, and they generally fall back on women's shelters, second-stage housing, the charity of churches and a whole series of other things that persons with no visible income have to do in Ontario in order to survive. But I'm sure that, during the course of the committee hearings that will occur as a result of Bill 155 going out for public hearings and discussion, we will see a series of amendments being considered.

If I were to characterize these reforms, I would probably indicate, given that this was a large issue for the minister while she was in opposition and given that it was a very clear promise made in their election platform, that the government would have come forward with some initiatives that, first of all, resembled the promise they made and, secondly, that would have some teeth in them in order to really move the benchmark along to help the system become less technically difficult and a more simplified process that allows for the transfer of the funds in a fairly expeditious manner.

If I look at the actual Liberal promise that was made by Dalton McGuinty in his red book—I'm just going to quote briefly. This is Dalton McGuinty's promise to Ontario:

"We will crack down on deadbeat parents and make them pay up. Withholding family support payments is a serious crime. It makes the lives of single parents even tougher, and it hurts our kids. We will not watch children suffer while deadbeat parents shirk their responsibilities...."

"We will use innovative new techniques, such as Internet tracking, to find deadbeats and recover the money they owe."

Finally, it says, "We will pursue aggressive enforcement measures such as suspending driver's licences for anyone missing two or more support payments."

That was Growing Strong Communities, the Liberal platform document, page 28.

There is a several-million-dollar price tag that is attached to this election promise. At this point, it's very clear to say that one of the questions we raise with the minister is to give us a price tag as to what the changes she's recommending in Bill 155 will cost. So far, we're disappointed to say that the minister has been unable to come up with these numbers.

Again, as I have stated on many occasions, I find it very hard to understand how a minister can take forward legislation without it being fully costed. I know when I was a minister, you were not allowed to bring in your slide rule to the committee that examined things before it went to the cabinet table. You couldn't even get past that stage unless it was fully costed, it was over a multi-year

commitment and the out-year costs were clearly set out. It was something that Management Board not only demanded but was successful in extracting. It's an essential way of making government accountable and of being able to manage your ministry's budget effectively.

The third big asset is that it allows stakeholders who are relying on the promises made by a government—that those are their expectations, that that's the amount of money committed. So in subsequent years when, all of a sudden, they're not spending that money, they have a benchmark year to follow and they can say, "Well, that project is delayed somewhat because we'll have to do it over five years instead of three years," and at least government and the minister could explain that. Here we are, months after the minister tabled this bill, which was back on December 2 of last year, and we still do not have a costing of what these reforms will be. So that's one of the concerns.

The second concern I have is the issue of the involvement of members in the discussions with our constituents who are struggling with FRO problems. Now, I'm not here to defend the record of the previous government. We did a lot of things that were not popular at the time. Taking a person's driver's licence away from them, their only means of employment, their only means of being able to get in a car and travel great distances to see their children, was a very difficult decision. We made that decision and we have upheld it. We have asked questions about the number of non-paying spouses who have had their licences removed, and we're having a hard time getting that number. Again, there's no sense having a rule if you're not going to enforce it. There's no real sense in setting out a promise that legislation will do something if in fact you're not going to enforce it.

We're going to get to this hunting and fishing licence issue. First of all, the fact that we have no technical way of doing it is not the issue. The issue is, if we're going to threaten to take away their fishing licence, this is not a tough new enforcement law if we haven't been doing a very good job, as the current government, in removing drivers' licences from these people. So everything is relative. If we're not doing a good job at that and if we're creating exemptions—and I'll be speaking to that in a few minutes.

It's the same with the issue of increasing jail time. Again, we've asked the minister for the number of cases and the duration, and we're not getting answers to that. Of course, we'll have some of that during the public hearings because, with the independence of a committee, they can request the researchers to go out and do the work that the minister is supposed to have done. There must be a reason why she chooses not to share that with the cabinet, with stakeholders and even with members of her own caucus, but I believe there is an obligation to share that information with an all-party committee that will do this review and the public hearings.

We started garnisheeing joint bank accounts as a first step—again, a very tough issue. We were criticized by the opposition of the day that it was inappropriate. But

the truth of the matter is, the hiding of assets and the shifting of assets is something that's been going on for some time. The system wasn't as focused on impoverished children and the importance of getting the funding to the children through the FRO payment system.

There are other issues here that flow from the previous legislation. The cancelling of the regional centres is something that's been going on in a lot of departments—a centralized process. We know we have been criticized—the current, the past and even the preceding government—with respect to our ability to manage this portfolio. I want to say, for the record, that there has been a lot of positive work done by the short number of staff who are currently at FRO, under very difficult circumstances. Our office is particularly active in these files, and we have a fairly strong working relationship with the FRO. I have several cases here—I won't be putting the name of the family into the record, of course, but I've got several of these that just defy logic.

1650

I have a case here from February 26 of last year. We have confirmation from both the employer and the spouse that the amount of \$4,700 is available, it has been sent to the FRO but, for a three-and-a-half-month period, FRO was unwilling to release the money because the children spent a month with their father during the summer. It's quite nice that that happened, but they were unwilling to pay the \$4,700 in arrears because they weren't sure what the adjustment would be because the children spent one month with the father.

Our office got involved with this. We tried as hard as we could to bring to the attention of the FRO the importance of resolving this issue. We facilitated the signing of documents back and forth. What's at stake here, for a lot of these families, is not, "My son needs a new bicycle," or, "My daughter can't take her dance lessons"; we're at an entirely different level here. We're talking about, "We can't pay our rent. We're going to be locked out of our rental unit unless we can get access to some of this money."

One of them that I found absolutely incredible—and this is the theme that I think all government members should be aware of—is that, if you begin the process—let me back up. We know that the auditor and the Ombudsman have had a lot to say about the FRO. A lot of people contact the Ombudsman. At first I was very concerned about this, but then we had our first case some months ago. There is a rule now at the FRO that if you are engaged in any kind of discussion with the Ombudsman's office as a spouse who's seeking their support payment through the FRO, all contact with an MPP and their office shall cease and desist.

Perhaps, as I've done in the past, I should have risen on a point of privilege to say, "How can one government agency say, 'You can no longer seek the assistance of your MPP?'" Frankly, I find that very difficult. When it was attempted in a court order years ago, I was successful in having that court order reviewed and turned over, that you can't specifically go to the courts saying that a

person is barred from talking to their MPP. We should have no stock with this, anywhere in our province.

One can't help but think: Who came up with this incredible idea at the FRO that if you're talking to the Ombudsman, you can't be talking to your MPP? Why? Is it an efficiency move so that they don't have to handle the paperwork at both ends? Is it a convenient way of getting off the hook? It's not that many weeks ago that we in this Legislature were treated to a document that was floating around, dealing with children—as is this bill—that MPPs on the government side are not to speak to parents about the autism file; they're to refer them only and solely to the minister. The memo also suggested to Liberal members, “Do not speak to the media; refer all those calls.”

We know that the FRO is a challenging file and that there are cases that need our intervention. As I say, my staff, to their credit, handle a lot of these cases, which we vigorously pursue. I have a printout of one of my files—it's three full pages—of the phone calls we've made on their behalf for all manner of administrative glitches which have caused the transfer of funds to be delayed, in some cases unnecessarily and in most cases for an inappropriately long period of time.

This whole issue around informing people that you must make a choice: “Either talk to your MPP, who will then track us and keep us accountable, or just talk to the Ombudsman”—I think that's a matter which the minister should clear up. The minister should provide some leadership to say that this is not a Catch-22. This is a convenient way of separating and distancing yourself from problems that seem to be unmanageable. Certainly, the challenges in the FRO historically have been that—extremely challenging—but I don't believe that one of the ways to make them less challenging is to cut off your contact with your constituents and/or with the office.

Having said that, the people whom we deal with at FRO didn't come up with this decision. This was a decision made by the deputy minister or the minister or a combination thereof. But the bottom line is, there's a growing number of cases that can be corrected rather simply if they're dealt with in an expeditious manner.

I want to walk through a couple of the things that are contained in this bill. Let's deal with this first one: “We will pursue aggressive enforcement measures such as suspending driver's licences for anyone missing two or more support payments.” That clearly is a broken promise from the Liberals. We can add that one to their list, because that is not what's in this legislation before us.

Here you have the legislation. This is the most substantive change they recommend, and it's not included. I guess it was somebody sitting around a caucus room or sitting in the minister's office, or maybe one of their junior junior assistants saying, “Why don't we cut off another licence?” One of them naively might have said, “What, their marriage licence?” “No, that really won't work.” Right? “Oh. That's it. We'll come up with fishing licences. Let's deny them their fishing licence.” Boy, is

that ever going to stop a whole lot of people in their tracks who now, all of a sudden, will give up fishing. Frankly, everybody should have a fishing licence who fishes, but we all know that a lot of people don't.

Secondly, in the computer system, as my colleague from Oshawa has clearly put on the record, there is no real capacity. The wardens who are out—they're wardens, right?

Mr. Jerry J. Ouellette (Oshawa): Conservation officers.

Mr. Jackson: Conservation officers; I'm corrected by my dear friend from Oshawa. The conservation officers are not equipped with computer systems like an OPP officer would have in the console of his car to check licence numbers. I have a fishing licence which I buy every year, thanks to my dear friend Walter Oster, who manages the Sportsmen's Show and is responsible for the Great Ontario Salmon Hunt and other things. He's a devoted fisherman and promotes this everywhere across Canada. I, too, have come to appreciate its importance. But at this point we're looking at: Can the legislation purport to do what it says it will do? There are many of us who feel that it can't do it.

However, they had to have something to put in this legislation because Dalton McGuinty said, “We will pursue aggressive enforcement measures such as suspending driver's licences for anyone missing two or more payments.” I guess, after someone convinced them that they can't do that—and we don't know who that individual or groups of people are—then came the question of, “We've got to discuss this issue. The public isn't going to buy that we're going to be able to collect millions and millions of dollars in arrears because we threaten to take away their fishing licences. We've got to come up with something more.”

So somebody came up with this idea that now we're going to double the length of stay in jail for these individuals from 80 days to 160 days. These are maximums. At the time, when I referenced the minister, I said, “Why would you consider maximums without minimums when the practice of putting someone in jail for non-payment is very minor, the number of incidents is very minor and most judges look upon the practice as not being helpful to the process?” They recognize the law, but they don't see it achieving the public policy end that they thought it would.

1700

So again, I've asked the government if they would give us the statistics on not only the number of spouses who have failed to make payments to FRO, and who have—Zoé, I think the Speaker would like a glass of water.

Interjection.

Mr. Jackson: Well, you couldn't even speak, Speaker, so somebody had to. You get your vocal cords back while I continue.

The concern is that we've asked the minister, “Can you show us the statistics? Can you help us understand how changing it from 80 days, which we're not enforc-

ing, to 160 days is going to somehow cause more and more people to make the millions and millions of dollars in payments that are owed?"

Then the legislation goes on to make another distinction. This one offers some concern for me. This one talks about the issue of, once you're in jail for serving this time, you can't use the courts and the current system of early release to your advantage. Again, perhaps it's the sensitivity with the recent Karla Homolka case and the issues around the almost inappropriate time in which the government seems to think it's important that someone serving jail time must absolutely be held to the full, maximum level of the law. Are we doing that with the pedophiles? No. They get a third off automatically, a third off for good behaviour, and they only have to serve a third. Are we doing it for rapists? No, they get a third off automatically, a third off for good behaviour, and they're out in a third of the time. Are we doing it for bank robbers? No. Are we doing it for all manner? However, for some reason, the Liberal government of Dalton McGuinty seems to think that putting someone in for 10 days for non-payment—it had better be the full 10 days; it had better not be three days. They must have some statistic out there that they're not sharing with us that somehow it's incredibly important that these people serve their full term.

Now, I'm not going to second-guess the merits of sending somebody to jail for non-payment. I've spoken with enough families in my constituency office who are suffering as a direct result of non-payment. What I'm questioning is that you're going to double the jail time and there will be no hope of playing with your early release. I have trouble where the government can't even show us the statistics of the number of people who are going to jail for this. Not only should we see that statistic; we should find out if that penalty is resulting in the collection of more money, and if more money is going to the family. But we can't get anybody to tell us that. We can't get anybody to explain that it's actually working. Why don't you just say, "We'll do it for 265 days, and you can't even get out on weekends"? You can say anything you want in this legislation, but if judges aren't reacting to it and they're not enforcing it, if the government doesn't have statistics to explain why they're doing it, we on this side of the House are left with the clear impression that this is yet another example of something that really looks good on paper. It really looks good when we're explaining to people why they have broken their promise that Dalton McGuinty made before the election: "We will pursue aggressive enforcement measures such as suspending drivers' licences for anyone missing two or more support payments."

Apparently, they had research that told them this was a terribly good thing. Apparently, they probably had advice from groups who said this was an important public policy initiative and that it would net real results. But after they were elected, this apparently didn't become very important—fishing licences were. Very few people do go to jail in this province for non-payment; very few do. They

can't tell us the number; they can't tell us how long they're in for. Apparently, by saying to judges, "We're going to take a section of the Criminal Code and we're going to double the maximum"—there's no direction from the Attorney General's office to explain why, even though this file was held for many years in the Attorney General's office. We're left wondering the purpose of putting that in this legislation, other than to have an important filler in a piece of legislation that says it's going to get tougher, but we're trying to find out how it gets tougher.

There are some other sections of the bill that are there to benefit the paying spouse. All legislation should be checked from time to time to make sure that what the legislation purports to do is being done. I'd be less than candid if I didn't say that I know of cases where the circumstances of a family have changed but they just didn't get around to telling the paying spouse about those changes. So the government has put in a couple of sections, and I quote right from the minister's statement, "allowing the FRO to cease enforcement of child support when a recipient doesn't respond to the FRO's inquiry about ongoing entitlement to support." It gives an example: "If the order suggested that the payer pay while the child was going to school but" everybody—the minister actually said, "God and country"—"knew that the child wasn't going to school any more, yet the recipient wasn't responding to inquiries from our office and of course the payments were continuing to be taken" from the spouse "even though everybody knew it was inappropriate, we will now have the opportunity to go in and make that kind of change without having to start a whole new circle through the courts again, at a great deal of cost, usually to the one side who is seeking to get that changed." And it goes on.

There are some things in here, when I read what the minister said there, that just made common sense. If your records indicate, through your various investigations, that the children are no longer living with the one spouse, you would make the adjustment. What causes me concern is that this raises the issue that the minister referred to about the cost of going to court. I want to spend a little bit of time on the cost of going to court, because this issue is of great concern to all of us. For those of us who are visited in our constituency offices by families—we do take the time to sit and listen to their stories and their concerns—we talk about each of the various levels where their support and/or custody order has to be modified. It's bad enough that the FRO requires so much of that to occur in the court system; there's almost too great a reliance on the original order and our inability to modify that between two agreeing parties.

I guess one of my concerns, expressed by a whole group of people who have been to the Legislature, not too recently, who are themselves the subject on both sides of this equation—the spouse who is raising the children and is the recipient, and the spouse who is no longer with the family but is the payer—is the fact that the legal costs and the court fees and the legal bills to pay a lawyer to

manage these files are extremely, extremely expensive. And it is invariably—almost predictably—inundated with remand after remand after remand. One of the opportunities that exists in this province is to have a lot of the substantive legwork—completing of forms, presenting them to the courts in a timely manner, modifying support orders, filing them with the courts—being done by paralegals, and they do that work at considerably less cost.

1710

There's nothing in this legislation that, at the outset, reduces the amount of involvement in the courts, save and except this one section that I just referred to, where the minister says, "We should be able to modify an order for someone who's paying when the child is no longer in school."

But I'm concerned. We heard from the Attorney General late last week that he is anticipating bringing forward legislation to trim back the activities of paraprofessionals in this province. He has, on many occasions, quoted a document that was partially prepared by a highly respected individual who himself has a legal degree, who is recommending that paraprofessionals, paralegals, not be allowed to be involved anywhere in the process dealing with support and custody matters specifically, and family law matters generally.

I consider this to be a huge problem. If you look at both parties who are seeking to make a modification in the courts, there are a couple of things that the average payer and the average recipient have in common. Both have very limited resources. It's no secret that two people living under one roof is far less expensive than two people and their families living in two different residences and having to transport children back and forth, so a disproportionate amount of their costs is now going to their dwelling and transportation costs. Then you add on top of that these huge legal fees that again, frankly, would be worth it if they could resolve issues and move things along. Unfortunately, I'm sure you've had cases where it's been before the courts four, five and six times because her ex-husband's lawyer has indicated there's some new information and they need another date; meanwhile, the payments are still sparse and insufficient. There are cases on the reverse, where the payer is seeking a modification because they have actually increased their support in certain areas and they've taken on additional responsibilities for their children and they're not acknowledged in the order.

I caution government members that this issue of excluding paraprofessionals and paralegals from assisting persons in this province to seek judicial remedies for concerns they have in family law court generally and specifically in support and custody matters is a very serious issue. I would hope that in the absence of the Attorney General having an open mind—and he's entitled to be close-minded on this, since he is himself a lawyer and a member of the bench, and one might reasonably argue he has a difficult conflict of interest, to be fair to the minister, an unavoidable conflict of interest. I won't impute his motive beyond that, but it's an

awkward position for a member of one profession sitting in judgment over another. I think that sort of begs the question as to the ability of the government to proceed on that basis.

I had raised a couple of other concerns with this legislation. They talk about posting the names of people on Internet sites. Now, I'm not 100% sure how this works. I know that golf and country clubs have been doing it for years; if you're not paying your bills, they'll post it in the clubhouse, and I'm told it works with some degree of success. But I'm not sure I've seen anything from Ann Cavoukian, Ontario's privacy commissioner, in this regard. I think it would give great comfort to everyone in the House this evening if we were to be informed of her position in this matter. She may have taken one, but I have yet to see it. That doesn't mean it doesn't exist; it just means that it hasn't found its way on to my desk.

There is the issue of certain employers and certain classes and organizations being informed that the non-paying spouse is in arrears. I know that when we were the government, if there was an appointment before one of the ministries and that individual was in arrears in their FRO payments, they were not allowed to serve on the thousands of different boards and commissions that exist in the province; we willingly solicit individuals to contribute in their communities. That principle is one that I think is worthy of support. The cabinet today, I'm sure, is still upholding that rule and is still making sure that individuals who are in arrears are not benefiting from a provincial appointment to serve on a commission or on the college of a medical practitioner group or any number of organizations.

But to simply say that we're going to notify employers and move that now to the larger class of professional organizations—I think it was the member for Welland-Thorold who said, "What does the government expect to achieve by letting the local Rotary Club know that one of their members is in arrears?" So again, moral suasion may work, but it's not a sure-fire remedy that we're seeking here. The remedy we're seeking is to be able to recapture funds that rightfully belong to the children and to the families for their support that are not finding their way to them. I'm not sure that that suggestion is going to actually come up with results.

The other question that was raised was on the current system of tracking individuals and the interjurisdictional difficulties that occur. The legislation before us speaks generally to using the Internet to try to track some of these people. To be honest with you, I didn't know we needed legislation in order for us, as a government, and specifically this ministry, to go and do a better job of trying to locate individuals. Many of the families I speak to say, "Look, here's the address, Cam. This is where he's working. That's his employer." But they don't have enough staff at the FRO to go over and meet him personally. Or they know he's there, but they haven't had the time to contact the employer. So again, if the bill speaks to the issue of employing other techniques, that's fine. But the auditor has identified concerns with the

ability to currently do the job and, as I said, the other issue is jurisdictional, when you cross over various jurisdictions.

It was the preceding government that drafted the first agreements with the United States. That's a great first step. That allows us to actually access some limited records. But I'll tell you, I'm currently working with a case in my community, which is deeply troubling, of non-payment of support and a custody order with two very small children. The judge, in her infinite wisdom—not to sound facetious—determined that the children would be best served if they could go every second weekend to a remote part of Pennsylvania. The judge actually came up with this brilliant idea that the mother should drive them halfway there every second weekend. She should present herself again to drive, late at night, put herself at peril, cross the border and bring her own children back to Ontario. I'll set aside the fact that we actually have a judge in the province who thinks this is workable. But the children are a mess trying to get to school and they're a mess trying to get out of school.

1720

There are other issues involved here. We've been trying to get access to the company records—we will get no support in that regard—so we can garnishee a wage. We can't do that in that jurisdiction. We've asked for co-operation between the police, because the gentleman in question has some violence issues with his new friend. Again, there's no linkage between the two police departments. Based on the evidence that has been attempted to be presented to the courts in Ontario, they've indicated that they don't have the resources or the time to pursue the matters in that state to ensure that at least we can modify access to the children, who are being put at risk in the environment to which they're subjected every second weekend in that state.

Is there anything in this legislation that gives any remote support or acknowledgement to this family? No, there is not.

The members of this House would be familiar with a couple of cases I've brought to the attention of the House involving the children's aid society and its mandate to deal with child protection issues. Here's a case where there are alcohol and drugs involved in the presence of the children—we know that; it has been documented—yet the children's aid society says, “You know, if this was occurring between Mississauga and Burlington, we'd be there in a New York minute. We'd be right in interviewing that family.” But because it's across the border and outside their jurisdiction, they say, “We don't see this as a child protection issue.” Again, there is an opportunity in some of this legislation in which we should be looking at these questions of how we better protect the children.

It creates not only the problem of the FRO and the collection but also issues around the courts and how the courts are dealing with custody issues. It's very, very difficult, let's be fair. Very few people are happy when they go to court on a separation to determine who gets

the children and who must pay. It's a very difficult circumstance. I've talked to the parents of a paying spouse who say their lives have been transformed and they can't live their life properly and they're nearly destroyed by not having access to their children. We realize that there are really, really serious issues out there that, frankly, are not being handled as well as they could be for all parties. To bring a bit of a band-aid or a tinkering around the edges with this legislation, in my view, is a tremendously important but lost opportunity to try to bring forward the kinds of reforms that we think will be more helpful to families.

Clearly, we're hearing from other individuals out there. The initial response from the recipients in the field was that they didn't seem to think the reforms contained in this legislation were going to be all that helpful. They were looking for commitments like that the government is prepared to increase the investment in the number of staff working on these files. We didn't hear that. We heard from the government that to reposition the computer system to make it more modern and more effective was going to cost hundreds of millions of dollars, and that's something that was not in the Liberal budget and was not going to be forthcoming.

In fairness, the minister's got an awful predicament on her hands. On the one hand, she has her bureaucrats explaining to her what she needs to get it fixed, and then she sits at a cabinet table where the treasurer tells her, “This is the amount of money you've got,” and she sits at a cabinet table with the Management Board chairman who says, “Well, I know, but you're not getting anything unless you get it passed through me.” This is a difficult environment in which to create the necessary reforms. The minister has at her disposal her funding arm, which she could use to help resolve parts of the problem, and she has her legislative arm, with which she can make changes to the law that will expedite collections in a fair, efficient manner. I'm fearful that this legislation falls remarkably short in this regard.

For that reason we look forward to the public hearings and opportunities in which to make this bill that much better. It will be filled with acrimony, as I said, from those who have had difficulty making their payments. We have those, in very large numbers, who will not be shy about articulating what the costs of non-payment have been to the health and well-being of their children, let alone their lifestyle.

There are a series of other issues that are buried in this bill that seem to make some movement and some recognition that there are issues. There's reference in the legislation to the notion that, “We're going to be checking the assets of your friends and your acquaintances.” That's an awkward one to put in legislation, but if we work with the minister for a few moments, let's think this one through. The argument is that people who know they're about to separate have all sorts of ways in which they can hide their assets or hide their revenue and shield it from the spouse they are separating from or divorcing. That's one issue. But there is the ongoing pursuit of individuals

to pay their court-ordered payments, and we find that assets that were being sought no longer exist. I have not heard in any detail just exactly how the minister plans to do this, if we're going to take a payer, a spouse who is paying, and send in FRO police to look at the families—the mother and the father, and maybe a sister or brother, a neighbour. I'm really trying to figure out how this is going to work.

If we've got the resources to be doing that, then why don't we have the resources to do a better job of administering the dollars we are collecting? This is a fair statement to make for both the person who pays and the person who receives, by the case I shared from my own office. Here was a case where the impediment was the ability of the FRO to process in a timely fashion and not having standardized reporting mechanisms in every corner of the province, which is something that could have been improved upon and is in the process of being improved upon, so that the money that is being collected could be transferred as quickly as possible. Unfortunately, we're not specifically seeing anything in the legislation that speaks to the ability of the government to do a better job in this area. We're hopeful that they will, but at this point I can't find it in this current legislation.

I did talk about the issue of the Attorney General and his dim view of paralegals being part of the solution here, so I won't go much further with that.

I wanted to talk briefly about something I raised in the House several months ago. We do need some extra money put into the FRO; we know that. But we had occur in this last budget year by the Liberal government and the Treasurer, Greg Sorbara, specifically, the write-off of a historic \$214 million owed to the province of Ontario in various penalties and fees that were to be collected from persons who were not adhering to the law, and these were going into the victims' fine surcharge fund, the justice fund in the province.

1730

What was of concern to me is that, on the one hand, the government is saying it's going to go after deadbeat non-payers more aggressively. They're going to take away their fishing licences, which I don't think is going to have a great effect. They're prepared to bring in legislation for that, but by the same token, the very Treasurer who's responsible for giving Minister Papatello the money to do a better job has written off historic levels of fines that have not been collected. The irony and the paradox of this are not lost on many of us, I suspect.

It's of concern to me that there doesn't seem to be the political will to go after people who have broken Ontario laws. The government is responsible for collecting that money, and those funds find their way into supporting victims' groups. That political will is gone, yet we have legislation in front of us that says: "You know what? We're going to clean this whole thing up. We're going to get all these deadbeat spouses to make their payments, and you know how we're going to do it? We're going to take away their fishing licences." If we've got the political will to do the one, why aren't you consistent in

doing the other? I'm not suggesting that we write off these arrears. There are many families that would say, "If the government would just give me the money, you can write off the arrears of my ex-husband any time you want."

I wanted to make that point as part of today's debate, because it does beg the larger question of where the real priorities are for the government in terms of the effect of this legislation and their willingness to go after persons who break the law and owe the government money. That's why I made the point earlier about the fact that we're now going to use a notwithstanding clause, in effect, for persons who are not paying their spousal support, but we have an Attorney General who's not willing to apply the same principle to known sex offenders, pedophiles and persons on early release who are guilty of violent crimes in this province.

As I said in the House during the Karla Homolka resolution brought by my colleague from Leeds–Grenville, not once has the minister applied for this for any of those violent offenders, yet his very first application, in the 18 months he's been the minister, is for someone in a Quebec prison who he's known was going to be released onto the streets within a few short months. We now find out that the terms of the original agreement signed by the Attorney General of the day, Marion Boyd, specifically set out that the government of Ontario will not in any way appeal anything that resembles an early release or parole condition. I suspect the minister might have been better served to get up and say, "This is what the order says. Unfortunately, my hands are tied." That's not exactly what he said. We're still awaiting confirmation in the province of Quebec that the minister is actually going to do something there. Like all members of the House who are concerned about this issue, we look forward to his timely response.

This is an important piece of legislation. We believe it will make positive changes. It will help families receive the funding they deserve, and it works with those who have to pay. My fear is that this legislation is too general. It lacks teeth in areas where this government promised it would have them. However, we will keep an open mind and work with it in committee to try and improve upon it in the best interests of the citizens of Ontario.

The Deputy Speaker: Questions and comments? The member for Timmins–James Bay.

Mr. Bisson: And without his BlackBerry. Can you believe that? I'd point fingers at those responsible, but that's another story.

I just want to echo some of the comments that were made by my good friend from Burlington—I forget the name of the riding—

Mr. Jackson: Burlington.

Mr. Bisson: Just Burlington—because we're actually on the same page on some of the issues. Part of the problem I have, and I've said this in debate already, is that the need for enforcement is an important need and something that we have to deal with—nobody argues that—in cases where people try to skip out of their re-

sponsibility when it comes to paying support for their kids, their ex-family.

On the other hand, I think we need to take a look at dealing with the entire issue of how we get there in the first place. One of the things I spoke about and just want to echo a bit to see what the comments are from my good friend is that it seems to me like trying to close the barn door after the horses have bolted out of the barn. Part of what we need to do, I think, is take a look at all of the various acts that deal with separation, divorce and custody and try to put them into the context of the society we find ourselves in today. In many cases, those pieces of legislation were written 20, 30 or, in some cases, 40 or 50 years ago, and they've not changed with the times. We need to take a look at how we deal with the new families of today, how we try to put in place mechanisms to ensure that once there is a separation and eventually a divorce you still have some ability for parents and grandparents and others to still have access to those children so there is still a connection between them. I've seen, in cases of mediation where people have decided not to go to the courts, when, more times than not, that's what ends up happening because there's an actual discussion about how you divide assets, how you divide issues of responsibility for the kids in order to find a way for people to still talk to each other after the separation—it's good enough that mum and dad don't talk; bad enough when the kids are drawn into it. I think we need to deal with that issue in the context of today's society.

Ms. Deborah Matthews (London North Centre): I'm glad to hear the critic's response to this legislation. We've been debating this for a few days, and it's nice to have your comments on the record. I know that you take a real interest in doing this better. I don't think there's one person here who doesn't think we have to make major improvements to the Family Responsibility Office. We see it in our constituency offices every day. We all know that the system we inherited the day we got elected was an absolute mess and that kids and families were being let down.

This legislation is part of an overall plan to do a much better job when fulfilling our responsibility to the kids in this province. The important thing that we all have to keep in mind is that this legislation won't fix everything; this legislation is part of the solution. It allows us to do a better job of enforcing. The enforcement is the last resort, but sometimes you need strong measures to get compliance from people who are reluctant to pay for their responsibilities. So we are increasing the maximum jail term. We are making sure that, when people are committed, they stay in jail for that full period of time.

We're also making it easier to get the financial statements from the third parties so that we can ensure we get the information we need. We're going to report defaulting payers to professional licensing bodies so that those licensing bodies will know that their members are not in compliance with a court order. That's a heavy hammer, but it's one that we need to use. There's too much money that is not in the hands of the people in whose hands it should be.

The Deputy Speaker: Questions and comments? The member for Simcoe North.

Applause.

Mr. Dunlop: Thank you very much. I thought it was for Mr. Jackson or Ms. Matthews.

I'm pleased to be able to make a few comments on the member from Burlington's one-hour leadoff. He has been very busy in his other responsibilities here at Queen's Park. We're sorry that it was delayed until this particular point, but he brought in a number of very interesting points on the bill.

1740

Of course, we as members of this assembly all want to make life better for the children of our province. Obviously, we all have a responsibility and we would expect all citizens to fulfill those commitments to their families. However, with the negative things we hear about the previous governments, it will be very interesting to look at the results after this bill is passed. I'm assuming that it will be passed. We'll be looking at the accomplishments of this government and the standards they'll set. We'll have a good look at exactly what you will have gained with this legislation. I'm not so sure that we're going to see a lot of accomplishments made with it. They brag as though they're transforming the FRO, they're transforming health care, they're transforming hydro—hydro, where we saw about 90 volts the other day across the province of Ontario.

I've got some concerns about the legislation. We will be supporting this—no question—but we want to look at the standards and we want to see exactly what their accomplishments will be. We'll be keeping a very close eye on that in the spring of 2007.

Ms. Horwath: I wasn't sitting in the Legislature for the lead debate of the official opposition member from Burlington, but I was able to watch some of it in my office. I can tell you that he has brought a lot of interesting comments to the debate and spent some time on some of the details in terms of the history of what has been happening with the FRO and some of the specifics around how the system got to be where it is today.

I think we would all agree—all parties on all sides would agree—that the FRO does need a major overhaul and a cleaning up. When we look at how that can occur, we need to look at it in terms of not only the legislative arm, if you will, the legislation piece, but also the operational arm or the implementation piece.

If this government is serious in its desire to fix the FRO, to see it become the tool or the opportunity for people to ensure that support orders are enforced, then they really need to look to not only their staffing of those offices, the training that's involved with the staff who work there, but also the technologies. I know they're looking at the technology piece in regard to replacing the technology, but I have some really serious concerns about who's on that list of companies that are looking to bid on that particular contract—more specifically, the same company—under a different name, mind you—that caused significant problems with the welfare system in

Ontario, that cost the taxpayers of Ontario quite a bit of money and was a big debacle. I hope the government can find its way to look at those issues over the next little while, because I think that's what's going to help.

The Deputy Speaker: The member for Burlington, you have two minutes to reply.

Mr. Jackson: I appreciate the patience and willingness of the House to listen to the comments I had to share in the debate this afternoon. I appreciate the member for London North Centre's comments. I have known her for a goodly number of years and I would have hoped that she might have answered a couple of the questions I'd raised. Basically, they're statistical in nature. There's no trap in them. How many times have people gone to jail for non-payment of support payments? We can't get that number. What is the average length of stay? What is the success of that process? Is it working? Is it not working? If it's not working and if more and more non-payers are going to jail, then nobody wins. So we really need to get a handle on that. It's hard for us to think that going from 60 days to 120 or from 80 to 160 is going to be that helpful. There are lots of unanswered questions, and I hope the minister will find the time to share it with the House.

This has been an awkward bit of a debate because we haven't had that much input from the members opposite. They have contributed two-minute rebuttals when the speeches occur, but I would've hoped that they understand the issues and that they are open-minded enough to look at some of the changes.

I have to say, when the minister herself tabled the bill in the House, she spent a fair bit of her speech talking about the phones just not ringing. I don't know if it's because the FRO is saying, "Go to the Ombudsman's office and you won't have to talk to your MPP," but we're still getting a tremendous number of calls from our constituents, and, I suspect with this legislation, we'll continue to.

The Deputy Speaker: Further debate? The member for Parry Sound–Muskoka. I wanted to check to see if there was anybody else.

Mr. Norm Miller (Parry Sound–Muskoka): It's still my riding, Mr. Speaker.

It's my pleasure to join the debate this afternoon on Bill 155, An Act to amend the Family Responsibility and Support Arrears Enforcement Act, 1996 and to make consequential amendments to the Fish and Wildlife Conservation Act, 1997. Right off the top, when you see that this bill amends the Fish and Wildlife Conservation Act, you have to ask what that has to do with benefiting children and families with the goal of getting more payments through to families, and we'll get to that. Certainly the goal of this bill should be to make sure that support payments get through to the children of families that have split up, to benefit those children.

I'd like to go through some of the issues we've had coming into our constituency office—I've met with both the payers and the recipients of money in situations where there has been a split in the family—and some of the situations and issues we've had with the Family

Responsibility Office. Other members have talked about the antiquated computer system, and that has been an issue we've dealt with. It has created confusion and delays in updating payer and recipient information—for example, getting new orders and employment changes. We've had situations where support has been terminated but the Family Responsibility Office sent money to the recipient anyway, and then the payer had to take the recipient to court to get the money back.

There is certainly unnecessary red tape. We had a situation where the recipient knew of a federal pension but was unable to access it or there were lengthy delays in getting at the money. There was another occasion where the recipient couldn't provide the payer's social insurance number and the FRO said they couldn't use this information because social insurance numbers are federal.

It would be my suggestion that the Family Responsibility Office needs to communicate better with lawyers. It should be part of their mandate to provide continuing education bulletins or professional information bulletins to suggest clarity in the support orders or at least to explain how the FRO interprets the orders. If family lawyers can't spell out very clearly the terms of an order, this often creates a lot of confusion. For instance, when the order does not explicitly say to rescind arrears, then the payer would still be responsible for arrears despite an agreement to rescind.

Sometimes the payer can't get a lawyer. Legal aid doesn't make court matters a priority. We heard the member from Timmins–James Bay talk about mediation as being a possibility. If an order requires the payer to provide support while a child is attending school, the payer is required to give evidence of the child's school attendance. This should be the responsibility of the recipient, who should have to provide a letter from the school.

We've had situations in our constituency office where the spouse who is the payer has left the province, and that creates all kinds of red tape and challenges with getting payments through to the kids and the mother, who so desperately need it.

I think it's fair to say that more needs to be done to overhaul how the Family Responsibility Office operates and the kind of service it provides.

I would like to talk a bit about the specific bill, Bill 155. It has three main purposes: first, to strengthen the enforcement tools available to the director of the Family Responsibility Office—we've had some examples that I think aren't really going to make a lot of difference, and suspension of hunting and fishing licences is an example. I don't really see how increasing prison time from 90 to 180 days is going to benefit the kids. You have situations where the payer will go to great lengths not to pay. They're happy to go to jail to avoid making a payment, and I don't think it's going to make a lot of difference whether it's 90 days or 180 days.

1750

The bill would also involve disclosure of failure to make payments to professional organizations and licens-

ing authorities. It would allow FRO to obtain financial statements from the third party that is linked to the payer.

The number two main purpose of the bill is to improve the methods used for locating defaulting payers. Certainly, no one would argue that that is a good goal. It would involve information about the default payers being posted on the Internet—that might achieve some success—and it would help to streamline enforcement procedures. Income sources can make direct payments to the director of FRO by electronic transfer and they can be delivered to the recipient by direct deposit.

But I think we need to look at the real-life situation. I had a call just the other day from a constituent: the payer, in this case; the male member of the household. The situation was like this: The husband and wife split up back in about 1998. They didn't live in the riding of Parry Sound–Muskoka at the time; they lived somewhere else in southern Ontario. The husband left the southern Ontario location and moved into the Parry Sound area. In his absence—and he claims that there were no efforts made to find him—his wife went to court and got a court order requiring a fairly substantial payment per month. In the case of this particular individual, he didn't have a high-paying job. He was working in a custodian-type job. He wasn't represented in court, and the court order that came out was one that, even if he still had that job, he would never be able to pay. So he got an unrealistic court order. To make a long story short, this particular individual ended up in the Parry Sound area, behind in his payments. He ended up losing his driver's licence because of the laws we have, and because this particular individual lost his driver's licence, he then lost his job.

The question you have to ask is, how has this whole situation benefited the actual family involved, the kids involved? We're now in 2005 and the individual has lost his job. He's in an \$80,000 to \$100,000 hole in payments that he owes. He hasn't made any payments. The kids have not benefited at all. The payer is on welfare and living in Ontario subsidized housing and, as I say, he owes \$80,000 to \$100,000, a hole that he'll probably never get out of. You have to ask yourself, how have the get-tough rules benefited the family and the children in this situation? They simply have not. So doing other things to get tougher still, like removing a hunting and fishing licence or putting them in jail for a longer time period, simply is not going to achieve the goal. The goal should be to make sure that those kids in need receive the money they need to survive.

I know the member from Timmins–James Bay talked about mediation services. I think that's probably something worth considering. I think we should be looking at ways to make it easier for either of the spouses to go to court, to look at the court order, to get a variance in the order or to have a realistic court order, so that there's more of a chance that it's actually going to get paid. If you have such a high payment that it's not realistic that it's going to get paid, that won't achieve the goal of getting money to the kids. So we have to have realistic court orders. I think we need to have faster court service

so that either of the spouses can get to the court to get a variance.

I don't have much time left, so I won't have a chance to make some of the other points I was hoping to make, except to say that we should be looking at this from the perspective of trying to benefit the kids. We need fair and balanced legislation that will achieve the goal of getting those support payments through to the kids.

The Deputy Speaker: Questions and comments?

Ms. Horwath: It's my pleasure to make a few comments on the speech by the member from Parry Sound–Muskoka. I have to say that I think a lot of the issues that he raised are important ones. He has an understanding of the complexities of the system.

If there's one thing that most of us would agree upon, it's that the interests really should be for the children in these kinds of situations and that their interests need to always be maintained as the primary motivation for us to change any kind of legislation. Similarly, those are the children, in many cases, who suffer from a lack of support, whose primary caregiving parent is often the one who is seeking spousal support and whose spouse has been ordered to pay spousal support but unfortunately is not receiving the spousal support. So, as unfortunately happens in many of these cases, these children go without, their family circumstances are made very difficult, and of course all of the emotional issues that are going on in a family breakup come to bear as well.

This particular bill, Bill 155, does some things in regard to addressing ways that the government might get those spouses to fulfill their obligations. However, unfortunately there are other things that need to be done as well. I think the member for Parry Sound–Muskoka was making some suggestions in regard to other systems and other pieces of legislation. I think we can start with the FRO, and the way we can start with the FRO is by looking at their administrative capacity, both technologically and in terms of their staff.

Mr. McNeely: Listening to the opposition on this, I think that we should get out the Provincial Auditor's report and read it. Since 1994, the Provincial Auditor had been after the government. It was in the report that came to the public accounts committee this year that something had to be done about the Family Responsibility Office.

On Friday, I had a lady in—and this goes back many years, but I think the arrears are something like \$200,000 in her case. They're just trying to track this deadbeat dad back to BC.

The auditor's report was very clear. The auditor told us that when somebody didn't pay, because of the very poor system that existed—because one caseworker had to handle 1,300 separate files—it took seven or eight months to track non-payment. You have to just look at what MasterCard or Visa might do if you're more than five or six days late. This government was letting that go for eight months. It was \$1.3 billion, I believe, that was owed to the province. The cost of mothers and kids, and fathers and kids, having to go on social welfare was \$10 million a year. It would have paid for this computer system that's going to be installed now, thanks to our

minister who has taken this in hand and is going to get a proper system in. It was \$10 million a year. So there was \$50 million, \$60 million or \$70 million lost in the late 1990s and the early 2000s because the government would not put a proper system in, even though the Auditor General came to them, I think, on four occasions to tell them it had to be done.

So read the auditor's report; it tells you very much why this is necessary.

Mr. Sterling: The member from the east end of Ottawa urged me to come to the debate because what the government is doing now is not fixing what the auditor said was the problem, and that was the system. I think that the committee came up with the best solution, but nobody would listen to the solution. The government is tracking down an RFP for a \$14-million new IT system which won't work in the end because it requires a lot of new software etc., etc. So instead of adopting what a lot of the members of the committee wanted—and that was to take on, holus-bolus, the BC system, change our system.

1800

They answer their phone in three to four minutes. Can you imagine a constituent phoning up one of our constituency offices and saying, "I phoned the FRO today and I got an answer in three or four minutes"? Their collection rate is about 40% or 45%, whereas ours is about 20% to 25%. But you can't tell these people to follow the study that we ordered when we were in government. We paid \$500,000 for it. They haven't even released the FRO study which says, "Copy the BC system." Instead, they're driven by the bureaucracy that wants to mix this collection function with providing social services.

It really is unfortunate, because the solution is right there. It's right there. They can buy it for very little money, and it will work. It's been proven to work out in British Columbia. They want their own way. They want their own new system. It won't work. We're going to win government in 2007, and it's still going to be broken.

Mr. Levac: I couldn't resist the temptation to talk to the member opposite, as well as the other members. They've really learned how to be opposition members, but I think they forgot what happened when they were here. It's the \$1.2 billion that wasn't getting collected that caused the ruckus in the first place. Some 250,000 kids not getting their money—we were harping about it too. All we seem to be doing is going around in circles.

We've got a piece of legislation here that's going to move us forward to make sure that the \$1.2 billion, up to \$1.6 billion, gets collected—and also the 250,000 kids. Now they're going to sit back and say, "Do you know what? You're full of it. You don't know what you're talking about." That's what they're supposed to do. They're supposed to sit back and say we're wrong. Listen, we're all culpable. We're all wrong if we don't get that money collected.

If we're given some good ideas—which I have heard on that side. I've heard a few nice little ideas, and I think we will hear them in committee. We will take an oppor-

tunity to try to correct it and improve it. But shame on us if we can't get this thing collected: \$1.2 billion that's going to moms and kids—90% of them—in a system that makes men who are paying—we lose their cheques. Something's wrong. Let's get it fixed.

If we're going to start talking about it, show me those examples we need to move it forward, so that 250,000 children in the province of Ontario get what's deserved, get what's needed, because \$1.2 billion not collected is not good enough for any government. So let's start talking about what corrections we can make in this legislation. Let's start talking about what the auditor is telling us. Let's start talking about improving the system. Shame on all of us, a pox on all our houses—the previous government's and future government's—if we keep letting our kids go without the money they deserve.

The Deputy Speaker: The member for Parry Sound–Muskoka, you have two minutes to reply.

Mr. Miller: I'm pleased so many people made comments: the member from Hamilton East, the member from Brant, the member from Ottawa–Orléans and the member from Lanark–Carleton.

One of the challenges with this bill is that there's no consideration for the financial situation of the payers. I think that's something you need to have. You can't get blood out of a stone. There must be provision made where payment just isn't possible. The member from Timmins–James Bay was talking about that.

Situations change. Today here at the Legislature we saw a number of mill workers from northern Ontario who are down here protesting. There were loud sirens going on outside of Queen's Park during question period today. They're protesting because they're losing their jobs. Well, in a situation where you've got a good-paying job at a mill in northern Ontario, you split up with your spouse, you go to court and you get an order for payment that's based on your good-paying job, but then you lose that job because of the perfect storm being created by this government, where you have high energy prices—a 12% increase was just recently passed on to large industrial users. You have a diminishing fibre supply for the forestry industry. I can't blame them for the 35% increase in the Canadian dollar, but you have that. So you have this perfect storm that's affecting businesses in northern Ontario. Well, situations change and you find that people just don't have a job.

The support payments have to reflect reality. There's no point in making criminals out of people who, through no fault of their own, have lost their job and simply are not able to make those support payments. So taking away their hunting licence, putting them in jail for 180 days or whatever is not going to benefit the kids. We have to make it easy for them to get back to court and get variances, and maybe we need to look at mediation.

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

The House adjourned at 1805.

Evening meeting reported in volume B.

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

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