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**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Tuesday 21 December 1999**

**Mardi 21 décembre 1999**

Speaker  
Honourable Gary Carr

Clerk  
Claude L. DesRosiers

Président  
L'honorable Gary Carr

Greffier  
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY  
OF ONTARIO

Tuesday 21 December 1999

ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

Mardi 21 décembre 1999

*The House met at 1845.*

**ORDERS OF THE DAY**

APPOINTMENT OF  
ENVIRONMENTAL COMMISSIONER

Resuming the adjourned debate on government notice of motion 30.

**Mr Dwight Duncan (Windsor-St Clair):** On a point of order, Mr Speaker: Earlier today, in the afternoon session, we dealt with the same government notice of motion. It is the position of the official opposition that what we have before us is a motion that is substantive in nature and ought to be treated in the same fashion as a bill, and that is that there ought to be no more than one opportunity in a calendar day to discuss the same item of business.

Last week the Speaker ruled on a bill and found in favour of the opposition. In this particular instance, it's the view of the opposition that this substantive motion ought to be treated in the same fashion as a bill in order to facilitate meaningful debate. Many of the points that were raised by the Speaker with respect to the point of order I raised last week reflect in the debates at the time with respect to the standing order amendments that the government of the day, the same government, brought forward, and that is that those standing order changes were designed to facilitate debate.

This is nothing more than a thinly veiled attempt to stuff the appointment of the Environmental Commissioner down the throat of this Legislature tonight so the government members can go home. We ask you, sir, to find in favour of our point of order that says the same item of business, this item of business, a government notice of motion, which is a substantive motion, ought to be treated in the same fashion as a bill, and accordingly we cannot spend more than one sessional day—or only once in a calendar day can we deal with the same item. If the Speaker allows this item to proceed this evening, it is the view of the official opposition that it ought to be out of order.

**The Acting Speaker (Mr Tony Martin):** A further point of order on the same point, the member for Hamilton West.

**Mr David Christopherson (Hamilton West):** On behalf of the NDP caucus, I would like to make submissions to you that are similar to and in support of the

position of my colleague representing the official opposition.

If we look at the spirit of the intent of the clauses that prevent the government from doing the same piece of business on the same day, clearly the fact that it's a substantive motion versus a bill is not enough, in our opinion, to justify denying us the protection that we have when exclusively the word "bill" is being used.

I would draw your attention to section 46(a) of the standing orders, "The government House leader may move a motion with notice providing for the allocation of time to any proceeding on a government bill or substantive government motion," my point being that the application of the rule in 46(a) is applied equally to a government bill or a substantive government motion.

It would seem to us to be inconsistent that on the one hand the Speaker, with respect, would uphold the argument that there are only limited things that you can do in one calendar day and then would deny us the same spirit just because it's a motion rather than a bill, particularly in this case where we are dealing with such an important substantive motion. This is not a trivial motion. It is arguably one of the most important substantive motions that we'll deal with, certainly over the next coming time.

We would ask you again to extend to us the rights that Speaker Carr ensured were provided to us in this ruling, thereby laying down, if you will, the foundation that says, "Yes, government, you have majority control and, yes, you can change the standing orders at will, but there are certain limitations," and that when we reach those limitations the Speaker will ensure that our rights as a minority are protected. We here in the third party see this very much as an extension of that ruling, and we ask that you recognize the spirit of that ruling and ensure again that substantive motions cannot be passed in one calendar day just because this government decided a while ago that one day can equal two days, which is of course what we have now with the afternoon sitting and then an evening sitting. To prevent the government from being able to railroad things at lightning speed that is even unacceptable for some of them, that rule was put in place.

All we are asking, Speaker, is that the spirit of that ruling, which was upheld by Speaker Carr, now also be applied to the issue of a substantive motion.

**The Acting Speaker:** On the same point of order, the chief government whip and deputy House leader.

**Hon Frank Klees (Minister without Portfolio):** Speaker, I submit to you that there is nothing out of order

about the government calling this motion for this evening.

The member for Hamilton Centre referenced the standing order, and I draw your attention to the fact that the standing order the honourable member referred to refers specifically to time allocation. That's not what this is about.

I also suggest to you that standing order 9(c) in fact specifically prevents the government from calling a bill in the afternoon and evening sittings. I refer you, Speaker, to that standing order, where it states very clearly, "no government bill shall be called on more than one sessional day during a single calendar day without unanimous consent."

What we are discussing today is not a government bill. It is a motion, and motions may be called in both the afternoon and evening on the same calendar day. Standing order 9(c) cannot be applied in this case to calling this motion again this evening.

Speaker, calling a motion in this way is not unprecedented, and you will know this. In the past, this House has seen other substantive government motions such as address in reply to the throne speech, as well as a budget debate, called in both the afternoon and the evening of the same calendar day. Members opposite refer to substantive matters of business, and surely you would agree that the address in reply to a throne speech and in fact a budget debate are clearly substantive matters of business.

The opposition refers to statements made in 1997 at the time the standing orders were amended. While those statements proved to be salient to the ruling the Speaker made last Thursday, they do not apply to our situation being discussed here today. Those remarks of 1997 served to explain the intention of the government in introducing the amendment to the standing orders now known as 46(e). Standing order 46(e) is a standing order that governs what business may be called on the same calendar day as a time allocation motion. The Speaker's ruling of last Thursday further clarified that standing order, but that ruling and the remarks by members made in 1997, I submit to you, were very clearly in reference to bills and time allocation motions and are not applicable to our situation this evening.

On the question of whether this motion may be called this evening, we are to be governed by other standing orders and by our precedents in this House. I suggest to you, as I have stated before, we have precedents here in this Legislature in this province where substantive government business, substantive government motions such as the one before us today have been called in both the afternoon and the evening of the same calendar day. For these reasons, I believe the precedents are very clear that there is nothing out of order in our dealing with this motion this evening, and I ask you to consider these precedents before you today in ruling the debate on this motion in order.

**The Acting Speaker:** Point of order on the same point? Member for Windsor-St Clair.

**Mr Duncan:** In those cases referenced by the chief government whip, those are done in circumstances where there is unanimous consent. There is not unanimous consent on this point tonight. Indeed, I should stress that there is anything but unanimous consent.

**The Acting Speaker:** The same point?

**Mr John Gerretsen (Kingston and the Islands):** The same point.

**The Acting Speaker:** The member for Kingston and the Islands, who was up on his feet first.

**Mr Gerretsen:** Thank you very much, Mr Speaker. On the same point, I would just like to draw your attention as well to 46(c). Although that specific clause deals with a time allocation motion, the same principle applies, so I just want to read it to you:

"A time allocation motion may not be moved until second reading debate has been completed or three sessional days of debate have taken place on second reading consideration of any government bill or on a substantive government motion when that government bill or substantive motion has been called as the first government order of the day on each of the sessional days."

The point I'm trying to make is that the rules draw no distinction between a substantive motion and a bill. All the subsections speak about both at the same time, so whatever applies to bills should apply to substantive motions as well.

**1900**

**Mr James J. Bradley (St Catharines):** On the same point of order, Mr Speaker: In support of my House leader's contention that this is out of order, it's a reasonable contention because, as the Speaker said in his ruling, "In reviewing the point of order, I have looked beyond the simple and plain meaning of standing order 46 which"—and he went on to mention other things. In other words, he looked beyond that, because he knew that when the new rules were being developed, the whole purpose of the new rules, when the government decided to relent and make its own amendments, was to ensure that the same matter of business would not be dealt with in an afternoon session and an evening session, since the evening session would be considered a completely new day for legislative purposes.

Of course, the evening session is held without a question period, without the normal orders of the day, but simply to accommodate the government's legislative schedule. In recognition of that, I want to quote the members again, because I think their points are salient and relevant to what we are dealing with this evening, as well as what we were dealing with the other night.

First of all, Mr Sampson, representing the government on June 23, 1997, on page 10943 of Hansard said, and the Speaker quoted this: "[T]his particular amendment I have put forward today will ensure that bills will not be passed any sooner than is the case today under the current rules that are governing the operation of this House. I believe that responds to the concerns that have been raised by members opposite in regard to the timely enactment of government bills."

Mr Baird, the member for Nepean at the time, went on to say, on page 10962 of Hansard: "On this amendment it was so important to be clear and up front that not only was a commitment made that no, there would be no intention that any government would want to consider a piece of legislation in two or three days, but on this issue it was so important we'll wear a belt and suspenders; we'll write it right in the rules that no, you can't do that. In my judgement, that deals with one of the biggest objections that has been made by members opposite to that change to the standing orders, to say that no, under no shape or form would you be able to go any faster on a particular piece of legislation under these standing order changes than you could before."

Clearly, when they are talking about a piece of legislation, they are talking about a piece of government business. Now, if there were consent of all parties in the House to deal with something in the afternoon and evening, that would of course be entirely different. There is not consent in this case. A substantive motion of this kind is very similar to—in fact exactly the same as—a bill, in my view. The whole idea is that the same piece of business should not be expedited by the government changing the rules to have both an afternoon and evening session count as two separate days. So exactly what the two members, Mr Sampson and Mr Baird, said applying to these rules should apply to the circumstances we face tonight.

**Mr Christopherson:** On a point of order, Mr Speaker: If I might, on the heels of the member for St Catharines, just mention a couple of parts of the quotes he used that he didn't that I think are also relevant to this.

I would again remind the Speaker that what we are tying this to is the ruling we had earlier on 46(e) of the standing orders, which says, "(e) A time allocation motion may not be moved on the same calendar day that any of the bills that are the subject of the motion have been called as government orders." Again, the reason for that is that when the government created two days out of one day, there had to be some kind of protection to ensure they couldn't just move legislation through twice as fast. You've heard the quotes.

**Hon David Turnbull (Minister of Transportation):** You didn't have two question periods when you sat in the evening before.

**Mr Christopherson:** This is not debate; it's a point of order, Minister.

You've heard the quotes from the government ministers at the time, who gave assurances of belts and suspenders etc. I would just point to other quotes that Speaker Carr referenced the other day that are now part of our Hansard record. It says:

"Standing order 46 to the standing orders was amended in August 1997. I have reviewed the debates that took place at that time and have found discussions in a number of places on this very issue; that is, the opposition's view that the 1997 changes which added evening sittings as distinct sessional days could lead to an acceleration of a bill's legislative life, creating procedural

conditions for it that it legitimately could pass more quickly than was the case before the standing order changes had been proposed.

"Responding to the concern, an amendment to both the then existing time allocation provision and to the motion then being debated to amend the standing orders was made by Mr Sampson," and then we have the quote that Mr Bradley read into the record. I won't read that again, Speaker; it's there for you to look at. However, where he ended, I would add one more paragraph for you to consider. This is Speaker Carr, speaking the other day on our point of order, which he upheld:

"It was, in my view, clearly designed," meaning the clause I've referred to that was upheld earlier, "to be a check against precisely what the government wishes to accomplish today." You will recall that what they wanted to be able to do was to time-allocate, call second reading and third reading all in one calendar day, simply by reversing the order from the way it's spelled out in the standing orders. The Speaker thankfully ruled that that little trick wasn't going to override the spirit.

Just in closing, I would finish the quote from Speaker Carr. "By proposing these changes in 1997, the government made it clear that it accepted this check and acknowledged that this is precisely what was meant in the amendment." That has now been upheld unquestionably: precedent-setting, I would say to you, in terms of what Speaker Carr said the other day.

Where we are now is whether or not, in the opinion of the Speaker, a substantive government motion is ruled by the same provisions that exist for a bill.

By saying "a bill," it could be the most unimportant bill in the world and yet it has this protection. We of course have one of the most serious substantive motions you could have before us now. What we are seeking is your ruling that the spirit of that protection against bills moving twice as fast as they could before the government created two days out of one be now extended to a substantive motion, because other than the words "bill" and "motion," it's the same situation. The government will have benefited by creating two sessional days out of one calendar day at a time when their ministers were clearly on record as saying they weren't seeking to benefit in terms of being able to move legislation twice as fast.

That is the essence of our submission to you today.

**Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader):** To mix standing order 46 with 45 is folly. Standing order 46, as I think Speaker Carr outlined yesterday, was designed to prevent a government from bringing forward a piece of legislation, a bill, in a too untimely manner, as opposed from the opposition.

So the notion, as my friend from Hamilton has talked about, in terms of a sessional day being in the afternoon and a sessional day at night, as distinguished from each other, and therefore we were prohibited from calling a bill in the afternoon and calling a bill at night.

There was a clarification of one of the standing orders, I think 46(e), the other day by Speaker Carr, that you

couldn't have a time allocation motion in the afternoon and a bill at night dealing with essentially the same subject matter.

There's nothing in 46 that deals with motions. Motions are dealt with in standing order 45. There's nothing that I can discern in the standing orders, which are very specific about what you can call or what you can't call on the same day—a bill as outlined in the standing orders—and therefore I believe that there's really no latitude on the part of the Speaker to make a ruling other than in our favour.

But the whole notion behind it is, why would the Legislature design the standing orders to curtail debate on a motion, whether it be in the afternoon or the evening or after midnight or all night or whatever? Mr Speaker, if a motion is called, the whole idea of a motion and debate is to invite members of the Legislature to come forward, make their arguments either in favour of or against a particular motion that is put forward on the floor of this Legislature, and vote on it. I don't believe the standing orders do curtail the ability of the government to call this particular motion in the afternoon or night, but there really is no logical reason why we would curtail debate on a motion that had been dealt with in the afternoon and dealt with in the evening. I think the idea of this Legislature and all legislatures and all parliaments is to allow debate, and to allow it during the normal hours that the Legislature sits.

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So number one is that there is no prohibition in the standing orders, nor is there any logical reason why debate should be curtailed on any motion that is brought forward in the afternoon, no reason why it should not be debated in the evening. As my friend the government whip has pointed out, we have done this in the past in terms of other motions with—

**Interjection:** Unanimous consent.

**Hon Mr Sterling:** With no unanimous consent that I'm aware of. We have called it, and the fact of the matter is that there was no unanimous consent called for or given in this Legislature for debate in the afternoon and in the evening on either the budget debate or the throne speech debate, which are both substantive debates, as the government whip has pointed out.

Mr Speaker, I think the road is clear. I think the Legislature should be free to debate this. I don't understand why the opposition would want to block debate on this very important issue, which they want to talk about and we want to hear their views on.

**The Acting Speaker:** On the same point of order, the member for Windsor-St Clair.

**Mr Duncan:** I just wanted to remind the government that when they changed the standing orders earlier this year, we took the old standing order 48 and inserted it in the "Definitions" section of the new standing orders. I want to read to you, sir, that definition of a substantive motion. It says:

"Substantive motion' means a motion that is not incidental or supplementary to any other business of the

House, but is a self-contained proposal capable of expressing a decision of the House," which we would argue is the same as a bill. The opposition is not arguing for one minute that we don't want to debate this again. We want to debate it again. We want to debate it tomorrow and we want to debate it Thursday. We would like to debate Christopher's Law tonight.

Mr Speaker, the fact is that in the old standing orders or in the new standing orders, it's very clear that for all intents and purposes a substantive motion is the same as a bill and ought to be, in the view of the official opposition, afforded the same treatment as a bill.

In addition to what Speaker Carr said in the House, I'd like to read into the record some things that the then government House leader, Mr Johnson, who was not returned to the Legislature in the last election, said with respect to the whole issue of how you spread out debate. I quote from Hansard:

"Nevertheless, the opposition parties have indicated that, technically, today it's possible to go through that process in five days. Under the procedures we have introduced, it would have been technically possible to reduce that by two days, to three days. Yes, that was true. It wasn't our intention to do that. We haven't taken advantage of that ability in the standing order procedures today. We didn't intend to do that in the procedures that we used. But we said, 'Even though we don't intend to do that, to use that short period of time, we will make it abundantly clear that that cannot happen.'"

Accordingly, based on that and based on the submissions of Speaker Carr and my colleagues from Kingston and the Islands and St Catharines, a substantive motion ought to be treated the same way as a bill and we ought to have a lot of time tomorrow, on Thursday and, frankly, I say to the government House leader, let's come back in January and talk about it some more.

**The Acting Speaker:** On the same point of order, the member for Beaches-East York.

**Ms Frances Lankin (Beaches-East York):** Mr Speaker, I intend just to make some brief comments. I want to indicate that I think it is important in the consideration of this matter that you look to Speaker Carr's ruling, and in particular the expression of an examination of the intent of the Legislature when these rules were formed. Even more important than the actual content of the ruling, although there have been some important references made to that—and I'll leave those quotes standing as they have been made by other members of the Legislature—I think his attempt to interpret the intent of the Legislature is very important.

It's like a court of law; when a law comes to it, if there is something ambiguous on the surface of it, the court of law attempts to read the intention of the Legislature at the time, and there have been times when debates in Hansard have been entered into evidence to give effect to that.

I'd like to say to the Speaker very directly that when these rule changes were being debated among the House leaders, as the then whip for our party, I took part in those debates and those discussions behind closed doors

and here in the chambers. Our objection was about the establishment of night sittings as a separate sessional day. That was clearly the change. Other members may refer to the fact that in the past, legislatures have sat in the evening. The new rules brought in by the Harris government created a separate sessional day. Our concern at the time and our objection at the time were that substantive matters, substantive questions before the Legislature—not simply bills; substantive questions before the Legislature—would be able to be accomplished in virtually half the time that had been done in the past by creating evening sittings as a new, separate sessional day.

During the course of the discussions that took place between House leaders, the government moved off that position. They gave us assurance that that wasn't their intent. We said, "Your assurance isn't good enough; we want the rules to be clear"—that, along with the words they had spoken in the House to assure members of the Legislature that it was not the intent of the government, in creating evening sittings as a second and separate sessional day, to be able to deal with substantive questions before this House any faster than they would have been able to before the evening sessions were created as a separate, second sessional day.

I think those assurances were very clear. Therefore, the intent of the Legislature was very clear. The intent of the rules and the spirit of the rules should be very clear. The way in which Speaker Carr looked to the intent and the spirit of the rules should be a guiding factor in this Speaker's deliberations as well.

**The Acting Speaker:** On the same point, the chief government whip.

**Hon Mr Klees:** Speaker, not to belabour this point, but I want to draw your attention to the fact that all of the comments that have been made to you by the opposition members have referenced time allocation motions. I submit to you that that is not what this is about. In fact, we're suggesting not to allocate time here. By the way, we're not arguing about the substantiveness of this motion either. We are agreeing that this is a substantive motion, which is why we are saying to you that we believe it's important that the members of this place have an opportunity to debate it. We're putting it forward for further debate.

The fact of the matter remains that members opposite are saying, and you've heard the references to, "It ought to be considered the same as ...." "Ought to, ought to, ought to." Regardless of what members think it ought to be, I suggest to you, Speaker, that your responsibility in this matter is to rule on the basis of the existing standing orders: not what members think the standing orders should say, but what the standing orders do say on this issue.

We submit to you that based on the existing standing orders, there is a difference in terms of how bills are to be treated and how motions are to be treated. We are not for one minute suggesting here that debate should be constricted. We're suggesting that debate should in fact continue. The member opposite from Broadview-

Greenwood, in her earlier debate, made reference to the fact that when debate resumes this evening she would have certain other things to say, and I suggest we allow her to say them. She was anticipating to carry on this debate. We would like to give her the opportunity to do so.

I ask you, Speaker, based on the existing standing orders, to rule this motion in order.

**Mr Christopherson:** Point of order.

**The Acting Speaker:** We've gone around at least three times now.

**Mr Christopherson:** Mr Speaker, the government House leader put forward something that is inaccurate. It's a very important part. The government House leader said—it will only take me 30 seconds to do this—that section 46 makes no reference to motions, that all motions are covered under section 45. This is inaccurate.

Section 46(d) says—I'll read it and then sit down, Speaker—"A time allocation motion may not be moved until second reading debate has been completed or three sessional days of debate have taken place on second reading consideration of any government bill or on a substantive government motion"—which of course the chief government whip has just admitted we are dealing with here—"when that government bill or substantive motion has been called as the first government order of the day on each of the sessional days."

My point is that this is the second example I've raised for you, Speaker, where they are interchangeable, and to point out that the government House leader's point that section 46 contains no reference to motions is not only inaccurate, it actually speaks to "substantive government motions," which the chief government whip has just admitted is what's before us today.

**The Acting Speaker:** I've heard enough. We've been around. We've heard from two or three speakers from each caucus. We're going to take a recess of some 10 minutes to consider adequately and seriously the points that have been put, and we will return.

*The House recessed from 1921 to 1931.*

**The Speaker (Hon Gary Carr):** I want to thank all the members for their participation, the House leader, the official opposition and the third party, in seeking my guidance on the question of government notice—

**Mr Bradley:** Were you watching on TV?

**The Speaker:** As a matter of fact, I was watching on TV—during both the afternoon and evening sessions. The government House leader, the deputy government House leader and the member for Beaches-East York also made submissions. I thank all the members for the comments.

This House is meeting tonight as a result of a motion moved by Mr Sterling during routine proceedings, which said that "pursuant to standing order 9(c)(ii), the House shall meet from 6:45 pm to midnight on Tuesday, December 21, 1999, for the purpose of considering government business."

Standing order 9, which places the conditions on the business that can be considered during evening meetings

such as tonight's, states: "Evening meetings held under subclauses (i) or (ii) shall be limited to the consideration of government orders or private members' public business or both, according to the terms of the motion, but no government bill shall be called on more than one sessional day during a single sitting day."

The motion authorizing tonight's meeting clearly specified that the House would consider business as a result of government notice of motion 30 being called. In my view, this order is properly before the House at this time. The limitation of standing order 9 on considering the same business in both the afternoon and evening sessions explicitly applies only to government bills, as the standing order itself states, and not to other types of government business.

The House leaders for the official opposition and the third party referred to my ruling on Thursday. The ruling spoke to the circumstances surrounding the placement of the standing orders and the provisions. I found that there were conditions upon a clear undertaking enshrined in standing order 46(e). The ruling was based on the finding that the House accepted that no piece of legislation should make its way through the legislative process faster after those changes than it could have before the changes. I was comfortable reviewing that rationale before putting standing order 46(e) in the standing orders in 1997 since the standing orders otherwise provided no clear guidance.

In standing order 9, however, the specific exclusion of every other type of business, except government bills, can only logically mean that every other type of business is not excluded. There is a distinct procedural difference between the prohibition against debating and time-allocating a bill on the same calendar day, on the one hand, and debating a substantive government motion on two sessional days on the same calendar day. I accept the view of the opposition House leader that these two situations seem thematically similar. However, they are procedurally different and each situation is different provided for under the standing orders.

I say to the members that I hope I've been very clear in the ruling that in fact the motion will be called this evening.

Government—the member for Windsor-St Clair.

**Mr Duncan:** I move that the House be now adjourned.

**The Speaker:** I'm sorry, you don't have the floor. Government House leader.

**Hon Mr Sterling:** Mr Speaker, G30, resuming the adjourned debate.

**Clerk Assistant (Ms Deborah Deller):** Resuming the adjourned debate on government notice of motion number 30.

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** On a point of order, Mr Speaker: I want to seek some clarification, based on the fact that the government whip, in the discussion of the previous points of order around whether or not this substantive motion could be considered this evening, as it was the same calendar day—and I appreciate your ruling on that. I'm not challenging it at all, but I

do want some affirmation of the statement that was made by the chief government whip when he said that the government considers this to be a substantive motion.

As I understand it, and I just want to clarify so we don't have long, detailed points-of-order debate during the course of the remaining debate on this particular motion, a time allocation motion therefore could not be moved without there being three sessional days of debate on this motion because it is a substantive motion. May I seek your ruling on that?

**The Speaker:** If time allocation was moved, the Speaker at that time would have to rule on that particular situation. Being what I consider to be a rather substantial motion, there would need be, I would consider, lengthy debate on that. If in fact that does happen and it is a theoretical situation that does come up, the Speaker will have to deal with that at that particular time.

The member for Broadview-Greenwood I believe had the floor.

**Ms Marilyn Churley (Broadview-Greenwood):** I'll pick up where I left off. I was explaining to the government members the difference in this very partisan political appointment to this position, which requires the utmost scrutiny in terms of non-partisanship and non-involvement with a political party.

If I might, I want to read from the internal document from the Environmental Commissioner of Ontario Polices and Procedures Manual. Section 7(2): "The high conflict-of-interest threshold is more stringent for the offices of the provincial Legislature such as the Environmental Commissioner which performs an independent review of the provincial government.

"ECO employees must not participate in activities that might identify them as members or supporters of a political party. The following are examples of prohibited political activities: ...

"(3) Party riding association director or executive member."

For heaven's sake, if that applies to the employee, surely it must apply to the commissioner.

Let me again read to you from the Environmental Commissioner background paper, Independence, Accountability and Transparency: The role of the Environmental Commissioner of Ontario: "The independence of the office requires that the commissioner be sworn to impartiality. The legislative history of the EBR with respect to the role of the Environmental Commissioner makes it clear that he or she is intended to ensure that the government be held accountable for its decisions under the act.

"Independence is a vital feature of the ECO's effectiveness, not only for objective oversight but especially for reviewing the implementation of and compliance with the EBR. In particular, the ECO's position is independent of the party in power and its impartiality cannot be compromised by pressure from non-statutory consideration such as political pressure, potential reprisals or interference."



If nothing else can convince the government that this appointment is wrong and inappropriate—it's absolutely disgusting that they could do this in such an important position.

Other members who sat on the committee, specifically government members, spoke at great length about the committee process. I'm going to take some time doing that. I was there for practically every moment of those committee hearings.

#### 1940

I want to start by saying that the government House leader says we went through a public process agreed to by all three parties. This is not the fact, and I pointed out earlier that originally we were promised a truly non-partisan process by the government House leader. I presume the Premier's office said: "No. We've got a candidate we want to appoint. Shut that down and go to a government-stacked standing committee so we can get our guy in." We had no choice. There was a gun to our head. I participated in that process and did the best I could to make sure that the process was fair and above-board. But it became very clear from day one that the fix was in.

It's interesting. When the member for Halton, who was the member from the government on that committee, spoke tonight he made a very interesting Freudian slip. He was talking about "the committee" this and "the committee" that and the candidates, and all of a sudden he said something like, "Our candidate got top marks," and then he corrected himself, "the committee candidate." That summed it up right there when he said, "Our candidate got top marks." He made a slip. If there was any doubt in anybody's mind, which there shouldn't have been, right there in that little Freudian slip he made it very clear that "our," meaning the government candidate, got top marks.

I am going to tell you about what else happened in that committee. A member from human resources was involved in the committee process and took all 71 applications and rated them according to a special formula and very scientific criteria. The member for York North talked about "the committee" this and "the committee" that, and "We decided to go with a second set of criteria." Well, I want to make it clear that it was I who came to the committee and pointed out that the criteria were very scientific, technically based, and didn't take into account many other factors that are important for this role.

The committee did ultimately agree with me; I give them credit for that, although they knew that they could go through that process again and still have their guy win at the end of the day because they have the majority. But they did allow that second set of criteria to be adopted by the committee after I put it forward. We settled on some new criteria together as the committee. Human resources went away and did a lot of work and came back after applying the new criteria with a different—although there were some of the same names, some of the other very qualified people who had been left off before were now

floated to the top as a result of that. That's what happened there.

After that, all of the committee, I presume—I know I did—spent many hours poring over some of the resumé. I have to tell you that one of the Tory members insisted on seeing all 71 resumé, so we agreed that all the committee could look at those resumé. We looked at them. We went back into the committee and that particular Tory member said he had a couple of candidates that he would like to see on the short list. When we asked him who those might be, he told us—I'm not going to mention names here. With regard to one of them, I said, "I didn't even see that name," and he gave the name of this particular candidate. I looked her up and she was rated number 61 out of 71. I looked at her resumé, and guess what her main criterion was? She had been a PC candidate in the last election.

This member from the Tory side of the committee wanted her brought in to be interviewed, to jump ahead of a whole bunch of others who were rated much higher than her. I said: "Look, I'm going to lay my cards on the table here. If this person is called in for an interview, then I'm going to tell you that I walk out of this process right now." There was a quick Tory huddle: "Let's have a five-minute break." They came back and withdrew the name, because they knew, of course, that this would be a scandal. But of course they also knew that they had another Tory candidate who was near the top so they could afford to withdraw her, and they did withdraw her. This is true; that happened. It was just appalling.

We got through that and we agreed to interview 11 people. Mr Gord Miller was in that group, and so were other people, people with incredible qualifications, even in the top 11. We interviewed all of those people, including Mr Miller. The committee agreed on a number of set questions that all of the applicants would be asked and that we would go around in rotation. That's what we did—not rotation by party but by individual. We went strictly around in rotation and asked a specific question. There was no room for supplementaries. We couldn't ask specific things about people's resumé. It was a strict set of questions. That was done. At no time when I looked at Mr Miller's resumé—and I have to give credit to the woman who didn't get on the short list, number 61 out of 71 in the ratings. She at least came clean and admitted her political connections in her resumé. I made it clear that why I was objecting to her being on the short list was not because she was a political Tory candidate—I appreciated the fact that she admitted that—but because she rated 61 out of 71. Mr Miller did not in any way mention his political connections, so after the first interview there was no indication whatsoever that he was connected to the Tory party.

**Mr Bradley:** On a point of order, Mr Speaker: This is totally contrary to what the member for Halton said. Do you mean that the person never identified himself as a Conservative?

**The Acting Speaker (Mr Tony Martin):** That's not a point of order.

**Ms Churley:** There was no indication whatsoever in that first round of interviews.

It became clear to me; I knew the fix was in and that this was the candidate. I could tell by the demeanour. Some of the members were like open books; I could tell as soon as Mr Miller walked in the door that he was the preferred candidate, so I left that committee meeting after those interviews and I started to do a little digging. What did I find out? I found out that Mr Miller, in North Bay and other areas, had been the candidate, not once but twice, for the Tory party, in 1995 in Cochrane South for the Mike Harris regime and in 1997 as a Tory candidate federally in Nipissing. That was not alluded to in any way. So I went back into the committee, when we had shortlisted four—actually, I believe there were six; two dropped out—and sat down and said, “Look, we’ve got to have the opportunity to ask this candidate questions about his political background.”

*Interjections.*

**The Acting Speaker:** The member from Brampton will stop it or he will be named.

**Ms Churley:** At first the Tory members on the committee objected to this. They didn’t like the idea that I wanted to ask this question. The person there from human resources said it was quite legitimate to ask, under those circumstances, for this particular position. So after another little huddle they agreed that we could ask, but only if all the shortlisted candidates would be asked the same question. I said, “Fine, no problem,” and in fact they all were asked and the other three shortlisted candidates didn’t have any political connections and had never run for a political party.

Mr Miller was the third person to be interviewed that day. He came in and it had been agreed that the only question that could be asked—again it was set for all the members of the committee; no supplementary—was, had he run for political office? That question was put to him, and when put to him—I must say I thought he was well prepared for the question—he actually said yes, he did, he had run twice and that was the end of it. I wanted to ask a supplementary, because I figured if he had run politically and hadn’t disclosed it before that there might be some more political connections there, but I was not given the opportunity to ask and he didn’t disclose.

So I left that meeting thinking that because I didn’t have the opportunity to ask a supplementary question, I would do a little bit more digging. Lo and behold, I find out that what Mr Miller did not disclose when he had the perfect opportunity to disclose it—I mean, even though I couldn’t ask a supplementary, it was pretty clear what I was getting at here. There was no confusion about that. That was the time and the opportunity for him to come clean with the committee so we could ask him very direct questions. That’s all I wanted, was the opportunity for him to come clean so we could say to him: “Look, there’s a concern here, Mr Miller. Try to prove to us that you can be non-partisan.” I did not have the opportunity to do that.

**1950**

The Tories all acted surprised: “We didn’t know.” You have candidate schools and everything, don’t you? You never met Mr Miller? I believe he auctioned off John Snobelen’s pants when John took his pants off at a fundraiser. Give me a break. The Tory members didn’t know this? But they also tried to imply that it wasn’t important, that it was irrelevant.

Some of the resumés, one in particular—and again I won’t mention the name—had written in in pencil by human resources, because they knew this, “Liberal connections,” and what those Liberal connections were, so we all could look at that resumé and know. I saw that and thought, “Well, forget him, because they know he’s a Liberal.” But it was there, and it was very clear that human resources also did not have this information about Mr Miller.

After we had decided at the committee that this question could be asked, Mr Miller also came in with references, although he’d been asked to give references before, but suddenly, with new ones, three new names passed out to the committee members. Before, those references had been given just to human resources, because we had agreed as a committee that they would be doing the checking of references. All of a sudden—surprise, surprise—after one of the Tory members on the committee disappears for a while, Mr Miller comes in with three new references, with a little note attached to show how impartial he was. Well, human resources took that back.

That is the chronology of what happened and how it came about that the committee discovered that he in fact had—now, I say the committee; well, I mean the opposition. I got Mr Miller to disclose. But he did not disclose the fact that he was the president of the Tory party in Nipissing, the Premier’s riding. I phoned him and asked him directly. I just thought I’d pick up the phone and ask Mr Miller, and he said yes. To my surprise, he didn’t say, “I was the president”; he said, “I am the president.” He was still the president. After going through this—

**Interjection:** President of what?

**Ms Churley:** Of the riding association in the Premier’s riding, the PC riding association. He hadn’t even stepped down. I know that he stepped down shortly after that, when it became clear—I assume that when he knew this was going to be a problem, there were talks with the Premier’s office about what to do about this problem and suddenly he stepped down. This is pretty sordid stuff.

I have said clearly, time and time again, that I have no problem, in many situations, with political appointments. I will say again that if you want to appoint Mr Miller in some position that is designed to go out and talk about government programs and implement government programs, that’s fine. You do it all the time. We don’t like some of those appointments but we don’t tell you that you do not have the right to do it. You guys still don’t get it.

Let me tell you something. Let me bring up Mr Norm Seabrook. I’m sure my good friend Bill Murdoch from

Bruce-Grey will remember when the Tories pushed Norm Seabrook through the appointments committee to go on to the Niagara Escarpment Commission. Here was a guy who had already said publicly that he thought the Niagara Escarpment Commission should be disbanded. I was at that committee. I went and argued and said, "We can't put this guy on." They put him on anyway. Well, guess what? In a few months he disgraced himself by making a racist comment on that commission and he was thrown off.

I'm going to tell the government members tonight who are saying: "What's the problem here? We appoint political positions all the time. Don't worry about it; there's no difference from an Andy Brandt—"

**Mr Ted Arnott (Waterloo-Wellington):** You appointed Andy Brandt.

**Ms Churley:** They just don't get it, but I can tell you now that this is going to cause you trouble. The member for Wellington, of all people, should know better, because you generally get this kind of stuff.

The problem is that they're laughing about this. They're laughing. I can tell you right now that down the road this appointment is going to cause—and believe me, it is on track, because there is a pattern here. It came to our attention just very recently—this is scandalous—that the Premier, the government of Ontario, is holding up a judge's appointment or several appointments in North Bay, in his riding, because he's trying to get a friend of his appointed. It hasn't happened yet, so for six months they haven't had enough judges there. There's supposed to be an independent process, which was put in in 1989, and suddenly we've now got another Tory appointment.

*Interjection.*

**The Acting Speaker:** The member for Bruce-Grey will cease and desist.

*Interjection.*

**The Acting Speaker:** The member for Bruce-Grey will stop or be named.

**Ms Churley:** This is a general pattern in this government. No other government before has done this. No other government before has been this blatant in its political appointments in positions that are supposed to be totally arm's-length from the government. This is a really slippery slope that we've already gone down here. Mark my words, this will come back to haunt them. If they do manage to get this through—and I recommend that they don't—it will come back to haunt them.

After the committee made the decision—the members like to say that I'm just mad because I didn't get my way on this. There were three other candidates, one of whom gave me permission to use his name: John Swaigen—incredible credentials, absolutely incredible, with no political involvement. There were two others and I don't have that permission from them. But what I offered the committee was: "Look, we generally compromise. We were able to do it in the last Legislature. Wouldn't it be nice if we could reach a consensus here? I am willing to go with any of the three candidates. Let's have a discussion here to see if we can reach a compromise." What

troubled me was that they wouldn't even enter into a discussion, not even a discussion about the possibility. The heavy hand of the government came down.

I decided to whistle-blow. I decided that enough of this had gone on behind closed doors, in secret, where we had majority government members appointing somebody who is this closely connected to the Premier and the Tory government and trying to hide it. Yes, that made me mad. That made me really mad, that they tried to hide it. I'm still mad about that. Everybody should be mad about that.

That is not being above-board. This was an important process and we could have at least discussed a compromise.

I've got a motion in that the government refused to debate today, asking the committee to go back. I'd prefer to have the offer made again to clean up this sort of mess we're in here now, to clean it up and to have a truly non-partisan committee make a decision. I know the government isn't going to allow that, so what I've asked is that we at least let this committee go back and try again, to do it right this time and to find somebody that we can all live with. Clearly, it is not possible—he does not have my confidence; he does not have the confidence of many, and I could even guess of most, in the environmental community.

But I would think that those from industry who were very involved in setting up the Environmental Commissioner role and the EBR, very involved—it was multi-stakeholder, from all walks. Industry, environmentalists, lawyers, politicians, came together and worked very hard under Ruth Grier and then under Bud Wildman to set this environmental commission up. I would expect that some in industry are not very happy about this, because we now have a commissioner whom people will not have faith in, will not believe that his reports are completely neutral.

**2000**

It's absolutely critical that we be given an opportunity to revisit this. The Tory members can't go on pretending that this isn't a problem. It is a problem.

I would ask that the members of the government stop laughing about this, stop chuckling about it, and take into account what I've said tonight about what happened at that committee. Take into account what happened with Mr Seabrook. Take into account what's happening in North Bay right now. Take into account, overall, the reputation the government is fast getting around these appointments. This is a way out here.

Some from the government complained that I was breaking committee confidentiality. I would say I didn't do that. Mr Miller had been offered the job. I talked to somebody from human resources, and that had been done. The others who didn't win had been told. The reason I blew the whistle on this—and that's what it was—was to alert the community to what was happening here so we'd have a little bit of a fighting chance to do something about it. The government members complained that I had leaked committee confidentiality. To my surprise, then, a letter arrived—remember the letter—

from the member for Halton, Mr Chudleigh, written to Minister Sterling, Mr Duncan and Mr Christopherson, in which he talks about quite a few things that happened in committee. I'm going to read you parts of this letter. It's quite interesting. He says:

"Dear Mr Sterling, Mr Duncan and Mr Christopherson,

"In recent days there has been a tremendous amount of media attention and speculation on the general government committee's consideration of applications for the position of Environmental Commissioner. This speculation has been driven in large part by an unprecedented and utterly inappropriate disclosure of information, much of it inaccurate, regarding the committee's review process by one of the committee members, Marilyn Churley. In the wake of this inappropriate disclosure, I thought I would take the opportunity to provide the three of you with the actual facts associated with our committee's consideration and a review of applications for the commissioner's position.

"You know the application review process Ms Churley has criticized was endorsed by all three party House leaders"—which it wasn't; the gun was to our head and we had no choice—"and it copies exactly the process used by Ms Churley's" blah, blah, blah.

He then goes on later to say: "Despite all this, Ms Churley justified her disruption of a confidential hiring process by alleging that the process was unfair and that Mr Miller had 'hidden' previous political experiences. This is an odd allegation, given that the Environmental Commissioner is a professional position." I don't understand what that means.

Earlier, he was talking about my "preferred candidate."

He then says: "As you know, professionals rarely outline political activities on their professional resumés. In fact it is illegal to ask for information on a candidate's political preferences without reasonable cause." I think we had reasonable cause here. "The Legislative Assembly's ad did not suggest that such information should have to be provided and"—get this—"when Ms Churley did ask questions about Mr Miller's political experience, he immediately replied with total candour." He didn't. He didn't disclose all the facts about his political involvement.

Then Mr Chudleigh goes on to say: "That said, Mr Miller's political resumé is irrelevant to his candidacy for this position. What is relevant is that Mr Miller received very high or the highest rankings by the non-partisan staff of the Legislature, from the committee during the scoring phase, and from every MPP, regardless of political stripe, with the exception of Ms Churley, up to the final selection process."

He added: "I hope this Legislature and its members can, with your co-operation, find some way to extract"—extract: visions of hot lights—"from Ms Churley the apology that Mr Miller deserves. Without it, any qualified professional may have serious reservations about

applying in confidence for a position with our assembly in the future."

I would say quite a bit that happened in that committee is revealed in this letter written by a member on the committee, the member for Halton.

**Mr Peter Kormos (Niagara Centre):** So who was it who supported Miller?

**Ms Churley:** You know, I don't think I'm going to get into that tonight. I think I've said enough. The letter stands on its own.

The issue here is that this letter—and as you know, Mr Speaker, I've raised it as a point of privilege. I'm hoping that the Speaker will rule on this if we should indeed be back here tomorrow. I'm asking that there be some sanction around this letter, particularly given the fact that the member for Halton actually revealed more about what happened in the committee than I did.

So where are we now? We've got a Premier whose reputation is at stake, really at stake, over the appointment of Ontario's new Environmental Commissioner.

Let me make very clear here that there were highly qualified people who had applied for this job, who were shortlisted out of the 11 and who were on the final short list of the four. It was very clear that my time was wasted. I get paid to do this. Yes, it took away from time in my constituency and other things that I might be doing, and I hope people will understand. But the real waste of time was for those people, those applicants who came forward in good faith to apply for this job, and let's face it, they didn't stand a chance. They worked hard. They came prepared. They answered our questions. Some of them came back for a second interview. The fix was in from day one, when we could have used this as an opportunity to come together and reach a consensus on something as important as appointing the Environmental Commissioner to this province.

I feel strongly about this. I came to politics as an environmentalist. I was an environmental activist in my community for a number of years. I was the executive director of the Canadian Environmental Defence Fund when Mr Bradley, the member for St Catharines, was then the Minister of the Environment, and we needed some money to get some things done. I believe I sat outside Mr Bradley's office every day for days and weeks on end, making sure we got that money. We succeeded. We got it in the end, didn't we, Mr Bradley?

I have a huge commitment to environmental protection in this province and I believe that most of the people of the province have a huge commitment to environmental protection in this province. That is why this debate is so important tonight. To even have this coming forward is a problem, but to bring in closure tonight, when the fix is in that the government is determined to pass this, and we know it, but to not at least give people the opportunity—every member in this House who wants to speak to it should have the opportunity to speak.

**2010**

I would say to government members, because I would expect—I don't know when you're going to do it—that

somebody is going to stand up tonight and ask for closure on this: You won the point of order, and I'm sorry that happened, because it was a legitimate point of order, but I am really disgusted and outraged by what is going on here, when we're talking about something as important as the protection of the environment in this province.

I got worried about this position back in August. Remember back in August, when Mr Clement, the Minister of the Environment, came forward and started musing out loud about getting rid of the Environmental Commissioner? There were musings out loud that perhaps the Ombudsman might do that job. There was real concern expressed in the community and they backed down on it, but I have to tell you, from the moment the Minister of the Environment started musing about getting rid of that position, I was worried. This is the second-best choice. This is the beginning of the demise of the Environmental Commissioner's role. They didn't have the guts, the courage—that's a good thing—right now to get rid of it, but they said: "OK, we can't just wipe it out right now. We'll just put a lapdog in there. We'll just find a good Tory, a good friend of the Premier, who will go in there and just do what we tell him to do." That's what they decided.

It's a real shame when we have had, over the past few years, report after report after report. I could have brought in a stack this high—I didn't bring them all in—from all kinds of independent sources across Ontario, one of which was the consistent and constant reports from the Environmental Commissioner's office. In these reports she's doing her job. She outlines the problems from the cuts and deregulation that this government has done to the Ministry of the Environment across this province. She has outlined it very specifically. She did not go outside the bounds of the rules and her role and the legislation here. She courageously did her job.

I do want to take this opportunity tonight to thank Ms Ligeti for the work that she did, because what she did was her job. It was her job. That's the role of the commissioner, and that is of course why they don't want a commissioner in place who will do the job, because they're planning on more cuts. There's almost no more Ministry of the Environment. There are so few front-line workers there now, there are so few people working in the ministry, we don't even know what's going on any more. There's nobody out there to inspect, to enforce, to tell us what's going on. We just had another fire in Hamilton, after Plastimet. The member for Hamilton West has been trying, along with our caucus, to get an independent inquiry into the Plastimet fire since it happened. The government refuses to do so, and just recently—

**Mr Christopherson:** The Environmental Commissioner supported that there ought to be one.

**Ms Churley:** The Environmental Commissioner supported that there ought to be one. That's exactly my point.

Those are the kinds of things—hazardous waste, air pollution, water pollution. We're talking about vital things here. The air we breathe and the water we drink

and the food we eat are being polluted. I think everybody here knows, or most people know by now, that my little six-year-old grandson—he was then five—a few months ago, we nearly lost him. He had a catastrophic asthma attack and was rushed to hospital. He had stopped breathing. It's by a series of good luck that he survived. I wish I had taken a picture, because he would have been a poster boy for—you know when we all talk about asthma and kids dying? This little boy was lying in a hospital bed for a week hooked up to every machine conceivable. I saw on the face of my own grandson what an asthma attack means. When we talk about kids getting asthma, getting sick and dying, I know what that means now. How do you think I'm going to feel on the next bad air day here? How do you think my daughter, his mother, is going to feel?

I want to know that we have a watchdog in place who is going to hold this government accountable. That's what this is about. It's about protecting our environment and it's about protecting our health. This is one area that's too important for the government to play this kind of partisan politics with, to stack a committee and get one of their own in so that I have no confidence that the Environmental Commissioner is going to do his job and alert the government and the public to the fact that they're not doing enough about air pollution, to the fact that the Planning Act has been dismantled so there's more and more urban sprawl, to the fact that public transportation is no longer being funded in the way it used to be. I believe we're the only jurisdiction now in North America where the provincial level of government, a senior level of government, does not fund public transportation in major urban centres.

To watch this government dismantle over and over, to bring us backwards instead of forwards—this is all stuff that has been documented not only by the Environmental Commissioner but by others. But the Environmental Commissioner's role is really critical. Yes, there are others out there—CELA, the Ontario Medical Association and all kinds of others—doing all kinds of important work. But this is a very special position. It was started many years ago by Ruth Grier. I believe she brought a private member's bill years ago when she was in opposition, and then when we became the government she worked very hard with multi stakeholder groups to come to a consensus about what the EBR, the environmental registry and the commissioner's office would look like.

If you take a look at the task force that came up with the final submission on the Environmental Bill of Rights and the commissioner, it's very interesting. We had on that committee Robert Anderson from the Business Council on National Issues; Rick Lindgren, Canadian Environmental Law Association—I know the government really hates the Canadian Environmental Law Association; in fact, if that showed up on any resumé, it was the kiss of death; that was a problem in itself—Andrew Roman; Michael Cochrane, co-chair; George Howse, the Canadian Manufacturers' Association; John

Macnamara, Ontario Chamber of Commerce; Paul Muldoon, Pollution Probe; Sally Marin—it's hard to read this—Ministry of the Environment; and Richard Dicerni, who was the deputy minister of that ministry at the time. These are the people, including all kinds of other people, again multi stakeholders, not just from the environmental community but from industrial sources as well, a wide spectrum of people involved in this, who came forward with this.

It was lauded in this House. I have the Hansard. Eva Ligeti was sitting right over there and was applauded by all members of the House. A consensus had been reached and everybody agreed to her appointment and thought it was a good thing. That was an incredible model of how we should do things around here when it comes to something as important as environmental protection. Now that's all gone because this government wanted to stop independent review of their pitiful record on the environment.

I can't tell you how disgusted I am and how upset I am about this. I sat on that committee day after day and I watched this happen. I did everything I could, as one member representing the NDP, to try to bring all the information I could to that committee level to try to influence the decision-making there. Perhaps it was foolish of me to even try, but I tried. It didn't work.

#### 2020

I would appeal to the government tonight—well, that's a waste of time, isn't it, Mr Speaker? But there is an opportunity to save a little face here. There's a little opportunity, a small one, to agree with us tonight and say that this appointment should not go through. It is an absolute disgrace. The fact that they can't see that is really alarming to me.

#### *Interjections.*

**Ms Churley:** They're making fun of me, Mr Speaker, as I stand here talking about this, that we're making a terrible mistake here tonight by appointing the Premier's friend, a just recently stepped-down president of the Tory riding association in Nipissing, twice a candidate for the Tory party and somebody who didn't disclose that until pressed and then only disclosed half of it. What more do we have to say to get through to you people that this is straight wrong?

I'm getting a little bit of angry comebacks over there, Mr Speaker. I think there is a little bit of sensitivity to what they're doing, especially from some of the longer-term members like the Minister of Consumer and Commercial Relations, who should know better and I think deep down does know that what you're doing is wrong, but you have your own agenda, don't you? Your agenda is to bury the fact that you have the second-worst environmental record in North America, to bury the fact that you've cut and cut and deregulated and privatized and will be doing more of that, to bury the fact that you have brought environmental protection in this province back by—what?—20 or 30 years, you've reduced standards so much.

Successive governments before you of all three party stripes had improved—some better than others. I would say ours did a pretty good job. That is what is so sad about this. The Environmental Commissioner's office and the EBR, the registry, have been lauded as the most environmentally significant action taken in this province in over 20 years. Many, many people said that. When the NDP brought this in, we were lauded, I think, even internationally. It is such a shame to sit here and watch this government with the stroke of a pen dismantle the work that so many people did.

Let me tell you, if they get this passed tonight or tomorrow, it's not the end. It is absolutely not the end, because they're going to be sorry that they ever appointed—

**Interjections:** Five, four, three, two—

**Ms Churley:** You're a disgrace. You're all an absolute disgrace.

**The Acting Speaker (Mr Michael A. Brown):** Further debate?

**Mr Joseph Spina (Brampton Centre):** It's my pleasure to take a few minutes tonight. I'll be sharing my time with the member from Oshawa, Mr Ouellette, who actually sat on the committee as well.

I listened with interest and with, I think, some fair degree of attention to Ms Churley's comments. I don't think anyone could ever question your sincerity, Madam Member, because you truly are committed to your cause and no one can criticize you for that. However, we want to look at the process, the responsibility and the role of this commissioner.

What I thought was interesting was that we had, as a government, I think among the House leaders, wanted to ensure the objectivity of this appointment, and rather than taking the process that was done when Ms Ligeti was hired in 1994—essentially they had about 30 minutes of debate. This was a new position, and the debate was really centred around the position and not the candidate. I thought that was interesting. Where the candidate's name came forward seems to be fairly vague at this point. However, they had this all-party committee that selected applicants and they decided and then they debated around a report. There was not the objectivity, seemingly, of the Legislative Assembly's human resources department.

What happened this time? Ads were placed in the newspapers and the public at large was invited to compete. Over 70 applications were sent in. They were screened and scored by the Legislative Assembly human resources department with some recommendations that were made before the committee even saw that list of candidates. That's the process, and I'm going to let my colleague describe that, as an individual who was involved in that, with much greater detail.

But I kind of wondered why, if Ms Ligeti was really that committed and quite interested in still being the commissioner, she didn't apply.

#### *Interjections.*

**Mr Spina:** Did she apply? She applied. OK, she applied and obviously she didn't make it up the list. Fine.

The opposition makes it sound as if the environmental laws of this province are gone and only the commissioner has the power and the authority to be able to determine whether or not the environment in this province will function. Is the commissioner God? Clearly not. The commissioner cannot be.

Let's look at the advertisement that was created for this position, and I quote: "Applications are invited from residents of Ontario for the position of Environmental Commissioner. As an officer of the assembly, the commissioner reviews the implementation of the Environmental Bill of Rights and compliance in ministries; at the request of ministries, provides guidance to ministries on how to comply with the requirements of the act." In other words, the act is still there.

Further, the commissioner "assists ministries in providing educational programs about the act;"—clearly, the act is still there—"reviews the receipt, handling and disposition of applications for review by Ontario residents of environmental policies and regulations made by various ministries; and reports annually to the Legislative Assembly on the commissioner's activities." Not what's happening out in the field but the commissioner's activities.

I just thought it was very interesting that they make it sound as if the responsibility of this position is the be-all and end-all of the environmental control in this province. The reality is that we have the environmental act in place, we have the Environmental Bill of Rights in place, and therefore it is only the role of the commissioner to ensure that the ministries are complying, to advise them, to assist them in programs where they are attempting to comply with the rules and regulations of the act.

They've spent much time attacking the candidate who was finally chosen. They eliminate one little thing. You see, he ran twice as a Tory candidate. It's kind of tough to run as a Tory candidate in the riding of Nipissing provincially when you already have a member sitting there. They deftly avoid the fact that this man ran federally. This party is not the government or the party of Brian Mulroney. It is not the party of Kim Campbell. It is not even the party of Bill Davis. It is the party of Mike Harris, and that is the reality. If this man chose to run in the past, that was his prerogative, that was his right. He didn't plan at that time, I would not think, to run as the Environmental Commissioner. If he was very conscious of that goal, then perhaps he would have thought twice about running politically.

**2030**

The reality is that so many people who are involved in the issues of government run for political office. They run for opportunities to sit on riding associations. They do all kinds of things.

*Interjection.*

**The Acting Speaker:** The member for Niagara Centre will take his seat.

**Mr Kormos:** Joe, do you have to practise being stupid or does it come naturally?

**Mr Spina:** On a point of privilege, Mr Speaker: I would ask that the member withdraw that.

**The Acting Speaker:** The member for Niagara Centre should come to order. I think you should withdraw that last comment.

**Mr Kormos:** He doesn't have to file the notice. I withdraw it.

**The Acting Speaker:** I didn't hear.

**Mr Kormos:** Withdraw.

**Mr Spina:** Frankly, Speaker, the degree of respect that some people have for the other members in this Legislature is unbelievable. However, it goes all the way around.

The reality is that anybody who becomes involved in government issues has the opportunity to become involved in government issues in many different ways. You cannot predict as an individual that you're going to be running for an independent position five or 10 years from now.

I may be running for an independent position 10 years from now, perhaps, after I'm out of office, voluntarily or not. However, at this point I am doing what I feel is right in fulfilling my responsibilities in running for my riding of Brampton Centre and trying to represent the people of my community and, furthermore, trying to do the best job that I can as an elected member for my community. I'm not worried or thinking about whether I should be careful about this or that because in 10 years' time I am going to run for a position. That's nonsense.

Now you have an individual who comes forward, who has paramount qualifications, unparalleled qualifications, even to the recommendation of the legislative human resource committee in their recommendation to the committee. I'm wondering now, where are they coming from? This was a far more objective process than has ever been implemented in the history of this particular position and in many other positions in modern times.

We have no problem in supporting the appointment of Mr Miller with the qualifications that he has, regardless of the background.

I defer to the member from Oshawa.

**Mr Jerry J. Ouellette (Oshawa):** Just to give Mr Bradley something to speak about, we'll bring a little bit of something different to the chamber before we start into our speech. We put together a little something for all members tonight.

Away in the chamber the members do sit,           par-  
laying with jabs with somewhat of a wit.

The questions are vast but the answers are sparse,  
as the opposition operate with a comical farce.

We in the backbench there in a row,  
awaiting the opportunity like flowers to grow.

The pages are scurrying all painted in black,  
with trays of good cheer awaiting to go back.

Back to the halls of learned things  
and speak of the Legislature and varying things.

The chamber, the chamber, as it sits so grand,  
wondering and deciding the fate of our land.

The table it sits so far down below,  
 dividing two sword lengths and those in the no.  
 Its members with thought it is that they think,  
 directing the Chair like a goaler of a rink.  
 The sound is directed from far overhead  
 to us below with somewhat of a dread.  
 The dread is a fear of time that spurs on,  
 as it's home for Christmas they wish to be gone.  
 And it's closure, it's closure that many of us wish,  
 being just as concerned with our families' wish.  
 So to all in the chamber sitting with care,  
 dream of Christmas, Christmas and how to be there.  
 They had to get it on just a little bit. They asked me to  
 do that, so I said I would.

There are a number of issues I'd like to bring forward  
 in regard to the debate on the issue of the appointment of  
 the Environmental Commissioner. First of all, the mem-  
 ber from the third party, the NDP member, was in fact  
 one of the individuals who wished to have other names  
 put forward. When the human resources department  
 came forward with the names, they were one of the ones  
 who said: "We want other names on there. We've gone  
 through all the resumés." They had seen them all, and  
 they wanted other names put forward as well. I was com-  
 pletely opposed to that. There was a large opposition to  
 that.

When that came forward, the original names that were  
 put forward, there were four individuals whom the  
 human resources department had picked as the top indi-  
 viduals. When they picked those individuals, I might  
 remind everybody, if they take a look at the ad, the open-  
 ing statement in the ad says, "Applications are invited  
 from residents of Ontario." It says "residents of Ontario"  
 very clearly on that. Don't ask me why. I personally  
 disagree with that. I think it should be the best candidate,  
 and I believe we did pick the best candidate.

Of the four people who were picked by the human  
 resources department to be the top individuals, two  
 dropped out and one was not a resident of Ontario. So  
 that left Mr Miller as the final candidate.

**Ms Churley:** What?

**Mr Ouellette:** Yes. If you review the top four and the  
 original criteria that were established by human  
 resources, before you and the other members of the com-  
 mittee decided that the criteria may not be the ones that  
 should be established and re-established the criteria, Mr  
 Miller was one of those.

I think one of the biggest problems here is the member  
 and, if you read the Hansard, the fact that the member  
 doesn't speak about Mr Miller's inability to perform the  
 job. It is guilt by association the member speaks of.  
 Clearly the member is more concerned with somebody  
 being affiliated rather than their ability to perform the  
 job. Clearly this is something that is completely wrong.  
 Obviously the members of the NDP are very concerned  
 with that. The entire debate by the third—

*Interjections.*

**The Acting Speaker:** The Minister of Transportation  
 will come to order. All members realize, of course, that

only one member can speak at a time, and the member  
 for Oshawa has the floor at this moment.

**Mr Ouellette:** The member from the NDP very  
 clearly did not want to deal with the process or the best  
 candidate. The entire debate she brought forward had  
 nothing to do with ability. If people review the ability of  
 the individual, they will come to the clear decision, as the  
 majority of the committee did, that he was the right  
 choice.

There were a number of other things that the member  
 from the NDP brought forward. She talked about a scan-  
 dal and that the scandal was so vast. If this individual  
 doesn't perform adequately in the position and do a good  
 job, guess who's going to hear about it? Don't you think  
 we're going to hear about these things at a later date if he  
 screws up and makes a mess?

I'm as much concerned, if not more, than some of the  
 other people in here. I'm one of the ones who are con-  
 cerned about having to goop up my kids with that  
 UVB40 every spring and summer when they go outside  
 and play. I find that so insulting to our community.

The program that we brought in for emission controls  
 is a substantial move forward for cleaning up the envi-  
 ronment. That was a move that was brought forward by  
 this government. It reduces substantial pollutants in the  
 atmosphere, which will help in the long range.

I am also concerned with asthma and the breathing as-  
 pects. I have two filters in my sons' rooms to make sure  
 of the atmosphere and that there is no possibility of hav-  
 ing breathing contaminants that can go forward. If you  
 think about the environment, all I'm trying to do is em-  
 phasize my commitment to ensuring a healthy environ-  
 ment for my kids' future.

I would not be picking Mr Miller if I did not believe  
 he was the best choice. If the member was so concerned  
 about it, why did the member from the NDP wait until  
 after the first interview to bring forward any concerns? I  
 asked very clearly if there were other affiliations that  
 could be mentioned. How do we know that the other  
 candidates weren't part of a watchdog group or, in the  
 concern of the NDP, members of some organization or  
 environmentally non-friendly agency that could be work-  
 ing in there but had high qualifications? They've already  
 admitted there are people in those sectors who work  
 there. Obviously they are concerned with some of the  
 things that are being said.

Mr Miller came forward. He was one of the final four,  
 the first four. The advertisement clearly states, "Appli-  
 cations are invited from residents of Ontario." Mr Miller  
 was a resident and is a resident of Ontario. Two of the  
 top four declined; they had already found other positions  
 and were no longer interested. One was a non-resident of  
 Ontario. That left Mr Miller as the number one choice.

**2040**

Clearly, a large number of things have taken place in  
 regard to this that should be reviewed, and we're going to  
 try to bring those forward. I tried to get the question  
 down, and it was the member from the NDP who specifi-  
 cally drafted the question, I believe. "Have you ever run



for or are you a member of a political party, and how will you maintain your independence and impartiality?" I believe that was the question.

Mr Miller answered that question very specifically. I was satisfied with his answer, and it wasn't until after that point that other affiliations with other organizations, when we were choosing the final person, came forward. Clearly it was an attempt to mark Mr Miller's name in the decision process, because Mr Miller was the best choice. That's why they were concerned. They weren't concerned with the best ability; they were concerned about association. It was guilt by association, not the best ability, that was taking place here.

**Interjection:** Did he disclose?

**Mr Ouellette:** No, as a matter of fact. The members are asking, "Did he disclose?" Well, very clearly, in the application it doesn't ask for any disclosure of that. I also think it's important that you turned down my recommendation to review other organizations that they were involved with. You did not want that to take place. When I specifically asked that, because I have some concerns about that as well, why didn't you bring forward the fact that you had some other concerns about other companies he was involved with or received funds from?

*Interjections.*

**Mr Ouellette:** I don't know that. This is the first I'm hearing—

**The Acting Speaker:** Order. This debate works much better if it's done through the Chair.

**Mr Ouellette:** Thank you. As I said a number of times, I believe that Mr Miller went through the process. I made it very clear that the ideal process is to establish the criteria, allow the HR department to review the entire process, have one person—part of the difficulty, when you're having a group of individuals, is that everybody is scoring individuals as they're coming through and being interviewed. How do you assess who is the best score in whose eyes? So we established a ranking process where everybody picked their number one choice and their number two choice to make sure the process was as fair as possible, and Mr Miller did reach through that process again.

I believe he was the best choice, and I think, as I mentioned earlier on, he will do a good job for the province. If he doesn't, I'm sure there are individuals, and I would expect not only the companies and those who are concerned with the environment but other members in opposition—that is their role, to make sure they bring to the attention of this floor that there are inequities with what is taking place and that we make sure it is in the best interests of the environment.

There were a lot of other things we discussed in the entire process, and I think the process has been discussed, as Mr Spina said. I don't really know that we need to hear it a fourth or fifth time from this side of the House, but it was very specific. The HR department established the original criteria, the questions that were asked, reviewed the resumés and established a top four recommended candidates. Mr Miller was one of those. It was

re-established with new criteria from the committee. Mr Miller was one of the top ones in that. I believe Mr Miller is the best candidate and will do a fine job; and if he doesn't, I'm hoping the other parties in the opposition will certainly bring it to the attention of not only this Legislature but the province as well.

**The Acting Speaker:** Further debate.

**Mr Gerretsen:** I think the first thing the people of Ontario ought to be aware of is that they are not watching an infomercial for the NRA, the National Rifle Association; this is the Ontario parliamentary channel they're watching, just in case there's any confusion out there at all.

I for one person don't care whether this individual was a member of the Conservative Party, the New Democratic Party or the Liberal Party. As far as I'm concerned, the fact that this debate is even taking place here is reason enough not to appoint this particular individual. It's my understanding that it has been traditional that when an officer of the Legislative Assembly has been appointed, whether it's done through the Speaker, with a committee of three people, one from each party, or whether it's done through a standing committee of the Legislature, that appointment has always come through on the basis of consensus or unanimity, because it clearly shows that all three parties in this House, and we are the people who are elected to serve our communities in this province, have full confidence in whomever was selected to take that position.

The people of Ontario should be aware of the fact that this is not a government bureaucrat, a deputy minister or somebody who's brought in in order to implement government policy. That's why I, for one, and I'm not a member of the committee, have been quite surprised that the human resources department was even involved in this. It is not a bureaucrat we were in the process of hiring; it is an officer of this Legislative Assembly. As such, that person, whoever that may be, has to have the full confidence of the 103 members who are in this House.

I can well remember, being a member of the Board of Internal Economy in the last Parliament, that there were three of us appointed, together with the Speaker, to look for an Integrity Commissioner. We interviewed a number of people and three of us—the member from the NDP, I, as the Liberal nominee, and the Speaker—agreed on an individual. The government member didn't agree on that particular individual, and I won't name that individual here. What happened? That name was dropped because there wasn't unanimity there. That's what there should be for this position. All of these discussions about who said what to whom or how the information came out, to my way of thinking, is totally immaterial.

The person simply doesn't have the confidence of the people who in effect are hiring that individual. The people who are hiring that individual are the 103 members in this Legislative Assembly. I think people should understand that this is not a government individual, not a person who's going to head up some ministry; this is a person who is going to be directly responsible to this

body to give us an interpretation as to what the status of the environment in Ontario is at any one time, in exactly the same way that the Ombudsman functions, in exactly the same way that the privacy commissioner functions and the Integrity Commissioner. There is a fundamental difference to that.

Quite frankly, the concern that has arisen as a result of all of this is that since this person isn't going to have the confidence of the members in this House, a significant number of people out there in the province, as well as in this House, are going to watch this individual and the kind of reports that he may come up with in the future with extreme caution, because it's one of those issues that isn't talked about very much in this House. I can remember during the election campaign, at every all-candidates session that I attended—and I attended about 10 of them—I always brought a copy of the Environmental Commissioner's report because I think if there's anything that condemned this government more than almost any other independent report, it was the report from Eva Ligeti.

Let me just remind you what she said about this government and its record. Now we're putting into that position a person who is going to be suspect to a number of individuals in this House as to whether he can in fact give an independent view of the state of the environment. Let's just go back and see what Ms Ligeti said. She said:

"The principles incorporated by many ministries into their statements of environmental values have lacked adequate attention and resources to fulfill them. Examples include the Ministry of Health's promise to support the elimination of carcinogens and toxins implicated in the environmental causes of cancer." In other words, this was a recommendation that the ministry should do something about, and as far as she is concerned nothing happened.

The commitment of the Management Board Secretariat to prepare environmental reports and consult with the public prior to selling environmentally significant public lands—that never happened. The promise of the Ministry of Transportation—I see the minister here in the House tonight—to seek to reduce transportation-related air emissions—that didn't happen. Some of it may be happening now, and if it is, more credit to him, but it certainly didn't happen up to 1998, which is the date of this report.

**2050**

She goes on to say, "Evidence of the deterioration of the province's environmental protection standards is widespread." This is not a government bureaucrat saying this; this is not an opposition member saying this. This is the independently selected Environmental Commissioner for this province saying that the environmental protection standards, the deterioration of same, is widespread in this province.

"The Ministry of Natural Resources's much-reduced staffing and its reliance on industry self-monitoring raised questions about the ministry's capacity to protect the province's natural resources effectively ....

"The Ministry of Municipal Affairs and Housing and the Ministry of Transportation have provided little support for environmentally sustainable land uses and transportation strategies ....

"While the Drive Clean program is a step in the right direction, it will not deliver more than minimal benefits."

She ends up by saying, "The Ontario government needs to assess the full environmental and health costs of its policies, set firm environmental targets and give the public the comprehensive and clear information needed to determine whether the environment is being properly protected."

Those were the last public comments from the Environmental Commissioner, because what did you do right after that? You fired her. I can tell you, as far as the children of this province are concerned, the people who will be standing in our position some 20, 30 or 40 years from now, if we owe it to anybody, surely we owe it to them that we leave an environment that is better off than it is right now.

All you have to do is look at your own records, look at how much you're spending in the Ministry of the Environment. In 1995, \$226 million was spent. What is it today? It's \$165 million. In the Ministry of Natural Resources, which is closely aligned to the environment as well, you used to spend \$519 million. What is it today? It's \$364 million. You fired some 880 people in the Ministry of the Environment. In many areas there are absolutely no enforcement officers left because you believe in self-regulation. You believe that if you put the rules out there, the large corporations and businesses that are the main polluters in this province will somehow adhere to those standards. We all hope you're right in that, because certainly you don't have any enforcement mechanisms right now in place.

So there's a concern about all of this. Yes, there is a concern, a real concern, by people out there. You've let the environmental budget in this province deteriorate to a point where there's absolutely no adequate enforcement, and now you're trying to push through the name of an individual who may be a very nice individual, who may be very well qualified but who does not have the support of this House. As a legislative officer of this House, in my opinion and in the opinion of the opposition, that person should have the support of everyone in this House, as have had all the other officers of this House from time to time.

It doesn't just stop there. Let's just read what the Canadian Institute for Environmental Law and Policy concluded just recently. This was reported in the media on October 19, some six weeks ago. "The four years following the June 1995 election were marked by a dismantling of environmental laws and institutions without precedent in the province's history." Is that something that makes you proud? It sure doesn't make me very proud.

Let's go on to the next one. Do you remember that story that came out in the summer, when the House didn't sit? I see some of the members are chuckling

across the way. Do you remember the story that came out that said that in North America only Texas is worse as far as polluters are concerned, that we were the number two polluter in the entirety of North America? The member is saying, "Why is he talking about this?" I'm talking about all this because right now the record clearly shows from a number of different sources that the environmental protection of this province has gone down the drain and has been severely affected as a result of the actions you've taken over the last five years. We are very concerned that whoever takes that position, that person be independent, that person owe no allegiance—not to the government, not to the opposition, not to the third party. The mere fact that this person's qualifications have been called into question to my way of thinking is enough to not appoint this individual. There are 11 million people in this province. Surely to goodness we can all agree on another person to take this position.

As was pointed out a number of times today, if Mr Miller wants to be employed in some capacity, to implement the policies of this government, to a board or commission as a chair, I say that's quite all right; it's quite within the authority of the Premier to do this. I had the privilege of serving as the chairman of the Ontario Housing Corp from 1989 to 1992. I can tell you, when the government changed, the first thing I did was speak to the then Minister of Housing in the NDP government. I said, "I can fully understand, now that a new government has taken over, that if you want to appoint a new chair, you should do that." It's logical. I think a government has the right and the responsibility to make sure that those people who are in place to implement government policies think along the lines of that particular government. But that's not what we're talking about here. We are talking here about a person who will have the independence, the integrity in the office to make independent judgements and independent decisions.

So I am not, as an individual member, interested at all in who said what to whom in committee or out of committee, or whatever the heck happened there. To a certain extent I'd say it's too bad that Mr Miller, who may be a very nice individual, had his name bandied about here that way, because I don't think any citizen of the province deserves that kind of action. But you allowed it to happen, because you darned well knew that when you changed the rules of the game and you decided—when I say "you," I mean the government, Mike Harris or whoever made this decision within cabinet—to go away from the accepted model of having a member from each caucus plus the Speaker make this kind of consensus decision, the moment you sent it to a legislative committee, the fix was in. Because we all know that in legislative committees you have the majority of people. You have five members, there are three from the Liberals and one from the NDP, so you can win every vote four to three. There's no question about it, the fix was in. Somebody internally decided: "We don't want a consensus individual. We want to put our person in." Even if I am wrong in that assessment, the mere fact that this feeling is out there

should be reason enough for you to say, "The integrity of the person who holds that position has been compromised as a result of everything that has taken place."

Look at some of the other things that we will be involved in in years to come. There has been much debate, for example, about whether municipal drinking water systems should be sold. Should we be selling water out of the lakes to foreign concerns, for example? These are all major issues. As I said before, unfortunately they haven't received the kind of attention in the public that I, as one individual, would have liked to see. I think our environment is one of those sleeping issues that people don't talk a lot about because they are more affected, usually, by the health care decisions that are made by this government, or the education decisions. They affect us more on a day-to-day basis. But one of these days—I was just talking to some of my colleagues on this side of the House about this—something dramatic is going to happen in the environmental field and this is going to be an issue that is just going to shoot right to the top.

People are going to say, "Look, with all the new modern technologies that we have out there, isn't it awful that our air quality is worse than it was 30 or 40 years ago, that our drinking water quality is worse than it was 30 or 40 years ago?" Those issues are going to come more and more to the foreground. When they do, we want to have an independent individual there as the Environmental Commissioner, who can assess whatever government happens to be in place at that time and bring out an independent report on what the government is doing that is good in that regard or how it has failed in that regard.

**2100**

I'm almost positive that if you were really given a choice you would do away with this position completely. I'm almost convinced of that, because your whole idea of self-regulation by industries within the environmental field leads me to that conclusion.

It's funny, and I talked about this a bit earlier today, it was actually a religious leader in the Kingston area with whom I talked about this particular item about a week or so ago. You people always like to talk about the economy. You always like to talk about tax cuts. The economy's important. People needs jobs. But I have never, ever heard you people talk about the more vulnerable in our society. When was the last time a member on the government side got up and talked about somebody in your community who needed the help of government in some fashion?

*Interjections.*

**Mr Gerretsen:** When was the last time you talked about the homeless?

**Mr Wayne Wettlaufer (Kitchener Centre):** If they don't have jobs there's going to be more homeless.

**Mr Gerretsen:** You just don't get it, do you? You really think that if you can just divide that ever-expanding difference between the haves and have-nots in this province, somehow we're all going to be better off. You think so. Well, I think you're wrong.

**Hon Mr Turnbull:** You're against people working.

**Mr Gerretsen:** There's no question about it, people ought to work.

**Mrs McLeod:** Lots of people work and don't have homes.

**Mr Gerretsen:** That's right. Anyway, my time is limited. It's almost coming to an end.

I would implore the government members—I know there are thinking individuals on the other side of this House—to ask yourself the question, how can you put an individual in a position where he is expected to show independent judgment on an ongoing basis in making his report to this House and to the people of Ontario if that individual does not enjoy the full confidence of the members of this House? All the other appointments do. All the other officers of this House were selected on a consensus basis or by unanimous vote.

What is it about this particular position that you want to ram this through the House? I'm convinced it is just another part of your agenda to bring down the environment, to allow everybody to basically self-regulate themselves in the environment. I even believe that you truly believe that's the preferred way to go. I'm telling you you're wrong.

It's not too late for the government House leader to withdraw this name at this point in time and start the process again. Let's start it on the basis that we will appoint an Environmental Commissioner who has the full support of all the members of this House, the way that person should be appointed.

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** It is an honour to get involved in this debate about the selection of the Environmental Commissioner. I recall from some of the notes, even though I was not here in 1994, that when Ms Eva Ligeti was appointed, when it was the NDP time, it took about 30 minutes to appoint that person. There was a voice vote.

On June 3, when I got elected, I was very happy and very proud. So were my parents and so was my riding. Now, being in the House today, I am a little concerned that I may have done a wrong thing by aligning myself to a political party. It may be a career-limiting move and I'm very concerned.

By the way, Mr Speaker, I will take the liberty, if you will allow me, of sharing my time with the member from Willowdale, the fine member that he is.

**Mr Kormos:** Who's that?

**Mr Gill:** David Young.

**Mr Kormos:** The ridings keep changing.

**Mr Gill:** I guess you know them by name and not by riding. We aligned them. We reduced the number of people. Similarly, we're doing the same thing with the cities, as you will remember.

As I understand it, and I've got an advertisement in front of me from the Legislative Assembly of Ontario, in September the Legislative Assembly of Ontario went to the Globe and Mail and other newspapers nationwide to advertise, as they should, about the Environmental Commissioner. Many people put their name forward through the human resources department. I was not

involved in the committee, but as I understand it, there were 71 applicants and they were all pretty good I guess, but somebody had to screen them and human resources screened those candidates. They numbered and labelled them and they presented them to the committee.

Mr Gordon Miller is the candidate in question today we're all questioning. Everybody seems to be saying that he seems to be fully qualified, but his only drawback is that at one time he ran for political office, did not get elected, as I did not get elected in 1997 when I ran for the federal PCs, and that's OK, sometimes you win, sometimes you lose. We at one time were the third party and now we're the government, but that should not be seen as if we cannot then run for any public office, run for any appointment.

He may be qualified, but the members opposite, especially the member from Broadview-Greenwood, seem to be saying that the question is not whether the candidate is qualified, the question is he at one time ran for political office. Fifty per cent of the people in Ontario in some way are connected to the PC Party and the rest of them in some way are connected with the Liberals or the NDP.

What I'm saying is that this gentleman, whose curriculum vitae I just happened to see today—I'll admit I did not see it before and if I may share that, even though I know part of that could be confidential, this fine gentleman received his BSc, honours, in 1976 in biology from the University of Guelph, Ontario, and then he got his master of science in plant ecology in 1978, again from the fine University of Guelph. Since then he was a scientist in the Ministry of the Environment. He was a professor at Sir Sandford Fleming College for three academic years, co-founding the faculty for a new environmental program, instructional areas including ecology, soil science, hydrogeology.

I don't have to impress anyone. I think we have all agreed. None of us, even the members opposite, has said that he does not academically qualify. The only fault they seem to be finding with this fine applicant is that he ran for the PC Party. They might have been happy if he had run for the Liberals or the NDP or sat on the fence.

As I said before, I'm concerned because at the present time I've got two daughters and I'm very much getting them involved. My older one is 16 and the younger one is 14, and I'm getting them involved in the youth wing of the PC Party. I'm already concerned. Am I limiting their progress in the Ontario system? Am I limiting them only to the private sector? It seems like the members opposite are saying that, but they're not saying that if they belong to the Liberals or NDP—then it's OK, but if they belong to the PCs, it's a no-no. It's a big crime.

**2110**

None of the parties actually presented any candidates from their side for the Environmental Commissioner. All 71 candidates came through human resources. They were finely screened. I was not a part of the committee, but I understand, including from the comments made by the members opposite, this gentleman was third on the list and two of them, for some reason, withdrew. By looking

at his curriculum vitae, it seems like he was a good candidate, and I have no problem in recommending that perhaps he should be seriously considered and hopefully approved.

At the same time, I think we should not only look at debate on what party he belonged to; we should also look at some of the fundamental improvements that our government has brought forward in areas of economy, including areas of environmental protection, and I will try and cover some of those.

We as a government have established a \$200-million provincial water protection fund to ensure Ontario communities receive safe and clean drinking water. We've also established the Ontario Great Lakes Renewal Foundation to support Great Lakes cleanup projects with an initial \$5 million in seed money and will secure funding from industry for future projects.

Some of the new regulatory protections: In June 1998, our Ministry of the Environment released new landfill standards which include requirements for siting, design, operation, monitoring and protecting ground and surface water, controlling landfill gas and many other initiatives. We're building strong environmental protection measures into the new competitive electricity market. New regulations are being developed to set smog and acid gas emission caps and performance standards for all participants in the Ontario market. We've also introduced new soil cleanup guidelines which provide clearer, more workable directions on managing and rehabilitating contaminated sites. In order to better protect our water resources, we enacted the Ontario water taking and transfer regulations, which prohibit the transfer or diversion of water out of defined water basins in the province.

There are many, many programs we can talk about at some length. In fact, I've got four pages of them, but at the same time that is not the issue. The opposition doesn't want to talk about all the good things we've done. Ontarians agree that we have created more than 700,000 jobs, more than 400,000 people are off the welfare rolls and we have the best economy in all the G7 countries.

They keep saying—I've heard I think 81 times today—that: "The fix is in. The fix is in. The fix is in." Come on, guys, the candidate is totally qualified. Nobody is questioning that. All they're saying is just because he belongs to the PC Party, therefore he's considered an outlaw, almost to the point of being a criminal. This is terrible, and again I'm starting to question. He would have been OK if he was NDP, he would have been OK if he was Liberal. It was an open process, a very valid, democratic process, and out of 71 people, the whole committee agreed on one candidate.

Now they're starting to scuttlebutt. They're starting to put a monkey wrench into the system; they're starting to delay the progressive process of many of the things we need to do. We need to talk about Christopher's Law. We need to make that into an act, but the members opposite don't want to talk about that. They want to waste the time of the House talking about: "Fix was in. Fix was in." I

mean, come on, guys, let's move on. The candidate is totally qualified. Let's face that. It is no crime just because he was part of the PC Party at one time or he still might be, which is OK. I don't think that's a crime.

One of the members opposite said there are fewer enforcement officers in the Ministry of the Environment at the present time. I might have to agree with that, but don't forget, we have laid more charges. We have brought in more enforcement ever since our government came in. It's not the number of people; it is how effectively we're using those people, how efficient we are, which is the same as reducing the size of the government, be it the province from 130 to 103, as well as reducing the size of the city from 58 to 44 or 22. I don't know what the right size is. I think the cities themselves agree it's 44, so it's how efficient they are, not how many people you have running around.

Once more, I want to stress as much as I know—and I'm very much qualified as an environmentalist myself, a chemical engineer, environmentally trained, both a bachelor's and master's from the University of Toronto—and I've screened his resumé. I think the gentleman is fully qualified. If I was part of the committee, I would be very happy to endorse him, and I expect that everybody, forgetting the political affiliations, will come forward and own up to it and recommend him and let's move on to some of the very important pieces of legislation we still have to bring forward.

**Mr David Young (Willowdale):** It's a pleasure to join this discussion. I want to start off, if I may, by commenting on where we have evolved or devolved, as the case may be, in this Legislature. We have a gentleman who has come forward and put his name in as an applicant for this very important position of Environmental Commissioner. I've never met Mr Miller. I have read his resumé and I will refer back to that in a moment, as the member before me has, but I must pause to comment upon the fact that the members opposite cried out over the last few hours for some consensus-building, for some agreement by way of which the members on this side of the floor and the members on that side of the floor could agree that a particular individual would be best suited for this or any other position.

Mr Speaker, as you well know, I was not in this Legislature prior to June of this year. I have the privilege of serving for the next four or five years and I very much appreciate that, but it is my distinct impression that what has happened to this august chamber over the past decade or so is that the opposition has taken on a position, a role whereby whatever it is that is put forward on this side of the chamber they are against. They are against it even to the point of name-calling.

*Interjection.*

**Mr Young:** The House leader for the official opposition is bellowing away there because I guess I've touched a nerve, but let's for a moment—

*Interjection.*

**Mr Young:** Oh, I'm sure this will be an excellent point of order from Mr Bradley.

**The Acting Speaker:** Mr Bradley on a point of order.

**Mr Bradley:** *Failure of sound system*—except the Ombudsman—

**Mr Young:** If I may refer back—

**Mr Duncan:** The opposition voted in favour of the Ombudsman—

**The Acting Speaker:** These aren't points of order.

*Interjections.*

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**Mr Young:** If I hearken back just to this afternoon in this chamber, I want to talk about just how far the opposition has taken this. They, through their leader, stood up and called this individual, who I anticipate none of them have ever met face to face—

**Mr Bradley:** I have.

**Mr Young:** That's very nice, Mr Bradley. They have come forward and compared this individual to a Nazi officer. I want you to know—

*Interjections.*

**The Acting Speaker:** Order. Sit down. Quiet. Order.

**Mr Young:** As yet another example of my friends on the other side of the chamber ignoring facts because sometimes they get in the way of what they now perceive their role to be, there's no mention of Mr Miller's background by way of the fact that this gentleman not only, as the member from Bramalea indicated earlier, has degrees, not only has experience as a scientist both in public and private life; this gentleman was a district manager for the North Bay district office of the Ontario Ministry of the Environment and Energy. Yet remember that through all of this they cast this gentleman as being an insider, an insider within the PC Party. I ask you—

*Interjections.*

**Mr Young:** If my friends would perhaps give me a moment, they would understand as well. I ask you, Mr Speaker, why it is that in 1997 this gentleman, when the nature of the office that he occupied was changed from that of a district office to an area office, was laid off. If in fact there was any credibility to their allegations, if this was a party insider, which he is not, if he had some inside track to this government, to the people on this side of the Legislature, surely he would not have had that fate.

My friends on the other side are prepared to ignore all the publications that this gentleman has written. They are prepared to ignore the fact that he has served as a professor at various institutions across this province. Let me pause to say that he has served at institutions not only where he currently resides but throughout the province. That knowledge, that experience, that understanding that he would undoubtedly garner from having lived in various places across this province, that too will allow him to perform his responsibilities in the exemplary manner I anticipate he will.

**The Acting Speaker:** Further debate.

**Mr Steve Peters (Elgin-Middlesex-London):** Just before I proceed to get into this debate, I want to take this opportunity to wish all my colleagues here in the House, my colleagues on all sides, and all the staff within the Legislature and the citizens of Ontario all the best

through the holiday season. It's kind of a historic night tonight that I think all of us should be aware of because, not knowing what's going to happen, this could very well be the last sitting in this Legislature in this millennium. Whether it is tonight or this week, I think it's important that we recognize that fact and wish everybody all the best, even though they don't seem to want to listen. I wish you gentlemen and ladies all the best in 1999 and into 2000.

I just wanted to make a few points, and one in particular. It was interesting this evening to hear some comments about the appointment of Eva Ligeti in 1994. It seemed to me I was hearing implications that she was the only choice that was being put forward.

I think it's important that people understand what happened in 1994. Mr Kimble Sutherland, a member speaking at the time about the Environmental Commissioner, said they had more than 200 applications for the position:

"I think it reflects and bodes well for the degree of public interest in the Environmental Bill of Rights but also in the Environmental Commissioner, in seeing this as a very important position, not only being an officer of the Legislative Assembly but of the people of Ontario and what the role of the Environmental Commissioner can be.

"As I was saying, there were more than 200. Obviously, we didn't interview all 200. We narrowed it down to a group of 20 who were interviewed."

It's important to understand that there was a process that had been followed back in 1994.

I was rather surprised to read the London Free Press this morning. It talked about the appointment of Eva Ligeti back in 1994. Again, there was reference to the government House leader, Mr Sterling. It talked about how it was an appointment that was made amid controversy. I was kind of curious about that. I wondered if maybe the government House leader was thinking of someone else when he talked about Ms Ligeti being appointed amid controversy. I took the opportunity this evening to review Hansard and have a look at what was said at the time about the appointment of Eva Ligeti. I'll come to that in a minute. As a new member who wasn't here in 1994, it was interesting as I read Hansard to find out how universal the praise was for Eva Ligeti as she took on the job and the role as the Environmental Commissioner for this province. I would have thought the PC Party members at the time would have been against her appointment. After all, they failed to reappoint her to that position five years later despite the excellent job she has done on behalf of all citizens of Ontario.

I'd like to take this opportunity to thank Ms Ligeti for the fine job she has done on behalf of the citizens of this province. We needed someone. This province needed someone with character and intellect who would mould the role of Environmental Commissioner. Ms Ligeti certainly demonstrated that she could do that.

Eva Ligeti's appointment could have been renewed by this government. However, they decided to compromise the position with the appointment of a Mike Harris true

believer to the role. I want to refer members of this House to some of the comments made by the now member for Dufferin-Peel-Wellington-Grey at the time of Ms Ligeti's appointment, to again show and reinforce what a solid choice Ms Ligeti was in 1994.

Mr Tilson: "She's certainly a well-qualified person for this position .... Ms Ligeti did impress us and I think the committee was unanimous"—I reinforce that word, "unanimous," of the committee that was struck in 1994—"in that choice. Looking at her qualifications, her legal background, her public background, her educational background, she certainly will be qualified for the job."

Just to reinforce some of the other comments that were made at the time of Ms Ligeti's appointment in 1994, Mr Bud Wildman, the Minister of the Environment at the time, said: "I would like to take this opportunity to congratulate the members of the committee and to introduce the individual that the committee has unanimously recommended to the House to be appointed as the Environmental Commissioner, the first Environmental Commissioner in the history of Ontario."

Mr Tilson again, during that same debate, talking about Mr Wildman: "He is right that the committee members were unanimous with respect to the appointment of this woman as the new commissioner for the Environmental Bill of Rights. I will say that we feel she is certainly qualified for the position."

It's interesting how times can change and how politics can change things in five years. Somebody who had unanimous support of this House all of a sudden no longer has that support.

It was interesting to follow through with Mr Tilson's comments. In fact, the member's principal concern was that the government hadn't given her the tools that she was going to require to deal with solving many of the problems in this province.

Why, then, if the member and his party thought so highly of Ms Ligeti at the time, did they fail to renew her appointment? It has been obvious that this government fears the position of Environmental Commissioner, just as they fear anything powerful that isn't under their control.

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Look at how the Premier curtails his own ministers' authority. Look at how the Premier's office writes the briefing notes for every government member's set-piece statement. We see you coming in with those little plastic folders; we see them being handed to you out in the hall. We know who writes those. You don't write those. Those are being passed on to you. Look at how the backbenchers of this government have been reduced to nothing but a bunch of circus seals.

Here is a position, that of Environmental Commissioner, just like the auditor, just like the human rights commissioner, just like the Ombudsman, that is beyond the purview of the Premier's office. You know what? I bet that makes him pretty mad. Who's the next to fall under the control fetish of this government? Will it be the Ombudsman? Will it be the Integrity Commissioner?

Will the Provincial Auditor be next? I have to admit, though, that I have a soft spot for Mr Peters. I guess it must have something to do with his name.

The Premier has been described as a guy who always wants to be in charge and be in control. Today we are debating that very exercise of the Premier's control. Don't be fooled by what the government members were saying differently. This is about the Premier's fears of someone beyond his control.

As a matter of fact, as I was searching through Hansard and looking for earlier debates I found a very interesting comment about the position of Environmental Commissioner. Once again it was by the member for Dufferin-Peel. However, he places this comment in the context of being the position of his party. I assume it was the position of the Conservative Party in 1994, that party under the leadership of Mike Harris. The member stated at the time: "We in our party are concerned about the issue of the cost, about whether it will be another layer of bureaucracy over which we'll simply have no control." That's what the problem was here with this Environmental Commissioner: You didn't have control over that Environmental Commissioner. That's why we've got what we're dealing with today, because you want somebody that you can control.

There's the PC Party's position on the Environmental Commissioner. I'm going to read it into the record again, just to be sure everyone got it. The member for Dufferin-Peel stated: "We in our party are concerned about the issue of the cost, about whether it will be another layer of bureaucracy over which we'll simply have no control." This is all about controlling bureaucracy. In this case, that bureaucracy is the Environmental Commissioner. It is a position that is supposed to be at arm's length from the government, but it is still all about control.

I can see why this government is so concerned about the issue of control. Certainly their record, your record, on the environment is nothing to write home about. Ms Ligeti said exactly that. Before Mike Harris laid her off, the Environmental Commissioner had this to say about your government's environmental policy: "If we continue along this path, our right to a healthy environment will be jeopardized. We cannot afford to forfeit on short-term savings at the expense of long-term environmental health."

Never forget that the environment is about both nature's health and our own health. High smog levels have contributed to respiratory problems which have been linked to 1,800 premature deaths each year. But of course it's all about costs for the Harris government. It's not about preserving our heritage; it's not about maintaining our environment; it's not about leaving a lasting legacy for our grandchildren to enjoy. It's all about cost and control. It's all about putting someone in the position who will not cost the government anything politically, and about finding an Environmental Commissioner that the government knows they control.

That concern about cost and control has meant huge cuts to the Ministry of the Environment. This government

is concerned about making these small, short-term savings, forgetting about the legacy of the children—your children, your friends' children. Let's look at this wonderful, wonderful legacy, and I mean that very sarcastically, because it's the most terrible legacy any government could leave to a future generation. It's a legacy you should all be very ashamed of because of the damage you've done, because you're only looking at the short term; you don't look at the long term. That long-term damage is going to be devastating to the people of this province.

Let's look at your record: 880 jobs in the Ministry of the Environment gone, including one of those positions that we're about to debate.

**Mr Doug Galt (Northumberland):** On a point of order, Mr Speaker: I was just wondering if it was the member for Elgin-Middlesex-London who requested from the Minister of Citizenship, Culture and Recreation—

**The Acting Speaker (Mr Tony Martin):** That is not a point of order.

**Mr Peters:** Speaker, it wasn't me who requested it, it was Mike—it doesn't matter who requested it. But we had a letter, "We've sent those books back," because that person was so ashamed at what had been done: \$2.4 million wasted on a book, \$2.4 million that would have been better spent put into preserving the environment of this province and not wasting it on a book. Think of the trees that were killed publishing that book.

It's a shock, gosh, it's terrible: 880 jobs gone; one-third of all the staff laid off; \$121 million taken from that ministry; 38% of those budgets slashed.

Just look at the compliance and enforcement branch: 141 jobs cut and \$15 million in money that went straight to searching out our polluters. That is gone, gone right into the pockets of the fat cats who are doing the polluting of this province in the first place. These cuts have left the Ministry of the Environment—

**Mr Brad Clark (Stoney Creek):** On a point of order.

**Mr Peters:** Boy, I'm hitting some spots here.

**The Acting Speaker:** The member for Stoney Creek on a point of order.

**Mr Clark:** Thank you, Mr Speaker: I have a bit of a sinus infection and I'm wondering if the member could speak up a little louder. I can't hear him.

**The Acting Speaker:** That's not a point of order.

**Mr Peters:** I apologize for that. That's the style I've developed in 10 years of serving as a politician, serving people and putting the interests of people first, not putting the interests of other people first, not like your government does.

These cuts to the Ministry of the Environment—without the resources to do their job—are devastating. The monitoring capacity is gone. The inspection capacity is gone. The prosecuting capacity is gone. There is an empty shell of a building sitting on St Clair Avenue.

The cuts to legislation have been just as bad. They might as well call these things red tape because that's what you did to legislation in this province. Regulations

were cut, just that; other important protections for the public—the Environmental Assessment Act, the Environmental Protection Act. Landfill sites can be approved now without environmental hearings. With a stroke of a pen, a minister can approve a landfill site. That's wrong. That is not right.

Public scrutiny of the process has declined. Where former governments listened to the concerns of citizens and cracked down on polluters, this government listens to the concerns of polluters and cracks down on citizens.

However, the PC legacy on the quality of our environment is where they have really excelled. Once Ontario had an environmental record to be proud of. Now we take the silver medal at the polluter's Olympics. We're the second worst jurisdiction in North America for pollution, number two with a bullet, right behind Texas. Now the Governor of that fine state is embroiled in a presidential race. He is likely little concerned about his environmental record. Governor Bush must be upset to see himself in Mike Harris's company on this issue. I wouldn't be surprised next year to see Ontario take the gold medal and become the very worst polluter on this continent. They might have let Mexico in just to give us some competition.

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But the element of control is what really scares me.

I don't know Mr Gord Miller. I don't believe I have ever had the pleasure of meeting Mr Miller. He has a background that indicates some familiarity with the issues of the environment in some situations, certainly, though not in this one. I might support his appointment to a board or an agency on environmental issues. That would be if partisanship were not an issue.

However, his qualifications for the job are not an issue with me; his partisanship, though, is. Gord Miller is a Progressive Conservative. More than that, he is a close personal friend of the Premier. In the *Globe and Mail* the Premier was quoted as saying of Mr Miller, "He is a friend and somebody I've known and admired for quite some time."

Were he not a Progressive Conservative candidate in the past, that comment alone would raise my suspicion. A person who is a long-standing friend of the Premier might be very loath to make such comments needed in this job. How quick would insiders and whistle-blowers be to approach someone who has known the Premier intimately for years? If you are in a position of deciding between jeopardizing your employment and future or doing the right thing to preserve the environment, you have to think this would definitely be a consideration to you.

But more than that, this person has held the standard of a political party in an election. We ask of our senior bureaucrats that they not participate in party politics. Arguments about the politicization of the civil service are long-standing in this jurisdiction and others. I won't start bringing all the precedents and statements by members into this House. Rather, I would like to talk about the nature of this role.



The position of Environmental Commissioner was created in 1994 with the proclamation of the Environmental Bill of Rights. The task force on that bill saw the need for a role for the Environmental Commissioner to oversee the administration of the environmental commission. This role was much the same as the role of the human rights commissioner or the Integrity Commissioner.

The independence of this office requires that the commissioner be sworn to impartiality. The Environmental Bill of Rights provides that the commissioner "shall not do any work or hold any office that interferes with the performance of his or her duties as commissioner."

Until the matter was raised by opposition members, the nominee saw nothing wrong with holding the office of a PC riding association president. He saw nothing wrong with continuing in a purely partisan role with an outside position. That is frightening. If Mr Miller could not see the potential for a conflict of interest by holding a position in the Progressive Conservative Party leadership, how can we expect him to see other potential conflicts of interest?

The position itself will lose its status with this appointment, not due to the qualifications of Mr Miller, but due to the loss of the independence that such an appointment will entail.

**Mr Kormos:** I'm going to share this modest 20 minutes with Ms Martel from Nickel Belt up in northern Ontario.

First, let me tell you, when corruption exists it's important that there be people who have the courage to blow the whistle, who have the courage to expose it, knowing full well that they're going to be condemned, that they're going to be shot as the messenger, but Ms Churley, thank goodness, had that courage, had the astuteness and the wherewithal to sniff out a rat when there was an effort to ram an appointment through to what has to be a non-partisan position, an appointment that requires, I put to you, three-party agreement. It's a very small group of appointments that have that quality or that demand put on them.

Ms Churley very eloquently went through the whole list of appointments that governments are empowered to do that carry with them an element of partisanship by virtue of the fact that that's somebody working for the government as compared to working for the Parliament. A government appointment is somebody who is working for the government within a ministry or on an agency that's attached to a ministry or at arm's length. We understand she told you that. We understand that partisan appointments are inevitable, but when you've got one of these—they're very few in the province of Ontario—things like the conflict of interest commissioner, things like the Ombudsman, things like the Environmental Commissioner require—I believe very strongly that if they are going to be able to do their job at the very least, and even more so if they're going to be able to do their

job well, those appointments have to have the support of all three parties.

Ms Churley has simply raised concern about the fact that a candidate for this position failed to disclose some very partisan connections—very partisan—member of and president of a Tory riding association, and where of all places but in the Premier's own riding. No stranger, I put it to you, to the Premier.

The other interesting thing is that this fellow was a candidate in the 1995 provincial election. I was there in 1995. It was a tough election if you weren't a Tory. Quite frankly, the Tories could run virtually anybody anywhere and get them elected in 1995. There was a sweep. I've got some concerns about a Tory candidate in 1995 who couldn't get himself elected. When you go to the matter of judgment, here's a gentleman who ran as a federal Tory candidate in 1997. That demonstrates something lacking in judgment. Be fair. To run as a federal Tory candidate in 1997—a federal candidate, mind you; one of the post-Mulroney gang—I don't know this person, but it really does cause me to question his judgment. To share the observation of Ms Churley that this person is so partisan as to be a federal Conservative candidate in the 1997 election, we should have concerns about where his allegiances will lie once he's the Environmental Commissioner.

If you take a look at the sort of support he got financially, yikes, you've got a guy who's—and he may be a very nice person, I don't know. I know one, two, three Tories who are nice people. He could be the fourth. None of them are members of this Legislature. If I were to meet him, I could very well find the fourth Tory who I find to be a fairly nice person. But the fact—

**Hon Robert W. Runciman (Minister of Consumer and Commercial Relations):** Talking about Frank Sheehan again?

**Mr Kormos:** Yes, the former—the fact is that here's a person who clearly has some very strong, intense partisan ties. I don't dispute somebody's right to belong to a political party. Of course not. Neither does Ms Churley or I don't think any member of this assembly but we're talking about somebody who has very intense partisan allegiances. Does that automatically bar him? I would say no. But one has to wonder why there was a failure—he certainly didn't conceal that background—I use the word "conceal" very advisedly here—to avoid having Conservative members of the committee discover it, did he? Of course not.

One has to draw the inference that to conceal the partisan activity—being a candidate in 1995, being a candidate in 1997, being a president of a riding association—one has to conclude that it was concealed to prevent the opposition members of that committee from discovering that partisan attachment, that partisan relationship.

Earlier today when I heard the House leader lead off the government's position on this motion, it rotted my socks to hear what he had to say. Talk about narrating some intense fiction.

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Do you know one of the strange things about this place, Speaker? Let me tell you. After 11 years, I'm still confounded by the fact that it's OK to lie in the assembly but it's not OK to identify someone as a liar. It seems to me that the far worse offence should be lying, not naming somebody as a liar. So I had to withdraw some of my comments that I made about the House leader earlier today because they were unparliamentary; you can't call somebody a liar. You can call them a liar, but then the Speaker names you and you have to withdraw. So I was forced to withdraw what I said several times about the House leader.

**Interjection:** The government House leader.

**Mr Kormos:** The government House leader, Mr Sterling, the not-so-sterling Mr Sterling. He was in here talking about how the New Democrats had called for a committee hearing with respect to Bill 22, the high-speed chase bill, and he had the—

**Ms Shelley Martel (Nickel Belt):** Audacity.

**Mr Kormos:** Audacity. Is that fair enough? Is "audacity" unparliamentary? He had the audacity to indicate that the committee hearing was called at our request but that no amendments were submitted and that there were no more than five minutes of attendance at the hearing. What horse—

**Ms Martel:** Feathers.

**Mr Kormos:** —feathers that is. This place is loaded up with that more often than not. That's why I wear the cowboy boots, because if you wear regular shoes it gets inside them and your socks get wet. He was spreading it awful deep. The government House leader was imitating your manure spreader earlier today when with this fiction he attempted to malign the NDP caucus, and it was entirely inconsistent with the facts. I find it outrageous that a government House leader would not present factual material—how am I doing in terms of toeing the line, Speaker, in terms of being parliamentary? I can't say he lied—that a government House leader would play with the facts in the way he did.

Then, when he's confronted with the reality—like, read the transcript, pal, and you'll find out what indeed happened. We brought important amendments to the committee with respect to Bill 22 that were initiated by the very requests made by the Police Association of Ontario, the very requests made to this government. When this government wouldn't respond to the requests, we felt obliged to do it. It's incredible and disappointing.

The government members here and their House leader, the government House leader, the not-so-sterling Mr Sterling, can't grasp what's going on here. They simply want to shoot the messenger. I say they ought to take a deep breath, step back and pay attention to exactly what's been happening in that committee and why it's so important that they too join with Ms Churley in her call to readdress this very important appointment.

**Ms Martel:** Let me follow up in terms of trying to correct some of what the government House leader had to say today when he kicked off this debate. I recognize that

was earlier this afternoon, but I was astounded by what he had to say. I was absolutely astounded. I was sitting in the back, in our gallery, watching him on TV, and almost the first words out of his mouth were that we asked for Bill 22 to go to committee and no amendments were put. The government House leader was here for some of the debate last night and knew full well that both my colleague Mr Kormos and I spoke extensively about the amendments that were put in the justice committee last Monday. In fact, we read into the record from the transcripts of that committee some of the comments made by the parliamentary assistant when he determined that the government side wouldn't support the amendments. The government House leader was here for some of that debate, listened to some of that debate, and knew full well that amendments were put during that debate. I regret that one of the first things he had to say when he called this motion was to make that kind of allegation that nothing was done.

But he didn't stop there. Three minutes after he finished with that allegation, he talked about Bill 11 and made the comment that our caucus forced Bill 11 to committee, which we did. I was proud of that because we had concerns about the red tape bill.

The next thing he said after saying that our caucus forced Bill 11 to committee was that when that came to committee, we didn't place any amendments. This was completely false. I want to read into the record the time allocation motion with respect to Bill 11 and to make it clear—the government House leader knows this, so I don't know why he was in his place saying what he was. The government House leader, by his own motion, made sure there could be no amendments put. The time allocation motion for Bill 11 said clearly that the bill would go to the standing committee.

"The standing committee on general government shall be authorized to meet at 6:45 pm on Monday, December 6, 1999, for the purpose of considering the bill;

"That at such time, the Chair shall put every question necessary to dispose of this stage of the bill without further debate or amendment; and

"That any divisions required shall be deferred until all remaining questions have been put and taken in succession with one 20-minute waiting period allowed pursuant to standing order 127(a)."

That was the government House leader's own motion. He knew full well when he stood in his place here this afternoon that no amendments could be put. He didn't allow it. His own motion didn't allow it. I was astonished that in leading off this debate with respect to the Environmental Commissioner, within three minutes he could make two allegations which were so completely untrue. It is regrettable. I don't know whose opinion he was taking.

**The Acting Speaker:** I think you'll have to withdraw that. It's unparliamentary.

**Ms Martel:** I will withdraw the word "untrue," but he was so incorrect with respect to the statements that he made, and I found it regrettable. He did come in and had to apologize for the comments he made and withdrew the

comments he made on Bill 22, but he said nothing about Bill 11. In fact, after he withdrew his comments about Bill 22, it was two minutes after that that he made his comments about Bill 11 and us not putting amendments. So it was a very bad way to start a debate that we all knew was going to be contentious.

The reason why this debate is contentious is because I think most members in this House, even the government members, understand and know full well that the position of Environmental Commissioner is a position that in the most technical of terms is an officer of this assembly. It is a position that is like the Ombudsman, that is like the conflict-of-interest commissioner, where all of this assembly is supposed to have an opportunity to have their say about who is selected.

Those people who are appointed are responsible back to all of this assembly, not to the government of the day, not to the Premier, not to the cabinet. Their role and responsibility and accountability are back to all members in this assembly. That makes their selection completely different in terms of the process that is used, in terms of the standards that have to apply to their selection, and, I might add, in terms of the unanimity which should be required in order to have them appointed. I think all members understand that, even some of the cabinet ministers who have been here this evening trying to talk about other positions. This position is different, and you know that, because these people are responsible back to all of us. It's not like the appointments that the government can make to agencies, boards and commissions where those people are only responsible to the government of the day and in essence the cabinet of the day.

We have a position before us where the selection and the standards and unanimity in terms of selection should be higher and should be agreed to by all of us, and that's not what happened in this case. This is the basis of our disagreement. We have a candidate who, for whatever reason—and I don't know what the reason was—came forward for a position that all members of this House have a responsibility for. He for some reason—I don't want to say deliberately, but for some reason—did not disclose the very partisan links he has with this government. I believe he had an obligation to do so. I say that because we already know that staff members, for example, at the commission cannot hold any role in terms of a political party. They cannot be attached to a political party. Why would that be any different from the commissioner? Of course, it shouldn't be any different. We already know, and I assume that Mr Miller should know, because he applied for this position, that in fact it's very clear that the commissioner, whoever it is, has to be independent, has to be non-partisan. It says very clearly in the background paper with respect to the Environmental Commissioner the following, "The independence of the office requires that the commissioner be sworn to impartiality," or, "In particular, the ECO's position is independent of the party in power and its impartiality cannot be compromised by pressure from non-statutory

considerations such as political pressures, potential reprisals or interference."

**2200**

Mr Miller had to know, had to understand how important this position is; the requirement of this position that one be independent from a political party, especially the political party in power. Despite having had to know that—he must have—he did not disclose his very extensive and close links to the governing party, indeed to the Premier himself.

Let me remind members: Mr Miller was a candidate for the Harris Conservatives in 1995. Mr Miller was a candidate for the federal Conservatives in 1997 in Nipissing, in the Premier's own riding. Mr Miller, at the time that he applied to be the Environmental Commissioner, was the president of the federal PC riding association in Nipissing.

In fact, when my colleague Marilyn Churley called Mr Miller to ask him if he was president, to confirm before we raised that, he said yes. Not only did he say yes, on the same day that he had been appointed he told my colleague that he had no intention of resigning from that position with a political party until the annual general meeting of the federal riding association in January 2000. Then someone must have called him and told him he'd better resign, because he did it a day later.

Surely the government must understand the lack of judgment in terms of his judgment with respect to whether he had a partisan link or not. His lack of judgment surely speaks to whether or not he's got some proper judgment to carry out his role, whether or not he can dissociate himself from the party in power with which he has such strong links. That's what our opposition is, that he disclose such important information; that he somehow didn't think it was relevant to this important position.

**Mr David Tilson (Dufferin-Peel-Wellington-Grey):**

I would like to speak on this subject. I've had the great honour over the years that I've been here of sitting on a number of committees that have named or recommended to the House for approval the current Provincial Auditor, the former Environmental Commissioner—my Liberal friend quoted that I was on a committee when Ms Ligeti was named the Environmental Commissioner during the NDP reign—the privacy commissioner and the Integrity Commissioner. Some of those were different types of committees. They were all all-party committees but I did have the honour of sitting on those committees.

I haven't been part of the latest process, the process of the Ombudsman and the issue that is before us today, the Environmental Commissioner, but I will say that on all of those occasions the issue of partisan politics was never once mentioned. It was never referred to. For example, I understand in the current selection of the Ombudsman there were former members of this House.

**Ms Churley:** Yes, it was written on their resumé.

**Ms Martel:** It was written on their resumé.

**Mr Tilson:** The members say it was written on their resumé. It didn't have to be written on resumé. We knew who they were.

I can certainly recall sitting on the committee for the Environmental Commissioner in 1994 or whenever it was. There was a former Tory member. He didn't have it in his resumé. We all knew who he was. I didn't know who he was, I'd never met the man before, but it became drawn to my attention who he was.

I guess my point is, that seems to be the issue that is before us now, that Mr Miller has had political affiliations to the Conservative Party. I guess that means that for any of these positions, if you've ever been a member of the Conservative Party, the Liberal Party, the New Democratic Party or any other political party in this province or this country, you're disqualified. You're absolutely disqualified. You can't sit on these commissions, it's most improper. It's a terrible precedent to set. If you're a card-carrying member, you can't even apply.

Generally, with these committees, the representatives from human resources would come to us and they would offer suggestions how we would conduct ourselves. They would say such things as, for example, "You must ask the same questions of the candidates." You could vary somewhat from those questions and it may not have been the precise question but the same types of topics, and you were allowed to go beyond that to a certain degree.

**Ms Churley:** We weren't.

**Mr Tilson:** The member says that they weren't. I'm just telling you what my experience was. We were also told certain things that you couldn't do. You couldn't, for example, ask if a candidate was married or their age. They pointed out the Human Rights Code. Section 1 says, "Every person has a right to equal treatment with respect to services, goods and facilities without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or handicap."

So I look at that section, because that section is referred to by the human resources people on all of those committees that I sat on. You can't ask those questions. I ask myself, what does "creed" mean? I look it up in the dictionary, and the only one I could find is the American College Dictionary, but one of the definitions of "creed" is "any system of belief or of opinion."

I maintain that the opposition is dead wrong. I don't even think they have the right to ask, "What is your political affiliation?" and if you're a Conservative or a Liberal or an NDP, you're disqualified from that job. I say it violates the Human Rights Code. Read the code.

**Ms Churley:** It does not.

**Mr Tilson:** I just read it. If you were listening instead of blathering over there to yourself and your colleagues, you'd hear what I say.

I maintain that it's just as wrong to ask what one's political affiliation is as it is to ask what your religion is, what your age is—

*Interjection.*

**Mr Tilson:** The member laughs and says it's ridiculous.

According to the opposition, if you're a Conservative or, worse yet, if you come from North Bay—God help you if you come from North Bay—you're disqualified.

**2210**

I haven't heard one derogatory comment about Mr Miller's capabilities. The member up here—I can't remember his name—quoted me as supporting Ms Ligeti. I did support Ms Ligeti. I quite frankly observed the fact that her name came from the then Ministry of the Environment for the New Democratic caucus. That's where her name came from. It was recommended that the ministry thought she was a good, qualified person. I agree with it. The member up here has quoted me as doing that. She had very good qualifications, but it was interesting that she was supported by the Ministry of the Environment. It became quite clear at the committee that the New Democratic Ministry of the Environment supported Ms Ligeti. I guess it's OK for them but it's not OK in this particular situation.

*Interjection.*

**Mr Tilson:** I'm telling you that was the process, because I was there. You weren't there.

**Ms Lankin:** Yesterday you said she wasn't your choice either till we put it on the record from Hansard.

**Mr Tilson:** I happen to support her and I did support her. She had very good qualifications. I haven't heard any of these opposition members talking about Mr Miller's qualifications, as to whether or not they think his qualifications are appropriate to be an Environmental Commissioner. Their criticism is that (1) he comes from North Bay; and (2) he's a Conservative and he ran as a Conservative.

**Mr Christopherson:** It's a non-partisan job. Which part don't you get?

**Mr Tilson:** Yes, it is a non-partisan job. Do you really think that this candidate—

*Interjections.*

**The Acting Speaker:** The members in the New Democratic caucus. Members of the third party will come to order. Bring you colleagues to order.

The member for Dufferin-Peel-Wellington-Grey has the floor.

**Mr Tilson:** The process that goes on generally in these committees, and they're not all the same, at least not the ones that I was on, and I doubt that it was the same on this one. They are all different. Basically there's a process of creating a short list. As I understand it, there were 10 or 12 interviews. The member, Ms Churley, the member for Broadview-Greenwood, said that she spent 20 hours on this committee interviewing people and assessing who would be an appropriate appointment. They interviewed 10 or 12 people. That was on a point system. The human resources people created a point system. That point system was set out, and that's pretty well standard. That happens in all the various appointments that come to this place. There's a system that is followed. I can assure you that it's not partisan.

In any of the committees that I've been on, it has never been partisan. We have known that there have been people with partisan connections, but we looked at their qualifications. We looked at what they could do. We looked at what their academic record was. We looked at how they presented themselves in the interviews, and then generally a shorter list was created. I gather that in this particular case, I think it has been said here, there were then four names or a smaller number who came back again. The committee then reviewed those names, a most appropriate process, and that's the way it has happened on all the committees I've been on to interview these applicants for the different commissioners. I believe it's a proper one. The human resources people guide us through what you can say and what you can't say.

My only speculation is that these people got the bright idea that they saw somebody from North Bay, it came to their attention that it was somebody from North Bay, and they saw he was a Conservative and they said: "Oh, my goodness. This person cannot be independent. It's impossible for this person to be independent." I say that's totally irresponsible of you to take those positions. Totally irresponsible.

I didn't hear the criticism from the various opposition members, particularly the New Democratic caucus, when Mr Laughren, whom I happen to respect, was appointed to a quasi-judicial position at the Ontario Energy Board. We all knew what he was. My goodness, when I sat in this House he was one of the most partisan people I've ever met. But I think he is doing a good job, from what I understand, as the chairman of the Ontario Energy Board. He's going to be making quasi-judicial decisions. If you follow the rationale of the Liberals and the New Democratic caucus, Mr Laughren shouldn't be there. Why? Because he's an NDPer. He shouldn't be there.

*Interjections.*

**The Acting Speaker:** Order. The member for Timmins-James Bay will sit in his own seat if he wants to heckle, or I'll have to name him. The New Democratic caucus will come to order so the member can speak.

**Mr Tilson:** The best appointment of all was a guy named David Agnew. Remember him? That wasn't partisan. That couldn't possibly be partisan.

*Interjection.*

**Mr Tilson:** The member says, "Of course it's partisan."

I too have not met Mr Miller, but obviously even to get an interview he had to have met the initial qualifications that were recommended by the human resources people, who set up a point system to determine who was going to come for the interviews. He had to meet those qualifications. I don't know what they were. Maybe some of the other members of the committee will tell us.

That gets to another interesting question: how all this came here. I thought this stuff was confidential. It's not confidential. It's perfectly open. We're talking about people. It makes it very difficult for people to apply for these positions in the future, knowing that their names

are going to be bandied around in this place. I have a lot of difficulty with the issue of confidentiality.

The process was that they had the interviews, and each member on the committee set a number of points to each of those people who were interviewed. Mr Miller won.

**Ms Churley:** Because it's a Tory majority.

**Mr Tilson:** The member says, "Because it's a Tory majority." Guess what happened when Eva Ligeti got appointed? It was because there was a different majority.

**Ms Lankin:** No, not because. It was unanimous.

**Mr Tilson:** One of the members has said it's shameful to say that this candidate has no interest in the environment. That member right over there said that. I find that offensive. When you look at the man's qualifications, when you look at the fact that the votes were added together, he won the job. The difficulty is that they didn't like that. They're in the minority, and that's the way it works in this place. That's the way it works in a democracy. So they've decided to go through this process and filibuster this thing.

I wish you all a Merry Christmas, incidentally. It's unfortunate that we have to end our session in this way.

I have high hopes that Mr Miller will be appointed. I'm certainly going to support him whenever we get around to voting on him, and I'm doing that because I have confidence in the process that this place has used over the years, a process of devising points—

**2220**

**Ms Lankin:** This is the second time only.

**Mr Tilson:** No, I'm sorry. I'm telling you that the processes that I've watched for the Provincial Auditor, Environmental Commissioner Ligeti, the privacy commissioner and the Integrity Commissioner were basically the same for all of those appointments.

**Ms Lankin:** All unanimous.

**Mr Tilson:** I can tell you that's not the case. Contrary to what you do, I'm not prepared to tell you how people were voting in that confidentiality, and that's the way it was supposed to be.

I simply say that Mr Miller has qualified through all of the various stages. He had two interviews, he was voted on, the points were allotted and he won the job.

**Mr Bradley:** There's the note that says, "Ask for closure."

**Mr Tilson:** We'll see what it says. I can't read the writing. I'm sure it's very important.

I want to comment on the member up here who quoted me back in 1994 on how I supported Ms Ligeti. When the New Democratic Ministry of the Environment recommended her to that committee—guess what her political affiliations are? I don't know. But it is strange that when a New Democratic Ministry of the Environment recommends her to the committee, guess what her politics are? I don't know.

The quote was that I supported Ms Ligeti, and it was based on qualifications. It wasn't based on whether or not she was a supporter of the New Democratic Ministry of the Environment. It was based on her qualifications to handle the position. She went through two interview

processes. She was also assessed by the human resources people as to her background and her qualifications, and I, like the other members of that particular committee, believed that she should be the person to be named Environmental Commissioner, and she was.

It's regrettable that the Liberal and NDP caucuses can't take that same position. I have no idea why they are trying to set the precedent by saying that if you belong to a political party, if you've run for office for a political party, particularly if you're from North Bay, that you're disqualified from these positions. What a terrible thing to say. When you start looking at the qualifications as to what you're supposed to do when you're Environmental Commissioner, you're supposed to understand the process of this place; you're supposed to understand politics. Mr Miller should be supported.

**Mr George Smitherman (Toronto Centre-Rosedale):** I expect to share my time with the member for Scarborough-Rouge River.

It's my pleasure to have an opportunity today to participate in this debate on the issue of the Environmental Commissioner. I should say, as a stage-setter for those watching at home, that as we're here in the chamber, just across the way, wafting from the offices of the government whip, are the great smells of cigar smoke. I don't raise this point because it's illegal, of course, here in the city of Toronto, but I make the point more because it's awfully reflective of the government opposite. No doubt the cigars have been broken out in celebration of one more effort on the part of this party to forsake independence and the accountability of this very chamber.

I must say this has been an interesting debate, because within we have seen two very big extremes. We have had speeches from people with extraordinary credibility on issues as they relate to the environment. My colleague the former Minister of the Environment, Jim Bradley, offered a very clear reason why this appointment is an inappropriate one.

At the heart of that issue is one word, and the word is "independent." We will hear a lot, and we have already in the course of this debate, about party politics, and there is a reason for that. The reason is that in a very few cases, approximately five, there is the appointment of people who report to this chamber, whose very independence ought to be the central requirement for them to fulfill their duties appropriately.

This is not saying there is no place in government for the appointment of people who share a view, a philosophy or an ideology that is similar to ours. This is a debate that suggests that in a very select number of cases, at least five, the positions that are appointed to, to represent the views of Ontarians and to reflect on what the government does, call for independence, and that's what is missing in this process.

As we wind down here before a break, we see a government prepared to ram this through, one more concession to power politics at the expense of the power of this assembly.

Accountability is fast disappearing: closure, time allocation, lack of public hearings, committees that fail now to travel and collect the views of people out there, no amendments. In summary: no input, no input from anybody.

I talked earlier today about omnibus bills, about the King Henry VIII clause that we find affording powers that once belonged to this assembly and the 103 servants of the people sent here, duly elected, democratically representing people from across this great province—gone, transferred forever and a day until some Legislature with courage takes those powers back and restores them in the hands of the duly elected people who fill this assembly.

The new members opposite are here tonight and they will dutifully vote, but I appeal to them. Think about what this means for you in the longer term. Does the public have a right to independent analysis on some of the most important affairs of their government? That is the issue at hand here. The answer I think is yes, except and unless you're a Tory member. The Integrity Commissioner, the privacy commissioner, the auditor, the Ombudsman and the Environmental Commissioner: These are positions in whom we place so much trust and confidence, who report to the assembly, and who as a basic tenet of their responsibilities, their jobs, must be—the word, the notion—independent.

Those of us in politics all know the phrase that if there is a perception of conflict of interest, there is one. We use that; we all have. Everybody is guilty on all sides and in all chambers like this of reaching too far. That is not the case in this case. We must draw a circle around those five important positions. They must have the highest standard of independence possible.

Earlier today the Premier asked whether people should be disqualified because of their political affiliation. It seems to me that in the case of these five positions—the one that is before us tonight—the answer clearly must be yes.

Political patronage has a role. We all know that. We all know we need people of similar political affiliation and ideology to ensure that the public policy developments and procedures we implement as government are implemented at all levels. That is appropriate. Balance is appropriate as well.

But other positions, like the ones the Premier mentioned today where he rolled out the names of politicians of other political stripes that he has appointed, do not hold the same level, the same standard, do not have the same test, and that is, their independence. That is the role they play in reporting to us, all of us as members, not working on our behalf as implementers of government policy. That is the difference here.

I have no doubt that Mr Miller has some good credentials with respect to his role around environmental issues, but it is the very lack of independence that he has, because of his political affiliation, that taints him for this job.

In fact because of the government's ability to stack boards—the Ontario Municipal Board is an example. It is examples like that that call for someone who has got integrity from the standpoint of political distance from the party in government. That is exactly why we need people who don't share that. Who will speak up for the impact of policies on places like the Oak Ridges moraine, where, as we speak, 3,500 new homes are being built from a swath of land that was just a few days ago a pristine forest? Who will represent those views? It seems to me we have a very great need in this province for an Environmental Commissioner who can do that.

**2230**

The Premier often speaks in this place with rhetorical flourish of worst to first. One can easily imagine Premier Harris saying: "We just passed Oklahoma, and look out, Texas, here we come. Just doing what we said we'd do."

Show me in their Common Sense Revolution or their Blueprint where it said, "We will become a world leader in environmental degradation." That is your proud record.

We all benefit from association with people who support us in our political work. I have a riding association president whom I believe is the finest riding association president in Ontario. But if I were standing before you as part of a government and suggesting that based on her abilities and experience she should be appointed to a high office, you would stand and say that is inappropriate.

In the case of these five positions, can you imagine if the tables were turned? The member from Barrie shakes his head no. Could you imagine being in a similar position? I think that's one you should work to try and do, to see whether that role of independence meant anything to you, whether the accountability of this place meant anything, whether your rights as a member meant anything, whether your role as a democratically elected person mattered any more, or do you succumb to the powers and pressures that come from those above you within the government?

I think it's really important that members reflect on this, that you stop and take a second thought and that you put yourself in the shoes of others. I make that appeal to the government opposite.

There are many new members I have had the chance to meet in the few days we have been here. They come with a sense of idealism, I think. They share an enthusiasm for this job, not dissimilar to the one I bring to it. But I must say, as someone who has had the opportunity previously to work in support of politicians at all three levels of government, I have had experiences that didn't properly prepare me for the kind of power politics the government opposite is prepared to play, the kind of role the government opposite is prepared to play in the diminishment of this place as an important institution in Ontario.

Earlier I talked a little bit about the role this place plays now. The government takes upon itself all of the powers and brings them and transfers them to the cabinet. Question period is a place where you come if you can;

you don't necessarily get here. We are one more time on the precipice of what I think is a slippery slope to making this a less relevant and much less accountable place.

I understand the political motivation for all this. After all, a government like yours, with a poor track record like yours, with policies that have led to extraordinary environmental degradation, can't be too excited at the notion of having an independent-minded Environmental Commissioner.

But with your very strong rhetorical appeal and commitment to issues around finance, could you imagine that, were the tables turned, a government of a different day and of a different political stripe would attempt to appoint a Provincial Auditor who had run in two recent elections for the party in office, who had served till that very day as a high riding officer in the same party's organization in the home town of the leader of that government? I think not. Some of you will easily shake your heads and disagree with that, but in sober thought, I would appeal to you to think that through very carefully, because surely enough, the tables can be turned. We will not necessarily always experience the situation in which we find ourselves today.

I'm best reminded of that because for three years in my life I had the opportunity to serve a gentleman by the name of Hugh O'Neil, the member of the riding then known as Quinte. I think members opposite who knew him, as members on this side did, would know that he was one of the finest members ever to serve this place, perhaps a little less partisan than some of us. He's someone who, in his length of time here, 20 years—he was elected first in 1975 and re-elected until he chose not to run again in 1995, and served in both government and opposition. I had the honour of serving with him when he was a minister in this place in the Peterson government, and he reminded me every single day—the member opposite hisses, and I hope he is not hissing in response to the fine memory and record of Hugh O'Neil in this place, because that member couldn't carry Hugh O'Neil's lunch, I should say.

Hugh O'Neil reminded people who worked with him every single day about the importance of remembering where you came from, not just where you were at the moment but where you came from, and how different it might look in an opposite role. In that regard, he had the opportunity, as I mentioned, to serve as a minister in the Peterson government, and he did that with pride. He also served for most of his career as an opposition member, and he carried that with respect, with dignity, the understanding of the role of this place, the special importance that this place plays in the history of Ontario. He carried that with him every single day wherever he went, in whatever role he was playing. In the memory of people like him, who are a dying breed, I must say, I implore members opposite to think twice about this. Think what the impact of this is in the longer term on your relevance as a member here.

We've seen this bum's rush towards the elimination of the role of MPP, other than television, which has turned

this place into a television studio—I was going to say a debating society, but let's be clear. Even that is irrelevant, because no one can be swayed. Even amendments that have been made clear to the government by their own members on legislation that is before them are no longer considered lest it be a sign of weakness or an opportunity for others to bring forward amendments as well.

Take a long, hard, close look at the slope that we are on, because the other end of this ride is not a very good place if democracy means anything to you.

I mentioned earlier that there were some new members. The member from Willowdale, who has previously served, I think, on the school board and perhaps North York city council as well, no doubt with his eye on Christina Blizzard's promise of a car and driver announced this morning—the sweepstakes are on, who will serve as the new minister. He ramped up the rhetorical flourish in this place today in his rush to first place in that sweepstakes. I implore him and others on the other side jostling and jockeying for that role as minister, for that idling car and driver, to ask yourself the question, what will be left?

**Interjection:** Eat your heart out.

**Mr Smitherman:** The member opposite says, "Eat your heart out." Well, we'll all be holding our breath to see that particular member as a minister.

Soon we will leave this place for a break. I must say I'll miss everybody opposite. But what will we leave here? What will be most remarkable, most memorable? What will be one of the last things that we accomplish? The record will clearly state that the Ontario Legislature, in one of its last but perhaps not finest moments, has appointed a Tory hack to a position where he will be expected to enjoy a lower standard than the employees he is to supervise.

**2240**

I want to say very clearly I wear the word "hack" like a badge of honour because I have experienced great and enjoyable things in politics. But I would say that it's quite a remarkable thing that we talk about a gentleman and we talk about his political lineage, and the members opposite don't see that as a problem. They don't see that as an interruption in the role of independence and respect and dignity towards the Legislative Assembly. Yet the very employees that this gentleman will be asked to supervise the first day that he takes that office officially are forbidden from exactly the same kind of political contact and involvement that he has. If that does not make the point clearly enough to the members opposite, then really we have an even bigger challenge around this place. If that's the best we can do for the integrity of this place and the legacy of our province, then it's a very dark day indeed.

We hear so often from the members opposite about how they are doing what they said they would do. I mentioned a few moments ago that I thought the Blueprint and the Common Sense Revolution had somehow missed how the province would be on this chase to number

one—number one with a bullet, as one of the members said earlier—towards environmental degradation. The province of Ontario, in a very short period of time and under your leadership, the leadership of Premier Mike Harris, has become a jurisdiction best known around North America as a dumping ground, a dumping ground for all kinds of unwanted matter. No protection any more, none built in; all seen as red tape. It's interesting that the only red tape that we've seen proposed by the members opposite came from a private member, and that was to try and tie the hands of food banks.

In contrast, our party talked clearly in the election campaign about commitments to convert Ontario's five coal-burning plants to cleaner burning natural gas. Isn't it interesting that in a province that has made this great leap up towards number one, passing Oklahoma and all of those other jurisdictions so well known for their protection of the environment—Texas is coming. I hope they know that we're fast approaching and hoping to pass them before the end of 2000, just in time for the federal election in the United States.

We've got a lot of work to do with this government opposite. Our party has made very strong commitments with respect to the environment. Yet every single day we hear in this place the rhetorical flourish at the end of all speeches about how things are improving for the lives of Ontarians. I'm one Ontarian who in the last two years has had to return to using a puffer. My asthma, long since having disappeared, has come back. Bad weather days in August mean that my lifestyle is very much changed as a result of poor air conditions that confront us here in Toronto.

We see a government that has no policies with respect to the sustainability and livability of the urban environment that is the greater Toronto area, where 4.5 million people now live and 6.5 million people are forecast to live within 20 years or so. Yet we see government policies, through the OMB and other places, working hard to produce as much sprawl as possible, Uxbridge being the greatest example. No transportation infrastructure to link that community to York region and Toronto, where the jobs would be for those people—95% of them at least forecast to come there—and no roads, yet the Ontario Municipal Board has the strong support of the Minister of the Environment to cut down trees and put our water at risk.

**The Acting Speaker:** Further debate?

**Mr Galt:** It's been interesting to listen to some of the ranting and raging that we've heard in the House here this evening.

Before I get into my presentation, I would like to extend a very Merry Christmas and all the best in the new millennium, the next millennium, to those on the other side of the House as well as our own party, and particularly to the constituents in Northumberland and also that part that's extending into Quinte West.

I was listening to the member for Toronto Centre-Rosedale talk about an exceptional member who served in this House for many terms in the person of Hugh



O'Neil, and he's absolutely right, just an exceptional individual. But I would suggest to the member for Toronto Centre-Rosedale that Hugh O'Neil is probably far more conservative than most Conservatives are; a very conservative-thinking individual, certainly thinking about the economy and the economics of the Quinte riding. That was one of the reasons why he was so successful and actually got a lot of Conservatives to support him.

I sit here listening this evening to the debate and just kind of wondering what the whole purpose is, where we're going and why we're into this whole thing. Of course, the debate is being forced upon us by the opposition in connection with this motion. They're out to try and embarrass the government over an issue that really isn't an issue and they're getting absolutely no attention whatsoever in connection with this.

I think it's interesting to walk through just a little bit about what has happened. There was an advertisement placed in the *Globe and Mail* back in September. The closure, I believe, was early October. I'm looking at the requirements for an eligible candidate:

"Eligible candidates for this position would have knowledge and understanding of government, a broad knowledge of environmental issues and legislation, labour protections, and senior administrative experience. An understanding of legal principles and practices relating to evidence, witness examination and disclosure would be desirable. Knowledge of French is an asset."

Nowhere in here do I see that it says anything about declaring your partisan politics, whether you've ever run before, whether you are president of a partisan organization or not. It doesn't mention that you should list your religion, whether you're Roman Catholic or Muslim or belong to the United Church. It doesn't mention your age, although he did put that in his application. Marital status is no longer required. It's a wonder the opposition are not complaining that it doesn't tell us about his marital status or about his religion. It's a wonder the NDP is not keen on the ethnic background so they can get all these job quotas and everybody slotted in. It's a wonder they're not upset over that, that we get the right number.

It has already been pointed out in the election of a Speaker in this chamber. The member for Etobicoke Centre was the Speaker for roughly three years in the previous term, and I would suggest that particular Speaker was as neutral and unbiased as possible. He actually bent over backwards and put the government at more disadvantage, ruled more for the opposition and gave them the advantage while he sat in that chair. I can understand the reason for that, to make it at least appear balanced here in this House. I would suggest the member from Oakville is doing an excellent job, again somebody who carries party membership, as does the member from Etobicoke Centre. As a matter of fact, today he didn't hear a no on this side. I heard a half dozen noes, but he was bending over backwards to be as fair and to appear as fair as he possibly could, acting as Speaker in this House.

I would suggest that Gordon Miller, if and when he becomes the Environmental Commissioner, probably will operate in a similar manner, probably will bend over backwards to be fair and to appear fair, and as a result of that, probably will be one of the toughest environmental commissioners this province has seen or ever will see, probably into the future.

As I look at the process—and there seems to be a lot of talk about this process—first the House leaders turned this to the standing committee on general government to select the Environmental Commissioner, and also the Ombudsman to the Legislative Assembly committee. It just happens to be that we have two of these people to be appointed at the same time. Both went through the same process. They seemed to like the process for the appointment that we went through to get the Ombudsman. They all seemed to like that, yet the very same process they don't like when it comes to the Environmental Commissioner, all because of a party membership. I know everybody in this House, at least the elected members, has a party membership and I'm sure each and every one of them is very proud of those memberships that they carry. There are a lot of other people in Ontario who hold memberships; thousands of people who hold memberships, tens of thousands, maybe hundreds of thousands who helped in the campaigns and are very proud of that.

This is all about the democratic process that we have in Ontario, here in this great country that we call Canada, more or less based on the British system. It may not be the most perfect democratic process in the world but it does work and it's one of the better ones we have. I have the greatest respect for anyone who takes part in any kind of party politics in the democratic process, whether it be Liberal, NDP or PC. They are working towards better government for Ontario. That's exactly what Gordon Miller has been doing. He's run on two occasions, he's been active in the party and, as I understand, he was the president of the federal riding association. My hat is off to him for doing his part in the democratic process, just as everybody elected in this House has or who has ever been here.

#### 2250

It's unfortunate for him that he ran out of time when the right vote was being split between the PCs and Reform Party, guaranteeing a Liberal win in Ontario. The only reason that Chrétien happens to be the Prime Minister of Canada is because the vote on the right was being split. He happened to be one who got caught in that split vote.

I'm sure this evening Gordon Miller is watching the proceedings in this House and I'm sure he's feeling very uncomfortable about this whole thing. How would anyone in this House feel if their name was before this Legislature and they were being grilled, as the NDP and the Liberals are grilling him here this evening? I think it's extremely unfortunate for a man who has qualifications, and the qualifications this individual has are very impressive.

This individual—just the summary alone—was 12 years designated as a provincial officer under the Environmental Protection Act, the Ontario Water Resources Act, the Pesticides Act and the Environmental Assessment Act. He participated in the implementation of the Environmental Bill of Rights from its passage in 1994. He's worked in the enforcement and implementation of environmental legislation.

He's been involved in and has all kinds of experience with the Gasoline Handling Act, the Planning Act, the Lakes and Rivers Improvement Act, the Conservation Authorities Act, the Public Lands Act, the Aggregate Resources Act, the Mining Act, the Dangerous Goods Transportation Act, the Endangered Species Act, the Beds of Navigable Waters Act, and also federal legislation such as the Fisheries Act, the Canadian Environmental Protection Act, the Canadian Environmental Assessment Act and the Transportation of Dangerous Goods Act.

He helped to draft Ontario regulation 435/93 for the certification of water and waste water operators. He has trained Ministry of Environment abatement officers for some four years. He has developed and has taught two courses in environmental legislation in a college-level environmental protection program. He has worked as a senior manager in human resources for MOE. He has worked with the provisions of the Environmental Protection Act. He's participated in investigations involving whistle-blowers. Imagine, these kinds of qualifications and the opposition is complaining.

He has had all kinds of senior administrative experience, some 11 years senior management experience in the public and private sectors. He managed a staff of some 21 and administered multi-million dollar budgets. He has trained at the Ontario Police College for the performance of duties as a provincial officer, including collection of evidence, preparation of crown briefs and presenting evidence in courts of hearings.

He has conducted several investigations collecting evidence and prosecuting violations of environmental protection. He has personally given evidence in court at the Environmental Appeal Board and the Ontario Municipal Board on several occasions. He has acted as an agent for the Trout Lake Conservation Association in an appeal before the Ontario Municipal Board regarding the lakeshore capacity issue. He has designed and conducted training in presenting evidence in courts and in hearings.

This just goes on page after page with the kinds of things this man has been doing. He's got to be pretty good because he has a BSc and an MSc from the University of Guelph, and anybody who has graduated from the University of Guelph just has to be a good candidate.

**Interjection:** Just like you, Doug.

**Mr Galt:** Actually, I do have a degree in pathology from there and my veterinary medicine degree came from those buildings, but at that time it was the University of Toronto. That kind of dates me pre-1964, and we won't say just how pre-1964 that really is.

He started off his career history in 1977 as manager of Bio Systems Inc in Guelph, an environmental company; the next year, manager of Pot-Cal Ltd in Parry Sound. I suppose that makes it bad because that's where the Minister of Finance is from. So he also worked in that riding.

He was also staff with Mid-West Manufacturing in Thunder Bay—horrendous experience in the north. In 1980-82, he was a scientist with the Ontario Ministry of the Environment; in 1982-86, a senior environmental officer; in 1986-89, a professor at Sir Sandford Fleming College, the Frost Campus in Lindsay. I suppose that's bad because Lindsay is in the riding of our Chair of Management Board. In 1989-93, he was a senior manager, training and development, with the Ontario Ministry of the Environment right here in Toronto. Well, maybe he lived in an NDP riding when he was here, and that would be good for him. Then, in 1993-97, he was district manager in the North Bay district office.

We've heard so much about him being from the Premier's riding. He didn't get there until 1993. It's quite recent that he's been in North Bay. Presently he's president of Miller Environmental Service Inc in North Bay, Ontario.

Other experiences: He's been a trustee with the Timmins Board of Education. There must be something good about it that the opposition would like. I think it's interesting that he also went abroad in 1991. He was a visiting professor in the People's Republic of China at the Chengdu Management Training Centre in Chengdu, Sichuan. In 1992, January to April, he was a professor at Sir Sandford Fleming; in 1990-1993, vice-president and co-founder, Roadside Heritage Trees Society; in 1992, president of the Ontario chapter of the Canadian Land Reclamation Association; in 1997-99, professor at Canadore College for environmental law I and environmental law II, and it goes on: waste management, rehabilitation etc. In the fall of 1999—that's current, right this year—he's professor, part-time, at Nipissing University. I suppose that's bad because that's in the Premier's riding. That's unfortunate.

His has membership in and is affiliated with many organizations: Trout Lake Conservation Association, Lake Nipissing Partners in Conservation, Restore the Link Committee, Canadian Land Reclamation Association, Nipissing Naturalists Club, Roadside Heritage Trees Society, a co-founder, Canadian Chestnut Council and Ducks Unlimited.

This resume goes on with another 17 or 18 papers that he has given and I would expect these are peer-reviewed papers, scientific papers that he has given literally all over the world. I think it's interesting that many were given in Sudbury. I would think the member for Nickel Belt would be quite enthused that he was looking after the Sudbury area and would be very supportive of that particular qualification.

I just highlighted the kind of qualifications this individual has. I thought it was important to put on the record and to let the people at home realize the kind of qualifications this individual has and, over and above that, taking

part in the democratic process, both as a trustee and in politics federally and trying his very best to do what he believed in for the federal party. Of course the opposition are trying to make political hay out of this particular situation.

A few minutes ago, the member for Dufferin-Peel-Wellington-Grey, made an interesting comment about partisan politics and appointments, and that was with the person, David Agnew, who started out as a campaign manager for the NDP back in 1990. I guess he did quite well because he got Bob Rae elected, in spite of Bob Rae—he was pretty surprised that he got elected. He said he wanted to be Premier in the worst way and that's exactly the way he got it, the way the Liberals left Ontario, in the worst possible way you could imagine.

They claimed they had ended up with a balanced budget when we all know what happened. They juggled money around April 1. They got a big windfall from the federal PCs and then they didn't know how to handle it. They showed it was balanced, but when the NDP got it, they found it was several billion in deficit back in 1990.

Here was a man, David Agnew, who went out campaigning for a political party and then became chief of staff for Bob Rae. I can understand his being chief of staff, that makes sense, but then to move on and become secretary of cabinet—for people who may not understand, that is the top civil service position in the province, supposed to be reasonably neutral, working for the party in government, working for the people of Ontario, not expected to be a partisan kind of role. But lo and behold, that's what the NDP did.

**2300**

I really hate to bring this up, but I recall back in the 1980s the situation with Patti Starr. I read Patti Starr's book. Of all the tearjerkers I've ever read, reading about Patti Starr when she was in jail pleading for help from that party, the party she had worked so hard to raise funds for and which turned their back on her, talk about terrible partisan politics. They wouldn't even help somebody who ended up in jail. They totally turned their back on this woman who had tried so hard for that party. She went out fundraising, was very active with the party, and lo and behold, when the chips were down, that's when they let Patti Starr down. Mr Speaker, if you haven't read the book by Patti Starr, it would be good reading for you because I know that in your role you'd be particularly interested in reading about it.

I read it prior to getting involved in politics and it really affected me very much, that that kind of thing could go on in politics when somebody is working for the democratic process. I think it's most unfortunate. That was back in the era when—you talk about arrogance—we were seeing arrogance in the province. The Liberal Party had just dumped the NDP, following that unholy alliance while they were in bed together. We still see them working together and it's hard to tell which is which, they're both so far to the left. I know Dalton McGuinty is not that far to the left and that's one of his biggest problems: He tends to be to the right of the Lib-

eral Party but his workers have taken him way off to the left and he's so uncomfortable over there—

**Mr Wettlaufer:** Which leader are you talking about?

**Mr Galt:** I don't know which leader I'm talking about. There's the one who naturally is on the right, but there's this one who's been forced to the left because they think they can scoop some votes from the NDP. That's what they did with the strategic voting they had this past spring. I can tell you, it's not going to work another time around because the NDP is not going to allow that to happen. It just about decimated that party.

That was the unholy alliance that this province put up with for two years, and then we jumped from the frying pan into the fire and had a full Liberal government. I thought the NDP could spend well, but there's nothing by comparison with the way the Liberals put us in debt. They knew how to double the debt, they knew how to really run it up, and this was in the good times when the books should have been balanced, when we should have been paying down some of the debt. It was a good time for the province, and that was when the party was riding on the coattails of the American economic boom, not the way it is today when Ontario is leading all of the G7 countries.

There's no question I'll support Gord Miller as the next Environmental Commissioner for the province.

**Mr Richard Patten (Ottawa Centre):** The evening is getting late and I'm thinking of all of those thousands of people out there who are watching this debate and wondering what it really is all about. I would like to put on the record again, just so people know, that what we have here is a motion by the government House leader which is a "request for the appointment of Gordon Miller as the Environmental Commissioner for the province of Ontario as provided for in ...."

This is an extremely important position and one that should be taken seriously. I would like to try, even though this place becomes fairly complicated at times, to simplify what in my opinion the issue is. The issue is that unlike the vast array of appointments, this particular appointment is really for a position related to the Legislature. It is not a position related to a function of government per se because people know there is a difference between government and the Legislature. The Legislature belongs to all of the members and all of the people of Ontario. The government is separate.

The issue we face today is that back some time in August there was a proposal that was made to the House leaders which suggested that maybe a member from each party might get together and help work this out, which by the way has tended to be the tradition of looking at the positions of commissioners related to the Legislature. I believe that was the fashion in which the last privacy commissioner was selected. There was a member of each party. They worked with the director of human resources for the Legislature to help with the particular procedure and the approach to all this, and then they arrived at an agreement.

We did not have the hoopla we have today, we didn't have the acrimony we have today, because it was acknowledged that it was important to arrive at a consensus and that the position being supported by all parties meant it was supported by all parties, by and large, except perhaps rarely a member or two might disagree, although that hasn't been the historical case in most recent times.

What happened was that this approach was suggested, that we have all parties make this decision; and then all of a sudden, a month later, the House leader from the government side said that approach was no longer on the table. "Oh. Well, what will happen?" "It'll go to the committee." As people will know, all committees are controlled in a way by the government side because they have more members, so they can always outvote the opposition parties.

It's not surprising that a degree of suspicion would begin to surface around: "What's going on here? Why?" Of course we didn't know for a long time, and then as people became suspicious, they began to ask questions, they began to talk, they began to do research etc. Oh, all of a sudden there was a particular candidate.

I believe I have met Mr Miller, but I do not know him very well and I will not cast any aspersions on his character or anything of that nature. All I want to say is that in the position of commissioner heading up a legislative commission that is accountable—and the people of Ontario should know this: This person does not report to the government. This person reports directly to the House, and therein lies the dispute and the dilemma.

The affiliation in this particular instance I believe is important. The information is available. We know that Mr Miller is on the list of having contributed over \$100 to Mr Harris's campaign. They're all there and they're publicly listed. I'm sure all parties check on who's giving to whom and all this sort of thing.

**Mr Bradley:** Say that again.

**Mr Patten:** Contributions of over \$100 to Mr Harris's 1995 campaign. That's fine. He's been a Tory. I would like to think frankly that two things are different here. You might have still gotten him as the new commissioner. Perhaps if you had had at least the format of arriving at a consensus, maybe they would have selected him, but having made the offer, changed it to a government-controlled committee, and then that government-controlled committee bringing forward someone who has strong ties, it does raise the question of partisanship. Frankly, when we look at the recent history of the undercutting of this place by this government, then it is not surprising that there is cynicism and there is worry.

2310

A good man by the name of Dalton Camp writes a column periodically. He's a good Tory, a good Conservative, very thoughtful. I read him very often. He says that Harris brings out the worst in Ontario. In this particular instance he's talking about the Premier or the government just bypassing the recommendation in Ottawa-Carleton, a place in which I live—

*Interjection.*

**Mr Patten:** That's true. He suggests that it would have been rising to the occasion of the very best to have accepted the commissioner's recommendation to say that we confirm that the linguistic status of Ottawa, the new city, is the same as it was for the old city. Done with that. But no, now what does it do? It brings out the very worst. This will be extremely divisive in our particular community. We will have APEC out and we will have all kinds of people who will be fighting and they will be bringing this up as an election issue in the next municipal elections, and it will be terrible pressure on a lot of those councillors.

At the end of the day—you all read polls—the indication is that obviously most people do support the nation's capital being an officially bilingual community. In the meantime, what have you done? You've alienated the francophone community. "We'll challenge them on their hospitals. We'll say it's done by way of the health restructuring commission." The health restructuring commission doesn't exist. It's an advisory committee; it has no legal status. The government says, "We will support them to do so." I'd like to follow that particular piece of legal work because I don't think they have the legal position in order to make the challenge in the first place.

This position is extremely important. I will read a little bit about the function of this particular commissioner and what he or she is required to do. But before I do, I want to refer to a couple of articles that talk about the importance of the environment in Ontario today. This one was in the *Globe and Mail*, "A Crisis is Blowin' in the Wind." It says: "Air pollution has been blamed for as many as 6,000 premature deaths a year in Ontario. That's the verdict"—not of an environmental group—"of the Ontario College of Family Physicians." They are saying this is a major health issue. "All of us are affected by even very low levels of pollutants," the doctors warn. These statements are startling but they merely echo the Ontario Medical Association's warning issued last year—that air pollution is 'a public health crisis in Ontario.'"

Anyone who takes a look at the impact of our air should look at what that is doing to our children. Having worked at a children's hospital for a while, I know—I knew this before but it's even worse now—that asthma is one of the fastest, most damaging afflictions affecting our children. Our children are having difficulty breathing. So what do we see? Do we see tougher decisions? Do we see trends by this government of tightening up, looking for alternative energy sources? Not too likely.

For example, "Right now, Ontario Hydro Networks is increasing its transmission capacity, and transmission lines," as everyone knows, "are two-way streets. The move is certainly going to mean that we buy more energy from the United States. The Americans use coal-fired plants and have surplus capacity they want to sell. Increased cross-border transmission will likely create a dramatic rise in coal-fired electricity imports from the United States—and because Ontario is downwind from

the US Midwest, we will in effect be paying foreigners to pollute us." This is absolutely incredible.

It goes on to say, "Ontario companies planning to generate more of their own electricity from natural gas—such as Dofasco and Falconbridge who are considering building their own natural-gas-fired power plants—will also have to pay higher transmission rates than companies that purchase all their own power from a Canadian or US coal-fired electricity utility. In effect, Ontario Hydro Networks will be financially penalizing environmentally responsible industrial customers who want to build cleaner natural-gas-fired power plants."

I'm trying to establish the importance of having, as has already been pointed out, an independent individual, and some euphemistically may use the term "watchdog," as it were, but that's the person's job.

When we look for a moment at what the person's job is, they say in his job description, in the functions of the Environmental Commissioner of Ontario, that the functions which are contained in the Environmental Bill of Rights include a number of explicit powers of review.

"In addition to fulfilling his or her other duties under this act, it is the function of the Environmental Commissioner ... to review the implementation of this act and compliance in ministries with the requirements of this act."

They say, "(f) review the use of the registry; (g) review the exercise of discretion by ministries under this act," and it goes on, but it talks about independence as a vital feature of the Environmental Commissioner's effectiveness, not only for objective oversight but especially for reviewing the implementation of and compliance with the Environmental Bill of Rights.

So you want an independent person. You want the Environmental Commissioner to be an independent and impartial person who is appointed by the Ontario Legislature, and by virtue of the nature of the process, that is not the case. He has now become appointed effectively by the government and we have discovered or we found out that he has special ties to the government, to the Premier etc. That raises questions of the ability and capacity for objectivity. Surely you would require that.

The nature of the Environmental Commissioner's legal obligations to report on ministry compliance make it likely that at least some ministry officials likewise may find some disagreement and the members of the government might find some disagreement, but that is his or her responsibility, as it is with our legislative auditor. Our auditor general for our province is also part of the Legislature and reports not to the government but reports and tables the report here in this House. He is there to comment on and audit what government operations and ministries are setting out to do or have done or are planning to do, and how efficiently and effectively that is done. This commissioner has a similar function without all of the abilities to do an audit, because this commissioner will not be able to do an audit but will report to this place.

When we look at the most recent reports, we certainly find out that there is a lot that is not right and not encouraging in the area of the environment. Before being fired, the former Environmental Commissioner, Eva Ligeti, said this about the government's environment policy: "If we continue along this path, our right to a healthy environment will be jeopardized. We cannot afford to focus on short-term savings at the expense of long-term environmental health."

Surely this is something that transcends and should transcend any partisan politics; it really should. No matter what your background is, surely you're concerned about your children, surely you're concerned about your grandchildren, if you have grandchildren.

**2320**

We know that our environment is deteriorating, that our air and water are deteriorating, and we know something has to be done about that. If the public and this House cannot be assured that you have a commissioner who is beyond question, beyond reproach, and is supported, as tends to happen, by all parties in this House—this is not going to happen. It would appear, and it has already been reported in the newspaper, that the government will get their man, as it were. As I say, this guy may have been chosen had we done what we did when we engaged the privacy commissioner. We could have had an all-party agreement and we would not be here debating this at this particular time. It is extremely important.

The area that is of additional concern is that most members in opposition feel there has been a continual undercutting of the role of this place. I don't know if this was yesterday or today, but Ian Urquhart wrote, "Tories Show Disdain for Legislature."

"As the fall session at Queen's Park winds down, it is becoming increasingly clear just how far the pendulum of power has swung from the Legislature to the executive in this province."

**Mr Gerretsen:** Shame.

**Mr Patten:** It is a shame. What it means is that the voice of each representative, regardless of which party, is less and less. It is becoming a presidential style of operating, without the checks and balances of the American system. More and more, every piece of legislation—13 bills were introduced; seven bills were time-allocated or put on for closure, which means limited debate, limited time. Our party in opposition alone introduced 15 bills. Some 13 bills, seven of them time-allocated, with closure: That's a disgrace. That means you're limiting the opportunity of all the various members to speak on issues that are of import. That is too bad. That is a shame. The diminution of the role of this Legislature—I say we have the most undemocratic Legislature of all the jurisdictions. I've never been challenged on that. I'd be happy to justify it, go in a debate with any member at any time, on the utilization—

**Mr Bert Johnson (Perth-Middlesex):** On a point of order, Mr Speaker: I challenge that statement.

**The Acting Speaker (Mr Michael A. Brown):** That certainly wasn't a point of order.

**Mr Patten:** I'd be happy to have a chat with my friend across the way on this issue.

My time is finished.

**The Acting Speaker:** Further debate.

**Mr Gilles Bisson (Timmins-James Bay):** I have to say that I've been waiting for some time for the opportunity to speak on this motion. Some people talk about Gord Miller. I know Gord Miller. He was a candidate in the 1995 election against me in Cochrane South.

**Mr Kormos:** You whipped his ass.

**Mr Bisson:** Peter, let's not go there.

Let me just say for the record that I've listened intently to the discussion on the part of the government about why it's so important that they appoint Gord Miller to this position. The government tries to make it look as if this person is totally impartial, as if this person has impeccable qualifications and would be able to do the job of being the watchdog of the government on the issues of the environment as they apply to the government. I have to say, I have a deep problem about what the government is saying, for a number of reasons. I went through the election of 1995, when the environment was one of the issues we debated at an all-candidates meeting in my riding. I remember well the position that Gord Miller took on a number of issues when it comes to the environment.

You would remember that it was the NDP government of Bob Rae, of which I was a member—I was quite proud and am still proud to have been a member of that government—that put in place the Environmental Bill of Rights. Under the Environmental Bill of Rights a number of things happened, including the ability to have an Environmental Commissioner oversee what a government does when it comes to its environmental record. The distinct impression I got as we went through that debate was that Gord Miller, although an employee of the Ministry of the Environment at the time in the city of North Bay, was not an environmentalist.

**Mr Howard Hampton (Kenora-Rainy River):** You mean they hadn't fired him yet?

**Mr Bisson:** No, they fired him later, and I'll get to that point.

At no time during that campaign did Gord Miller come out and say something outlandishly stupid when it comes to the environment, but I got the distinct impression—well, on other issues maybe he did, but on the questions of the environment, I've got to say it was fairly clear which side of the fence Gord Miller fell on.

I was the member who was under attack in that campaign. As a member of the governing New Democrats, I was the one who had to be accountable for a number of decisions that our government made. The Tories who lined up at the mikes at the all-candidates debate supported their candidate, who was Gord Miller, and Gord Miller spoke to some of the questions that were raised. I remember at the TH and VS auditorium, as we went through one of the key, crucial debates of that campaign, Gord Miller clearly stated in a number of statements he made through that campaign, "Yes, we have to be some-

what conscious of the environment, but we have to take certain considerations for business and making sure that we have jobs."

This person didn't go over the top and, I want to say in fairness, he was not an ultimate radical, but I got the distinct impression, as did a whole bunch of other people at those all-candidates meetings, that this particular individual, although he worked at the Ministry of the Environment, was not exactly a flaming environmentalist believing in all the issues having to deal with making sure that we have a sound environmental policy in Ontario.

I remember well in 1995 the positions that Gord Miller took. I find it somewhat interesting now that the government puts forward this individual as the one who is going to be the watchdog of the government's agenda when it comes to the environment, because I can say again, he ain't no environmentalist. That much is sure from the election of 1995.

I've got to say it's an interesting story about how Gord Miller became the candidate in Cochrane South in 1995. Let me tell you, because I know the Deputy Speaker would be very interested to hear, that in the riding of Cochrane South at the time, which was Timmins, Iroquois Falls, Matheson, the Tories were having a problem trying to find a Conservative candidate. Even then, even in the sweep of 1995, they were having a difficult time trying to find somebody to say, "I will be the candidate from Cochrane South and I will affix my name to the party label." And you know what? They couldn't find anybody within our own riding to run for the Conservatives. So in came a parachute by the name of Gord Miller.

It was interesting, because it was either at one of the all-candidates meetings or on one of the occasions that I had to talk to Gord where I said: "Gord, how is it that you've become a candidate? I know you were born in Timmins"—a very nice man, a very personable, very charming individual who did well in the election as far as debates. He was a fairly nice fellow, although very right wing and very anti-environment as far as I'm concerned. I asked him, "How is it that you became the candidate?" and he said: "Well, Mike Harris asked me. I'm his personal friend." He was asked as a favour by the then leader of the third party to run in the riding of Cochrane South because they couldn't find a candidate locally to run under the banner of the Conservatives.

I want to say for the record, in all seriousness, that this in no way, shape or form in my view detracts from Gord Miller as an individual. He was asked as a loyal Conservative member of the Conservative Party and a good friend of Mike Harris, who supported Mike Harris on a number of occasions at party fundraisers and various political functions within the Conservative Party, and a personal friend. I understand they walked their dogs together, actually, I've been told, in North Bay.

*Interjection.*

**Mr Bisson:** There are all kinds of lines.

**Ms Martel:** Mike tries to say he hardly knew him.

2330

**Mr Bisson:** I'm coming to that, to the member from Nickel Belt. I just want to say that the Premier tries to say that he hardly knows this guy. I have a hard time. I sit in the House and I listen to what the Premier says, and I remember what Gord Miller told me in 1995: "I was asked to run by the leader of the third party, Mike Harris, because we couldn't find a candidate in Cochrane South. I'm doing it as a personal favour to Mike." That's more or less what Gord Miller said.

I have a real problem with the government members getting up in this House and somehow saying: "We don't know this guy. We don't know who Gord is. Miller who? Where did he come from? Was it Timmins? Was it North Bay? He's very impartial. He's going to be able to go out and do a job as the watchdog." Hogwash. Like Premier Mike Harris, I'll say, "Hogwash." The reality is, this guy is a Conservative supporter. He's a person who has supported the Conservatives for years. It's no big secret in the community of Timmins. We know him well.

I want to say this for the debate, because in my community of Timmins there are going to be some people saying: "Gilles, why are you not supporting Gord? He's a local guy from Timmins." I want people to understand something. It's not the question that Gord Miller's a Conservative. It's not the question that Gord Miller ran for the Tories. He should be—let me come back and restate this the way I wanted to say it.

There are some people who are trying to say, "Quite frankly, Gord should get the job because he's the best guy for the job." I don't care if he is or isn't. The point is, he's supposing to be the watchdog on the government. The fact that he applied for this position and tried to hide from the Legislature, from our legislative committee that did the hiring, the fact that he was a partisan Conservative tells me that he cannot, in any way, shape or form, quite frankly, be non-partisan.

**Interjection:** No judgment.

**Mr Kormos:** He has no intention.

**Mr Bisson:** No. Let's review what's happened here. This individual applied for the position of Environmental Commissioner, and so he has the right. Just because he's a Conservative doesn't mean he doesn't have the right to apply, and if it was a non-partisan position and if it was a position which was not one of a watchdog, I don't think there would be much of problem.

I heard some of the members say, "Oh, well, Floyd Laughren got appointed to the energy board." Floyd Laughren didn't hide the fact that he was an NDP and was a dean of the Legislature when the government appointed him. People said: "You know, Dave Cooke got a job. Liberals like Bernard Grandmaître and Gilles Morin got jobs with regard to appointments by the government." At no time did those people try to hide the fact they were MPPs of the Legislature and that they were members of a party, because in those particular positions that wasn't the issue. You were looking for the best-qualified person to do the job.

But in the case of the Environmental Commissioner, as it is for the Ombudsman and as it is for a number of other issues, they are jobs that have to do with the confidence of the Legislature and have to do with the impartiality of the person who gets appointed to the job. If Gord Miller had come before the committee and said, "I give you my CV, and in my CV I say I was a candidate in the election of 1995 as a Conservative, I was also a candidate in the election of 1997 as a Conservative, and I am still the local riding association president of the federal North Bay PCs," then I would say at least he declared it. The members of the committee could have said, "Can you tell us how you will be impartial?" At the end of the day, you know what? I don't think it would have been an issue.

If he had declared the fact that he was a Conservative and he had been a candidate, that in itself wouldn't have disqualified him, because members of the committee would have known, square and upfront, where he was coming from, who he was, where he came from and what affiliation he had. Every member of the committee, New Democrats, Liberals and Conservatives, could have asked him questions on that particular point. But what bothers me and members of the assembly is that he applied, and on his CV did he say he was a former candidate twice?

**Interjections:** No.

**Mr Bisson:** Did he say he was a candidate for the PCs both federally and provincially in 1995 and 1997? No, he hid the fact. Did he say he was a Conservative riding association president currently in North Bay for the federal Tories? No, he didn't. He hid it. Then when he came before the committee for the first round of interviews on the part of the committee, did he come forward and respond on those issues to the committee? No. The fact is, this guy tried to hide the fact that he was a Conservative.

That is really the point of what this is all about. If this person had been upfront and said, "I am a Conservative, here's my colours, and this is where I'm coming from," you know what? You would have been able to get away with what you're trying to get away with because at least it would appear to be clean. But the guy tried to hide the fact that he was a Conservative, and not only that he was a Conservative but that he was a close personal friend of Mike Harris and a lot of his allegiance had to do with the relationship he has with the Premier of Ontario.

**Ms Martel:** He's still friends with him.

**Mr Bisson:** I'm going to come to that point in a second. The point is this guy tried to hide it. How can we, as members of this assembly, have confidence in somebody who tries to hide the fact that he is so connected to Conservatives and so connected to the Premier of Ontario that he tries to hide it? It tells me he's got something to hide.

Can he really be impartial when it comes to his position? I want to ask members of this Assembly, does anybody believe that somebody who would hide the fact that he was not only a card-carrying Conservative but that he had been a candidate twice, is a personal friend of

Mike Harris, walks his dog with Mike, was the riding association president federally and still is—and doesn't want to resign, by the way. That's one of the discussions I've heard about.

I don't know how this guy can be impartial, because we know that the position of Environmental Commissioner has to do with being a watchdog on the government's agenda. How can this guy be the watchdog if he's a personal friend of Mike and tries to hide the fact that not only is he a personal friend but, quite frankly, he's a long-time Conservative?

I come back to the point that was made earlier by my friend the member from Nickel Belt and also the member from the former riding of Riverdale, that on the question of when it comes to the person who does the job of Environmental Commissioner, there are certain guidelines and policies that have to be followed. I just want to put for the record, for those people who are watching, under the operational policies for the position of people who work for the Environmental Commission—we're not talking the commissioner right now; we're talking about the employees—it says:

"ECO employees must not participate in activities that might identify them as members or supporters of a political party .... The following are examples of prohibited political activities: ... party/riding association director or executive member," etc.

If it's good enough for the staff of the Environmental Commission not to be partisan and belong to parties, why is it that we, as members of this assembly, would say, "Oh, it's no problem. Gordie's a long-time Conservative. In fact, he was at Mr Snobelen's fundraiser not more than two weeks ago, auctioning off"—we're not going to say what he was auctioning.

*Interjection.*

**Mr Bisson:** A pair of trousers from Mr Snobelen at a party fundraiser two weeks ago. And this guy is applying for the position? How can he be non-partisan? Excuse me. I have to believe that there is some level of intelligence within the Conservative caucus benches.

I want to suggest something to you. Let's take a little walk here, not too far. If you're the person who's applying for the position of Environmental Commissioner and you know that the members who work for the Environmental Commission don't have the right to belong to a political party and, all of a sudden, you try to hide the fact on your application, does it tell me that you knew you were in trouble when you started? That's exactly what it tells me.

I want to put this for the record, especially to the constituents within my riding, because Gord is from Timmins, his parents live in my community, he is a person of long standing, has done a lot of service in our community. It's not a question that Gord is a bad guy. It's not a question that just because Gord is who he is that he shouldn't—the reality is that he tried to hide his affiliation to the party, which tells me he cannot do this job impartially. That's what it comes down to.

I've got to come back to the election of 1995. I remember that election well. Some members of this assembly will remember that it wasn't a good election for New Democrats in 1995. I remember that election. As a matter of fact—

*Interjection.*

**Mr Bisson:** We're up front. We have no problems in admitting when there's a problem. The first step is being able to admit it, you know?

But I remember that election well and I remember being at all-candidates meetings and on the campaign hustings as people raised a number of issues. With regard to the mining community, the environment was an issue that was raised. I remember well; I was the parliamentary assistant to the Ministry of Northern Development, under the capable hands of then Minister Shelley Martel, my good colleague.

**Interjection:** Are you looking for an appointment?

**Mr Bisson:** No, I don't need an appointment. I am a member of the Legislature, and doing quite well, thank you.

I remember that election well and I remember a number of the key issues that we had to respond to as members, not only as a member of the assembly but as a candidate in that election.

People were raising genuine concerns because they saw what was happening in the economy. They were saying: "Gilles, your government has been pretty strong on environmental issues. Your government has put forward issues like the Environmental Bill of Rights. Your government has been tough on polluters. Your government has dealt very strongly and very effectively, I would add—"with a number of issues around the responsibilities of the mining industry when it comes to environmental issues."

The innuendo that was being put forward at those particular all-candidates meetings was that our government was too environmentally friendly. Through that whole debate, Gord never ran away from the fact that he thought a number of the things we did were wrong when it came to making sure those companies were held accountable.

**2340**

I've got to say to myself that, on the basis of what I saw during that campaign, I have great difficulty in trying to believe that the government believes this person's going to be impartial. I say again, he ain't a bad fella. I think as an individual Gord Miller stacks up with the best of them. He was a credible candidate for the Conservative caucus. He did a great job in that campaign trying to put forward the points of the Conservative caucus. He ran second to me. I have no ill will towards Mr Miller. But the issue is that this guy is no flaming environmentalist, I can tell you from the results of that election. As I went through the debate of that election, it was pretty clear he was positioning himself with the big companies, not with the environmentalists.

I look at the long list of contributors who gave to this individual in the election of 1995. I can go through this



list, most of which are very large mining operators and forestry operators within our community. You know what? There are not a lot of those who gave to the campaign of Gilles Bisson, New Democrat, because they said to me, "You know, Gilles, you've been too strong on the environment." That was one of the issues. "We're not about to give you a bunch of money, because you cost us money. We've had to put in tougher measures when it comes to making sure the water isn't polluted, the air isn't polluted and the land isn't polluted when it comes to mining."

I'm not going to get into names, but one particular company on this list that gave him 750 bucks basically was very—

**Mr Bradley:** Name the company.

**Mr Bisson:** No. Listen, they were very direct when we gave them a call about a contribution. They said, "We're going to support the Conservative candidate in this particular election because they're not as tough on the environment as you people have been." I've got to say to myself that I've got great big difficulties when this government's trying to tell us that all of a sudden this guy's going to be the watchdog. He's going to be an awful small pooch. He's not going to have any teeth and he's certainly not going to have any tail, because this guy—

*Interjections.*

**Mr Bisson:** Dave, you shouldn't have done that. But I've got to tell you, he's going to be one small pooch and he ain't going to be barking too loud when it comes to—

**Ms Martel:** Protecting the environment.

**Mr Bisson:** —protecting the environment or, quite frankly, trying to be the watchdog for the people of Ontario when it comes to how this government's agenda is affecting the environment.

You guys can cut it any way you want. The issue here is, this guy tried to hide the fact he was a Conservative. As far as I'm concerned, he is basically outside as somebody who should be accepted, on the basis that he hid who he was and his close affiliation to the Premier. It says in the policies that people working for that agency should not be politically affiliated and cannot be, and this guy is. In my view, it's fairly clear. What you guys have got here is somebody who cannot be impartial, and I quite frankly am going to vote against the government's move to appoint Gord Miller on this particular issue on the basis of what I've seen and what this guy is doing.

**Mr R. Gary Stewart (Peterborough):** I'm going to share my time with the member from Niagara Falls because I don't really want to speak very long tonight, and what little I will, I speak with some degree of disgust. I cannot believe that in this House, where we class ourselves as honourable individuals, anyone would character-assassinate an individual like this. This afternoon, we heard him likened by the Leader of the Opposition to a Nazi. We are hearing tonight—

**The Acting Speaker:** I've heard that word used. This is the third time. It won't happen again. I want you to withdraw that word.

**Mr Stewart:** I withdraw. I heard him likened to somebody whom all of us do not like the characteristic they were talking about. I hear him being talked about tonight as hiding things. I hear about him not being trustworthy. I hear about him being bought. I am ashamed to be in this House tonight.

I had the privilege of chairing the committee that selected the Ombudsman, and it was done in a very professional manner. When I asked people not to breach confidentiality, to a degree it wasn't. But when I listened to what has happened with the other committee where they were in camera—I believe the comment from the member from Broadview-Greenwood was, "I blew the whistle." Isn't that a wonderful statement on behalf of somebody who is elected to help govern this province? You talk about arrogance. I have heard that word from across this House for the last three weeks. You talk about arrogance and character assassination. I hope Mr Miller's not listening tonight and I hope there are very few people in Ontario listening to what has gone on here tonight. I'm ashamed to be in this House.

I mentioned that we had done, I believe in a very professional manner, the selection of the Ombudsman. It was advertised. It was looked at by human resources. There were recommendations, there were committee selections and then we interviewed. It was my understanding this was what was supposed to happen here, but somehow, because of breach of confidentiality, it seemed to fall off the rails. As I say, I have a great deal of difficulty with that.

People have probably spoken tonight who have never hired a person in their life.

*Interjections.*

**Mr Stewart:** It appears to me they have.

The NDP couldn't have, because they never created any jobs when they were there, so they sure couldn't have hired anybody. This group over here is very similar.

But I thought when you looked at somebody, you looked at qualifications, you looked at track record and you looked at ability; you didn't look at associations. You're not allowed to ask about marital status, sex, whatever. But all of a sudden now because you are a member of some association, you're the bad guy. You talk about partisan politics. We have seen it all day today, and I think you folks have got something to worry about because he may just do, and he will do, a very wonderful job.

I'm going to say thank you, Mr Speaker. I don't want to listen to this garbage, for lack of a better word, any more. I will let the member from Niagara speak.

**Mr Bart Maves (Niagara Falls):** I want to thank the member from Peterborough for allowing me some time tonight, because as I listen to the debate tonight, I know that the person chosen for this job through a very fair process is eminently qualified. That's been made perfectly clear tonight. I think the Liberal Party members in the committee actually voted in favour of this person until they found out he had the temerity to belong to a

different political party, and then they decided to change. I don't want to get too carried away into that situation.

What I do want to talk about is a little bit about some history. I want to talk about something Bob Rae said, because it's the NDP that's really trying to occupy some sort of moral high ground on this ground. I want to talk about that. To set the tone, I'm going to be quoting a lot from a book called *Rae Days*, a book written by Mr Thomas Walkom, a writer well known to be sympathetic to the NDP. It was a book that was written about their term in office for five years. It's nice to know they have a history and that someone actually wrote it down.

**2350**

"The story really starts during a televised leaders' debate in the 1990 election campaign. Rae had been asked about the growing credibility problem faced by politicians. 'I think it comes from politicians who say one thing when they're running for office and another thing when they hold office,' he answered. Then, facing the camera, he outlined a credibility test voters should apply to any politician. Rae went on to say, 'What are people's records? What have they said in the past? Whose interests are they defending? Is this something they've said before, or is it something they're just saying now?'"

That's where this story starts. Then I want to go to chapter 4 of the book, which is called "Wackos from Outer Space." It starts off rather ominously, when they talk about the swearing-in ceremony of the NDP. It says: "From the balconies of the giant auditorium, NDP partisans cheered their favourite ministers as they stepped up to take the oath—Sudbury's Shelly Martel, Welland's Peter Kormos, Rae himself. There was no presentiment then that, within three years, Martel would be politically disgraced, Kormos fired from cabinet, and Rae disowned by most of the labour movement."

*Interjections.*

**Mr Maves:** I'm just reading from a book. I like these people across the aisle; I get along very well with them. I'm quoting from a book. They're trying to talk about the moral high ground, that they've never known anybody they hired. This group across the aisle engaged, between 1990 and 1995, in the greatest patronage orgy and the greatest politicization of the bureaucracy in the history of Canadian politics.

**Interjection:** Tell me about it, Bart.

**Mr Maves:** Let me just tell you about some of it. I'm going to read from a book, because history has been written by other people. To start off with, Stephen Lewis—everyone knows the king and queen of the NDP, Stephen Lewis and his wife. His "sister, Janet Solberg, was tasked with finding suitable New Democrats to act as political aides to the ministers." They couldn't even hire their own staff, those ministers. They had to get political patronage to do that. To continue:

"Rae was determined to rely on trusted colleagues for his office. David Agnew would continue as his principal secretary, the top aide. Former MPP David Reville would babysit the caucus and carry out special projects for the

Premier." I want you to remember those names, David Agnew and David Reville.

It goes on to say that other people "were imported. Carol Phillips, the assistant to Canadian Auto Workers head Bob White and wife of former NDP federal secretary Gerry Caplan, would handle patronage"—hired for that purpose, and what wonderful credentials to do so.

It says about Ross McClellan, a well-known NDP activist, "In his view, the central institutions of the government—the Premier's office and cabinet office—should be responsible for driving policies developed by cabinet; the job of the line ministries would be to put these policies into place." Interesting: Their cabinet ministers, many of whom are here tonight, had no say, apparently.

I want to continue with the patronage. "Canadian Auto Workers chief Bob White"—actually had the good sense—"turned down a job offer from the Rae government. This one was to coordinate industrial strategy and would carry the rank of deputy minister." I can't believe he had the good sense to turn that down, but can you believe that the head of the Canadian Auto Workers was offered a job as a deputy minister? Shocking, absolutely shocking.

The record speaks for itself. Let me go on: "Marc Eliesen, the Deputy Minister of Energy" was the "former research director for the federal NDP"—the greatest politicization of the bureaucracy in the history of Canadian politics. It's written in this book, and it was undertaken by this government.

**Interjection:** That was then; this is now.

**Mr Maves:** From the book, part of their words when they went out there after three years, when they had their entire party and all the labour movement revolting on them, were, "That was then; this is now."

We go on: Michael Mendelson became "one of the most powerful functionaries in the Rae government; he and [Ross] McClellan had become the gatekeepers, the ones whose approval had to be gained before any proposal could even be discussed at the cabinet table"—again, a well-known Manitoba NDPer.

It goes on. I wish it would end, but it goes on. It says, "Later Rae hired his old university chum Jeff Rose, a former president of the Canadian Union of Public Employees, as Deputy Minister of Intergovernmental Affairs."

I think I'm slowly building a case, but I think most members, even the Liberal members, are now nodding their heads that this was the greatest politicization of the bureaucracy ever in the history of politics.

I can continue. Howard Hampton, who was the Attorney General, was actually quite surprised that he was given the job, because he wasn't, in his words, "a left-wing" Toronto lawyer like Clay Ruby or some other ones. "Hampton was suspicious, therefore, when Rae appointed Mary Hogan, a Provincial Court judge popular among Toronto NDP lawyers, as his deputy minister. 'The feeling was,' said one government figure close to the decision, 'that "we'll put Hampton in there as the figurehead, and Mary will be the real minister.'"

“Soon, there was almost open warfare between Hampton and his deputy. The flash point was Hogan’s decision to appoint Michael Code, an associate of Clay Ruby, to be assistant deputy minister in charge of criminal law”—yet two more blatantly political appointments and a politicization of the bureaucracy. I’m only measuring them by Bob Rae’s standards.

**Mr Gerretsen:** On a point of order, Speaker: I agree totally with this member, but what we’re hiring here is not a civil servant but an independent officer of this Legislature.

**The Acting Speaker:** That is not a point of order.

**Mr Maves:** As if it wasn’t enough—everyone on this side by now has already noticed the case and, as I said, members opposite are kind of hiding their heads, members of the NDP, and the Liberals are agreeing: “Wow. We didn’t know it was that bad.” But you know what? The book goes on to say: “Rank-and-file members were miffed at Rae. In an effort to be non-partisan, he wasn’t appointing enough New Democrats to patronage posts to suit his party.”

What did all this lead to? “Michael Decter, who until he resigned in 1993 had been one of Rae’s most trusted and influential bureaucrats” said because of all of this and because of some of the folks in the party and at the cabinet table, there was a large vacuum. “‘It’s not clear who the buck stops with .... You can have a lot of people at the centre talking to themselves and that’s not really like having control of the government.’

“To Decter, this stemmed in part from Rae’s own remote personal style. ‘The Premier is not connected to it. He’s the least connected. There just isn’t someone home in the way you’d expect from a government’”—remember, the Premier’s most trusted adviser.

“As well, said Decter, the cabinet suffered from its own inconsistency.” That was some of these members across the way. “‘I’ve been at cabinet meetings succes-

sive days where you’d think they had collective amnesia. They agree to something one day, and the next day not only do they agree to something different but it’s like they don’t remember there was the discussion.’”

So now when they stand up and try to occupy some kind of moral high ground, it’s no wonder that they’ve totally forgotten, conveniently, the orgy of patronage that these people conducted, that they themselves conducted several years ago.

It continues on. There are actually some cute things in here. One of them was about Mr Kormos, my friend from Niagara Centre, who was a short-lived minister under the government. “Things might have worked out between Rae and Kormos had they communicated more,” the book says. “But they didn’t. They were two existential loners in different planetary orbits. ‘In the six months I was there, I never talked to Bob Rae once,’ said Kormos.”

It also refers to Mr Rae as a kind of hopped-up Woody Woodpecker, which I think is pretty interesting.

As I said at the beginning, I wanted to talk to you about David Agnew. What happens here? We move on to near the end of this chapter, where it says: “But the important element of Rae’s reorganization was his decision to make Agnew cabinet secretary, the province’s top civil servant. Bureaucrats worried that Agnew’s appointment was the ultimate attempt to politicize the civil service.”

It goes on: “Political aides soon noticed that the lines of power no longer went through the ministers to Agnew and the Premier’s office and finally to Rae. Instead they went from the bureaucracy to the deputies such as Jay Kaufman and Michael Mendelson”—

**The Acting Speaker:** Thank you. It being 12 of the clock, this House stands adjourned until 1:30 tomorrow afternoon.

*The House adjourned at 2400.*

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