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Mercredi 22 décembre 1999

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

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**LEGISLATIVE ASSEMBLY
OF ONTARIO**

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**ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO**

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Report continued from volume A.

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**CHRISTOPHER'S LAW
(SEX OFFENDER REGISTRY), 1999
LOI CHRISTOPHER DE 1999
SUR LE REGISTRE
DES DÉLINQUANTS SEXUELS**

Mr Mazzilli, on behalf of Mr Tsubouchi, moved second reading of the following bill:

Bill 31, An Act, in memory of Christopher Stephenson, to establish and maintain a registry of sex offenders to protect children and communities / Projet de loi 31, Loi à la mémoire de Christopher Stephenson visant à créer et à tenir un registre des délinquants sexuels en vue de protéger les enfants et les collectivités.

Mr Frank Mazzilli (London-Fanshawe): Earlier this month, the Solicitor General introduced Christopher's Law, a bill that is the first of its kind in Canada. It provides crucial and comprehensive legislation establishing a provincial sex offender registry. I would now urge swift approval of second reading of the proposed law, which sets a precedent in this country for ensuring the safety and security of our children. As you know, Ontario had to take the initiative in creating the sex registry because the federal government has yet to act and create a national registry.

In considering the bill, we need to keep one primary objective in focus: to protect our children, wherever they may be, from sexual predators. Our children, no matter what age, have the right to feel safe and to be safe, and parents to know that legislation is in place to protect their children and their families.

Christopher's Law is named after 11-year-old Christopher Stephenson, who was abducted and brutally murdered by a convicted pedophile who was under mandatory federal supervision when he committed this horrific crime. Putting the sex offender registry in place is a matter of urgency. If passed, the law would provide a crucial tool for local police officers in making them aware of sex offenders in their community and their whereabouts. Offenders would be required to register with local police within 15 days of their release from custody.

The comprehensive nature of this bill means that even those offenders who have received absolute or conditional discharges would have to register, with no exceptions. Police already have the authority to disclose names

of sex offenders in the interest of public safety, but now with Christopher's Law this is a logical next step in providing Ontario with a comprehensive new tool of registering sex offenders. This ensures we will have the information on the locations of these offenders as soon as they are released from custody. Police would also have the power to arrest sex offenders who break Christopher's Law.

Quick passage conveys a clear message that our government and this province have zero tolerance for anyone who poses a threat in our communities. The proposed registry is a crucial step in enhancing public safety and honouring our commitment to make Ontario a safer place for people to work and raise a family.

As I said earlier, this bill's passage into law will serve to honour the memory of Christopher and contribute to the overall goal, one I'm confident everyone in this Legislature shares, of enhancing public safety and protecting our children. For those who want to prey upon the most vulnerable victims in our society, we have another clear message. They will be closely monitored and failure to register will result in significant consequences for sex offenders.

The Acting Speaker (Mr Tony Martin): Questions and comments?

Mr Dave Levac (Brant): I'd like to compliment the member for London-Fanshawe for his words. I know in his heart he feels very dear about this particular topic.

I want to emphasize again to this House that the Liberal Party is most definitely eager to pass this law. As I promised the member opposite and the Solicitor General, we will do whatever we can to ensure quick passage comes to this bill because it is important.

Christopher Stephenson was an 11-year-old boy from Brampton who was abducted and murdered in 1988 by a pedophile on parole. To acknowledge anything less in terms of our need to improve the situation for the province of Ontario, for the citizens of Ontario, would be a misnomer indeed. What I would like to also reiterate is that I was fortunate enough to meet the Stephensons and relay to them my deepest sympathies and my heartfelt prayers that their fight will not go unheard.

I will also tell the House that I have personally made some phone calls to some MPs in the federal government to ensure that all Ontarians and this House are dedicated to ensuring that if we can do anything from this side, and I'm sure it would happen on that side too, to have the federal government issue a complete national registry, we would definitely be on side with that.

The bill requires an offender to register in person at a police station at least once a year to update their information at that time. Depending on the nature of the conviction, they may have to continue reporting for the rest of their lives. This we agree with.

We also want to point out some important points. The establishment of this registry is of the utmost importance, but we ask one question: Why did it have to take so long? Since 1995 this has been on the government's docket. The last time they introduced the bill was just days before the House dissolved, before the 1999 election. Today we're discussing the bill again for the very same reason.

The Acting Speaker: Further comments and questions? Response.

Mr Mazzilli: If I can refer this to the standing committee on justice—no?

The Acting Speaker: This is the member's response to the two-minute comments.

Mr Mazzilli: I know that on public safety issues, including the pursuit legislation in relation to Sergeant Rick McDonald, we've had extremely good co-operation in this Legislature among all three parties. I suspect and I hope that in memory of Christopher Stephenson the same will take place on this very important initiative of establishing a registry for people convicted of very serious sex crimes. If we look at the bill, it's very comprehensive in that essentially every offence in the Criminal Code that has anything of a sexual nature is included in Bill 31, so that once you are released from custody, within 15 days you must register with the police.

Again, back to the co-operation that we've had in this House on public safety issues, that wasn't always the case. On the safe streets legislation we were opposed. We were opposed on making our streets safe. We had to work very hard to get through a piece of legislation that allowed for our communities to be safe. Mr Kormos, the member from Niagara, referred to the ways and means act, I believe. I've taken enormous time in researching the ways and means act and I've found it doesn't exist. I am hoping that for the good of the Stephenson family this act will exist very shortly.

The Acting Speaker: Further debate?

Mr Levac: I want to continue with some of the points I wanted to make. I would submit to you that this party would like to have seen Christopher's Law implemented much earlier. The Premier was busy attacking squeegee kids. In the final days of the session, we're still debating the appointment of a very questionable member to a committee.

As I was referring to, I was in correspondence with the Stephenson family. They basically indicated that they appreciated the support that all sides of the House were giving, and that they did believe very clearly—and I want to make sure everyone is aware of this—that closure was finally coming for their family with the implementation of this particular law. They think that more needs to be done, and I agree with them. With co-operation among members of this assembly and also with the federal gov-

ernment, we would be able to see more justice portrayed across the entire country, not just Ontario, but for the sake of all of our kids across our great nation.

I don't think anyone would debate whether anyone wants to form a registry. I would also submit very respectfully that with more co-operation in this House and more co-operation with members of all parties at the federal level, we would very quickly see passage to protect our children. There's no doubt in my mind that that's the objective of everyone in this House.

We also would like to say to you that, as the North Bay Nugget reported after the initial introduction of the bill in April, even Jim Stephenson, Christopher's father, isn't certain that a registry would have saved the life of his son, but he does say that if we can do anything at all to put in law those types of things that could possibly protect children, we should be doing so and putting it forward as quickly as possible. We definitely agree with that.

I also want to point out a few more issues. As I've told the Solicitor General in the past, there are some issues and some areas that surround this particular law, that go hand in hand with this registry, that would ensure that our children are safer than they already are.

1800

The Liberal justice position is very simple. We do know, and I think the government would have to acknowledge, that probation caseloads are astronomical. They are absolutely unacceptable. We are the highest in the country with 117 cases, and the average is 72 cases. That is not an acceptable workload for those people who need to do their jobs to ensure that, for those people who are put into our society and still need supervision, it's done quickly, it's done effectively and it's done with professionalism. "It's an unacceptable situation which jeopardizes public safety," say the case workers.

Tougher penalties for customers of child prostitutes: We have a private member's bill from a member on this side, from Sudbury, that I believe the government wants to support, and I'm looking forward to that as well. He has introduced a private member's bill to toughen up penalties for customers of child prostitutes under the age of 18. We should not accept johns soliciting those types of services from anyone under 18 years of age, or for that matter anyone at all.

We proposed school safe zones. As part of the 1999 election campaign, we put forward the idea of creating safe school zones so that if anyone was found inside that safe school zone within a number of blocks from the school, who had on their person any drug or weapon, it would result in automatic stiff penalties.

The government has introduced some of these issues inside the school, that they want to get tough on the students. An awful lot of times we find out it is people who are from outside the school system who need to be taken care of and removed from the school zone.

We also support greater funding for the Ontario Provincial Police Project P, to fight against child pornography. If we are able to start getting to the root of the

problem, that is, those people who purvey those things they believe is their right, and who believe it's perfectly OK to indulge in child pornography—we believe the opposite very strongly. We believe that if Project P was put into place, we would also be able to rid these pedophiles of these vices that they have.

Better mental health supports: We continue to argue that the province has the responsibility to ensure that nobody is released from our mental health institutions without ensuring that there is somewhere for them to go so they continue to receive some kind of care and supervision, which they desperately need.

Of the 117 cases we presently see our probation officers faced with, an awful lot of those people have mental health illnesses. They shouldn't be spending their time on them; they should be spending their time and focusing on the child abusers, the pedophiles.

We also support victims' rights very strongly. We support stronger victims' rights. Right now, as it stands, there are agencies in our province that are on a six-month funding formula. That's not a way to take care of our victims. There are only a few places in the province where the funding is stable right across. We have areas that have only six-month funding, and a lot of these are on a volunteer basis. They don't need any other hassle. They need to be sure the funding they need to take care of the victims is right in place.

As a result of a lawsuit initiated by victims, the Victims' Bill of Rights was long ago determined by an Ontario judge to be absolutely useless. There are no teeth to it. Government lawyers in the suit argued that it's a statement of principle. If their dedication of a statement of principle was as strong as what they propose this law is, then I would suggest and respectfully submit to the government that they would remove that statement of principle and turn it into an actual fact, an actual belief that the government has in victims' rights. Denying that doesn't confer any kind of rights at all.

Lawyers of the Attorney General argue that the statute does not impose an obligation on any specific office or person within the criminal justice system. Justice Gerald Day called the Ontario legislation flawed and toothless.

Let me return to Christopher's Law specifically. To wrap up what I want to say to you very clearly, I have a passion for this particular area. I have explained to the Solicitor General that along with myself and the Liberal Party, I'm sure the opposition and the government itself see this issue as something that's not acceptable in our society today. I hope and I pray that all of us in this House would put aside any concerns we have regarding the intent of this law, put forward any other suggestions we might very well have for improvements, but get this part of the law on the books as soon as possible so that at least we have a stepping-stone, a building block to improve the lot of our children so that from day one, when this law gets passed, we will be able to put forward a signal to the province and indeed a signal to the rest of the country that here in Ontario we want our children protected, and that as an example we can hold our hand

out to the national field and say to the federal government and to all other provincial governments, "We work together to ensure that our children are safe right across, border to border."

The Acting Speaker: I bring to the attention of the House the presence of a friend of mine and of this place, Ms Margaret Harrington, who was the member for Niagara Falls for about five years, and her daughter, who has been an intern in this place for the last number of months.

Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader): On a point of order, Mr Speaker: I want to point out she's a friend of mine too.

The Acting Speaker: Further debate.

Mr Peter Kormos (Niagara Centre): We in the New Democratic Party were anxious to see this matter called for second reading. It's unfortunate that it's called so late in the session, because there are some important things to be said about this legislation. I've made a commitment to the government House leader to speak to this matter for 10 minutes. I hope he listens carefully to my comments today so he isn't put into another position where he fails to accurately relate to the assembly what happened with respect to this caucus's response to a particular piece of legislation.

We support this legislation. We understand as well the difficulties that the province has in enacting it on a merely provincial basis, but the province's jurisdiction doesn't expand or extend beyond the boundaries of the province.

Let's also understand that this is one of the many recommendations made by the coroner's inquest into the tragic slaughter, murder, of young Christopher Stephenson. In fact, it's recommendation 44. I would, as I have in the past, encourage people who want to respond to this bill to read those recommendations and understand that this bill is a response to but one of many. It's a very important coroner's inquest set of jury recommendations. The recommendation was of course for the Solicitor General of Canada, in conjunction with the Ontario Ministry of the Solicitor General and the police and other appropriate bodies, to establish this type of registry.

The rationale given by the jury was one which reflected the evidence they received. That is that: "A very important tool in understanding and dealing with violent sexual predators"—I'm quoting from their recommendation now—"is to have full and complete access to that person's history, be it from a correctional facility or a mental health facility. If a summary of this information could be kept in a central registry for access by local police, the Royal Canadian Mounted Police and others, it could greatly assist the investigation and apprehension of sexual offenders." That implies, of course, that it would be all the more appropriate were this a nation-wide registry. But again, the scope of this Parliament is to establish a provincial one.

I haven't the time today, but I will in due course refer to how this particular bill fits into the broader range of

recommendations, the complete range of recommendations. One that's very important that accompanies this one is the recommendation that the Correctional Service of Canada—that's our federal penal system—and the RCMP expand the capacity of CPIC—that's the federally monitored police information system—to provide enhanced offender information in CPIC—not just in this registry, but in CPIC. That's what a police officer can access readily, more often than not now, in most communities, even through a computer in their car, if not through their detachment, through their dispatcher, to provide enhanced offender information, including conditions of release, complete criminal histories, details of the offences—to wit, *modus operandi*—psychiatric diagnosis as well, and sources for other information. This means that police officers would be able to access this brief summary of information very quickly, without going through this somewhat more restrictive, in terms of access at least, central registry of sex offenders, predators in most instances.

1810

We want this bill to pass. I understand and we in this New Democratic Party understand that the limited capacity of Bill 31 is just one part of the bigger puzzle, just one piece. But that being the case, it's imperative that this bill be passed but that it be enacted in proper form, that it do everything it can do within the limited scope of the jurisdiction of the province.

The Solicitor General's parliamentary assistant I'm sure has many qualities; if I called his spouse or his kids, they might mention a few of them to me. One of his shortcomings, though, is in the area of research. He hasn't demonstrated strong research skills. He betrayed that dearth of research skills earlier this afternoon in his brief comments, indicating he spent a long time in the library; I doubt that very much. His inability to find certain information—

Interjection.

Mr Kormos: Look, no quarrel with you, Mr Mazzilli. I'll help you as much as I can, OK? I'm here to serve, and I'll assist you in this matter as much as I can and I'll do it in good faith. Just as in Bill 22 I asked you for data, I think it's important that you get your staff to start compiling some of the data that's relevant to a discussion of this particular bill in terms of how this bill can be made as effective as it can be within the restrictions the province has.

I have concern, Mr Mazzilli, about your comments here, when you introduced this matter, about who it applies to. Please, read with me. Take a look at section 1, which says "offender"—those are the people required to register—means only those people who have been convicted. You talk about people receiving absolute or conditional discharges. I'm sorry, my friend, but they're not included here in your definition of "offender." So people who receive absolute or conditional discharges won't be required to register. If that's your intent, fine, but say so. That's why we should be dealing with this a little more thoroughly.

Even more dramatically, take a look on page 3 of your printed bill. Please, Mr Mazzilli; I trust you've read this. Take a look at subsection (4) and this bizarre language, the condition under which a person has to register: "Within 15 days after he or she receives an absolute or conditional discharge in respect of a sex offence, if he or she was found not criminally responsible of the offence on account of mental disorder." This is pretty fundamental stuff, but if you're found not criminally responsible, you're neither convicted nor found guilty. You don't get a discharge, either absolute or conditional, if you're found not criminally responsible. Do you understand what I'm saying? It's pretty plain, pretty straightforward.

There are some errors in the drafting of this legislation. They're going to create some incredible loopholes, honest. I'm concerned enough about it and the New Democrats are concerned enough about it that we want to make sure that this bill is cleaned up so it does the job that, God bless them, the Stephenson family want it to do and that every single citizen of this province who has any concern at all about the welfare of our children would want it to do.

I'm confident you share my concern about that. I'm confident that you will join me in calling for some modest public hearings around this. There are some in this chamber who would have suggested that this bill receive second and third reading before we retired. There are some in this chamber who made that suggestion. Had they been allowed to do that, some very serious problems would have developed because of some real problematic and inadequate and sloppy draftsmanship that accompanied this particular bill.

We need committee hearings. We can do them here in Toronto. I want committee hearings so we can correct the errors in this bill. I have no hesitation in revealing them to you now. Get to work on this so that by the time we get to committee, we can start dealing with a bill that's properly written and so we can talk about the bill in the context of those recommendations by that coroner's inquest jury.

Let's get moving on this. We've got an intersession coming up where members won't be required to sit here in Parliament. Let's get to work and make this bill the bill it should be if we're going to protect kids, or do as much as we can to protect kids, from pedophiles and other predators. Please join with me in that, Mr Mazzilli. Please, call for committee hearings.

The Acting Speaker: Further debate?

Mr Mazzilli: Speaker, if I could refer this to the standing committee on justice.

The Acting Speaker: Just a moment. Mr Mazzilli has moved second reading of Bill 31. Is it the pleasure of the House that the motion carry? Carried.

Shall the bill be called for third reading? No.

Mr Mazzilli: Mr Speaker, if I can now ask for this bill to be referred to the standing committee on justice and social policy.

The Acting Speaker: Is it the pleasure of the House? It is referred; it is the pleasure of the House. Agreed.

HOUSE SITTINGS

Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader): I ask for unanimous consent that notwithstanding standing orders 8(a) and 96(a), the House will not meet on the morning of Thursday, December 23, 1999, to consider private members' public business.

The Acting Speaker (Mr Tony Martin): Is it the pleasure of the House? Agreed?

Mr David Christopherson (Hamilton West): On a point of order, Mr Speaker: I had approached the table earlier. There's not going to be a problem, Norm; calm down. I just wanted to get the assurance, because I thought it was going to be worded into the actual motion, that those two members who have their Thursday morning won't lose their spot; they'll just go to the top when we return. If I could receive that assurance now, even verbally, that would satisfy our needs.

The Acting Speaker: I'm told by the table that it's not necessary to be in the motion. It automatically happens. They will be next in line when the House returns. They will not lose their order.

Mr Christopherson: It's also in the Hansard now.

The Acting Speaker: Is there unanimous consent? Agreed.

1820

COLLECTION AGENCIES AMENDMENT ACT, 1999 LOI DE 1999 MODIFIANT LA LOI SUR LES AGENCES DE RECOUVREMENT

Mr O'Toole, on behalf of Mr Runciman, moved second reading of the following bill:

Bill 37, An Act to amend the Collection Agencies Act/ Projet de loi 37, Loi modifiant la Loi sur les agences de recouvrement.

Mr John O'Toole (Durham): It's my privilege to rise on behalf of the Minister of Consumer and Commercial Relations, the Honourable Bob Runciman, and urge all members of the House to support the proposed amendments to the Collection Agencies Act. These amendments support the government's commitment to create jobs and make Ontario the best place to live, to work and to raise a family, as well as to invest.

We want the more than 133 collection agencies operating in Ontario and employing some 2,500 agents to compete for business on a level playing field in Canada and indeed elsewhere in North America. Removing the current 25% limit on foreign ownership in Ontario collection agencies would bring Ontario's legislation in line with the rest of Canada and within the spirit of the free trade agreement. A level playing field for the

Ontario collection agents industry will attract and create jobs. Some collection agency representatives are predicting in the near term the creation of some 250 jobs.

As agencies expand to compete for new business across the province and indeed across the country, I can state that Ontario-based collection agencies are restricted from this market with a 25% ownership of non-residents. This impediment or red tape to investment in Ontario by foreign firms will, we all know, cost and restrict investment. It's a loss of jobs, a loss of growth and a loss of opportunity.

Ontario is indeed open for business today, and this is just one more sign that this government is interested in job creation as a top priority.

As more and more Ontarians get off the unemployment rolls and begin to receive a regular paycheque, we all see the benefits. Ontario is the only province that restricts foreign ownership of collection agencies. Indeed, it is a move towards harmonization with other provinces.

I want to make it absolutely clear that these amendments would not change the way consumers are protected by the act. That's very important to recognize.

There would be no change in the requirements that collection agencies operate in the province and have operational bases within the province of Ontario; there would be no change in the requirement that collection agencies maintain files for the ministry's inspection, which enables the province to ensure provisions of the act are being respected; and there would be no change in the limitation and prohibition placed on collection agencies and their collectors.

Let me repeat that growth opportunities offered by adoption of these amendments of the current act would indeed help all of Ontario. Ontario collection agencies would be in a more competitive position, as Ontario's legislation would level the playing field, as I've said before, with other provinces.

This debate has taken place in previous times, and for the record I want to refer to the Hansard of June 6, 1974, when Mr Renwick of the NDP said, "We agree with the bill" at that time. Also, in that same Hansard debate, Mr J.R. Breithaupt, a Liberal at the time for Kitchener, said basically, "With the matter going to the committee, perhaps this minister could advise me ... that the bill has been resolved by requiring that all collection agencies be owned by Canadian residents." I agree; it's a good idea that collection agencies be owned by Canadian residents as well.

I think it's important and I'm interested in the response from the other members in the House tonight. With that, thank you for the time, Mr Speaker.

The Acting Speaker (Mr Tony Martin): Questions and comments? Further debate?

Mr James J. Bradley (St Catharines): This is one of those bills that at first glance looks very attractive, because the proponents of it, who have lobbied the government, quite obviously, and lobbied others, have portrayed it as one which will provide a lot of jobs, and I must say, in a parochial sense, in the Niagara Peninsula

around Fort Erie. That's always quite attractive. I want to tell you they're not the \$30-an-hour jobs that one might expect to see in certain kinds of employment that one would really look forward to, but nevertheless they are job opportunities. That is one of the considerations, and should be one of the considerations, when a bill of this kind is brought forward.

But I wish that instead of dealing with this bill, of course, we were dealing with the problem of the ophthalmologists in the Niagara Peninsula. I know you would be too, and I raised that in the House earlier today. But we're not dealing with that at this time.

I see some members of the Family Coalition here today. I wish we were dealing with the situation of Boxing Day. As you know, Boxing Day this year is on Sunday, yet the stores, instead of having the Sunday shopping hours, which are much more restrictive, will have the regular hours, apparently, to be open. People in my riding are understandably concerned about that. I'm opposed, by the way, I should tell you, to shopping on Boxing Day anyway. I was opposed to that. I was opposed to Sunday shopping. But those things now do happen, and that's the world as it is. But we're not dealing with that. I just wanted to make sure—

Interjection.

Mr Bradley: Thank you very much. The chief government whip has also said wouldn't this be an opportune time—and I know my whip would give his consent—to give second and third reading to my gasoline pricing bill, which I've asked consent for on three days in a row in this Legislature. It's a very simple bill. It does not allow the oil giants, the oil barons, to sell gasoline at a wholesale price lower to their own dealers than they would the independents; therefore, the bill would keep independents in business. It's right within the jurisdiction of the province of Ontario, a good bill, and I suspect in their heart of hearts the majority of government members might consider it to be progressive. But we're not dealing with that bill.

Hon Chris Stockwell (Minister of Labour): What about the ophthalmologists?

Mr Bradley: I've mentioned the ophthalmologists. I had a chance to get that on the record today; I'm pleased.

Hon Mr Stockwell: What about the CAT scan?

Mr Bradley: I eventually got the CAT scan in St Catharines.

Hon Mr Stockwell: Who gave it to you?

Mr Bradley: It was the NDP in that particular—no. The CAT scan was years ago, years and years ago. Mr Archie Katzman was the person who led the campaign at that time for money for the CAT scan. You're thinking of the MRI that I pressed for and embarrassed the government into giving consent to. As we would all know, however, all of the capital costs to purchase the MRI were paid for by donations from people from our community, not a penny from the government of Ontario. I am pleased with the consent, naturally.

But I want to say this about this bill: Apparently the Collection Association of Canada, a very reputable

organization of collection agencies in Canada, are very much opposed to Bill 37. They were never consulted in advance of the legislation. I should have had the question, "Have you consulted?" but I didn't. They were not consulted ahead of the legislation. They're worried about "the sneaky way it was dropped in the Legislature at the last minute." Obviously, the existing Canadian firms are concerned about US competition as a result of the bill, but they have some good public policy issues they want to bring forward as well. I know the minister's representative today would want to be aware of those.

GE Capital is behind the drive to allow US firms to operate in Ontario. However, the Collection Association of Canada cautions that there's nothing in the bill that would ensure that new US owners keep jobs in Canada. Now, they'll promise that initially. I hope the government will make sure that those jobs stay in Canada.

The collection business involves a lot of administrative paperwork, keeping various types of credit records and personal information. It is argued that GE Capital will move this side of its business to its larger operations in the United States, eliminating these jobs in Ontario. There's nothing in the legislation ensuring that personal information and credit files, such as parking fines, credit history, child support and student loans, will stay in Canada. It would be normal for a US firm to put this Ontario info into its main US database, where this type of information is routinely sold or made publicly accessible in a manner that is not allowed in Canada. That's a concern that we would have, that American rules would apply to this and not rules that we would normally follow in Canada.

Credit-related information is not subject to the same privacy requirements in the US. I think most of us would know that. Once the information is in a non-Canadian database, what controls will we have over how this personal information is accessed? With the government contracting out more collection functions to the private sector, such as the Family Responsibility Office and student loans, privacy issues have become more important in the collection industry.

Lastly, the US collection people are considered by our Canadian collection people to be—I can't use the word in here; I see they've used terminology that may be too strong for me. They are not enamoured with their record; let's put it that way. Their more discreet and formal Canadian competitors feel that they don't operate the same way we do. The Canadian ownership provisions were put into the legislation to keep disreputable US repo business practices out of Canada.

1830

Now, there are always two sides to this, and I think this bill should have the opportunity to proceed to committee. This again is going to be an advantage of having a committee where we can have some hearings. The people who say the bill was rushed in will have a chance to comment. The people who are the proponents will have a chance to comment. Members of the committee will pass judgment, pass along their considerations to this House, and we can make a final judgment.

I am intrigued by the fact, encouraged by the fact that there would be a number of jobs move into Ontario and particularly the Niagara Peninsula. But I don't think we should sell our soul for a promise of some jobs unless all the other conditions are met; if they are, that's quite all right.

I leave my comments there. I look forward to the hearings which will take place on this particular piece of legislation, and I'm sure we will debate it appropriately a little later on.

The Acting Speaker: Comments or questions? Seeing no comments or questions, further debate?

Mr Peter Kormos (Niagara Centre): This has been an interesting couple of weeks here, the last couple of weeks. I think we're just about ready—we're going to be sitting tomorrow. Depending on how things go tomorrow, we may well be back after Boxing Day. Boxing Day is Sunday, but I trust that Monday will be considered—but that's fine, even if Monday isn't considered some sort of statutory holiday, I'm ready to be here to deal with matters and engage in debate, to the extent that this government permits it. One of the problems is that there isn't a whole lot of debate that goes on, because there aren't a whole lot of opportunities. The government uses closure—time allocation—on almost every piece of legislation that it introduces. It pulls a stunt like its closure motion—

Interjection.

Mr Kormos: Well, one of the interesting things that governments do is they say, "Ah, but it was done by governments A, B, C and D that preceded us." I know the feeling. What that's like is when you get pulled over for speeding—Mr Bradley might understand this—on the QEW and your sole defence is, "But there were three guys ahead of me who were speeding too and you never caught them." It's not a defence for speeding to say that the other guys were speeding too.

Time allocation, closure motions like the one we just witnessed are wrong. I've never supported one in the 11 years I've been here, because I believe that they're fundamentally anti-democratic.

Mr Bill Murdoch (Bruce-Grey): Were they wrong when you did it too?

Mr Kormos: I've never supported a time allocation or a closure motion. I've objected to every single one that has ever been presented in this Legislature, regardless of the stripe of the government.

It has been an interesting week as well because of course we've been deluged with millennium books. Rosario Marchese, our member, raised this issue, gosh, it was at least two weeks ago now, in the Legislature, this government dropping 2.5 million bucks—at the end of the day, three million bucks when you include the shipping—on a slick Harris propaganda piece to kids and youngsters in elementary and high schools.

Mr Rosario Marchese (Trinity-Spadina): Don't forget the deluxe copies.

Mr Kormos: Oh, and now they plan another 10,000 copies, the deluxe edition, to the tune of 30 bucks a

pop—\$300,000, plus shipping, while our kids are going without textbooks and they don't have access to computers. Students brought hundreds of millennium books to my office from Thorold high school on their own initiative. They weren't prompted by any teachers. I delivered them here to Queen's Park the other day. Part of the student council—I'll tell you who the students were. There was Jay Patel, the prime minister of Thorold high student council; Allen Spink, a student rep; Shari Stafford, the student rep for grade 12. They came to my office with all of the copies of the millennium book that Thorold High had received, saying the students had agreed "to mark these 'Return to sender.' We'd rather have textbooks, we'd rather have teachers, we'd rather have libraries with books in them. We'd rather have access to our libraries."

These young students—and these are bright young people, people with incredible potential—have had their libraries shut down half-time. Can you believe this? They can only access their school library a half a day each day of the week, and that's where these young people have access to computers. I don't think that's right; I think that's wrong. These students are saying to this government: "Rather than blowing three million bucks on that piece of fluffy propaganda about Mike Harris and the Tories, please reopen our libraries. Please give us textbooks."

Jay Patel, Allen Spink and Shari Stafford, I'm confident, spoke for the student body at Thorold High. They're a good bunch of young people. I see them on a regular basis and get into their classrooms on a regular basis; bright young people.

Similarly, before that, the students from the E.L. Crossley, I already told you about E.L. Crossley in Pelham. Four of their representatives—there was James Sandham, the grade 11 rep; Ambeer Ebert, the social convenor; Carmi Sgambelluri, the music rep; and Ars Mazmanian, the treasurer. Again, their student council had said, "Send these books back, 'Return to sender'" and I brought them here to Queen's Park.

Centennial high school in Welland—and once again these students, just like the students at the other high schools, on their own initiative were able to analyze this piece of—

Mr Marchese: This thing.

Mr Kormos: —this thing and say, "This is wacko that the government is spending millions of dollars producing this fluff, this propaganda garbage, when we're going without textbooks and other important learning resources in our school."

Centennial high school students Tracy Maurice, Mat Marischuk, Allison Butler and Jackie Cornwall, as representatives of their student community at Centennial high school in Welland, they too brought these books to my office to be returned to sender: "Give them back to Mr Harris. We'd rather have books. We'd rather have learning resources in our schools." Their message to this government is, "Don't cut education and then expect us to be pleased about a piece of fluff like the millennium

book,” which by the way—please, folks, look at it—has so little relevance to secondary school students. It would be enough if they laughed at it, but they’re outright angry about it.

Similarly, after those three student bodies, other high schools in our community approached us in the constituency office saying, “Expect more of the same, because we don’t want these things either.”

I was proud of those young people from those high schools, exceptionally proud of them, and I know their families are and their peers are for having the skill and the wherewithal to understand propaganda when they see it and to understand what the priorities ought to be in this province.

Mr Bradley: Is the Premier’s picture in it?

Mr Kormos: The Premier’s picture is in it, and a relatively unknown cabinet minister has her picture in it. I understand what happened. Her policy people, her little high-priced advisers, said, “Oh, look, Minister, we’ve got an idea,” and she embraced it. I mean, this ministry does so little any more that here was a project that she could get her teeth into, if you want to put it that way, and she ran with it. If this was run by caucus, surely there would have been two or three folks at least, if not more, in that caucus—I can see one of them smiling right now—who would have said: “Are you crazy? Are you nuts? Do you realize the kind of heat we’re going to take if this thing gets distributed to students?”

Unfortunately, decisions like this don’t get run by caucus, because I’m confident in that Conservative caucus there are members who are politically astute enough who would have said: “Oh, give me a break. I’ve got students who want access to libraries in their schools. I’ve got students who are deathly concerned about moving beyond grade 12 and their OACs and to college or university, and you’re going to try to placate them with this?” Unfortunately, those backbenchers didn’t have a chance to issue that warning, that caveat to the government.

I would give this bit of free advice. It’s probably worth just about as much as you’re paying for it, and that is that this government maybe from time to time should listen to some of its backbenchers once in a while. I say that with some experience and some great sincerity.

The bill that’s been put forward today by the parliamentary assistant for the Minister of Consumer and Commercial Relations is brief in itself. It abolishes the limit on foreign ownership of collection agencies. I took a look at the history of that provision, and it dates back to 1974. Prior to 1974, there hadn’t been any restriction on foreign ownership of collection agencies.

1840

The minister of the day, one John Clement, who I know, and I’ve known him all my life; I’ve known him since I was a very young person, John Clement—

Mr Marchese: Same lineage; same genes.

Mr Kormos: John Clement was the Minister of Consumer and Commercial—I read the Hansard. You folks should take a look at the Hansard when the amendment

was made to the Collection Agencies Act which provided for the maximum 25% ownership by foreign interests. Mr Clement of course is retired from this Legislature, but nonetheless, I’m advised, has kin sitting in this chamber, succeeding him not in his riding but by virtue of family lineage. I’ve talked to a number of people about the bill put forward by the government. I haven’t called John Clement yet. I’m looking forward to his response, and I quite frankly will take a great deal of guidance from it.

The member for the riding that encompasses Fort Erie, Erie-Lincoln, indicated that he had been working with the government for some time now, attempting to get this bill put forward. He hadn’t talked to me about it, and that’s fine. The Minister of Consumer and Commercial Relations, Bob Runciman, talked to me about it a few weeks ago, told me it was something that was in the works, and I want to thank the minister for that. He’s always been candid with me and has always spoken directly to me when there are matters about which he thinks I should have some concern.

I’m disappointed that the member for Erie-Lincoln—because what we’ve got here is a small collection agency in Fort Erie. It’s a call centre. That’s the type of business that’s expanding rapidly in Niagara region as well as in other parts of the province and country, even. It’s a call centre. I’m advised—and I would only base this on what I’m told by Bob Weese from GE Canada, who is one of the people who has lobbied, to be honest, and I have no quarrel with that, no criticism of that whatsoever. As I say, Bob Runciman told me that the matter was coming forward and asked me to please reflect on it.

What’s going on is that GE Canada, in collaboration with a partner that represents, insofar as I understand it, American interests, wants to acquire this collection agency down in Fort Erie which employs now, I am told, some 50 people. Again, I might not have the figures dead on, because as I say, the member for Erie-Lincoln hasn’t exactly been forthcoming with respect to data around this. One would think he would be more vigorous in his advocacy for one of the communities in his riding.

Mr Bradley: Are those guaranteed jobs?

Mr Kormos: Well, the jobs are there now. Let me be very candid with you. The prospect of requiring an element or a majority of Canadian ownership is appealing. One of the arguments that’s been made is that we don’t have a brain drain in this country; we have a profit drain. It isn’t a problem of brain drain. It’s a problem of increasing foreign ownership, and in this case American ownership, of any number of operations that suck the profits out of this country or province. I have had, I suppose for the biggest chunk of my life, concerns about the Americanization of our businesses, of our economy. I have concerns about the profit drain.

I also have, and I share with Mr Bradley, concern about the fact that an American interest buys this small collection agency and then, when all is said and done, simply ships its operations lock, stock and barrel to Arkansas or wherever the case might be. Mind you, in the past that used to happen more frequently, when

Canada, and Ontario especially, had real laws about employment standards and minimum wage—you know, those sorts of things—when they had pension rights for workers. You used to see foreign companies shipping their operations to jurisdictions that don't have those rights for workers. But since the Harris election, we've seen such an incredible erosion of employment standards, of minimum wage and of other workers' rights that there's less and less rationale for companies to move their operations out of the jurisdiction. We have become the Arkansas of Canada.

Mr Bradley: Alabama.

Mr Kormos: Jim Bradley says Alabama. I say Arkansas. It's six of one, half a dozen of the other. Trust me, Arkansas has nothing to be especially proud of when it comes to employment standards or rights for workers.

I also have to tell you that the participation of GE Canada causes me a little bit of hesitation. No disrespect for Bob Weese, the VP who's been lobbying me; he's been very polite, very informative. Understand that General Electric—they don't make very many TV sets any more. They don't spend a whole lot of time making cathode ray tubes. GE has become one of the biggest financial fixtures in the world. Take a look at William Greider's book, *Who Will Tell the People*, and read the book by Murray Dobbin, *The Myth of the Good Corporate Citizen*—the myth—and read about GE in the United States. You've got a company that has more power than many nations and that does not exactly have a track record of goodwill or public interest. But be that as it may—and I've talked to you about George Soros's analysis of corporate structures based on his book, *The Crisis of Global Capitalism*.

GE tells me that this project in Fort Erie is going to result in a permanent installation in Fort Erie and an expansion of its operation to employ some additional 250 people. My interest in this legislation that would permit this transaction to take place is very much dependent upon that promise. Now, do I trust GE? Do I trust General Electric? No. Their track record is such that they're not to be trusted. We have to rely on them from time to time, but please, trust is something that is difficult to develop when you're dealing with, effectively, a multi-national corporation whose primary goal is profits.

I agree with Mr Bradley that it would be oh so nice to have some guarantees, to have some conditions, to have some requirements imposed upon GE before this bill passes and have them included in the bill so that GE will keep its promises. I am not going to interfere, by any stretch of the imagination, and I'll do anything to encourage—because we have high levels of unemployment in Niagara, radically high levels of unemployment that remain high notwithstanding this government's position vis-à-vis so-called new jobs. We really do. We have incredibly high levels of unemployment. There's been a major deindustrialization in the last three, four or five years which flowed, of course, from the free trade days of Mulroney but has continued in Niagara. Heavy industry has been leaving over the course of the last three and

four years—major shutdowns of huge industries. I'm looking forward to committee hearings.

1850

The other problem, of course, is the whole deregulation of Hydro and electricity, where we're going to see higher and higher electricity rates with the privatization of that service. What is going on with these local hydro commissions that want to sell off local hydro commission assets to make a quick buck, totally—

Mr Marchese: Because they're in debt.

Mr Kormos: They're not in debt—totally disregarding the welfare and the best interests of hydro consumers in communities like Welland and Thorold and Pelham and St Catharines, communities across the Niagara region. What has gotten into them?

But let's go back to GE and this bill. It's important that we have committee hearings. I want to hear from those folks who have concerns about the elimination of the restriction on foreign ownership. I would dearly love to hear from John Clement, and might I suggest to you that he be specifically invited to these committee hearings to explain the rationale of the day in 1974. I want to hear firm commitments from GE Canada that these jobs are not only going to be created but that they're going to stay in Fort Erie, in Niagara region.

I've got to wrap up, government House leader, very shortly because I told you that I unfortunately was only going to speak to this for 20 minutes.

I also want to have some discussion—you see, call centres now are a growing industry. I acknowledge that. They're not a high-wage industry. They're the second-biggest employer in the city of Welland after Atlas Steels.

Mr Bradley: What do they pay per hour?

Mr Kormos: They don't pay as much as they should, and the workers at call centres work hard, they really do, and they're very dedicated people. But not one of the 600 or so employees at the biggest call centre in Welland is covered by workers' compensation, you see, because call centres, as financial institutions, are exempt from workers' comp. The banks, of course, are calling the shots, because it's the banks, those thieving scoundrels via TD, Bank of Montreal, CIBC, Bank of Nova Scotia, the ones that gouge you and rip you off every step of the way—please, put your money in credit unions where you have some ownership. Go to the credit union. Empty your Toronto-Dominion Bank account today. Put it in the credit union—Atlas and Civic Employees, Peoples, Niagara Credit Union—where you're not going to be ripped off the way the banks rip you off on a daily basis. Billions of dollars in profits, yet the banks lay off more and more people. And who do you think they're making the billions of dollars in profits from? You, my friends, every one of you, a 20-cent and 50-cent and dollar charge at a time, and more often \$2 and \$3 charges.

Let's have committee hearings, to the Minister of Consumer and Commercial Relations, and let's include some discussion about making sure that the workers in call centres in this province are covered by workers'

compensation. I look forward to those hearings. I'm going to be participating in them and I trust that we'll hear some very interesting input.

The Deputy Speaker (Mr Bert Johnson): Comments and questions?

Mr O'Toole: I appreciate the comments from the members for St Catharines and Niagara Centre. It's important to note that I believe the intention is to refer it to the general government committee so that the public will be consulted. I think there's no definitive answer except to make Ontario competitive. We are the last province with this restriction, and I think it's important to address this and some other—but by the same token, there's language in this particular amendment to the bill that would make sure that the consumer is protected, and there's no change for the requirement of collection agencies operating in the province to have an operational base here in the province. There will be no change for the requirement of collection agencies to maintain files in the ministry for inspection, and there will be no change in the limitation and prohibition placed on collection agencies and their collectors.

I believe it's important to look at this as a jobs creation bill. If we don't take advantage of this change it's lost jobs, lost growth and lost opportunity. I would urge all members to support the bill.

Mr Bradley: I think the observations of the member for Niagara Centre were particularly astute as they relate to banks, which are cutting back their hours. The government House leader would know this, for instance: If you try to access a real person at a bank after 4 o'clock, good luck in Toronto. In St Catharines, at the Grantham Plaza bank they have cut back the hours. It used to be 9 to 5 on Saturday at the Royal Bank. It used to be 8 o'clock in the morning to 8 o'clock in the evening. Now they've crunched those way down. They're cutting services, firing people out the door.

Interjection.

Mr Bradley: The member mentions a banking machine. I like to deal with real human beings, as many of my constituents like to do. So I simply wanted to add that and say that the member's observations were astute, that the credit unions deserve a lot of support and that even if you try to go to—what would you call it?—a trust company now, the big banks have bought all the trust companies. His observations are quite astute. I know the Premier will be taking on the banks because he takes on all the tough people. I know as well that the same members who want to support this bill will be supporting my gas prices bill for second and third reading this evening.

Hon Tim Hudak (Minister of Northern Development and Mines): I'm pleased to rise to make some comments. I just want to make sure it's perfectly clear that this is about jobs in the riding of Erie-Lincoln. It's about jobs in Fort Erie. It's about new investment coming in to a company in Fort Erie with currently between 50 and 100 employees, to raise it up to at least 250, 300 or more employees.

I know some people across the floor have disdain for this type of work. They feel the people who work in this industry are less deserving or shouldn't be thought of highly in this place to put this legislation through. I get the same kinds of comments about the racetrack. These are hundreds of people who live and work in my riding, who earn their paycheques that pay for the bread on the table, who pay their rent or their mortgage in these jobs. I think they should have the respect they deserve for these jobs. They go in there and work hard at these positions and try to climb that ladder.

Secondly, they're raising this old spectre of the Americans coming in and buying the company and they're going to send it overseas. The members opposite knows full well that this bill maintains that protection, that the call centre must have a headquarters in Ontario to have access to those markets. So raising these types of false arguments, I think, is beneath the dignity of this House. I think we should put the issue to where it belongs, that this is about jobs in Fort Erie.

My understanding was that we had had support from all the parties to move this legislation through by Christmas-time so this company can invest and we can get some more people hired in my riding, hundreds more who could call home and say they got the job and they can start paying the bills. The opposition now has asked for this to be delayed, to be stalled. I'm not sure of the reasons behind that, who's making phone calls and shaking what kind of trees, but the story has changed. I guess it's going to committee hearings, so I want to give my full support to this bill and to the new jobs that are coming to Fort Erie and the riding of Erie-Lincoln.

The Deputy Speaker: The member for Niagara Centre has two minutes to respond.

Mr Kormos: It is all about jobs, and that's the whole point. Let's not let American interests come in and buy out Canadian operations, using the leverage of jobs, unless we've got sufficiently firm commitments from them about those jobs, more than just, "I promise." Please, "I promise" doesn't work when it comes from big, multinational corporations. I've heard too many promises. I, for one, am not about to, willy-nilly, engage in the selloff of Canada and Ontario to American and other international interests. Like I told you before, get it clear. We don't have a problem with the brain drain. We've got a problem with the profit drain. We need jobs.

We also need investment within the country, within the province, that is going to ensure that the huge profit potential here—and I anticipate that it is—and those profits are going to stay in Canada, in Ontario, to in fact impact on our local economy.

1900

I say to the member, I wish you had talked to me rather than waiting for the Minister of Consumer and Commercial Relations back when you began lobbying on this issue several months ago. I tell you now that you had better be concerned as well about being co-opted by the promise of jobs when that promise is—I was going to say it's not worth the paper it's written on, but I'm not aware of it even being written on any paper.

Let's be very cautious about these things. Let's understand why the Conservative government, through its minister John Clement in 1974, introduced this restriction on foreign ownership. I'm not averse to debating it and discussing it, and I'm sympathetic. Please, don't shut the door on my sympathy.

The Deputy Speaker: Mr Sterling has moved second reading of Bill 37. Is it the pleasure of the House that the motion carry? Carried.

Shall the bill be ordered for third reading?

Mr O'Toole: It's the wish of the minister and the government to send it to the general government committee to gather public input.

The Deputy Speaker: Shall the bill be referred to the—

Hon Mr Sterling: It is.

The Deputy Speaker: Agreed.

Hon Mr Sterling: Notwithstanding standing orders 63 and 69(a), I seek unanimous consent to call second and third reading of Bill 48, An Act to authorize the payment of certain amounts for the public service for the fiscal year ending March 31, 2000.

The Deputy Speaker: Is it agreed? It is agreed.

SUPPLY ACT, 1999

LOI DE CRÉDITS DE 1999

Mr Sterling, on behalf of Mr Eves, moved second reading of the following bill:

Bill 48, An Act to authorize the payment of certain amounts for the Public Service for the fiscal year ending on March 31, 2000 / Projet de loi 48, Loi autorisant le paiement de certaines sommes destinées à la fonction publique pour l'exercice se terminant le 31 mars 2000.

The Deputy Speaker (Mr Bert Johnson): Is it the pleasure of the House that the motion carry? Carried.

Mr Sterling, on behalf of Mr Eves, moved third reading of the following bill:

Bill 48, An Act to authorize the payment of certain amounts for the Public Service for the fiscal year ending on March 31, 2000 / Projet de loi 48, Loi autorisant le paiement de certaines sommes destinées à la fonction publique pour l'exercice se terminant le 31 mars 2000.

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

Resolved that the bill do now pass and be entitled as in the motion.

APPOINTMENT OF ONTARIO OMBUDSMAN

Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader): I move that an humble address be presented to the Lieutenant Governor in Council as follows:

"To the Lieutenant Governor in Council:

"We, Her Majesty's most dutiful and loyal subjects, the Legislative Assembly of the province of Ontario, now

assembled, request the appointment of Clare Lewis as the Ombudsman for the province of Ontario as provided in section 3 of the Ombudsman Act, to hold office under the terms and conditions of the said act, and that the address be engrossed and presented to the Lieutenant Governor in Council by the Speaker."

Mr Brad Clark (Stoney Creek): I am pleased to rise in the House today in support of the selection of Mr Clare Lewis for the position of the Ombudsman for the province of Ontario. The standing committee on the Legislative Assembly, with members from Glengarry-Prescott-Russell, Trinity-Spadina, Barrie-Simcoe-Bradford, Kitchener Centre, Haldimand-Norfolk-Brant, and our Chair, the member for Peterborough, unanimously agreed to recommend Mr Lewis for this job, and we were very pleased to do so.

Mr Lewis has had a number of very successful careers: crown attorney, defence lawyer, and judge. Mr Lewis also has a distinguished public service record and has been appointed throughout his career, by all three parties, to various posts in Ontario, including heading up a task force on police relations, to Ontario Police Complaints Commissioner, and chair of the Ontario Alcohol and Gaming Commission.

As a member of the Legislative Assembly committee, I am confident of Mr Lewis's qualifications and ability to truly fulfill the role of Ombudsman very admirably. A number of people have spoken very highly of Mr Lewis over the years, and we believe he is certainly up to the challenge he faces as the Ombudsman for the province. I'm sure he will be tested in the office of Ombudsman, but everyone knows that he is truly up to the job.

The position of Ombudsman is one of distinction and is important to the people of Ontario. Many times it's referred to as the court of last resort, where people go when they really need help, when the system fails them. It really becomes their last resort to have someone intervene on their behalf and hopefully come up with a solution for the constituent.

I'm sure Mr Lewis will serve the province very well for the duration of his five-year term, and we're very pleased to present him to the House.

The Deputy Speaker (Mr Bert Johnson): Comments and questions. Further debate?

Mr James J. Bradley (St Catharines): I want to say, first of all, that I approve, without any hesitation, the appointment of Clare Lewis as Ombudsman of Ontario. This is exactly the kind of appointment that should be made, and I believe that all members of the Legislature deserve credit for this kind of appointment.

Mr Lewis has a long and distinguished career. He is a person who is acceptable to those of us who sit in the two opposition parties, as well as the governing party. He will bring a good deal of experience to this position, and I must also commend the process which chose him, a process which involved all members of all parties agreeing to Mr Lewis, in contrast with the other appointment which was made.

Members know that we've already gone through a long and cantankerous debate over the Environmental Commissioner, and there's a major contrast between the two. I'm here to give the government credit on this occasion for having its members support Mr Lewis as the Ombudsman.

The Ombudsman's job, like that of the Environmental Commissioner, like that of the former Speaker of the House—a Speaker of the House is partisan in some cases but is, again, an officer of the House—like that of the Information and Privacy Commissioner and like that of the Provincial Auditor, all of these are officers of the House, the Integrity Commissioner included. In every case but one, the one we dealt with just previously today, we've had a consensus.

I compliment the government on the appointments which have been made to those various positions and I compliment the opposition on participating in that process and in agreeing with the choices that were made. That is as it should be in the Legislature. It shouldn't be one person's stubbornness that allows us to get into a cantankerous debate over a position.

There are important words associated with the position of Ombudsman or the position of Environmental Commissioner or Information and Privacy Commissioner or Integrity Commissioner or any other officer of this House, the auditor included. The important words are "independence" and "objectivity."

Not only in all of the other people I can think of in that position today do we have actual independence, impartiality and objectivity, but we also have the appearance of those three attributes. It is unfortunate that this process has been marred by the appointment of an Environmental Commissioner who does not meet that specific criterion.

We know that governments make appointments to various agencies, boards and commissions. Ordinarily, in the majority of cases, the government appoints someone who is favourable to the government. If they are appointing someone to the St Lawrence Parks Commission, to a police commission, to TVO, for instance, the Ontario television network which is dealing with educational television, although the opposition and some of the public may disagree with the specific person chosen, nevertheless, in each of those cases, those individuals are there to implement government policy, to carry forward government policy, and that is a far different position. Those kinds of positions are far different from the position of Integrity Commissioner or Ombudsman or Environmental Commissioner.

1910

I hope the lesson has not been lost on the House, by the opposition expressing such great concern about the appointment of the Environmental Commissioner. Again, that particular individual may well be appointed to another position, and while it would be noted, as opposition parties always do—I don't want to pretend that it wouldn't be—that the individual had been a provincial Conservative candidate in 1995, a federal Conservative candidate in Nipissing in 1997 and president of the

Nipissing federal Progressive Conservative association up to almost a few days ago, nevertheless if the government were appointing him to an agency, board or commission which would carry out the policies of the government, it would be understandable that the government would want someone who was in sync with the philosophy, a competent person and a person who was not going to be bucking the government at every point in time.

The Ombudsman must be independent. The Ombudsman must, from time to time, call whatever government is in power to task when the government is not carrying out its responsibilities as the Ombudsman sees those responsibilities as they relate to individuals who have complaints about government. It was a Conservative government that established the position of Ombudsman in this province, to that Conservative government's credit. The people who have served in that position have been good people. They've been a thorn in the side of all governments from time to time. Nevertheless, they have been good people.

Unfortunately, this whole process is tarnished when the government appoints, using its majority on a committee, an individual with very strong ties to the government, in this case the Environmental Commissioner, a person who is to sit in judgment of the government, to be a watchdog. I hope we see the difference.

When I asked the Premier the question the other day, I was not trying to be bombastic; I was not trying to be political on that occasion, in a partisan sense. I was simply trying to point out the difference between a position which is as an officer of the House, such as Ombudsman or Environmental Commissioner, and a position such as the tax review board, the various agencies, boards and commissions under the auspices of the Ministry of Consumer and Commercial Relations or the Attorney General, who's in the House today—with the exception, of course, of people who are appointed to the bench. I think it's important that we carry forward with the policy established in 1989 and carried on by other governments, and I think carried on in other jurisdictions, though not all, of appointing to the bench people who are recommended by a group of individuals, a committee, which has integrity, which has principle, which has in mind the best people for the job.

We support those appointments when they come forward. I used to tell my American friends that the difference between Canadians and Americans was—at one time this was true; members will appreciate how people got to be judges many years ago—that they elect their judges and we defeat judges. Defeated candidates would end up on the bench. So the first shall be last and the last shall be first. I'm talking about the experience in this province previous to Ian Scott being the Attorney General, and I'm talking about other jurisdictions.

Interjection.

Mr Bradley: The member can read into those jurisdictions whatever he wishes. The evidence is there,

let us say, for all to see. I think it's important that we have that independence.

We've had a good day with this particular appointment—this is a high point for the Legislature, with the appointment of the Ombudsman—and we have had a dreadful day in the forcing upon this Legislature of an appointee who is a close friend of the Premier, and that should not necessarily preclude people from various positions. He's a close friend of the Premier, a contributor to the Premier's election campaign, a candidate who a couple of weeks ago was auctioning off an item at a Tory fundraiser and who has very close connections to the Conservative Party.

To be put in a position where that person is to be an objective, independent, impartial watchdog of the government simply stretches credibility. But I want to be positive about this one, and I want to draw that contrast as I get into my last minute, as the House leader walks by and notes that I am in the last minute of my address. I think it's important that members of the opposition commend the government when we think the government has done what is right, and in this case I think the government is right in agreeing with the opposition that Clare Lewis is an outstanding choice for the position of Ombudsman.

Despite the rancour of this place, and all of us participate in the rancour from time to time as we become exercised, as we should in a democracy, I do want to take the opportunity to extend to all members of the Legislature my very best wishes for a merry Christmas and a happy new year. I know we all wish each other the very best of health and happiness. We never, with honesty, wish one another well in election campaigns, but we do wish one another well in our lives and in our service to the people.

The Deputy Speaker: Further debate.

Mr Rosario Marchese (Trinity-Spadina): I want right off the bat to express my best wishes to not the members of the other side but to the good people who watch this program, because it takes a great deal of courage to watch us from time to time.

Interjections.

Mr Marchese: It does. I've got to tell you I was afraid I was going to have to be here even tomorrow night. We'll be here tomorrow, but I was worried about the evening and getting dangerously close to having to celebrate New Year's Eve here with them. I've got to tell you it was a horror to imagine.

I extend my best wishes to the public that has the wherewithal to find the time and the courage to listen to us, because some of us are better than others, this is true. People do that. They have that control and they say, "Who's that speaker?" and he or she is gone and then somebody else appears and they listen to some of us, right? Some of us are lucky.

Hon Chris Stockwell (Minister of Labour): What are you talking about?

Mr Marchese: I'm getting to the bill.

Mr Kormos: Seinfeld is on now.

Mr Marchese: I don't know who's on tonight, but I hope they're watching, because this will be the last opportunity to watch some of us in this House.

I've got to tell you that the member for Stoney Creek said something that was very interesting. He said it was unanimously agreed. He said that, didn't he? Isn't there a stark difference between unanimously agreed and when you get to the other committee, involving the Environmental Commissioner, where it was not unanimously agreed? It was unanimously agreed by the Tories, who cooked it up among themselves to appoint their friend, but we disagreed. I also have to tell you that the members of that committee had somebody else in mind. I know. If they had chosen another member, who was third on their list, I would have been very unhappy, and they would not have had my support.

It was quite evident as we were going through the proceedings that we all had friends we wanted to support. I did, the Liberals did and the Tories did. I know that. But in the end, they were very wise and they chose, as we did, a candidate who was beyond reproach, with impeccable credentials, and it's to their credit that they did that. Why can they not apply the same logic, common sense and wisdom and do the same thing for the Environmental Commissioner?

Hon Mr Stockwell: We did.

Mr Marchese: You did not, Mr Stockwell, Minister of Labour. You did not. That's the point I just made. The point I just made, to repeat it, because often you've got to repeat things here a couple of times, was that there was unanimous agreement on the ombudsperson, who happens to be a man in this case; there was no unanimous agreement for the Environmental Commissioner. That should tell the members opposite—I know it's difficult at times to grasp abstract issues, but this isn't so hard. The other one is unanimous; on this one, only the Tories agreed. That's the point we make. The point we make is that this person is beyond reproach and your selected appointment for the Environmental Commissioner is not. He is well within the reach of reproach in many areas, I say to the member of Stoney Creep—Creek. That was a slip.

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Mr Clark: What did you say? Did you call me a creep?

Mr Marchese: I said "Stoney Creep." I didn't mean it. It was a slip.

I'll whisper it to them: This candidate for the Environmental Commissioner is very much within the scope of reproach for a variety of reasons that a number of our friends here on this side and the other side have commented on, and that's the difference. You should be distancing yourself from criticism and reproach. You should, as you did with the Ombudsman.

Interjection.

Mr Marchese: You did. Mr Stockwell, you did well with Eleanor. With the other one you didn't. It's obvious. I remember, Minister of Labour—do you remember when you guys were here?

Interjection.

Mr Marchese: You do. I remember you very well. You were a fine figure on this side. You were palpable to me on the other side. But I remember, as a member of the government agencies committee, where every time there was an appointment they had a sense, they sniffed out like bloodhounds every possible New Democrat. It didn't have to be a New Democrat. It just had to smell like a potential social democrat.

Interjections.

Mr Marchese: Yes, because there is. It's the language, right? Anything having to do with equity smells like a social democrat, right? Anything having to do with employment equity, "Oh, smells like a social democrat." Any anti-racist, "Oh, my God, that's got to be a social democrat," right? Anything having to do with equity on economic issues, social issues, "Good God, that's got to be a social democrat." So the first question would be, "Are you affiliated, by any chance, to any political party?" they would often say, like sniff dogs, bloodhounds, German shepherds, each and every time. And each time we had one, the media would come trooping along to support them, because they needed support. They were faithful to them and they came and wrote the stories.

Now we have a story to tell and, mercifully, from time to time we get their attention from the editorial boards, and of course from the owners, those who have an ideology, who say: "This we'll cover, this we won't cover. No, we'll leave the Tories alone on this one today. They've been good to us and so on, so we won't touch this one." But, man, were we unlucky when we were in power. I don't think it's a question of lucky or unlucky, really. It's a question of ideology.

Hon Mr Stockwell: Brains.

Mr Marchese: No, ideology, because when we talk about brains, Mr Stockwell, I've got to tell you we're in short supply on the other side.

Interjections.

Mr Marchese: In short supply, I can tell you. There are a few exceptions, I must admit. I've got to say that in all fairness.

Mr Kormos: Name them.

Mr Marchese: But it wouldn't be good to name them. It would be criminal. But that's what they did in the past, and what I remember is that the Conservative members promised—do you remember, Mr Stockwell? You would say, "But this is what you said," more or less right over here. "This is what you said," he would say. "It's in your document," he would say.

Interjection: Back to the microphone.

Mr Marchese: I'll get back to it.

For the record, he would dangle the document, the Agenda for People: "This is what you said. That's not what I said. This is what you said."

Hon Mr Stockwell: What did you say?

Mr Marchese: So Mike Harris, you remember, said: "Ah, but if you elect us we're going to be different.

We're only going to appoint people on the basis of merit."

Laughter.

Mr Marchese: That's what they said—

Mr Kormos: That got a laugh out of the Tories.

Mr Marchese: —that they would make their appointments on the basis of merit.

It goes without saying that every Tory, of course—I'm waiting for your imitation, Mr Stockwell.

Hon Mr Stockwell: Of what?

Mr Marchese: Of me.

Hon Mr Stockwell: Oh.

Mr Marchese: —that every Tory is deserving—there's no doubt about that, obviously. Isn't that the case? Because every Tory is a good Tory and merits being here and being appointed. Isn't that right?

Interjections.

Mr Marchese: I wanted to prove a point. Did you hear the clapping? Unflappable supporters of their friends, but I've got to give you credit. We weren't good at it. We said as New Democrats: "No, we've got to change courses here. We have to be different. We can't simply appoint people because they're New Democrats. That would be unfair."

Mr Rae was that kind of a guy, because he comes from that kind of background. His father was a diplomat. He believed in this stuff. He believed in the civil servants and believed that people should be there on merit. That is why we opened it up.

We opened it up in such a way that anybody, regardless of their political stripe, could get some of those appointments. We did that. We appointed Tories and Liberals and some New Democrats. Some of our New Democrats were so angry, they were saying, "Look. If you're in power now, this is our opportunity to have a chance at some of those positions." They were right. They would say: "Give us a break. If you're not going to give us a break," talking to Mr Rae, "who is going to give us a break? Them?"

We're not getting a break from the Tories; 99% of the people they appoint are Tories. The media and the public have become so accustomed to it that they don't even protest. There are no demonstrations out there, there are no protestations, because they've now accepted that this is the way it is.

My view is that the Ombudsman—

Interjections.

Mr Marchese: Speaker, there's a debate here. Are you watching that debate or mine? Are you with me, Speaker? Good.

The point I make is that this position should be beyond reproach and that's why we've selected this candidate; that has my blessing and had the blessing of all the committee members. It's the way it should be with the Environmental Commissioner, where all parties agree to it. That's the way it should be. That decision was wrong. This decision was right. They can correct the problem if they want but, quite clearly, they haven't wanted to correct the problem and a wrong. For that, the Premier

needs to be reproached and his caucus needs to be reproached, because they are making a mistake.

Speaker, that's all I have to say. I just want to wish you and the public a happy holiday season.

The Deputy Speaker: Further debate?

Mr Sterling has moved government notice of motion number 31.

Is it the pleasure of the House that the motion carry? It is carried.

Hon Frank Klees (Minister without Portfolio): Speaker, I move adjournment of the House.

The Deputy Speaker: Mr Klees has moved adjournment of the House. Is it the pleasure of the House that the motion carry?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the ayes have it. The motion is carried.

It being 7:30, this House stands adjourned until 1:30 o'clock tomorrow.

The House adjourned at 1930.

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Guelph-Wellington	Elliott, Brenda (PC)		
Haldimand-Norfolk-Brant	Barrett, Toby (PC)		
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Nickel Belt	Martel, Shelley (ND)	Scarborough-Rouge River	Curling, Alvin (L)
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Oakville	Carr, Hon / L'hon Gary (PC) Speaker / Président	St Paul's	Bryant, Michael (L)
Oshawa	Ouellette, Jerry J. (PC)	Stoney Creek	Clark, Brad (PC)
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Perth-Middlesex	Johnson, Bert (PC)	Toronto Centre-Rosedale / Toronto-Centre-Rosedale	Smitherman, George (L)
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		Windsor West / -Ouest	Pupatello, Sandra (L)
		Windsor-St Clair	Duncan, Dwight (L)
		York Centre / -Centre	Kwinter, Monte (L)
		York North / -Nord	Munro, Julia (PC)
		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

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

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