



**Legislative Assembly
of Ontario**

First Session, 37th Parliament

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de l'Ontario**

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**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Tuesday 31 October 2000

Mardi 31 octobre 2000

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
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LEGISLATIVE ASSEMBLY
OF ONTARIO

Tuesday 31 October 2000

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Mardi 31 octobre 2000

The House met at 1845.

ORDERS OF THE DAY

McMICHAEL CANADIAN
ART COLLECTION
AMENDMENT ACT, 2000

LOI DE 2000 MODIFIANT LA LOI
SUR LA COLLECTION McMICHAEL
D'ART CANADIEN

Mrs Johns moved third reading of the following bill:

Bill 112, An Act to amend the McMichael Canadian Art Collection Act / Projet de loi 112, Loi modifiant la Loi sur la Collection McMichael d'art canadien.

The Deputy Speaker (Mr Michael A. Brown): Mrs Johns has moved third reading of Bill 112. Minister.

Hon Helen Johns (Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women): Mr Speaker, I believe we have unanimous consent for the debate this evening to be divided equally among the three caucuses and that the question on the motion be put at the end of the evening.

The Deputy Speaker: Is it agreed? Agreed.

Hon Mrs Johns: With third reading and final passage of Bill 112, if accepted by the House, we will get on with the job of restoring the McMichael Canadian Art Collection to financial stability. It's time to end the controversy that has crippled this unique institution for far too many years. It's time for the Legislature to keep faith with an agreement that the Ontario government made in 1965, an agreement that entrusted the province with the preservation and care of an important chapter in Canada's cultural history. That is why this government introduced the McMichael Canadian Art Collection Amendment Act, 2000, in June.

Bill 112 seeks to restore the intent of the original mandate that created the McMichael Canadian Art Collection and to bring the collection back to financial health and prosperity. When the gallery's financial problems became obvious, we ordered an audit, and that happened last April. The independent review that was conducted found a shortfall in excess of \$2.1 million, the result of poor fiscal management, high fundraising costs, dwindling corporate sponsorship, weak project management, high staff levels and a lack of a formal budget process. The government has already taken action to

address some of these issues, and now it's time to move on.

The bill would give the McMichael a clear direction for the future. It would provide a framework for sound fiscal management and it would create a stable environment where artistic excellence could thrive.

In the debate of the last few weeks, we've heard a lot of misinformation but also some legitimate concerns. To those we have listened, and we have acted upon those concerns with amendments, such things as the role of the curators and defining the collection as Canadian rather than Ontario-only art.

Let me deal for a moment with some of the falsehoods about this bill, starting with the statement that the bill is about returning control of the collection to the McMichaels. This is not true. The collection will continue to be managed by the board of trustees under the very capable leadership of the newly appointed chair, Mr David Braley.

We've heard that the legislation—

Mr John Gerretsen (Kingston and the Islands): On a point of order, Mr Speaker: I heard the minister say "falsehoods." Is that parliamentary language or not?

The Deputy Speaker: It may be a poor choice of words, but I think it's in order.

Hon Mrs Johns: I would suggest that the member take time and listen, because I know he has some things he's concerned about in the bill at this time.

Interjections.

The Deputy Speaker: Order. The member for Kingston and the Islands on a point of order.

Mr Gerretsen: Before the minister starts making accusations, she should stick to the facts. I was at three days of hearings that took place within committee. I was at committee for—

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

Mr Gerretsen: I've listened to enough.

The Deputy Speaker: That's not a point of order. Minister.

Mr Gerretsen: Maybe the minister should have been there—

The Deputy Speaker: Sit down.

Hon Mrs Johns: Let me say, Mr Speaker, that I was at the hearings too, and all the debates on second reading, so it's a good thing we all heard all of the information.

I was at a number of the hearings as we heard people from all across the province come and talk about the McMichaels. We have all heard some wonderful things, and it was headed, I have to say, by Pierre Berton, who

thought we should continue on the track that this government has decided upon.

We've heard by other people that the legislation would cause chaos in the art world—even though Pierre Berton thought it was a good way to proceed—by requiring the gallery to divest itself of thousands of artworks. Again, this is just not true. There will be no fire sale. Bill 112 would establish an art advisory committee to make recommendations to the board about the gallery's acquisitions and disposal policies.

1850

I and my colleagues on this side have every confidence that the board has the expertise and the experience to decide the future of the collection in a manner that is responsible and sensitive to the concerns of the Canadian art community. The board would be responsible to the government, which is responsible in turn to this Legislature and, through it, to the people of the province of Ontario. New chair David Braley will work with the board to restore the integrity of the collection, strengthen its fundraising capacity and attract new sponsors.

We've heard that the curators and other professionals involved with the gallery will no longer have a role to play under this bill. Let me tell you, again this is just not true. Membership in committees at the gallery is open both to volunteers and staff. Their involvement is something we value, and upon hearing this criticism we proposed an amendment to the act which would make explicit in law their right to sit on committees. That change is incorporated into the bill we see before us at the moment.

We've also heard that the bill would give the government the power to interfere in the operation of not only the McMichael but galleries and museums all across this wonderful province. Again, this is not true, not even remotely true. The legislation is specific to the situation at the McMichael, a public institution supported by taxpayer dollars for which the government is accountable.

We are faced with a deficit of around \$2.1 billion and an auditor's report detailing the gallery's considerable financial difficulties. To not take assertive action—

Mr Gerretsen: On a point of order, Mr Speaker: The minister may wish to correct herself. She says there's a deficit of \$2.1 billion. I'm sure she meant \$2.1 million.

Hon Mrs Johns: Thank you very much. I appreciate that, although I do find it annoying that you interrupt all the time, I have to tell you that. But I do appreciate that.

To not take assertive action would not be reasonable for this government. We have a duty to protect the public interest.

Laughter.

Hon Mrs Johns: I know you find it amusing. I'm glad I'm causing a great deal of fun on Halloween night. I really wish you would take this bill seriously. It's a very important bill.

Mr Gerretsen: On a point of order, Mr Speaker: What I find amusing is that the minister would think that \$2.1 billion is—

The Deputy Speaker: That's not a point of order. Minister?

Hon Mrs Johns: Are we sure he's finished? Only if he's finished, Mr Speaker. I'd prefer to let him rant and then I could speak after.

To not take assertive action would be a problem for the government, and our duty here is to protect the public interest. We've heard that the legislation would somehow betray the generosity of donors who have given works of art to the gallery under the new mandate created in 1989.

I have to ask today, what about the people who made the original donation, Robert and Signe McMichael? Hasn't their generosity been betrayed? What gave the 1989 Liberal government the right to change the rules of the game back then, all the while pretending that nothing had changed? It's just not right.

Thirty-five years ago, the McMichaels gave the province a tremendous gift, and they gave that gift to the people of Ontario. It included 194 works by the Group of Seven and their contemporaries, plus their home and the beautiful property on which it sits. The intent was to create a permanent address for the collection. Because of their generous gift, millions of Canadians and visitors from all around the world have had the chance to experience the work of these great artists in a location that truly honours their memory.

Attendance has dropped in recent years. Bill 112 is one necessary element in reversing this horrible trend.

Without the McMichaels' vision and foresight, without their dedication to an extraordinary school of art that has become synonymous with Canadians' coming of age, we would not be discussing the McMichael Canadian Art Collection today; there would be no collection at all to discuss.

Bill 112 is about righting a wrong. It's about restoring the spirit of an agreement that was entered into with good intentions and then betrayed. It's about putting the McMichael collection back on a firm financial footing.

Years of debate about the gallery, years of rehashing the past and pointing fingers at everybody and blaming everybody, have to stop. They have only served to take us further and further away from the truth.

It's time to move forward, it's time to focus on the future, and it's time to let the McMichael Canadian Art Collection do what it was originally intended to do: serve the people of Ontario. It's time to act.

The Deputy Speaker: Further debate?

Ms Caroline Di Cocco (Sarnia-Lambton): I have to start off by staying first of all that this bill is called draconian. I've heard that from many of the speakers who made presentations at the committee. Many of the presenters, like the Canadian Museums Association, the Ontario Art Galleries Association, the Ontario Museums Association and experts in their field, disagree very strongly, actually overwhelmingly disagree, with the minister and with the Harris government.

This bill is a breach of trust to the people of Ontario. It is a breach of trust to the hundreds of donors who have donated to the gallery. And we've heard from the donors,

who have said they are going to start to take legal action because of the actions of this government. It is the worst possible type of abuse of power in respect to art and art galleries. It undermines the integrity of the arm's-length relationship in regard to government and it will have a negative financial impact on the gallery. This bill is the worst possible example of government interference with a crown agency in order to appease individuals and of the Harris government's arrogant disregard for the interests of the taxpayers of this province. I will attempt to put on the record overwhelming evidence to substantiate these statements.

The Harris government and Minister Johns argue that this is about keeping and restoring the gallery to its original mandate. This is misleading and totally incorrect. The gallery has kept the mandate as spelled out in 1965, which was to "establish, develop and maintain in perpetuity at Tapawingo a collection of art reflecting the cultural heritage of Canada...." It goes on to say that "the said collection shall be known as the McMichael Conservation Collection of Art and shall be comprised of paintings by"—and it names the artists—"and other artists as designated by the advisory committee who have made contributions to the development of Canadian art."

1900

This spirit of the original agreement has never been changed, and I need not argue this point because the Ontario Court of Appeal gave its judgment on this matter in 1997. I will quote from the summary of the Court of Appeal decision of November 20, 1997, but of course justice and the law mean nothing, it seems to me, to the Harris government on the other side. This is what the Court of Appeal decision stated in 1997:

"In 1965, the McMichaels agreed to donate their art collection to the province of Ontario. The agreement provided for an advisory committee which included the McMichaels. In 1972, the collection was assigned to a crown corporation and the McMichael Canadian Art Collection Act was enacted. The advisory committee was replaced by a board of trustees. The McMichaels applied for a declaration that the 1965 agreement was in full force and effect, notwithstanding the 1972 act and amendments thereto. The McMichaels also sought declarations respecting breaches of the agreement. The Ontario Court of Appeal, with Finlayson, J.A., dissenting, allowed the appeal. They set aside the decision of the General Division and dismissed the McMichaels' application. The court dismissed the cross-appeal, holding that the McMichaels had contracted out any right of control over the collection."

Let me make this very clear: this bill is about restoring undue control to Robert McMichael. In actual fact, this bill is circumventing the ruling of the Ontario Court of Appeal that went in favour of this same government. Mike Harris and Ms Johns have decided they don't like the court decision, so all they have to do is bring in legislation to go around it and fix things for their friends. This is what they're doing: they're changing the governance here, and therefore there's undue control to two individuals.

It has nothing to do with financial accountability, because when I was in committee I put in an amendment to ask the board to appoint a financial advisory committee, and I was told, "You don't have to have legislation to have that. We can deal with the financial issues." That's what I was told.

What this bill does is return undue control to Mr and Mrs Robert McMichael by changing the way decisions are made. It is now my view, after studying all the evidence in this matter, that Mr McMichael has held this gallery and this province almost hostage by propagating this myth of generosity and claiming they've been victimized. They have been well compensated, over and over again, for their gift. I do not understand why the government is doing this. But I will speak against this bill as a last attempt to try to change the mind of the Minister of Culture to withdraw this stupid bill—it makes no sense—that is already causing huge damage to the artistic integrity of our cultural institutions.

Let's truly look at the facts regarding management issues at this gallery. The government claims this bill will return the gallery to its original mandate. That claim is based on the assumption that the original mandate had been compromised. So what has changed? What actually changed was the role of Robert McMichael and his control of which artists and what art was purchased the gallery.

During the hearings, I heard Mr McMichael, who had been generously compensated over and over again by the Robarts and Davis governments for the donation to the province. Mr McMichael stated that the gallery had great management under his control. So I took it upon myself to understand exactly what the legacy of his management was. I will tell you, what I have discovered is astounding. Totally unacceptable practices were used.

This has come to my attention. It's a draft of an auditor's report, the report on the audit of the McMichael Canadian Collection for the year ending March 31, 1980. I will read from this report, because I think there are many, many items here that are going to prove what the real management style was of Robert McMichael.

"In accordance with section 15 of the McMichael Canadian Collection Act, 1972, an audit of the accounts and financial transactions of the McMichael Canadian Collection has been completed for the year ending March 31, 1980.

"Establishment and objects of the corporation: The McMichael Canadian Collection Act, 1972, came into force on April 2, 1973. This act established the McMichael Canadian Collection as a corporation without share capital, consisting of from five to nine trustees appointed by the Lieutenant Governor in Council. As at March 31, 1980, nine trustees had been appointed.

"The McMichael Canadian Collection began as a private collection of Canadian art"—again, this is the auditor's statement here—"which on November 18, 1965, by agreement with the province of Ontario, was donated to the crown. Prior to the establishment of the corporation, the collection was administered by the

Metropolitan Toronto and Regional Conservation Authority.

"The objects of the corporation, as outlined in section 6 of the act, include the operation of the McMichael Canadian Collection as an exhibit for the benefit of the public and the preservation of lands as a permanent site for a public gallery and related facilities for the collection."

That sets the backdrop of what the auditor sees the McMichael gallery as.

We now have, on page 2, "Valuation of Works of Art." There is a protocol when one is evaluating artwork, and here is what it says:

"Our review of the appraisal practice of the corporation revealed an instance where the appraisal of donated artifacts was influenced to show the value of the donation at approximately one half of fair market value." It goes on to specifically state that it was an Indian artifact that was received in October 1978 and was appraised at \$35,000, but Mr McMichael wrote a letter to the appraiser saying, "Bring that down as low as you can." He actually influenced the appraiser, and I've got his letter.

"Apart from the ethics"—

Hon Cameron Jackson (Minister of Tourism): Do you want to say that outside of here?

Ms Di Cocco: Absolutely.

"Apart from the ethics of improper valuation of donated artifacts, in our opinion, the valuation of the corporation's works of art as shown in note 3 to the financial statements is questionable since this incident indicates that at least some of the independent appraisers used by the corporation" were unduly influenced.

You have in here as well "Unreported Taxable Benefits."

"The corporation is not adhering to the income tax regulation which requires the employer to report the value of the benefit derived from personal use of the employer's automobile and from lodging.

"We recommend that in future the corporation include such benefits on the employee's T4 slip...."

It goes on to say, "Director's Expenses: The corporation pays all fees and dining room charges related to the director's membership in a country club. Although we have been informed that all expenses incurred, approximately \$800 in the past year, are for business purposes only, the authorization for payment of individual invoices did not indicate the nature of the expenses...."

"The housekeeping staff of the corporation provide personal housekeeping services for the director at a cost estimated to be approximately \$4,000 per year. Such services are not provided for in the deed of gift dated November 18, 1965, or in the McMichael Canadian Collection Act, 1972.

"We recommend that in the future no personal housekeeping services be undertaken by corporation employees."

1910

I find this appalling because this is a crown corporation entrusted to the government, which is there to make

sure the public trust is protected. I can say to you that this record indicates that was not the case, and you're going right back and putting it again into the hands of people who have this background. They shouldn't even be on there.

"We noted that the internal audit branch of the Ministry of Culture and Recreation"—

Interjections.

Ms Di Cocco: Oh, absolutely. It's too bad you guys don't—

The Deputy Speaker: Order.

Ms Di Cocco: "Works of Art on Loan"—this is fact. "The corporation receives from time to time donations of works of art. The corporation acquires full title of these works of art and the donor receives an income tax receipt for the assessed value of the donation. In some cases, the works of art are loaned back to the original donors for an indefinite period. We observed that no formal loan agreements exist for these loans." That means people would donate and then they could have it back in their houses and nobody would know for how long and what exactly was there. It says here, "To ensure proper safeguard of the corporation's properties, we recommend that a formal loan agreement outlining the terms and responsibilities of the respective parties be signed...."

This is just the general. I haven't got to the specifics yet.

"In the past fiscal year the corporation sold 12 works of art for approximately \$24,600. The selling price was determined by the director and the sales were made to employees of the corporation, employees of a ministry, and other persons."

There is a way to sell pieces of art, and it is not personally. You sell it through public auction. That's the proper protocol.

If you want to talk about an agreement, I have the 1965 agreement. While Mr McMichael was selling art, the agreement, as I found on page 5, section 17, says that no work of art shall be included in the gallery unless such inclusion is approved by the advisory committee. It goes on to say that "any work of art included in the collection after such approval shall thenceforth remain a permanent part of the collection and shall not be sold, traded or otherwise disposed of by the crown without the written consent of the donor thereof." This is the original agreement. I would like to know, when the works of art were being sold, if somebody was abiding by the original agreement.

I want to take a look at another section. I want to explain the lack of ethics, if not fraudulent use of his position as director in 1970. Mr McMichael went to British Columbia to purchase a work for the McMichael Conservation Collection of Art, now owned by the province of Ontario. Mr McMichael was not buying for his own personal collection. The bill of sale was dated August 27, 1970. The vendor was Joe Seaweed; the purchaser, the McMichael Conservation Collection of Art, owned by the province of Ontario. The sale price was \$1,500. It included a band council resolution endorsing the sale.

You want to talk about fiscal accountability, and I'm telling you where it was at under the direction of individuals who now have undue control again. What happens here? The observations by the auditor: it was a straightforward document. The vendor and the board council "both clearly intended to convey the artifact for sale to the museum." It goes on to state how much money the McMichael collection paid to Mr McMichael for his travel to British Columbia, which was \$3,220.65. Mr McMichael bought the totem pole with his own money and then he turned around and he donated it to the gallery and he got a tax benefit of \$16,500.

Hon John R. Baird (Minister of Community and Social Services, minister responsible for francophone affairs): Oh, call the police.

Ms Di Cocco: I think there is probably enough cause to do just that. All I know is that, to me, it is appalling and it is unethical.

Hon Mr Jackson: It sounds like the horrors of Jane Stewart.

Ms Di Cocco: No, it sounds like a bad way to conduct business.

The Deputy Speaker: Order.

Ms Di Cocco: At least there are some standards that you should abide by when it comes to your responsibility to protect the interests of the public.

It goes on to say again that there was "substantial personal gain" and that the "board minutes do not indicate disclosure by the McMichaels of the substance and nature of the transactions...." There are some more observations; they call them "ethical/legal implications": insider trading, conflict of interest, position of the McMichaels vis-à-vis the initial transaction, the legitimacy of the donation for income tax purposes.

I cannot believe what I read in this report, and I can't believe the government will not actually even take a look at it. It's got credibility. It is the auditor. The auditor is here to protect the interests of the people of Ontario. He's the watchdog when it comes to the management practices of crown corporations such as the McMichael gallery, and he sent out all kinds of red flags here. I sent a copy of this to the minister. I was hoping the minister would have acted and withdrawn this bill. Instead, they deny, deny, deny.

Again, I think the public should know, because this is a crown corporation. It is not a private gallery. It was treated like a private gallery except that it was paid for with taxpayers' dollars, and I am offended by that. That is not what we, as legislators, are here to do. We're not here to protect the interests of two individuals at a cost to millions of taxpayers.

Again, we have here something that is amazing, and the auditor stated this: "The McMichaels have repeatedly claimed not to have received tax benefit from their original gift. Document 2 indicates otherwise." There are other examples—this gets worse—of a number of donations whereby they were not properly catalogued and then they were donated back by the McMichaels, but it was not theirs to donate back. Again, I don't understand.

It says here, "The McMichaels, by all appearances, removed the two most valuable sketches of the Jackson gift, and then added them to their list of personally owned art objects." That, to me, is not right. This bill puts the McMichaels back on the board and an advisory committee back on just like it was in 1965.

Again, it seems to me that Mike Harris and Helen Johns and her colleagues are determined to protect Mr Robert McMichael's interest in the gallery and not the people of Ontario or other donors of the gallery. This bill boggles the mind. The government members heard expert witnesses.

1920

Hon Mr Baird: Pierre Berton.

Ms Di Cocco: Pierre Berton is not an expert witness.

Interjections.

Ms Di Cocco: That's fine; you use Pierre Berton. What about the business association from Kleinburg? What about Dr Gerta Moray, the associate professor of art history at the University of Guelph? What about John Challinor II, who is the manager in corporate public relations to Compaq Canada Inc? What about Donald G. Lake? I have tons, literally a pile. Michael Burns. These are expert witnesses who came before the committee, and the difference between the experts—

Mrs Marie Bountrogianni (Hamilton Mountain): Did you hear any of the presentations?

Ms Di Cocco: Exactly. Did you hear some of the presentations? You don't want to hear the fact that we've got a problem in the management from 1965 to 1980, because two months after this report came down, the McMichaels resigned. They were told by cabinet to resign. You're putting them back into the driver's seat again.

Do you know what Joan Goldfarb, the former head of the McMichael, said? She said that if the gallery is sending you out to scout something and they're paying your way, then you're working for the gallery and you can't purchase it personally. Do you understand ethics? I don't think you do.

The Ontario Association of Art Galleries is an umbrella group of many, many art galleries and organizations around this province. What do they say? "[Even] the work of the Group of Seven seems to be mocked in some way by the current bill, when it says that the McMichaels' goal was to reflect the beauty of Ontario in the first half of the century...."

The Ontario Museum Association says, "There is no evidence that returning the mandate to the original focus on the Group of Seven and their contemporaries will help the McMichael to overcome its deficit. On the contrary, the whole direction of international museum practice at present is to develop exhibitions that relate art history to the present day."

These are professionals. They have with them a whole history of running museums and art galleries. They're umbrella groups. They're committed to this work. Not one of them has come on board with you on this bill.

You have the Royal Canadian Academy of Art: "The current mandate of the McMichael gallery allows it to

fulfill its proper function. Don't change it. Leave it alone and support the gallery with the public funds it deserves." "The very reason for the existence of a cultural institution is to challenge the public and move it to new understandings, not to make us comfortable and to confirm what we already know."

We have here from the Ontario Museum Association, again, about the way you have now changed the governance of the board: the bill "sets a precedent of placing donors on the boards of institutions and gives them direct control of the cultural content of the institution." Thus, "the government may be inviting future difficulties" in other institutions. "This role for donors does not accord with international practices."

There is a code of conduct, a code of protocol in place if you want to have credibility in the art community in this province, in Canada and internationally. You are changing that.

There's also another aspect, and it has to do with functions. Again, this is a comment from the Ontario Museum Association: the establishment of a non-professional art advisory committee having direct responsibility for acquisitions, deaccessioning exhibitions and display "is completely opposed to professional practice elsewhere.... Museum curators and directors of the stature that the McMichael requires will not be attracted to an institution in which collection development and exhibitions are in the hands of non-professionals. Nor will other museums be attracted to lend ... works or exhibitions to such an institution.... They will expect decision-making to be done by professionals of equivalent stature to themselves."

Do you understand this? Obviously, by introducing this bill you have no understanding. You're saying you're going to restore to the original mandate. No, you're not. The original mandate was never really broken. All you're doing is changing the way it's structured so that you can appease two individuals because they have the ear of the Premier. The Premier and Helen Johns didn't talk to the board of directors; they didn't talk to the professionals across this province. There was no consultation to bring in this bill. The only consultation was with two individuals. How dare you return, change the governance model that all the experts are saying is not even according to international standards? How dare you?

"The proposed disposal of collections, or deaccessioning, as it's called in the museum field, is a highly challenging process."

Interjections.

The Deputy Speaker: Minister.

Ms Di Cocco: All I know is this: if you want to talk about the personal friends of the McMichaels who came to make presentations at the committee and you want to disregard objective experts who overwhelmingly oppose this bill, you're going to pay the price. You're going to pay the price in the art world; you're going to pay the price in maintaining credibility in this province.

I cannot believe, I'm always amazed, with all this evidence that is here—I just don't know why this

government is doing this, because it makes no sense. You say you have common sense. You have none here.

Bill 112, again, "to return to the spirit of its original focus"—I'm going to tell you again, what about the Court of Appeal ruling that stated that the spirit was kept but that the McMichaels were upset with their lack of control? They said it in the ruling.

This bill has been introduced—again I'm going to say this—not to deal with fiscal accountability. There is nothing in this bill that deals with fiscal accountability. It gives control to five people, but there's nothing in there. I looked, and there's nothing about fiscal accountability, so I do not buy that line. This bill has been introduced not to deal with fiscal accountability, and it's abundantly clear to me that this bill has been customized to the personal whims of Premier Harris and Robert McMichael. I would suggest that Minister Johns and Mike Harris tread cautiously, because this bill restores to two individuals undue control of an art gallery that belongs to the people of Ontario.

As you have been made aware, there is an audit draft—and I read from it—that clearly shows unethical, possibly fraudulent practices from when Robert McMichael was director, misrepresenting his position for self-interest. Why have you brought in this bill to circumvent an Ontario Court of Appeal decision that went in your favour? I don't understand this. It was your government that went to the Court of Appeal. You won the case. You brought in the bill to say, "We didn't like that. We didn't like winning in 1997."

1930

There has been much discussion about the best practices of governance of museums and art galleries, and you've heard it, but you don't want to listen. You've set your own rules and the government is going to micro-manage this gallery, and by this you are going to hurt the art community. You're going to do irreparable damage to this gallery.

Minister Johns drafted this bill without consultation with anybody except the McMichaels. This bill is wrong. This bill is bad policy. It undermines the integrity of cultural institutions which have an internationally recognized standard of governance and protocol. But of course this government knows its own protocol: as long as it's there to help its friends.

We have the ORC, the Ontario Realty Corp, and the Ontario Realty Corp seems to be a way to filter land so that people can make a lot of money, so you can line the pockets of your friends. I hope you're not doing this at the art gallery. Now we're going to have art deals instead of land deals. I would like to know why, what really drove this bill. We had many land deals that lined the pockets of your friends. Is this bill a way to be able to do art deals?

The other thing too is that there is no good argument for the bill. I have spoken to many people who are experts and business people, and many others, and they keep asking, "Why? Why are they bringing in this bill?" It makes no sense.

The Canadian Museums Association, which is a national organization dedicated to the interests of museums and museum professionals at a national level, represents 2,000 individual institutions across Canada. Do you know what they say? “We believe that Bill 112 is unnecessary, inappropriate and potentially hazardous to the health of the cultural community in Ontario and beyond.

“Why unnecessary? The government argues that it has been prompted to act in light of certain financial difficulties at the institution. We understand the government’s view that it is obliged to act in the interests of Ontario taxpayers, but we believe that this is not the way to go. We believe that the institution itself, and the government of Ontario as the principal shareholder, have the administrative and regulatory tools already in place to resolve those difficulties, without resorting to legislation.” This is the Canadian Museums Association. It’s a national body.

We even had an expert, Mr Lord, who spoke. He has done a lot of work in Ontario and outside of Ontario. His clients were museums worldwide such as the National Gallery in London, England, the Victoria and Albert Museum, the Tate Gallery, the Art Institute of Chicago, the Los Angeles County Museum of Art, the Asian Art Museum of San Francisco, the Cleveland Art Museum, and he says to withdraw this bill. He has dealt with museums and art galleries around the world, and he is saying this is not a good bill. Why do you not use his submission and weigh it carefully before you go any further on this bill?

I can go on and on.

Mr Doug Galt (Northumberland): We thought you had.

Ms Di Cocco: Yes. Again, I find it offensive. I find that this government is definitely on the wrong path. I feel passionately that you don’t know what you’re doing. You do not know what you’re doing, otherwise this bill would not be here for debate. I hope you’ll get some sense before we vote on this bill, because it’s definitely the wrong way to go. All the experts—international experts, national experts, provincial experts, local experts, artists, professionals, at every level, business people—are saying, “Don’t do this,” and you still don’t want to listen.

I am going to leave it at that. As you know, I am strongly opposed to this bill, and I hope the government will see the light and withdraw it at the end of the day.

The Deputy Speaker: Further debate?

Applause.

Mr Rosario Marchese (Trinity-Spadina): Thank you, Minister of Social Services. I appreciate your support. You know that.

I was looking at the title of Bill 112, as I always do. I look at all the titles that come out of this cabinet. This is the only bill that is not embellished. It says, An Act to amend the McMichael Canadian Art Collection Act. It’s really quite simple. Not embellished, not manufacturing some kind of other image. Not a title that belies anything within it. It simply is quite clear: it’s an act to amend. It’s almost abrupt. It’s almost harsh in its quality. But they

make no bones about it. They’re not trying to disguise their real intent. They know exactly what they’re doing.

In our committee hearings we heard eloquent, and I would venture to say poetic, submissions by a number of deputants who were brilliant and made a powerful case.

Interjection.

Mr Marchese: It doesn’t matter who said what; that’s not the point. We had people in committee who said, “We’re opposed,” and we had a few who were for. You can come up with a couple who say, “We’re for,” and many who were opposed, and that’s the case. But that’s not the issue, because I’m going to make the case for the taxpayer of Ontario.

My major point is that, yes, we had powerful deputations. I was happy to have been there, to have listened to the case they made, because they speak to the effects of this bill on culture in general. I’ll try to get to that in my comments.

With all due respect, Mr McMichael was there. Again, with all due respect, I say he has made an important contribution to the McMichael collection. In fact, virtually every deputant that came to those committee hearings congratulated Mr McMichael, thanked him almost egregiously for the contribution he made. I’m quite in agreement that it was more than modest and it’s something you’ve got to recognize, and people did. So the issue is not whether or not Mr McMichael’s contribution was great, important, big or small. Everyone acknowledges what he did in terms of the benefit that he provided to all Canadians.

But there’s a problem. Mr McMichael has refused, in my mind, since 1980 when he dropped out of the scene, to let go. Who knows under what circumstances he left? But since he had to go, or since he left voluntarily or involuntarily, things were never quite the same ever again. Thus the problems of the McMichael.

This is what I fear, for the benefit of the taxpayers: Mr Harris, the Premier of this province, is very likely to have had dinner with Mr McMichael, through some intermediary whom Mr Harris is likely to know or have known, who persuaded the Premier to have either lunch or dinner with Mr McMichael, which is how I believe this to have happened.

Hon Mr Jackson: What’s wrong with breakfast?

Mr Marchese: Not a problem at all. Breakfast, lunch, dinner—not a problem at all.

The Deputy Speaker: Order.

Mr Marchese: Through you, Speaker, there’s not a problem having lunch or breakfast at all. I’m waiting for one of the ministers to invite me for lunch or breakfast, and it still hasn’t happened. He said, “Don’t worry, it’s coming.” It has been months I’ve been asking for this breakfast—

Hon Mr Jackson: You’re a socialist. You think there’s a free lunch.

Mr Marchese: —just so that we could talk about opposition politicians, what it means to be in opposition, what it means to be in government, the complexity of the political process. But have I had this breakfast with him yet?

Hon Mr Jackson: You were never this long-winded over here.

Mr Marchese: Nothing. It's not likely to come.

But Mr McMichael had dinner, I suspect, with Mr Harris, which changed the course of the collection and the history of the McMichael since—

Interjection.

Mr Marchese: A vacation would be even worse. I hope they didn't vacation together. I think that would be a greater conflict than a dinner.

Hon Mr Jackson: A séance over breakfast.

Mr Marchese: The minister wants so much to engage in this discussion. Speaker, let him. I like that.

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The Deputy Speaker: Sit down. The member for Trinity-Spadina is receiving a little too much help with his speech. It would be best if the member for Trinity-Spadina was given the floor and allowed to proceed.

Mr Marchese: The member for Burlington intervenes and I am reminded that perhaps I should not—I'm not speaking to him, he's speaking to me. I love the interventions. So please, leave the member for Burlington alone. Don't go away. He's going away again.

Hon Mr Jackson: No, I'm coming over. Give me your speech notes.

Mr Marchese: I don't have speaking notes here. But sit over here. No, don't sit close to me, I don't like that. Sit right there. Speaker, I want him to sit—

Hon Mr Jackson: If you don't mind, Mr Speaker.

Mr Marchese: Look at these guys. They come and they crowd me.

Hon Mr Jackson: Give me your speaking notes: "No free lunch with the Premier."

Mr Marchese: Taxpayers of Ontario, the member for Burlington, the fellow I was conversing with, through the Speaker, is here to join me. Welcome, Minister.

Hon Mr Jackson: You have speaking notes. Look at these.

Mr Marchese: They're gone. The speaking notes are in my head. I'm not like the Conservative members who need speeches for everything they do. Your members read every speech. The member for Northumberland always has a speech prepared for him. Is that not true? Mrs Elliott, the former minister, has a speech too. Is that not true?

Interjection.

Mr Marchese: Content is what we want, you're absolutely right, and that's what I'm about to deliver, for the benefit of the member for Burlington.

So back to the dinner. Here we are, Mr McMichael and Premier Harris talking: "Mike, you've got to help me out. I used to be able to control this institution and now things have gotten out of my hands. What do I do? You've got to help me out. You've got to help me bring it back to the 1965 agreement, the way it used to be, Mike. Please. We need respect." Respect: that's Mr Day's word, at the national level. "You've got to respect the 1965 agreement, Mike. You're the kind of guy who

listens to Mr Day. 'Respect' is the buzzword of the day. Let me go back to the 1965 agreement."

I'm going to read from the 1965 agreement. The 1965 mandate is limited to the Group of Seven and three other named artists, plus others designated by the advisory committee "who have made contributions to the development of Canadian art." That's what it said in 1965.

Hon Mr Jackson: It looks like the Group of Seven to me.

Mr Marchese: The minister from Burlington says it looks like the Group of Seven. He doesn't understand, so I'm going to read it again.

The mandate is limited to the Group of Seven and three other named artists, plus others designated by the advisory committee "who have made contributions to the development of Canadian art."

What does it mean to you, member for Burlington? This is what it means to me, because I know you can't answer; it's not your turn. What it means to me is that it includes other artists—anyone, Aboriginal or otherwise, any Canadian artist who has made a contribution to the development of Canadian art. It's inclusive, it's expansive, it's elastic. It's not limited to the Group of Seven and the other three named by Mr McMichael. It means anyone. That is the spirit of the 1965 agreement. It doesn't say Group of Seven. It doesn't say "restricted to the Group of Seven and the other three." "It says those seven, plus those three, plus anyone else who has made a contribution to Canadian art. Do you see the point, Minister?"

Hon Mr Jackson: I'm listening to you.

Mr Marchese: Do you see the point, taxpayer, taxpayers who support guys like my friend here from Burlington? They have, at the gallery, kept to the spirit of the 1965 agreement. So what is it that this government, through Bill 112, is doing? I'll tell you what they're doing. They are in violation of the 1965 agreement. Bill 112 is in violation of the very agreement that the former Minister of the Environment says we need to get back to. It creates a new mandate, which is not the 1965 agreement that they say we need to get back to. That is why, Speaker, through you to the taxpayers and to my good buddy here from Burlington, this is the most stupid political intervention I have seen in 10 years in this place. This from a government that says, "We want government off your backs," which presumably means less intervention from government, not more. But this is the most interventionist act and bill committed by a non-government government that is here to get off your back and instead crawls all over your back like a monkey that won't let go.

Hon Mr Jackson: Like the social contract.

Mr Marchese: Yes, something like that, eh? You'd think you would learn from us. They keep on saying it's like the social contract. If it was so wrong, why do you keep on making the same mistakes? You had 10 years to learn. Why do you make reference to the social contract? If you believe it was wrong, then presumably you would have learned something from it and you would have changed course. You haven't learned anything, it seems.

Hon Mr Jackson: The social contract was pretty rough.

Mr Marchese: I know it was bad. We admit it was bad and you admit it was bad, even though you supported it. But I argue that if you felt the social contract was bad, why commit similar errors over and over and over again? Don't you ever learn? You don't learn from us.

Hon Mr Jackson: We're not going to spend our way out of this one.

Mr Marchese: "We're not going to spend our way out of this one." They blew a billion bucks a couple of weeks ago. Did you get that 200 bucks in the mail? Two hundred bucks to buy my vote. What next? How else can you buy people's votes? I can understand the federal government trying to buy votes from the Atlantic coast with the change of the new Employment Insurance Act. I understand that. But you people are no different. You're trying to buy people's votes by giving them 200 bucks.

One billion in the aggregate, just gone in one swift act, gone. Then you say, "But we don't have any money for our health care system. We put in a lot but we don't have enough." You've got a billion to give away for 200 bucks each in my pocket and the other people's pockets and you've got \$5 billion to give away in corporate tax cuts.

But you don't spend people's money, do you? Only New Democrats spend people's money. You people don't spend our money. Giving it away to corporations is a good thing because it's corporate need. "We've got to help them out because they're so desperate. This economy is doing so well but it could be so much better if we'd just give them a couple of more bucks." And I'm not talking about bucks, I'm talking about billions of dollars. It's OK for my money to go to the corporations, isn't it? But it's not OK for New Democrats to put money into the creation of jobs, it's not OK to try to protect the most vulnerable citizens in the recessionary period of the 1990s. That's not OK. But it is OK, in a good economy when you're overflowing with billions of dollars, to give it away to the corporations because they're crying for help, because they need more money. Twenty per cent increases in their corporate coffers is just not enough. They need \$5 billion more from the taxpayers of Ontario. When will it end? When is it going to end?

Hon Mr Jackson: It's not. We have more income tax cuts coming.

Mr Marchese: They've got more for you. They've got more tax cuts for you. It's coming like manna from the mountain.

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Hon David Turnbull (Minister of Transportation): We took poor people off the tax rolls that you used to tax.

Mr Marchese: Oh, David, you guys are so good. You were one of the best. I used to remember you here on this side bellowing like the horrifying winds of some—

Hon Mr Jackson: Now, go easy on him, OK? He's my friend. Just go easy on him.

Mr Marchese: Do you remember him, how he used to bellow out with that nice English accent of his that I used to like? But, man, was he loud on this side of the House.

I thought he would never stop. Thank God Harris made him a minister, because he quieted down a little bit. I like that. It's intellectual growth in this place.

Hon Mr Jackson: How much longer do we have to go here?

Mr Marchese: I've got a lot of time. There's so much to say. Let me go on.

It's good to have him, right, Speaker? The member from Burlington and I are dialoguing, right? He's not commenting.

Did you hear Ms Elliott, the member from Guelph-Wellington, say earlier on—I was around and I heard her say it—that it's the Liberals who changed the mandate in 1989? That's what did it. That's really what did it, she argues. She's clever, but I want to show you how not-so-clever she is, to show the public of Ontario how their predecessors, the Tories, in 1972—that's them; not the Liberals—changed the mandate. It should be no surprise. It's on the record, really.

Here is the mandate that you guys changed. The mandate is changed to specify that—

Hon Mr Jackson: You realize this is the third time.

Mr Marchese: No, this is different, 1972. That was 1965.

That agreement of 1965 becomes law in 1972. It says the mandate is changed to specify that all artworks must not be "inconsistent with the general character of the collection."

I'm not sure whether the Tories argue that that change of law was in violation of the 1965 agreement. I'm not sure they argue that. I didn't hear Ms Elliott from Guelph-Wellington argue this. I didn't hear any other member say the 1972 law was in violation of the 1965 agreement. I didn't see any of them say that, except I heard the member from Guelph-Wellington say that it was the Liberals' fault for changing the mandate in 1989.

You see the problem I've got? They selectively use some information and selectively forget other pieces of information, which I argue is somewhat insidious, because it doesn't sound fair, does it? I don't think it's fair. But if they can argue that the 1989 law was in violation of the 1965 agreement, surely they would say that what they did in 1972 was clearly in violation of the 1965 agreement. At least I would think that's the way they would argue. It's plausible, in my mind.

Interjection.

Mr Marchese: I hear Ms Elliott whisper, saying, "No, that's not the case." I think I hear her say that.

But if that's the case, then what she's arguing—if that's an argument—is illogical. Because I just read the 1972 amendment, the new act, and it's not the same language as 1965. So clearly it's in violation of it too, but they don't argue that.

Let me move on. In 1982, the mandate is changed to restore the list of 10 specified artists, the same as 1965, and in addition, art by indigenous people of Canada is to be collected, because Mr McMichael was in agreement with that. That's not the Group of Seven, it's not the Group of Seven plus three; it's now indigenous works, by

indigenous people. Isn't that in violation of the 1965 agreement, you would think? But it isn't, because Mr McMichael was around and was in agreement with including works by Aboriginal, indigenous people, but it's changed. He was around, and it says, "and works by other artists"—again, it seems to be consistent with the 1965 agreement—"who have made contributions to the development of Canadian art and whose artworks and objects will be consistent with the general character of the collection." Changed, again, by a Conservative government in 1982—not Liberals, not New Democrats, but by them.

If the 1989 law was inconsistent with 1965, do you not agree that the 1982 law was inconsistent with and perhaps in violation of the 1965 agreement? To follow their logic, I would have to argue "yes." But it isn't my logic, because it's illogical. That's why I'm making a case to you, Ontarians who are watching this, as a way of saying that what these people are doing is wrong. It's political intervention. It's a political abuse of power by one man, the Premier.

It was the Premier who made this decision, who instructed his minister to change the law. Not a minister, not an MPP, not any one of those people across the street there, but it was the Premier who intervened, as an abuse of his position and power, which I find the most stupid of acts made by a government and made by a Premier of Ontario.

Hon Mr Jackson: And you worked for Bob Rae. That's quite a statement.

Mr Marchese: And you work for Harris. That's even a bigger statement, especially as it relates to Bill 112.

Hon Mr Jackson: The public has spoken. The social contract fought everybody.

Mr Marchese: The social contract, and he hasn't learned a thing. When will you learn?

Hon Mr Jackson: We listen to labour.

Mr Marchese: You don't listen. You never learn; that's the problem. Otherwise you wouldn't make reference to something from which you should have learned and from which you should not have introduced Bill 112, and you continue to clearly make the same mistakes. If that was a mistake, let me go on for your benefit. Ms Elliott and the Minister of Social Services are here—

Hon Mr Jackson: I don't see that auto workers are too excited about this bill.

Mr Marchese: No, the auto workers are not, but the cultural workers are. The cultural sector is beside itself with what you're doing. I suspect not the union man, absolutely not. But the cultural workers, the cultural institutions, many of which I say are conservative institutions, and I suspect many of them are Conservative party supporters—

Hon Mr Jackson: Oh no, they can't be.

Mr Marchese: They are. That's why I find strange that you would commit such an egregious act of silliness.

In 1989 the mandate was changed by the Liberals to drop the phrase from the 1982 law and to allow "the gallery to collect art by artists who make, as well as have

made, contributions to the development of Canadian art." They in fact, to give the Liberals credit, have brought the mandate back to the 1965 agreement.

The 1989 agreement, Ms Elliott, is more consistent with the 1965 agreement than your Tory amendments made in 1972 and 1982, I would argue. But I know you're not following the fine details, so you're likely to have missed my argument. But for the benefit of the taxpayer who's following this, when I read that in 1989 the mandate is changed to say "and the gallery to collect art by artists who make, as well as have made"—which means there's a continuous growth of development; not something that was then, but is now and continues to be in the future.

"Artists who make, as well as have made, contributions to the development of Canadian art" is consistent with the 1965 agreement, which says, "who have made contributions to the development of Canadian art." It's the same language, so why would you accuse Liberals of changing the law? You see why I think it's insidious and wrong? Because you people, first, don't know what you're talking about. Ms Elliott doesn't know either. Secondly, the Premier intervened, and now you poor politicians of the government side have to defend the indefensible position. You look silly, sound silly. It's stupid, sounds stupid each and every time you try to fix this problem that your Premier has caused.

You see why it's important, when you have a second term, to turn against your leaders when they're wrong. It's important.

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Hon Mr Jackson: Ask Kormos. He did it before the second term.

Mr Marchese: To be fair to him, Peter Kormos was someone who stuck by the ideals of the party. He said, "I will not follow blindly," and he was right. But all of you people in your second term—not your first but your second—are following blindly as politicians with no will and no intelligence. That's why not only is the Premier not very intelligent, having dealt with this, but you, complicit in that stupidity, become stupid yourselves.

Hon Ernie Hardeman (Minister of Agriculture, Food and Rural Affairs): That's being unfair, Rosie.

Mr Marchese: No, I'm not unfair.

Hon Mr Jackson: You shouldn't be calling people stupid. Come on. You've got more class than that.

Mr Marchese: No, no. OK, you're not stupid. I'll take that back. I take it back.

Hon Mr Jackson: Thank you.

Mr Marchese: It perhaps was a bit harsh. But you are complicit in that act of stupidity. Is that OK?

Hon Mr Jackson: No, no.

Mr Marchese: An act of stupidity is, in my view, better than calling somebody stupid. Is that not true, Speaker? I think it's true.

In 1989, the law is changed again by the Liberals, making it a little more consistent with the 1965 agreement. Then, lo and behold, you people come into power by some intervention. I don't think it's a godly one, but

there was an intervention. It was the public who spoke indeed and you guys did well. But in 1996 or so—here it is. The McMichaels—

Interjection.

Mr Marchese: Hold on, John, hold on.

Hon Mr Jackson: John, he's all alone over here. Cut him some slack.

Mr Marchese: Please, I need some help. I don't have 15 members on my side helping me out.

Interjections.

Mr Marchese: See all the friends I've got on the other side, Speaker? Minister, let me go on. I've got a few more things to say.

When McMichael sued the government in 1996 for breach of contract and won, the saga plumbed new depths.

Hon Mr Jackson: Plummeted.

Mr Marchese: Plumbed, but you could say "plummeted." I didn't write it. It's "plumbed" here. I believe it's correct unless you, former teacher, think it isn't. All right.

Interjection.

Mr Marchese: It is true that I was a teacher at one time, Speaker.

McMichael's obsessiveness clearly impressed Judge Grossi, who declared that the province had broken faith with McMichael when it accepted a work that wasn't a landscape. "Thankfully," this writer says, "his ruling was soon rejected by the Ontario Court of Appeal for its legal errors."

OK, here you have it. Your former minister, Mushinski—

Hon Mr Jackson: Refer to them by their ridings. That's the proper way.

Mr Marchese: The member from Scarborough Centre, the former Minister of Culture, defended the 1965 agreement when Mr McMichael, unhappy with having lost complete control after 1980, left in a cloud and took the government to court. Minister Mushinski, the member from Scarborough Centre, quite rightly I say, defended the ministry and the history of the McMichael gallery. They went to the Court of Appeal. How many millions do you think it cost?

Hon Mr Jackson: I don't know, but it was an Italian judge. I got that.

Mr Marchese: Mr Grossi was an Italian-Canadian judge. OK. Anything else?

Hon Mr Jackson: That helps.

Mr Marchese: I admit to it. Then we go to the Ontario Court of Appeal, spend millions and millions of dollars—you, government, and me supporting you—in defence of what we have by way of history for 35 years. We win the Court of Appeal after spending millions and millions of dollars, which I thought was brilliant, was grand, was a good thing to do. The Court of Appeal made the sensible decision, judicious I would say, and said, "No, Mr Grossi, the former judge at the lower level, was wrong." That was good. That was right. And what happens after we spend millions of dollars defending that

agreement? The Premier has dinner with Mr McMichael and he changes everything.

Hon Mr Jackson: No, that was a speculation. Now get back to your records.

Mr Marchese: I speculated. It could have been breakfast, it could have been lunch.

Hon Mr Jackson: You speculated.

Mr Marchese: It could have been on a flight somewhere down south.

Hon Mr Jackson: Don't forget breakfast with the Group of Seven.

Mr Marchese: It could have been anywhere. The Group of Seven, I'm not sure that many of them are still alive. But, I argue with the taxpayer, would you be so astute a politician as to defend the gallery up to this point, take this issue to court, defend it in court, spend the money, win it, and then say, "We, the government, were wrong," and then change the act through Bill 112 to revert the gallery back to the McMichaels?

Good taxpayer of Ontario, do you follow this argument? Surely you will know that this is an act of utter political stupidity, don't you find? You, taxpayer of Ontario—because I know there are a lot of you—if you thought the government didn't want or didn't defend the 1965 agreement, why would you spend the millions of dollars to take it to the Court of Appeal? Why would you do that? Whose money are you spending here? Is it your money or your taxpayers' money?

And why would you not have simply said, "OK, Judge Grossi made a decision. We're not going to do this appeal, because we're about to introduce a law"? Why spend the money? Why waste it? Simply stand your ground. Don't appeal it. Save the taxpayers some bucks and save yourself the image of looking not very intelligent by simply changing the act then, instead of taking it to the Court of Appeal. Do you follow? You follow, don't you?

Hon Mr Jackson: It's frightening.

Mr Marchese: It is politically frightening. I'm outraged by it. That's why I'm speaking this way. I'm trying to convince the taxpayers that you people don't know what you're doing, that you people don't know what you're talking about either.

So what are the twin arguments that Ms Elliott, the member from Guelph-Wellington, advanced in the committee? There were two. One, we need to restore the agreement, as presumably felt by Mr McMichael and so on, more or less paraphrased. That was one. The other is, the McMichael gallery has had financial problems for a long time. In order to put it on its proper footing, we need to change the law through Bill 112 so as to restore financial stability. Curious, eh?

First, on the mandate, I've already shown, I hope, to the taxpayer—because Cam is not entirely convinced, I know—that we have kept to the spirit—and I say "we" because I was the Minister of Culture in 1990 and I didn't, like these ministers, change course along the way. I stayed the course and decided then that it was the right thing to continue to do. That's why I say "we." When I

say “we,” it means that I was personally involved at the time. I’m saying that we have kept to the personal agreement of 1965. I’m arguing that they have changed, and in fact through Bill 112 are in violation of, the act. They argue that we have violated the act; I argue they are violating the 1965 agreement act. That’s one.

Two, are we going to restore this institution to a financial footing that is desired by this government? I don’t think so. What proof is there that that’s the case? None, other than that through the hubris of this government they can claim it’s so.

I have a nice letter by an individual which I’ve read on the record before, and I’ll read it again.

Hon Mr Baird: Read the letter from Ken Darby.

Interjections.

Mr Marchese: No, no. Speaker, allow one interruption to just take a sip of water. It’s getting hot in here.

Hon Mr Jackson: That’s a long letter. How much longer have we got, Rosario?

Mr Marchese: I’ve got 20 minutes. Cam is complaining. No, just a little paragraph; it’s just too long. She argues quite intelligently—

Interjection.

Mr Marchese: No, I could read the whole thing, but I don’t want to bore the taxpayers of Ontario. Here’s what it says. There are four little paragraphs, and the third paragraph says the following.

Mr John Hastings (Etobicoke North): Who are you quoting?

Mr Marchese: I already named her before. It’s Ms Ann Henderson.

Interjections.

Mr Marchese: No, you don’t need that. Let me just read this for you. You’ll understand.

“The government claims that it is necessary to pass Bill 112 to solve the gallery’s financial problems. What financial adviser has suggested that present owners and sponsors be dumped in order to, hopefully, get new ones?” It’s a good question. “Yet that is the risk that will be exposed by this bill.” Taxpayers of Ontario, that question is a very valid one. These people are trying to convince you, to hoodwink you into believing that by changing this mandate this gallery will somehow solve its financial problems down the line. This lady argues that by dumping the donors, that by dumping their works of art somewhere, in some way, 3,000 of them, this will cause damage to those donors in a way that brings legal proceedings into question, but not only legal: those donors may decide not to continue to provide the financial support they’ve been providing for the longest of time.

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Will it be revenue-neutral, as they are arguing? By changing this law we may get other donors, but in losing the donors who have contributed in the last 35 years, will you get to a position of a revenue-neutral situation that doesn’t improve its financial viability, or are you likely to have lost so many donors that you will not get sufficient new ones to make up for the ones you’ve lost?

If that’s the case, your argument of financial stability is meaningless. It is built on quicksand. It has no validity. It’s implausible. It’s politically dumb.

Hon Mr Hardeman: Just can’t take it any more, Rosario.

Mr Marchese: No, but it is politically dumb. I can’t defend something that isn’t very intelligently thought through. This has nothing to do with an intelligent piece of legislation.

In committee people were asking, what happens to those 3,000 works of art? We don’t know. One of the members present here said, “It doesn’t mean they will be dumped on the market, thus causing a diminishment of the value of those works of art. It doesn’t do that.” OK, they’re not going to dump them. If the works of art are not dumped on the market, what happens to them?

Mrs Bountrogianni: You’re surrounded.

Mr Marchese: I know. They’re like a pack of animals ready to pounce. You could be friendly.

Interjection: Have we been giving you a hard time?

Mr Marchese: In committee they said, “The works of art will not be dumped on the market, thus causing a diminishment of the value of the works of art.” But what happens to them? It was suggested by possibly one member that they may be stored in vaults. I thought, “That’s interesting.”

Mrs Julia Munro (York North): It’s common practice in a museum.

Mr Marchese: She admits that it’s so and admits that it’s common practice. Imagine, we’ve got works of art being displayed at the McMichael, and what will happen to the works of art? No, we’re not dumping them on to the market; we’re going to put them in vaults, meaning hide them away from view, store them there indefinitely. How long? Well, indefinitely. But at the moment these works of art are being displayed.

Interjection.

Mr Marchese: Minister of Social Services, I want you to speak after I’m done. I’m looking forward to it.

Do you know who decides the disposition of those works of art, the disposition, acquisition and deaccessioning?

Mr Michael Gravelle (Thunder Bay-Superior North): On a point of order, Mr Speaker: I do not believe we have a quorum.

The Acting Speaker (Mr Tony Martin): Do we have a quorum?

Clerk at the Table (Mr Todd Decker): A quorum is not present, Speaker.

The Acting Speaker ordered the bells rung.

Clerk at the Table: A quorum is now present.

The Acting Speaker: The member for Trinity-Spadina.

Mr Marchese: I appreciate the support. I like an audience. I don’t like just talking to the taxpayers. I want to try to convince some of the members of the Conservative Party, right? For how long can I talk to the camera? They never talk back. It’s true I get e-mails.

Interjections.

Mr Marchese: Do you hear them? That's why I love to have them. Because it's genuine dialogue, right?

Interjection.

Mr Marchese: There's a member who wants to speak to me in Italian again. Mr Spina wants me to speak in Italian, Speaker. Admonish him.

It would be nice to be able to speak in Italian or Spanish. I really would enjoy that. My Italian is good. My Spanish is not bad.

Interjection.

Mr Marchese: Very good, Minister. I want you to show those skills when you invite me for breakfast one of these days.

Interjection.

Mr Marchese: Whatever you like. I'm just waiting, right?

They have established what's called an art advisory committee. Good people of Ontario, when you hear of an art advisory committee, what thoughts does it solicit? That it's an advisory committee, right? "Advisory" means to give advice to someone, does it not? Lawyers, psychologists—advice is advice, right? There's no endowment of power there, is there?

But you know what? This advisory committee has the power to designate artists—not to be disputed by the board, not to be disputed by any staff or curator they might have on board. I don't know what that person's going to do from now on. It's the advisory committee that has the power. Mrs Elliott was having some difficulties with this but I admit she came to a better conclusion by the end of it. They were struggling with it, is the argument I'm making, because they didn't quite know what this advisory committee was going to do. They thought perhaps this advisory committee would simply advise on issues of acquisition, deaccessioning, submission and display, because when they introduced an amendment they created another advisory committee that would give advice on the issues of exhibitions and display. But in terms of designating works of art it's not the curator, it's not the board, it's the advisory committee that has the power to acquire works of art. Do you see the inconsistency, taxpayers of Ontario, when I argue with you, as I argue with them, that "advisory" doesn't mean having the power to designate which artists will be able to display their works of art, which artists will be able to sell their works of art, decided upon by that advisory committee that is not advisory, that has a different capacity? Why not say so if that's what you want them to do? If you want them to have that power, say it, but don't hide it under the guise of an art advisory committee. You're playing with the public.

There is, in my view, a dissimulation of the facts when they do that. That's what they are engaged in, and it's wrong. It's just plain wrong. That's why when I use strong words like "dumb" and "an act of stupidity" by this interventionist government, I mean them. It's strong. They're playing with the cultural community and they're playing with the McMichael art gallery.

We had so many deputations, brilliant deputations of people who are immersed in culture, whose life is culture—and these people didn't listen to them. They say, "But we had other people who are immersed in culture who were equally good and argued in support of Bill 112." But I have made a case to show that what this government is doing is absolutely interventionist. It's politically stupid. It's going to cause so much damage to the gallery. It will scare the living hell out of so many other institutions that may have been created under the same conditions and that will not know whether in the future Mr Harris having dinner with somebody else might change the law on something else.

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The cultural community's profoundly frightened of this act. They have intervened in an area where they know nothing, where this minister, this Premier, know very little, not left the job of what he thinks is culture to those who know, to the curators, and have given this job of designating works of art to the McMichaels. Of the five people, two of them are the McMichaels, and three people are nominated by them. They create Bill 112, they nominate the people they want on that arts advisory committee, and do you think those three other people are going to be unfriendly to Mr McMichael or do you think they're going to be friendly to Mr McMichael? Do you believe that Mr McMichael and his wife will not be able to control the other three who have been appointed by you? Of course.

Mr Garfield Dunlop (Simcoe North): You're assuming that.

Mr Marchese: I'm assuming that. The member for Simcoe North says I make that assumption. But if I argue this way, member for Simcoe North, that you have changed the law through this bill and you've created this so-called advisory committee that isn't advisory, that has more power than advice and you've done it to please Mr McMichael under the guise that we have violated the 1965 agreement, is it your personal belief that the three other people you're going to nominate to that committee are not going to be sympathetic to the McMichaels, that they would be there, in fact, to dispute the wishes of the McMichaels after the trouble and the political heat you're about to take? You believe that? So you argue mine is an assumption as opposed to a statement of presumed fact? I'm arguing that I'm more likely to be right than you are, given what you're doing.

So I say that the work of designating works of art and deciding what works of art are to be gotten riden of—"deaccessioned" is the other word—is left in the hands of McMichael, not in the hands of curators, not in the hands of a professional person whose job it is to do just that. It will send shivers down the spine of most curators whose job it has been to do that for a lifetime. All of a sudden they're being told they will be hired at the McMichael but they won't have a job because the McMichaels will decide what works of art will be in those halls, not them.

So I argue, are you going to pay somebody the money just to sit around and say to Mr McMichael, "That was a

good choice, Mr McMichael. You did well. That was good. We'll hang it up on the east wall. Or do you think we should hang it up on the west wall, or maybe on the north or the south?" The curator's going to be left with deciding which wall to put the works of arts on or possibly putting them on both. "Mr McMichael, that was very good; we'll put that one in the vaults. That was a very good decision you made." Curators left in a position to have absolutely no power, not any ability to use their knowledge as to decide what to buy or what to get rid of.

I have a quote from Ms Joyce Zemans, co-director, MBA program in arts and media administration, Schulich School of Business, York University—she seems very well qualified to me. She says, "As was obviously foreseen in the original agreement, (despite recent protestations to the contrary)"—meaning their protestations and the McMichaels'—"the McMichael's collecting policies have always extended beyond the narrow period of the Group of Seven's principal activities to include earlier and later artists who have 'made contributions to the development of Canadian art.' Indeed, Robert and Signe McMichael never restricted their collecting only to the landscape or only to the work of group members. To their credit, during the period that Robert McMichael served as its director"—from 1970 to 1980—"the McMichael gallery created a major collection of the work of First Nations and Inuit artists" and many others.

So what is that we're talking about? What is it that you want to get back to by way of the spirit of 1965? The McMichaels themselves, while he was the director, expanded the gallery by including aboriginal works of arts, Inuit works of art. It was he, not anybody else, when he was the director.

What is it that you want to get back to that we were not keeping to in terms of the spirit of the agreement in 1965? Mr Michael was there, actively involved. He was there from 1965 to when you changed the law in 1972, and to when you changed the law in 1982. He was a director. He was a paid staff person. Forget about the fact that he was well paid for the contribution he made. That's irrelevant. The point is that he was an integral part of the decision-making processes that went on from 1965 in terms of who was included in that gallery, and it was more than the Group of Seven, more than that.

You have these people, these government members and some of the committee members, coming to our committee hearings saying that it's all right to go back to the idea of having a Group of Seven. What's wrong with that? I say nothing is wrong with that, but it's not what the 1965 agreement said. The McMichael gallery is famous for the fact that it features, and it is central to the gallery, the Group of Seven. No one disputes that. People go to the gallery to see the Group of Seven and the other works of art, but that the Group of Seven is central to the McMichael gallery is undisputed. We all credit the gallery with that. So what are we disputing?

In my humble view, the members who came to our committee hearings got it wrong. They somehow believe that the agreement of 1965 only involved the Group of

Seven and the three others that McMichael agreed to, which would have made it 10. That was a faulty argument, the premise of which, it seemed to me, they were arguing when they came into the committee. But it's wrong. That's why I read to you, good taxpayers, the 1965 agreement, as a way of showing you that this government is changing reality, is creating a new agreement that was not the 1965 agreement. They've changed the mandate again, and wrongly, because the effects of what they're doing will have repercussions of which they know nothing. They have not thought about the repercussions, legal or otherwise. They have not thought about what some of the people in the artistic, arts-culture community feel about this, and even though they came to the committee and told them what you're doing is wrong, they didn't listen. That's why I become dispirited when I see these things.

Do you think I argue here because I am in opposition and love to simply argue in this fashion because opposition is made to oppose? It's not that alone. Yes, we oppose, but we oppose most of the time with principles, and in this particular instance we oppose it fundamentally because it's wrong. There is no philosophy here, right or left. It has nothing to do with ideology, nothing at all to do with ideology, not left, not right. It is an act of a political intervention that was introduced in a way that has caused so much damage to the entire cultural community. I'm not arguing as a New Democrat; I'm arguing as someone who believes that what you have done will cause irreparable harm.

To have introduced this bill without having consulted the board members, those who volunteer—and board members are volunteers. They contribute money too. Many of them were outraged. Many of the volunteers who came to the committee hearings were outraged. They were not consulted. Who was consulted in advance of making these changes? Only Mr McMichael and Mr Harris, in a presumed dinner or lunch they had together, and that was it. That was the extent of the consultation. Do you see what I'm saying? If the minister had some knowledge of culture, he might have had some idea that perhaps this is the most—I don't know—

Mr Steve Gilchrist (Scarborough East): The words will come to you. By the way, the camera's over there.

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Mr Marchese: —the most important thing that one could have done for culture, and he advanced arguments as to why that is so.

Mr Gilchrist, it's that one.

I heard the Premier say, "This is why we need to do this, because we believe it's going to enrich culture." Did you hear the Premier make any comments on this? Did you hear any of these other loyal members speak about this? I have. They read the speeches, like dumb parrots. They read speeches. No one speaks from their heart when it comes to speaking to issues, in particular speaking to this one. They read prepared speeches. Why? Because they cannot defend this most indefensible position they have taken through Bill 112. They have to read them

because to get out of text they might say something outrageous that will rile the emotions of the Premier to the extent that they might be fired, they might not get certain positions.

Speak from your heart, if you can, and say to the public that you think what the Premier has done is profoundly wrong and the damage needs to be corrected now while you still have a chance. Bring out some of that courage. You've been in there two terms, some of you. It's a shame that you're there parroting the views of your Premier on something he has meddled in of which he knows nothing.

I am urging you, the public, to have a close look at this bill. I am urging you to meet with these people and ask them to account to you. That's the only power we've got left.

The Acting Speaker: Further remarks?

Mrs Brenda Elliott (Guelph-Wellington): I am very pleased to have the opportunity to add my voice to this debate on Bill 112, the McMichael Canadian Art Collection Amendment Act. We've had a vigorous debate in this House here tonight and other days preceding. We've had a number of speakers come before us in the committee hearings. The debate has indeed been vigorous, but I think it's understandable because what we're actually debating here is the fundamental principle that's dividing us. Those of us on this side of the House believe very firmly that when the government of Ontario gives its word and makes a deal it should be kept. Clearly those on the other side of the House disagree.

What we're talking about tonight is that in 1965 an agreement between Premier John Robarts and the McMichael family was made. That deal was more than a simple commercial transaction. The McMichaels of the day had a vision of an art gallery based upon a collection of work of the Group of Seven and other artists whose work fit both the general approach of the group and their contemporaries. That vision included the physical location of the gallery, the unique home and property that the McMichaels donated to the people of Ontario.

Those of us who have been to Kleinburg know how beautiful the location is and how well the physical property reflects the McMichaels' idea of an art collection based on one of the great streams of Canadian art. I make no artistic judgment about that, far be it for me, but I would note the words of one woman who testified before the committee. When asked her opinion about what the contents of the gallery should be, she simply said, "Contemporary art does not belong in a log cabin."

Be that as it may, the real issue before us tonight and throughout this entire debate is whether the government of Ontario, having agreed in 1965 to sustain the McMichaels' vision of the gallery, can then betray or override that with a different vision.

That is exactly what happened in 1989, when the Liberals—and despite all the rhetoric from my colleague across the way—deleted key words from the McMichael agreement that the new purchases for the gallery must be "consistent with the general character of the collection."

That was deleted. Further to that, even the order of those featured in the gallery was altered in that 1989 agreement. The artists of the Group of Seven and their contemporaries were in fact placed second in a list of importance in the actual act. That is extremely noteworthy.

It's interesting that the Liberal Party doesn't even want to talk about the fact that they changed the nature of the collection in their 1989 legislation. It's as though they were actually embarrassed about what they did. The minister of the day said they weren't changing the nature of the collection when in fact that is exactly what the bill did. Her words, repeated in the Legislature during that unbelievably long five minutes of debate in 1989, said it all: "The collection will, of course, continue to focus on the Group of Seven." Those were hollow words, knowing how much the legislation had changed the focus. I think the more telling words in that particular minister's few words in the House were, "A revised wording provides for a more dynamic collection." That was actually repeated several times.

If the Liberals had been up front about their actions, they probably should have renamed the gallery the Peterson collection. Just because the government was the owner of the collection, the Liberals believed it was OK for them to substitute their vision for that of the McMichaels. The government of the day had that power, but they did not have the right to do that.

It was interesting to note how many deputants in the hearings understood this. Words like "ravaged" were used. One woman succinctly summed up the effects of Liberal meddling by asking "why a collection that had a clearly defined scope and focus is trying to become all things to all people." Yet somehow that was how the Liberals visualized the gallery.

I know I am not alone in being unable to comprehend why the opposition feel this one collection must be the repository and showcase of Canadian art in its most general sense, because that was never the McMichael vision. That was not the intent of the 1965 agreement between the government and the McMichaels.

Since the Liberals won't talk about their own legislation, they have been reduced to grasping at a 20-year-old draft audit report from 1980, not even the final audit, mind you, but a draft version, which they use as their excuse for claiming Bill 112 should be scrapped. And why is that? It's because they claim, and they've been echoed by a portion of the media, that Bill 112 returns control of the McMichael gallery to the McMichael family.

Nothing could be further from the truth. I didn't know whether my colleague across the way simply couldn't add, didn't understand fractions or didn't know the difference between minority and majority. The thrust of Bill 112 is to restore the gallery to financial health by curbing its \$2.1-million operating deficit—that's just since January—and to restore the integrity of its mission to showcase the Group of Seven and related artists.

The government of Ontario retains ownership of the McMichael Canadian Art Collection and will appoint all

the members of the board of trustees. The chairman of the board is the renowned art patron and entrepreneur David Braley. The board, not the McMichaels, will manage this unique institution in the finest traditions of Canadian art collecting and displaying.

In turn, this does not mean that no one else can have any say on the collection. To my colleagues across the way, particularly on the Liberal benches, the McMichaels, for instance, will sit in a minority voting position on an art advisory committee, comprised of five people, two of whom will be the McMichaels. In that capacity, on the art advisory committee, they will recommend artists for inclusion in the collection, although the board retains the decision to buy and sell.

The curatorial staff with their great expertise will serve on a variety of committees and subcommittees and can advise the board on an ongoing basis. They will give advice on acquisition, display and disposal. The great change that flows from Bill 112 is that the McMichaels's vision of a gallery of Canadian art based upon the Group of Seven and compatible artists will be steadfastly maintained.

As the chairman of the McMichael, Mr Braley, when asked by a member of the legislative committee about the proposal of deaccessioning art, said, "It would be impossible to make judgments in advance of actually dealing with a particular piece of art." Art might be sold. It might be loaned out. The point is, the board will decide. For the record, when asked about decommissioning, Mr Braley said, "One would be foolish to sell a lot of art at one time when the marketplace devalued it."

It's been a very interesting time hearing the deputants come before the committee to speak about this bill. My colleagues across the way have focused their attention on some of the curators and some of the people in the art community who have expressed their concerns, primarily at the role they will have in the committee.

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I would point out to my colleagues here in the House that the McMichael art collection is an agency of the province of Ontario. The cabinet would appoint the directors, just as the cabinet in the federal government would appoint the directors of the art gallery or the Museum of Civilization. This is being done no differently, in a very responsible way. The art advisory committee, and my colleagues across the way just can't seem to understand this, makes decisions about the art but the board actually makes the decisions about the ways the art will be bought or sold or managed at the collection.

My colleagues across the way have forgotten to mention some of the very interesting people who have come before the committee. Many of the people who are very supportive of the changes the government has proposed in this piece of legislation spoke without notes, and I found that most interesting. They spoke from their hearts, people like Pierre Berton, Ken Danby and George McLean, who are world renowned artists who had very clear opinions about the role of art at this gallery, about the role of the McMichaels, about the role of govern-

ment, about the relationship with this gallery. They were very supportive of the actions of our government and understood very clearly what we are trying to do in restoring the collection to the vision of the 1965 agreement and the original intent of the McMichaels.

We have used so many words in this debate, but I think the key things are that we're returning honour to the agreement that was made. We understand that when the province of Ontario makes a decision and an agreement, and in this case agrees to manage a very substantial and noteworthy gift in 1965, it has obligations to honour that original intent. Through the years, particularly under the Liberal change of legislation, that has been altered, and we are going back to that.

Before us looms a new age for the McMichael as a focal point for Canadian art, as a tourist destination and as a theme gallery highlighting both the past and the road into the future. I would like to close with a comment from one woman who spoke to us who had had a very long history with the art gallery, as a visitor, as a neighbour and as a member. She said, "Webster's Dictionary defines a collection as 'things brought together by choice.'" This is by Lucy Kristan. "Clearly, the membership of the collection and the regular visitors no longer agree with the choices, and it is time to change the direction back."

We are doing just that and we look forward to support on this bill.

Mr Gerretsen: Let me, first of all, say that I wish to congratulate my colleague from Sarnia, who gave an excellent presentation as our critic with respect to this bill. Let me make one other point right at the beginning, because this has been alluded to on a number of occasions, that somehow in 1989 the government of the day, that bad Liberal government, changed the bill unilaterally, in five minutes, without much debate. I've taken the opportunity to actually pick up the Hansard for the 1989 debate, and I would like to read verbatim what happened with respect to the changes that were made in the bill in 1989.

You've got to remember that in 1965 the McMichaels gave this collection to the province of Ontario, donated it, got money, got various tax donations. The Conservative government of 1972 changed the 1965 agreement, and that has already been alluded to by my colleague from the New Democratic Party, and then the government members keep saying that in 1989 this bill was changed, that this collection was totally changed, by that horrible Liberal government.

I will just read to you, and I will read you almost every word, because I want the members in the House to know exactly what happened that day. The debate took place on July 13, 1989.

Interjection: In the days when they sat in the summer.

Mr Gerretsen: Yes, it was during the days when they sat in the summer. It was Bill 209 and it was presented to the House on second reading by Ms Oddie Munro. She stated as follows: "This legislation has been a high priority of my ministry." She was the minister at the

time. "Bill 209 contains amendments to the McMichael Canadian Collection Act.

"The purposes of the legislation are:

"First, to provide an appropriate and bilingual name for the organization. The corporation will be known as the McMichael Canadian Art Collection, Collection McMichael d'art canadien.

"Second, to enlarge the board of trustees. This will enable the provision of more effective direction to the collection and, in particular, to improve its fundraising capabilities.

"Third, to clarify the collection's mandate. To provide for a continuing dynamic collection, the legislation will provide that the focus of the collection be works of art created by Indian, Inuit and Metis artists, the Group of Seven and their contemporaries and other artists who have made a contribution to the development of Canadian art....

"Thank you, Mr Speaker," Miss Munro goes on, "for allowing me the opportunity to introduce Bill 209 to my colleagues in the Legislature for second reading. I look forward to hearing the comments of my colleagues."

I would really like the government members to listen to this next sentence. Mr Wiseman was a Conservative member of Parliament from the Perth area. I've forgotten the exact name of his riding. I think it was Lanark something or other. On behalf of his caucus, on behalf of the Conservative caucus at the time, he states, "We agree with these four housekeeping amendments." He didn't think there was anything drastic going on.

He said: "We agree with these four housekeeping amendments, but I do have a couple of questions for the minister.

"I would like to know if the gift from the McMichaels will be kept in place and if Mr and Mrs McMichael will remain on the board of 17 as long as he or she is capable of handling that position."

There was obviously some concern by the McMichaels about that at that time as well.

This was Mr Doug Wiseman. I think at one time he was the Minister of Government Services in the Conservative government, from the Perth area. I'm sure that the Minister of Consumer and Commercial Relations from Leeds-Grenville knows him well. He said, "Other than that, if we can be assured that those two or three things will take place, we have no complaints and would support the bill." Hansard, page 2359 of 1989.

Let's just go on a little bit further. The NDP critic then, who was Mr Charlton, agreed as well. Then the Acting Speaker said, "Would the minister care to wrap up the debate with her reply?"

She basically goes on to restate what I've already said that the minister said earlier in her remarks.

At the very end of her statement, she states, "In closing, I would be more than willing to take any additional comments from members of the Legislature and wish to assure the members that I value their comments highly in regard to the direction the McMichael collec-

tion goes from here on in. Those are my final comments, then, on Bill 209."

"Motion agreed to.

"Bill ordered for third reading."

So much for that.

When I heard earlier on that this bill had been agreed to in five minutes, I figured that unless there were an awful lot of five-minute closure motions in those days, it must have been a matter that everybody agreed to. That was the main reason why I looked up in Hansard to see exactly what had happened. What I suspected had happened, of course, had actually occurred, and that is that this was something that was agreed to by everyone in the House, including Mr Doug Wiseman, the Minister of Government Services at one time, on behalf of the Conservative caucus.

This smokescreen of somehow now coming forward and saying, "We are trying to correct this horrible bill that had been passed by that horrible Liberal government back in 1989 in a matter of 15 minutes," is absolute nonsense.

I suppose the first thing that the people out there might say on a night like tonight: "Why are these people talking about this the whole night? Why did they talk about it for three or four days before that? We've only been back three or four weeks. Why did they spend four days on committees?"—I believe I was there on three of those days listening to the deputations from the arts community on one side; on one side there was a whole group of people supporting the McMichaels, and on the other side was a whole group of other people taking the opposite viewpoint—"when there are so many other real problems to talk about?"

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We've got problems with respect to the education system. High school students across this province are crying out for a full educational experience. They truly want extracurricular activities and they want the minister to step in and resolve the issues out there. She is the individual who caused this crisis and chaos in education and she is the only person who can bring all the parties together and actually resolve it, so our students in this province can get the full educational experience they are entitled to. Those are the kinds of issues we should be talking about.

We should be talking about health care and the horrible state it's in. Just the other day we read in the paper that a cancer patient waited for seven months to start treatment. Why aren't we dealing with those kinds of situations in this House?

Or how about the environment? Look at what's happening in Walkerton. It's a disgrace when people throughout the province of Ontario aren't quite sure whether they can drink the water in their taps because who knows when the next calamity may fall upon us. So why don't we do something about those situations?

I come from a community where we truly value the arts and culture. It's an integral part of our society in Kingston and we're very proud of it. I certainly don't

want to demean whatever we can do for arts and culture for this province. But to spend the amount of time on this kind of legislation, when we could be spending it to deal with so many other real problems out there in this province, I think is plain unfair to the people of Ontario and is outrageous.

Then to have the government mislead us—earlier today I was told that was a perfectly acceptable term to use. I was told because I specifically asked the Speaker—

The Acting Speaker: You will have to withdraw that. You cannot accuse the government of misleading the House.

Mr Gerretsen: I withdraw, Speaker.

But when the government, in effect, comes in here and tells us that they're trying to correct a horrendous agreement that was signed in 1989, or a bill that was passed by a government in 1989, and it turns out that everybody in this Legislature at that time backed that particular bill, and when that particular bill, quite frankly, did very little different than what the original bill did in 1972, then I say, why doesn't the government just fess up?

I believe the member from Trinity-Spadina. I am positive, as he is, that what happened here is that the McMichaels and Mr Harris, or somebody in Mr Harris's entourage or within cabinet, got together and there was a deal made. "Something has to be done for the McMichaels. We'll put it through the House because it's something that isn't going to take more than a day or two." I'm sure it was done under those kind of circumstances and under that kind of pretext.

Dozens of organizations made presentations that claimed that what Bill 112 is trying to do is going in exactly the wrong direction. Is the Royal Canadian Academy of Arts and the over 600 members it represents wrong? Is the Canadian Art Museum Directors Organization and the number of people it represents wrong? Is the Canadian Artists' Representation Ontario wrong?

Hon Mr Baird: Is Pierre Berton wrong?

Mr Gerretsen: Mr Berton has a different opinion. Mr Berton may be a very close friend of the McMichaels or he may not be. I'm sure that the McMichaels are well-intentioned. It is not my purpose here to demean the McMichaels and what they've done for this province and the kind of collection they've brought to this province. But that's not what this is about. It is not about the McMichaels; it is about how we want to see a government govern on behalf of all the people of Ontario. This bill doesn't do anything but give the McMichaels more power. That's all it does. You'll get your way eventually, and under the guise that putting this advisory committee in this bill and giving the McMichaels full power somehow will do away with the \$1.6-million deficit this gallery is operating on on a year-to-year basis.

My colleague from Sarnia-Lambton, the critic for our party, brought forward an amendment to set up a financial advisory commission so they could actually give the organization advice as to how run the operation in a more fiscally accountable fashion. What's wrong with that? Why did they reject that? It's interesting that the only

thing the bill really deals with is who is going to make the decisions with respect to what gets acquired and how it gets displayed and things like that. Then all of the financial problems will somehow be dealt with in an efficient and effective manner.

I know the auditor's report that was done in 1980 was done 20 years ago. I certainly don't think this is a document that should make any determination in this matter at all. But it is kind of interesting, all the same, that the auditor came up with the recommendation as to how the collection was handled in a very haphazard manner while the McMichaels were in charge. I'm not going to quote from here, because it's already been quoted from today by my colleague on a number of occasions, other than to say that this audit report is very critical of the way in which the gallery was being run while Mr McMichael was in charge earlier.

Why would you want to put him in charge again when, according to these auditors, he financially mismanaged the place 20 years ago? Has there been any evidence given that the McMichaels now have somehow, maybe through the help of other people, come up with a plan whereby the annual deficit of \$1.6 million will be done away with? We haven't heard anything like that. All we've heard is that somehow that bad Liberal bill of 1989, which was agreed to by all parties in the House—and it's in Hansard—has to be undone, when you and I and the public out there know full well that it's not about that at all. It is not about the kind of legislation that was passed back then. Maybe, to a certain extent, it isn't even about the legislation that we're passing now. It is just all a cloud that's being created in order to give control back to presumably the individuals who caused a lot of the financial mismanagement, at least when they were in charge a number of years ago.

I say to you, read what happened in 1989. The 1989 legislation is good and it can be used as an effective tool to properly manage the museum the way it is currently constructed.

Mr Dunlop: It is a pleasure to be speaking this evening on Bill 112. I'll be sharing the rest of the time with the member for Scarborough East and the member for Northumberland.

It is a pleasure to be speaking on this bill, an act to restore the McMichael art gallery to its original intent as a showcase for the Group of Seven and their contemporaries. I know that there has been a lot of debate on this bill, with second reading as well as some very heated debate in our general government committee meetings. I found them very interesting.

I would like to thank the members who have spoken tonight: Minister Johns; the parliamentary assistant, Brenda Elliott; the member for Sarnia-Lambton, who had a lot of points that were worth considering; the member for Kingston and the Islands; and also the member for Trinity-Spadina.

Our purpose here today is very clear. It is to keep a commitment the Ontario government made in 1965. It is to restore an ailing public institution to financial health. It

is to protect the interests of Ontario taxpayers and the investment they have made in a legacy for future generations. And it is to preserve a unique chapter in our nation's history.

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Bill 112, the McMichael Canadian Art Collection Amendment Act, will accomplish all of these things. It is not surprising, then, that this legislation has stirred such an emotional response from the members of this House and from ordinary people across our province. But at the end of the day we must ask ourselves one simple question: has the McMichael Canadian Art Collection benefited from the changes inflicted upon it in recent years? Is it better off today than when it stayed true to the course set out by its founders? The simple answer is no.

An independent auditor's report on the gallery earlier this year found a deficit of \$1.6 million for the fiscal year 1999-2000. It attributed the shortfall to high fundraising costs, dwindling corporate sponsorship, a significant decrease in attendance, weak project management, high staff levels and the lack of a formal budget process. This is the cost of the ongoing controversy at the McMichael. This is the price we must pay for the unfortunate attempts of a previous government to fix something that was never broken in the first place.

Robert and Signe McMichael dedicated years to putting together the definitive collection of artworks by the Group of Seven and their contemporaries. They appreciated the singular nature of this remarkable school of art.

The Group of Seven painted brilliant landscapes that transported the viewer across the breadth of this incredible province, from the Great Lakes heritage coastline, through the pristine reaches of my riding on the shores of Georgian Bay and the Muskokas, to the rugged wilderness north of Lake Superior.

In 1911, Franklin Carmichael left his hometown of Orillia, Ontario, and moved to Toronto so that he might pursue his interest in art at the Central Technical School and the Ontario College of Art. In later years, the La Cloche Hills area north of Georgian Bay became both a favourite painting location and the site of the family cottage. His La Cloche paintings depict the beautiful rolling hills, glistening lakes and dramatic skies so characteristic of the Muskokas and the area around Georgian Bay, as well as most of the area included in my riding.

As our most eminent historian and author, Mr Pierre Berton, pointed out during the committee hearings on Bill 112, the Group of Seven, along with Tom Thomson, made up the first national arts movement in Canada. Their art showed the world that Canada had its own distinct identity. This was a major milestone in our country's cultural and political development.

The McMichaels recognized its significance, and they came to believe that their collection was something to be shared and celebrated, not kept behind closed doors. So in 1965, they made a generous gift to the province of 194 works of art. They also donated their home and the

beautiful property on which it sits to create a permanent site for the collection.

In making their gift, the McMichaels entered into an agreement with the province. They had assurances from the government of the day that the unique character of the collection would be maintained and that the new gallery would serve as a lasting tribute to the Group of Seven.

Some critics of this bill have said that the McMichaels were fairly compensated for their gift—as if you can put a price tag on a life-long labour of love. They have suggested that this should have ended the McMichaels' involvement in the gallery that bears their name.

It was clearly their vision that guided the gallery in its early years. It was their dream that captured the imagination of Ontarians, Canadians and thousands of visitors from abroad.

By 1972, the collection had grown to such an extent that legislation was passed to make it a crown corporation. Profound as this change was, it did not undermine the integrity of the collection. The legislation was amended in 1982 to further protect that integrity and give it the force of law. The gallery continued to thrive.

It was in 1989, under a Liberal government, that an act was brought forward to expand the focus of the collection. This was the misguided moment at which the integrity of the collection was violated.

Without the unique mandate that was its very essence, the magnificent tapestry that was the McMichael Canadian Art Collection started to come apart at the seams. It's our job today to mend the rifts, to restore the integrity of the collection and build the foundation for its future success.

Bill 112 honours the intent of the original agreement that the province made with the McMichaels. It keeps a promise that was made, and it promises a return to financial prosperity.

Under the proposed legislation, the McMichael Canadian Art Collection will comprise works by Tom Thomson, Emily Carr, A.Y. Jackson, Lawren Harris, A.J. Casson, Frederick Varley, Arthur Lismer, J.E.H. Macdonald, Franklin Carmichael, Franz Johnston, and David Milne, as well as Aboriginal artists who have made a contribution to the development of Canadian art. I'm pleased to say that David Milne painted a lot of his paintings in the Six Mile Lake area, just in the southern part of Muskoka, north of my riding, and there's quite an interest in the cabin he formerly painted in.

Limiting the scope of the collection to these artists does not limit the potential for creativity or artistic excellence. As we heard during the second reading debate, many world-famous galleries and museums have collections devoted to a specific time period, artist or artistic style. Rather than striving to be all things to all people, these institutions have worked hard to be the best in the world within their genre.

At the committee hearings, one of Canada's most popular artists, Mr Ken Danby, called Bill 112 commendable for honouring the terms of the original agree-

ment between the province and the McMichaels. Surely someone so highly respected in the art world, who has served on the boards of both the National Gallery of Canada and the Canada Council, would not pull any punches if he thought the government's proposed direction for the McMichael was artistically ill advised.

Bill 112 will establish a five-member art advisory committee at the McMichael to review all of the art collection and all the art being considered for acquisition. The committee will make recommendations to the gallery's board of trustees, which is of course appointed by the Lieutenant Governor in Council.

The board will make the final decisions about what art is consistent with the collection's mandate—not the government, not the McMichaels, but the board—and the board will determine what should be done with those works that do not fit the mandate.

On this issue, I want to repeat what the McMichael's newly appointed chair, Mr David Braley, said before the legislative committee confirming his appointment in August. When asked what would happen to the art that was no longer appropriate for the collection, he responded:

"It might get sold; it might get loaned someplace else. I can't make these judgments in advance of actually dealing with a particular piece of art or what have you. I don't think I'm personally qualified to make the decisions. I can guide it from an administrative point of view. I can make sure that everyone is dealt with fairly. I will follow whatever contractual arrangements are made because that is what has to be done."

Doing what has to be done—that's a sign of strong and practical leadership. Our government is absolutely confident that Mr Braley is the right person to straighten out the McMichael's financial difficulties and lead the gallery back to fiscal good health. Mr Braley is a respected member of Ontario's business community, with tremendous managerial expertise. He is a renowned philanthropist who has dedicated both time and money to worthwhile causes in his hometown of Hamilton.

Mr Braley and the board have a challenging task ahead of them. They will have to put in place cost-effective financial, administrative and operational processes to keep the McMichael on track and in the black. They can count on our government to work with them toward this important goal.

The Minister of Citizenship, Culture and Recreation has already announced that the government will invest \$2 million in capital improvements to safeguard the collection. These will include repairs to the roof, windows and mechanical systems of the building that houses the gallery.

The passage today of Bill 112, funding for much-needed repairs at the gallery and other steps to put the McMichael's financial house in order—all these things together constitute a well-considered, reasonable plan of action to restore the McMichael to international prominence.

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The most valuable thing that we can do, however, to protect and preserve this unique collection is to finally put to rest the controversy and division that have undermined the gallery's success in recent years. Too much time and effort has been spent on a war of words. Too little attention has gone to constructive activities to build the gallery's revenue base and expand its audiences.

Let us view Bill 112 as the end of this conflict and the beginning of a proud new era of the McMichael Canadian Art Collection. Let us turn our energies to making the McMichael a monument to our Canadian heritage and a timeless testament to the cultural birth of our nation.

Mr Speaker, I thank you for this time to speak tonight.

Mr Bob Wood (London West): I want to speak very briefly on this matter. I'd like to draw to the attention of the House that this situation involved an art gallery which had strayed from its original mission and had had a sharp drop in attendance. Action was obviously needed, and what the government has done is look to the original mandate and the original visionaries to restore a situation of significant problems for the art gallery.

We've heard a lot of talk today about past agreements, past legislation and so on. I'd like to suggest to the House that this is totally meaningless to art lovers and potential patrons of the gallery. I think the government has a duty to intervene where a publicly supported gallery is losing the support of the public. The government has come up with a plan to attract the interest and support of contemporary art lovers, and I think it's well worth a try. The people of Ontario have made it quite clear that they like good art and they are prepared to support good art, particularly when it's in the styles which they admire. The success of the Barnes exhibit proves that.

Other than spending more money, I've heard of no other credible solution proposed by the Liberal Party. I think it's time to address this problem and take some effective steps to solve it.

Mr Gilchrist: I'm pleased to add a few comments to the debate here this evening about the final resolution for the situation at the McMichael Canadian Art Collection.

I was quite ashamed, quite frankly, to sit here and listen to the submissions made by the member for Sarnia. I think her input was deplorable and should be an embarrassment to her and her party. I think you can disagree with people without resorting to sort of gutter language and innuendo. I would challenge her and challenge the member for Kingston and the Islands to say the same thing outside this chamber they said in here. You would see how fast your parliamentary immunity would disappear. Again, we heard nothing in terms of a specific suggestion, we heard nothing in terms of the actual content of what we're doing.

The Liberal Party position seemed to be that, because one Tory member was duped back in 1989 by the submissions of the then Liberal minister that the changes were just minor housekeeping, somehow that makes what

you did to the McMichaels OK. The absolute betrayal of the original promise in 1965 and the secondary promise in 1972 was totally undermined by what you did. You failed to mention, as you were quoting selectively from Hansard, the fact that, as your members suggest, it was minor housekeeping, but then when you go to the actual bill you'll find that, for example, the Group of Seven was taken out of the primary position and moved to second place. How in blazes can you consider that that's keeping with the spirit of the donation of the Group of Seven art in 1965? Instead, to be politically correct, your colleagues thought that native Canadian art should rank first, and then maybe Group of Seven, and then we'll continue down the stream.

You also dropped "consistent with" when advising the board how their future deliberations should be guided. You totally removed the mandate that had existed that they must respect the original premise, the original promise to the McMichaels.

So with the greatest respect, if you're going to read Hansard, read all of Hansard next time. That sort of selective quote does a disservice to the members who participated in the debate back then.

While it's a very easy thing for the member to do in this case, because debate was only five minutes, it may or may not be widely known that between the years 1985 and 1990, the average time for third reading debate for all bills that went through the Liberal government was five minutes. Five minutes was the average time for debate for the entire five-year term. We don't need a lecture about democracy from the member for Kingston and the Islands or anyone else on the other side. This is our fifth day of debate on this bill. That would be five days times two and a half hours, plus two days in committee. I think that goes a tad beyond the five-minute yardstick that the Liberal Party established in 1989 as being sufficient for debate, and not just on this but on every issue. It didn't matter if it was education or health care or law-and-order issues, the average bill was debated for five minutes at third reading. They should be ashamed of that record, and I am astounded they would ever want to bring that up in this House.

The bottom line is that the submissions we heard in committee were very clear. We heard from very reputable Canadian artists, the likes of Ken Danby, and Canadian icons. No less than Pierre Berton came out in defence of what the government is doing, a man who in his own submission said that it's not every day that he agrees with what our government does. But on this issue he couldn't have been clearer: he agreed categorically that what had been done to the McMichaels in 1989 had to be undone. If there was to be any sense of fairness and any sense of justice, any sense of honouring a promise, then we were on the right path, and he endorsed that unequivocally. I must say I thank Mr Berton for taking the time to come and appear before our committee, and people like Ken Danby.

In their zeal to add all sorts of weird and wonderful reflections on what passes for art but does not pass for part of the original vision the McMichaels had for Canad-

ian art, they have never purchased a Robert Bateman. They don't have any Ken Danbys. They don't have any Michael Dumases. So the very art that Canadians all across this country are indicating with their cold hard cash are the works of art that they value, that they say are consistent with our heritage and our culture, that express the Canadian way of life better than anything else, not one of those works of art has been purchased, thanks to what has been done to the McMichael board by the member opposite and his colleagues back in 1989. It is desperately needed. We have to get back on focus.

We've heard for years now that the attendance has been declining. The member opposite, who spoke so passionately for an hour, who damned us ad nauseam, failed to mention that he was the actual minister who oversaw the McMichael art gallery and he didn't seem at all concerned during those years that the attendance was dropping, that they were losing money, that somehow that shouldn't be considered when we talk about whether or not McMichael was being consistent with its original vision. Of course the people of Toronto, the GTA and all across Ontario, not to mention tourists, were voting with their attendance dollars. They saw that it had lost focus. They saw that whatever it was that drew the bigger crowds in the 1960s, 1970s and early 1980s had changed.

We heard submissions in committee. One gentleman, whose mother had opened a very famous restaurant called the Doctor's House in Kleinburg and who had operated it for many years, suggested that along the way the loss of focus had started to hurt the other businesses in Kleinburg. But he made one other very poignant observation. He convinced his late mother back in 1982 to donate a very expensive work by Lawren Harris. Group of Seven paintings are consistently selling for above half a million dollars. In many cases they've broken the million-dollar mark. I would hate to hazard a guess on what this particular painting would fetch, but it would certainly be well into six digits. That work of art has sat in the vault for 18 years. So when the member opposite suggests that there might be a need to put some of the modern art down in a vault and that that's a damnable turn of events, let me suggest to him that taking something that was consistent with that original Group of Seven vision, that was donated by someone 18 years ago, that has never seen the light of day, leaving that buried in the vault is even more damnable. He should be ashamed that in his five years nothing was done to respect the donations that were made by conscientious contributors to the McMichael gallery, no less the McMichaels themselves.

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The bottom line, as I said, is that we must get back on track. We must respect the original decision and the promise that was made to the McMichaels. It is utterly staggering to us on this side when we hear the kinds of comments from the members opposite that this bill somehow gives the McMichaels all the power. Math class may be a few decades ago to the member from Sarnia, but they are two members out of five on the art

advisory board. I don't think two can outvote three and I would very much appreciate her explaining in what circumstance that might take place.

But even then, the only power that the art advisory board has exclusively to itself is the ability to designate if an artist is consistent with the overall thematic offerings that should be presented at the gallery. They are not in a position to determine the disposal of artwork or the acquisition of new artwork. They can't set budgets. They can't hire and fire staff. They can't do anything in terms of the day-to-day operation save and except they can pass their views on as to whether or not an artist should be allowed to represent their works there.

In that context, that is not an excessive offering to Mr Michael. He was, and his wife was, a member of the original art advisory committee, something which was done away with by the Liberals in 1989. To simply restore that and allow him some input, for whatever number of years remain to him, I don't think is at all inappropriate. I am quite proud to be part of a government that would bring back the original spirit and most, if not all, of the original content of the promise that was made to Mr McMichael and his wife.

I know my colleague wants to offer the final comments here tonight. I can tell you that, having chaired the committee hearings and heard all the depositions, I was completely unconvinced by those who suggested to us that those who are at the public trough are the best people to pass judgment on what is or is not art.

I will take my direction from the people themselves, the people who were going to the gallery but are not now, the people who buy other works of art that are not represented. I think their views are the views we're expressing through this bill. We are representing the majority interest in Ontario. We are doing the right thing. We are keeping a promise.

Mr Galt: Thank you very much for the opportunity to wind up debate on third reading of Bill 112, the McMichael bill.

We've heard a lot and the public recognize this government is doing what it said it was going to do. Even stretching it further, we're taking it back to 1965, to honouring that original contract. That's really a lot of what this bill is about.

Certainly, we believe as a government in the thriving arts and cultural community, to ensure that the best and the brightest remain here. This is certainly a unique situation; I don't think there is any question. What a lot of this is about is returning it to sound financial health.

I just came across some figures—I found them just outstanding, particularly when I see the volume of money that's been going out for this particular gallery. It's almost \$3 million a year, starting in 1990, right after the Liberals brought in their famous bill back in 1989, meddling with the original intent. Then it drops slightly in 1996-97, to \$2.7 million. That continued until this past year—well, it's still at \$2.7 million. That is the kind of money that's being spent on this collection. We believe that getting it back to its original intent and getting it on a sound financial foundation is really what it's about.

When we looked at it this year, they were projecting a deficit at the beginning of the year of some \$300,000 and that has moved up now to some \$2.1 million. This is the kind of thing the Liberals expect and take for granted is going to happen. Just a quote from the National Post back on April 11, 2000, from the former chair: "The deficit arrived like a huge, bloody tidal wave and there was no warning of it."

I think there was lots of warning for some time if they just paid attention to what was going on there. So the end result was David Braley was appointed—a well-respected patron of the arts community, entrepreneur and community leader—as chair of the gallery to oversee the gallery, to oversee the gallery's successful turnaround. Indeed, that is what we need to have happen here.

I can see where the Minister of Citizenship, Culture and Recreation is really coming from: we need to get that McMichael gallery back on a solid foundation. Let's go back to the roots, the wherefores of the McMichael collection, why it was established to celebrate Canadian art. This debate really isn't about art, it's more a debate about getting this whole gallery back on a sound financial basis. We've been into pulling it away from its original intent and have wandered quite a ways away, and that never was the intent of where this was going.

I hear a lot from the Liberals. I want to bring to their attention a crown agency that the federal Liberals have—and I suppose they would be thinking along the same line—the National Gallery of Canada. "In furtherance of its purposes, the National Gallery of Canada has the capacity and, subject to this act, the rights, powers and privileges of a natural person, and in particular but without limiting the generality of the foregoing, the National Gallery of Canada may sell, exchange, give away, destroy"—imagine, they have that in their legislation—"or otherwise dispose of works of art and other museum material in its collection and use any revenue obtained therefrom to further its collection." To destroy—that's under section C. It goes on, under section L: "acquire property by gift, bequest or otherwise, and hold in trust or otherwise expand, invest, administer and dispose of"—"dispose of," I underline—"that property."

You know, this is the kind of thing that the Liberals stand for that is most unfortunate. This started with the Liberals accusing the government of meddling when in fact it was their government back in 1989 which set the gallery down the road to controversy and, as I just went through, some of the financial standings that we had. It was going in the hole approximately \$3 million a year.

This is when the member from Thunder Bay-Atikokan was sitting at the cabinet table and allowing this kind of thing to happen. It was Liberal legislation that expanded the mandate way beyond the original intent. It reneged on the original deal with the McMichaels and it set into motion the eventual court challenge, and that was most unfortunate.

So let's get it straight: first the Liberals reneged on the deal. because that's what the—

Mr Dominic Agostino (Hamilton East): On a point of order, Mr Speaker: Based on the resolution passed, I

believe that it's past 9:30 and I believe the House should be adjourned at this point.

The Acting Speaker: It was an agreement that all parties would get equal time on this tonight. We've got about three minutes left, and in order to honour that agreement, I'm going to allow the member for Northumberland to finish his comments.

Mr Galt: So first the Liberals reneged on the deal, and because of that the McMichaels took the government to court, a challenge we which as a government we had an obligation to defend. The lower court's decision of November 1996 was appealed because our positions would be subjected to legal challenges.

We challenged the original court decision because we didn't want the question, "What is art?" left up to a judge, just like we didn't want it left up to politicians, which makes a lot of sense.

I hear the member from Kingston and the Islands. He talks about the great art that's in the city of Kingston. What he didn't tell you about was the infrastructure that he left as mayor of that city, the infrastructure that's underground. It's deteriorating and it's spilling into the Rideau River. That's the kind of environmentalist that we had, the member from Kingston and the Islands, when he was mayor of the city of Kingston. I guess he was only interested in the arts and had no interest whatsoever in what was underground and what was protecting the environment. Let them rust out, let them deteriorate, it made no difference to you, obviously, because just read in the paper, last spring, what was going on in your fine city. Have a look.

The Acting Speaker: Will the member please speak to the bill.

Mr Galt: I was responding to a comment that was made by the member for Kingston and the Islands when

he was talking about it earlier. I'm sorry that maybe I got off track, but I was responding to his comments.

It was Justice Finlayson who reminded us of what was at stake in the middle of all of this controversy. I think what we're looking at here is really getting this back to the original intent. I have heard nothing in this debate, whether it was in committee, in second reading or in third reading, that would change my mind on the direction that it should be going.

Interjections.

Mr Galt: They are yelling across the House, but they really have nothing to offer as to real content and where it should go, other than, being typical of Liberals, wanting to spend, spend, spend. That seems to be their only solution. It doesn't matter whether it's health care, education or back to the McMichael gallery, as long as they can spend, they're going to feel pretty good about it, and that's exactly the direction they want to go. But I can enthusiastically support Bill 112, the McMichael bill, on its third reading.

The Acting Speaker: Mrs Johns has moved third reading of Bill 112. Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 10-minute bell.

I believe we have a deferral motion: "Pursuant to standing order 28(h), I would like to request that the vote on Bill 112 be deferred until tomorrow at deferred votes." The vote is therefore deferred.

This House stands adjourned until 1:30 of the clock tomorrow, November 1.

The House adjourned at 2132.

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma-Manitoulin	Brown, Michael A. (L)	Hamilton Mountain	Bountrogianni, Marie (L)
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Don Valley East / -Est	Caplan, David (L)	London-Fanshawe	Mazzilli, Frank (PC)
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Durham	O'Toole, John R. (PC)	Mississauga East / -Est	DeFaria, Carl (PC)
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Halton	Chudleigh, Ted (PC)		
Hamilton East / -Est	Agostino, Dominic (L)		

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
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Oak Ridges	Klees, Hon / L'hon Frank (PC) Minister without Portfolio / ministre sans portefeuille	St Catharines	Bradley, James J. (L)
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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Ottawa-Vanier	Boyer, Claudette (L)	Thunder Bay-Superior North / -Nord	Gravelle, Michael (L)
Oxford	Hardeman, Hon / L'hon Ernie (PC) Minister of Agriculture, Food and Rural Affairs / ministre de l'Agriculture, de l'Alimentation et des Affaires rurales	Timiskaming-Cochrane	Ramsay, David (L)
Parkdale-High Park	Kennedy, Gerard (L)	Timmins-James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Parry Sound-Muskoka	Eves, Hon / L'hon Ernie L. (PC) Deputy Premier, Minister of Finance / vice-premier ministre, ministre des Finances	Toronto Centre-Rosedale / Toronto-Centre-Rosedale	Smitherman, George (L)
Perth-Middlesex	Johnson, Bert (PC)	Toronto-Danforth	Churley, Marilyn (ND)
Peterborough	Stewart, R. Gary (PC)	Trinity-Spadina	Marchese, Rosario (ND)
Pickering-Ajax-Uxbridge	Ecker, Hon / L'hon Janet (PC) Minister of Education / ministre de l'Éducation	Vaughan-King-Aurora	Palladini, Hon / L'hon Al (PC) Minister of Economic Development and Trade / ministre du Développement économique et du Commerce
Prince Edward-Hastings	Parsons, Ernie (L)	Waterloo-Wellington	Arnott, Ted (PC)
Renfrew-Nipissing-Pembroke	Conway, Sean G. (L)	Whitby-Ajax	Flaherty, Hon / L'hon Jim (PC) Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Sarnia-Lambton	Di Cocco, Caroline (L)	Willowdale	Young, David (PC)
Sault Ste Marie	Martin, Tony (ND)	Windsor West / -Ouest	Pupatello, Sandra (L)
Scarborough Centre / -Centre	Mushinski, Marilyn (PC)	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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