



**Legislative Assembly
of Ontario**

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**Official Report
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(Hansard)**

**Journal
des débats
(Hansard)**

Monday 4 December 2000

Lundi 4 décembre 2000

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Monday 4 December 2000

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Lundi 4 décembre 2000

The House met at 1845.

ORDERS OF THE DAY

The Acting Speaker (Mr Bert Johnson): The Chair recognizes the minister from Oak Ridges.

Hon Frank Klees (Minister without Portfolio): On a point of order, Mr Speaker: I'm seeking unanimous consent to move a motion without notice regarding this afternoon's debate, and that the motion be debated until 7:15 this evening, the time being divided equally among the three parties, and that at the end of that time the question on the motion be put without further debate or amendment, with no deferral of any division on the motion being permitted.

The Acting Speaker: Is it agreed? It is not agreed.

EMPLOYMENT STANDARDS ACT, 2000

LOI DE 2000

SUR LES NORMES D'EMPLOI

Mr Stockwell moved second reading of the following bill:

Bill 147, An Act to revise the law related to employment standards / Projet de loi 147, Loi portant révision du droit relatif aux normes d'emploi.

The Acting Speaker (Mr Bert Johnson): The Chair recognizes the Minister of Labour.

Hon Chris Stockwell (Minister of Labour): It seems appropriate, probably, to make at least an opening comment with respect to the situation we find ourselves in. It would appear that a good number of the members of the House would not be prepared to be debating Bill 147 right now. They would prefer to see the motion—

The Acting Speaker: The Chair recognizes the member from Niagara Centre on a point of order.

Mr Peter Kormos (Niagara Centre): Point made, which is why I'm calling for a quorum count, please.

The Acting Speaker: Could you check and see if there is a quorum present.

Clerk Assistant (Ms Deborah Deller): A quorum is not present.

The Acting Speaker: Call in the members. This will be up to a five-minute bell.

The Acting Speaker ordered the bells rung.

The Acting Speaker: The Chair recognizes the Minister of Labour.

Hon Mr Stockwell: It's too bad, I guess, sometimes there are mistakes made in this Legislature that hinge on a certain goodwill and benefit from all sides—

Mr Kormos: On a point of order, Mr Speaker: I seek unanimous consent for an order from this assembly that the Hansard of this afternoon's debate around Bill 144 not be published in either written or electronic form until such time as the police have terminated their investigation of the matter.

The Acting Speaker: I'm advised that the consent has to be for a motion, and if there is consent, then you can give me the motion.

Mr Kormos: I would like to thank you, Speaker.

Hon Frank Klees (Minister without Portfolio): On a point of order, Mr Speaker: I ask for a five-minute recess.

The Acting Speaker: Is there consent for a five-minute recess? It is agreed.

The House recessed from 1849 to 1854.

Hon Mr Klees: On a point of order, Mr Speaker: I would ask for a further five-minute recess.

The Acting Speaker: Do we have unanimous consent for a further five-minute recess? It is agreed.

The House recessed from 1855 to 1900.

Hon Mr Klees: On a point of order, Mr Speaker: With respect, I would request a further 10-minute recess.

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

The House recessed from 1901 to 1911.

Hon Mr Klees: On a point of order, Mr Speaker: The Liberal caucus has asked for a further 20-minute recess, and I think in the interest of the evening's discussion we should give them that additional 20 minutes. I ask for unanimous consent.

The Acting Speaker: Mr Klees has moved unanimous consent for a further 20-minute recess. Agreed? It is agreed.

The House recessed from 1912 to 1938.

The Acting Speaker: The Chair recognizes the member from Niagara Centre on a point of order.

Mr Kormos: I seek unanimous consent to move that all records of remarks by the members during the debate of the motion regarding Bill 144 on Monday, December 4, 2000 not be published electronically or in print, or in any other public forum until such time as the police have completed any investigation of remarks during that debate, and further, that Hansard maintain and preserve all records in evidence of that debate, and that in any event, publication of the debate by Hansard shall not be done until such time as the assembly is sitting and has sat

for four calendar days and that the question on this motion be put no later than 9:20 pm this evening.

The Acting Speaker: Is it agreed?

Interjection.

The Acting Speaker: I'm sorry. I will ask that again. If you'll just hold that, I want to hear this point of order before I accept that.

Mr Dwight Duncan (Windsor-St Clair): On a point of order, Mr Speaker: I'm not trying to be antagonistic about this. I'm just trying to determine, is this motion debatable tonight?

Interjection: Until 9:30.

Hon Mr Stockwell: Until 9:30? Is my understanding correct that this will be debatable?

The Acting Speaker: It is until 9:20.

Mr David Christopherson (Hamilton West): On a further point, Mr Speaker: Again, further in the interest of the assembly, we would seek that that debate, should it ensue, would be time split equally between the three caucuses.

The Acting Speaker: We will assume that that is part of the question that I am now going to put to the assembly. Is it agreed? It is agreed.

The Chair recognizes the Minister of Labour.

Hon Mr Stockwell: I move adjournment of the debate on G-147.

The Acting Speaker: Mr Stockwell moves adjournment of debate on Bill 147. Is it the pleasure of the House that the motion carry? It is carried.

DISCLOSURE OF CONFIDENTIAL INFORMATION

The Acting Speaker (Mr Bert Johnson): The member from Niagara Centre, I would ask you to move your motion.

Mr Peter Kormos (Niagara Centre): I move that all records of remarks by the members during the debate of the motion regarding Bill 144 on Monday, December 4, 2000, not be published electronically or in print, or in any other public forum until such time as the police have completed any investigation of remarks during that debate, and further, that Hansard maintain and preserve all records in evidence of that debate, and that in any event, publication of the debate by Hansard shall not be done until such time as the assembly is sitting and has sat for four calendar days and that the question be put on this motion at 9:20 pm this evening and that the time for debate be split equally three ways.

The Acting Speaker: Mr Kormos moves that all records of remarks of members during the debate on the motion regarding Bill 144 on Monday, December 4 in the year 2000 not be published electronically or in print or in any other public forum until such time as the police have completed any investigation of remarks during that debate, and further, that Hansard maintain and preserve all records in evidence of that debate, and that in any event, the publication of the debate by Hansard shall not be done until such time as the assembly is sitting and has

sat for four calendar days and that the question be put at 9:20 pm tonight and that the time be split evenly between the three parties.

Is it agreed? I'm sorry. For debate, the Chair recognizes the member for Niagara Centre.

Hon Frank Klees (Minister without Portfolio): On a point of order, Mr Speaker: I seek unanimous consent for the member from Northumberland to be given an opportunity to make a statement, as part of his time in the debate, prior to the leadoff.

The Acting Speaker: Is there consent? It is not agreed. The Chair recognizes—

Interjections.

The Acting Speaker: Order. For debate, the Chair recognizes the member for Niagara Centre.

Interjections.

The Acting Speaker: Order. I'm a very patient person. If I haven't demonstrated that, I'm sorry, but it's wearing just a wee bit thin. If you mistake that as being other than a very serious warning, you're making a mistake. The Chair recognizes the member for Niagara Centre.

Mr Kormos: This is a very serious matter, and it's not one that should be undertaken lightly by way of debate at all. As the Speaker knows, this afternoon the members of this assembly were debating the time allocation motion that would, as it did, once passed, end debate on Bill 144, ironically one of this government's so-called law-and-order bills where they proclaim their enthusiastic support for the application of the rule of law. I spoke during that debate, as did other members from all three caucuses, but when I heard the comments of the member from Northumberland—and I was listening to them—I was surprised and indeed shocked. I immediately rose on a point of order, as the record may show, because the clear impression I had was that in the course of his contribution to this debate, the member from Northumberland named, as I recall, five names of persons who were young offenders. That was very obvious from the context of his comments and from that part of his comments in which he named these five people with their Christian names, as well as their surnames.

This House has considerable experience with the serious breach that is involved when there is a publication of the name of a young offender. Everyone in this House will recall that this House was confronted with that in a most dramatic way when, in a throne speech by this government, the name of a young offender was revealed. That resulted in a lengthy and thorough police investigation because the law clearly prohibits the publication of the names of young offenders. Whether one agrees with that law or not is not the point. I'm not in any way, shape or form prepared to infer from the member from Northumberland's comments that he was somehow trying to make a point, that he was engaging in some sort of act of wilful and civil disobedience. He was wilfully identifying those young people, but I'm not sure he was doing it for any other reason than to name those young people in the context of his speech.

We saw the then Solicitor General—I'm referring to the matter of the throne speech—under intense scrutiny, and we saw the Solicitor General put into the very difficult position of having to surrender his capacity as a minister during the course of that investigation. That should have been a lesson for everyone here. It made it quite clear that it is not a defence to violate the right of young offenders to the confidentiality of the publication of their names to somehow suggest that your motives were benign, that it is an absolute law. It's one, for instance, that the media have to abide by on a daily basis. It's one they very rigorously police themselves with respect to.

1950

So it was most disturbing for me to hear a member of this assembly engage in the flagrant naming of these people, but then, when I stood on a point of order to draw his attention as well as the attention of other members of the assembly to the matter, to have the member from Northumberland effectively dismiss me with some amount of disdain and then suggest that somehow it was OK to name these young offenders because he was reading, and I want to point out to you and everyone else in this assembly that he appeared very much to be reading these names from a folded piece of cardboard. It might well have been the program to an event at the institution that he was referring to, and the member suggested that somehow it was OK to read these names on to the Hansard record because they had been printed in this program. I trust that program, the one the member from Northumberland referred to while he named those young people, will be made available to any investigating authorities. Surely this assembly and the members here have had enough experience with investigations, some of them still ongoing, to know that there is an inherent duty on members of this assembly to preserve evidence and to ensure that it's made available to investigating authorities.

I rose not just once but then twice on points of order, asking the member to please seize the moment, and if not the member, another member of his caucus, and try to start mitigating the horrible wrong that had been done. I was rebuffed on both occasions. My last effort before 6 o'clock was to draw the Speaker's attention to the matter, to talk about the fact that what we've had was first a televised broadcast to how many tens or hundreds of thousands of people in this province wherein the member for Northumberland named these five people in some sort of effort to reinforce the point he was trying to make.

It was obvious—it was my conclusion, at least that he was using the names of these young offenders to support the argument he was attempting to make. If there were any other reason, it certainly couldn't be inferred from any of the context surrounding the conduct of the member for Northumberland, because he didn't make any effort and didn't utilize any of the opportunities that were given to him once, twice, three times, to mitigate the damage that was being compounded as every minute passed.

I tell you, Speaker, that my staff have written on my behalf to both the Ontario Provincial Police and to the RCMP, asking them to initiate an investigation of any breaches of the law that might have occurred in this assembly this afternoon by the member for Northumberland, and I leave that matter entirely in their hands. I do not propose to get myself involved in it other than in any way that I'm called upon to co-operate or assist in the investigation, but I in no way intend to get involved in it or quite frankly to prejudge it.

I have trouble when one of our members of this assembly, as a result of conduct in the assembly, conduct which is all that much more ironic when you're talking about it in the context of Bill 144—"Let's get tough on criminals, let's get tough on the bad guys"—and we have somebody who now may well find himself the subject matter of a criminal investigation. It's troubling and I don't find it at all pleasant, nor do I enjoy being engaged in this process, but by God, surely those standards that are imposed upon the citizenry from one border to another in this province should be similarly imposed upon members of this assembly who purport to represent them in this assembly, and to be paid reasonably well for doing it, I might say, notwithstanding that that hasn't tempered some of the members' passion for not 42%, 32%—"Oh let's split the difference and make it 17%" salary increases.

The purpose of this motion is this: I am eager, as is this caucus, to protect those youngsters in any way we can from any enhancement of the horrible wrong that might have been made against them today by the member for Northumberland. I tell you that this caucus would not involve itself in any effort to expunge or destroy the evidence in the Hansard. This caucus would have no part in that whatsoever. It's just unconscionable that this caucus would in any way join in some sort of effort to eliminate the evidence, so we weren't going to have any part of expunging the record.

I suggest to the government caucus, and indeed to the member for Northumberland, that when one of those earlier opportunities arose, had it been acted upon or seized upon by that member, he may well have been able to do far more to mitigate. But he chose not to. It was most frustrating to be rebuffed with the scorn and disdain that the member for Northumberland responded to me with. That's why we've brought this motion.

It's imperative that the House, the assembly, being effectively the publisher of Hansard, which is published in printed form and in electronic form, which remains part of this province's record for decades—generations—it's important that we do what we can to not compound the horrible, horrible delict that the member for Northumberland may well have committed this afternoon. That's why this motion very specifically directs that the whole debate from this afternoon not be published by Hansard in either electronic or printed form until such time as the police have completed their investigation. If the persons identified were not young offenders and therefore not entitled to the protection from publication

that young offenders are, then the matter is moot. If they are young offenders and entitled to that protection, it would be an egregious wrong to them to not only have the member for Northumberland disregard their entitlements but also for this House not to have done what it could to ensure that the delict, the offence, was committed again by the House as a whole when we had a chance to intervene.

I put to you, if they are names of young offenders, that this House then has the opportunity to respond, because the condition imposed on Hansard in this motion is that Hansard not publish their names until such time as the police have completed their investigation and, as a minimum, that four days of House sittings have passed. What that does is give this House an opportunity to entertain another motion which will in effect delete those names if in fact those names are the names of young offenders and ought not to be published.

I don't propose to judge Mr Galt. I have every confidence in our police to do their job.

I want to repeat how troubled I am that we have to engage in this debate. I want to express my concern about the fact that on three points of order this afternoon, where I attempted to draw the House's attention to it, Mr Galt from Northumberland certainly didn't want to seize the opportunity, but similarly other members of the House were silent. That's perhaps merely an indication of the fact that the seriousness of what had occurred this afternoon had not yet sunk in. There is going to be a member of this House who could well come under intensive police investigation, and I say to the members of the government back benches that if they find levity in that, then perhaps it's an indication of their ongoing scorn for those rules that they tell people out there to live by that they may not be prepared to live by themselves. Please.

2000

Mr Joseph Spina (Brampton Centre): That's nonsense and you know it.

Mr Kormos: Oh, Mr Spina, don't start. You're the opposition caucuses' best friend. I tell my counterparts in the government back benches, Mr Spina should not be one of your speakers to this motion, in your own interest, and if he wants to, do so at your own risk.

Mr Spina: Why not? It's not for you to decide. Stick to the issues.

Mr Kormos: I'm not sure Mr Spina will be very helpful to your cause. He's not being very helpful right now. In fact, it speaks for itself, doesn't it? It certainly speaks for itself.

Interjection: He called you a jerk.

Mr Kormos: That's OK. The House leader is now cautioning Mr Spina—no, that's the whip cautioning Mr Spina, speaking sotto voce into his ear. This is the colour commentary on what's going on over there, where the cameras can't quite reach. Mr Spina is frowning, trying to look as if he's not concerned. He's rifling through yesterday's newspapers, but I think the whip is getting to him. Good for the whip. This matter's far too serious to

be hijacked by the ilk of Mr Spina. It's one, as I say, where, with great regret, the police have been called in to investigate, where I, with great regret, attempted to address, however imperfectly, the matter this afternoon but received nothing but rebuff and disdain from the government member involved and other members of his caucus, and now where we have to bring this motion to try to protect five youngsters who may have been attacked, in the case of Mr Galt's comments this afternoon, in a way where they were totally incapable of defending themselves. It's a most unfortunate event.

I, of course, on behalf of the caucus, can indicate that we will be supporting this motion and we will be doing whatever we can to ensure that those youngsters whose rights may well have been seriously imposed upon, impacted on, this afternoon are protected from any other impositions or attacks on their rights and that the police have our fullest co-operation in the investigation which may well ensue.

I would say this to my friends in the House: please, surely to goodness the unfortunate experience of the then Solicitor General as a result of the naming of a young offender in the throne speech—and I have a great deal of sympathy for the Solicitor General. I believe he was used as a lightning rod. The Solicitor General didn't write the throne speech; I know that. But the Solicitor General got hung out to dry by his Premier's office to cover the Premier's office's butt, if you will. I have every regard for Mr Runciman, but after that experience that all of us witnessed, none of us can any longer say we didn't know. None of us can say that any more.

Don't, please, be all so high and mighty as to be talking law and order and the rule of law and then be prepared to break the law so readily in your own right, thinking somehow that because you're a government backbencher or a government frontbencher you are immune from the law. I put this to you: if anything, we should be held to a higher standard than the general public, we having been blessed with their support from our respective constituencies and with the responsibility to legislate and to speak for them in this Parliament.

So I tell you, I treat this matter very seriously. I look forward to a speedy investigation by the police and I await their determination and assessment of the issues in this matter.

Thank you kindly, Speaker. I will of course be joined by my colleague.

The Deputy Speaker (Mr Michael A. Brown): Further debate? The Chair recognizes the member for Northumberland.

Mr Doug Galt (Northumberland): Thank you very much, Mr Speaker. If I have done anything wrong, I sincerely apologize.

The Deputy Speaker: Further debate?

Ms Marilyn Churley (Toronto-Danforth): Let me start by saying that we appreciate the apology from Mr Galt and the recognition of the serious matter before us. As my colleague Mr Kormos has pointed out already, our caucus has written a letter asking for a police investiga-

tion. We are not prejudging at this point. We have no knowledge at this point what the police are going to find during that investigation.

We were approached, as I think all members of this House were concerned about those names—I believe, again, five people were named this afternoon. We certainly would not agree to have a motion come forward today that would just automatically remove those names from Hansard, because we have asked for a police investigation and that would be destroying evidence, so it's very important that those names remain on the record until such time as the investigation is over. That will determine whether or not those names should be removed to protect the young offenders, if that's the case, or, if it isn't a problem, then of course Hansard can remain and can then be publicized.

But the reality is that at this point we don't know. What we did agree to, because our caucus and Mr Kormos were very concerned, even though we understand that anybody who was watching the debate on television this afternoon would have heard those names and there is nothing we can do about that—that's already out there, but all three parties in this Legislature certainly have a responsibility to put aside our partisan differences here in this matter, to put them completely aside and to make sure that we do the right thing together, all three parties, to protect these young people in case it is a situation where their names were mentioned illegally.

That's the purpose of this motion that my colleague Mr Kormos put forward today. We worked very hard on that motion—yes, with the government whip and House leader and others. We attempted as well to work with the Liberal caucus on this motion, because we wanted to ensure that we could come up with a motion that all three parties could agree with, that nobody felt they were being sidelined or that their perspective was not being taken into account. It was our purpose from the outset to (1) ask for a police investigation and (2) make sure that we had a motion on the floor this evening that could be supported by all parties to guarantee that the public would not have access to this particular situation this afternoon.

Mr Speaker I think what is important to reiterate here, and my colleague Mr Kormos has said it, is that it doesn't matter whether you personally, anybody out there who is watching or anybody in here, agree or disagree with the law. It is the law that you cannot mention the name of young offenders publicly. That's the law. It's as simple as that. I think we all agree on that and therefore all agree on the seriousness of the situation when it happens. There is no disagreement on that. As my colleague Mr Kormos said earlier as well, certainly no member of this Legislature should be above the law.

2010

That is another reason why we took exception to the motion that was suggested to us by the government members, and that was to reach an agreement that those names be removed from the Hansard. That could not be, because we had a member of the Legislature who perhaps

broke the law, and that evidence has to remain. Indeed, if a member of this place breaks the law, then that member, just like any other member of the public who breaks any law whatsoever, has to be dealt with in that context.

What I don't understand is how we got to this position that we're in tonight. I know my colleague Mr Kormos, who is a lawyer and who is very interested in law-and-order issues, was listening very carefully to Mr Galt this afternoon. I must say, we all know in this place that sometimes late in the afternoon perhaps not as much attention is paid to speeches. I have to give credit to Mr Kormos, who actually was paying attention and did notice that those names had been said publicly and that perhaps they might well be the names of young offenders. He pointed that out to Mr Galt, to the Speaker and to members of the government, it is my understanding, not once, not twice, but three times.

For whatever reason, the seriousness of what had just transpired was not realized. I believe, from talking to Mr Kormos and from what he had said to me after the situation this afternoon when we were discussing how to handle it, he had indeed made several attempts to try to get members of the government to understand that perhaps a serious breach of the law had taken place here this afternoon. But for whatever reason, Mr Kormos at that time was not taken seriously.

I'm very pleased to see that it appears all members of the House are going to support this motion this evening. I believe, considering the seriousness of the situation before us, that perhaps a law has been broken, that we, in a non-partisan way, can come to an agreement this evening that we will support this motion and allow the proper process from here to proceed while at the same time protecting these young offenders, if indeed that's what transpired here this afternoon. We're not sure. That's why we've asked the police to investigate.

My colleague Mr Kormos mentioned that Mr Galt, the member for Northumberland, appeared to be reading the names of these five people from a program or a brochure or something from some event he had attended this afternoon, and I want to reiterate that that should be provided as part of the evidence as to what transpired here this afternoon.

Interestingly enough, we're dealing with a law-and-order issue here in the Legislature today. Frankly, I believe Mr Kormos does take it seriously. I've seen some heads nodding, and I believe there is a very strong consideration and understanding that the law is the law and nobody in this place is above the law. In fact, as some of my colleagues have said, it's probably important that those in this place sometimes be held to even higher standards.

For those who may be watching this debate and wondering what the heck is going on here this evening when we were supposed to be debating a bill—and may I say an odious bill which will come back, I suppose, another day—we're debating whether or not the member for Northumberland indeed broke the law this afternoon.

Let me say again that whether or not people understand the implications of what it means to mention the

names of young offenders, whether or not you agree with that law or whether or not you understand why there is such a law, it is the law. It's the law of the land and it's considered to be a very serious breach and can have profound, long-term impacts on a young offender and his or her family.

In closing, obviously I support the motion before us this evening. I would like to thank all the members in the Legislature who worked with Mr Kormos and the NDP caucus this evening in putting this motion together in such a form that I believe all members of the Legislature can support.

The Deputy Speaker: I would like to bring to the attention of all members a special guest in the public galleries, Sarah Deller, a close relative of one of our table officers.

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): I rise to support the motion submitted by my colleague the member for Niagara Centre, Mr Kormos. I want to take a few moments tonight just to speak to what happened here today and the motion brought to the House tonight by our friend from Welland-Thorold.

Having been here for over 25 years, I never cease to be amazed by the capacity of an institution such as this to create a new precedent. I don't recall in my 25 years in the assembly a circumstance quite like the one that has brought us here tonight.

I want to say at the outset that I congratulate Mr Kormos for his attentiveness this afternoon during the debate. I have said before and I will repeat tonight that it is simply too customary around this place, and all of us are guilty, that we just don't listen to what people who have the floor are saying. I say to Mr Kormos that I admire the fact that he was listening when the member for Northumberland was speaking. It makes the point that if you pay attention in Parliament it's amazing what you sometimes hear.

I also want to say that I wasn't in the House when the comments were made by the member for Northumberland. I happened to come in shortly thereafter when some of the follow-up debate was taking place, so I can't speak from any personal experience of being part of the debate because I wasn't here at that precise moment.

I have to ask myself the question, how do any of us come into the chamber armed with information such as is being complained of? I don't know how you access such a list, and I would again simply caution all members to be careful when, particularly if you're in government, your situation in government is such that you will have greater access than regular members of the Legislature.

You may recall—and I don't mean this to be self-congratulatory—that I raised an issue here this past spring about conduct at the Ministry of Finance and the Office of Privatization about the release of confidential information at the Province of Ontario Savings Office. That to me was an absolute scandal, just an outrage. Nothing has happened, nobody will have been reprimanded, and it's absolutely clear to me that senior officials inside the Ministry of Finance and the Privatization Secretariat were

seriously culpable. In that case you will remember that the confidential financial records of tens of thousands of depositors at the Province of Ontario Savings Office were released into a place where they ought not to have been. Nothing has happened, and I repeat: senior people in the Ministry of Finance—

Interjection.

Mr Conway: My friend from Wellington—I don't know whether he's trying to make light of it. I'm sure he isn't, because he's too—

Mr Ted Arnott (Waterloo-Wellington): I'm one of the depositors.

2020

Mr Conway: Well, I am too, and if my information is out there I really don't care, but it's the attitude that Her Majesty's own provincial government at the highest levels would break the law, in my view, and not care very much.

Have I heard the Minister of Finance come in here and apologize? No. I don't expect to. And the red-suspender crowd over at finance? No. Again, I'm not laughing, because it's the same basic issue: the inappropriate release into the public domain of information that ought not to be there.

My question in this regard is, how does a member of the Legislature end up with a handful of names of young offenders?

Mr Brad Clark (Stoney Creek): In a program.

Mr Conway: I'm sure there will be ample opportunity—I say to all members here, surely to goodness we are smart enough that we will be careful in the manner in which we use that information.

I remember the Gigantes case that was talked of here earlier tonight. I would say to ministers of the crown, be careful, as I'm sure most of you are, about materials that are put in—

Mrs Marie Bountrogianni (Hamilton Mountain): I would have lost my licence.

The Deputy Speaker: One member at a time would work far better.

Mrs Bountrogianni: Name me. I've never been named.

The Deputy Speaker: The member for Hamilton Mountain will come to order.

Mr Conway: It is a serious matter, I hope all members understand. One of our colleagues may very well be charged. There will be at least a police investigation. That's serious business. It's regrettable, but it's happened. I support the motion because I see it as a way in which the rest of us can take reasonable measures to mitigate the damage, as the member for the Danforth just said, to those young people who were mentioned wrongly or inappropriately before 6 of the clock this evening. But surely we understand—and I will say to new members—it is like the principle of common law: good cases should be remembered.

One of us tonight is not going to sleep very well. It's going to be a very difficult, painful time for that member, because the police are going to come calling, and that's

never a very happy set of circumstances. People are watching the broadcast tonight, and for all we know some of those young people might have been watching the broadcast. That has gone out. They could have been in Thunder Bay or in Pembroke or in Windsor or in Toronto and watching at a quarter of 6 this evening, and you could imagine their surprise at having their names put into the public domain as they were. So let us all understand what has happened here tonight.

I simply want to say again in conclusion that it's a serious matter. I congratulate the member from Welland for listening and paying attention, and that's a very good message and lesson to all of us on both sides of the aisle: how it is that members end up walking in here with the names of young offenders, particularly after the case of a few years ago involving the then Solicitor General. Let me say that on that occasion I had some real sympathy for Mr Runciman. I had none whatsoever for the crowd in the Premier's office, none whatsoever, because people who should have known better didn't do their job and vet that in a way that the normal vetting occurs before a speech is put in the hands of the Lieutenant Governor. That's a pretty recent example, and we don't seem to be getting the message. I don't know the circumstances, and that's not for me to determine, but I am concerned, quite frankly, that members of the Legislature get their hands on these lists, these names, and walk in here, after some of the precedents to which I've made reference, and enter those names into the public record.

It seems to me the motion brought by my friend the member for Niagara Centre is a reasonable one, reasonable in the sense that it allows an orderly process to unfold, and it does provide a mechanism by means of which the young people who have been impaired by the action taken by the member for Northumberland can be mitigated in some reasonable way. That's why I will support the motion tonight.

Mr John Gerretsen (Kingston and the Islands):

This is a topic I would rather not be talking about here this evening because I happen to believe that each one of us, all 103 members who are elected to this House, are honourable members. We refer to each other that way in this House. Even though we may have many different points of view on different issues that confront us—and I dare say I'm probably about as partisan as you can get about a lot of the political issues in this House because I don't believe the manner in which this government has operated in many areas—I still believe that each and every member of this House comes into this place being an honourable member. We respect one another for that because each one of us is chosen to represent a particular area of this province in this House so that we can give a voice to the collective mind of the people of Ontario and come up with collective decisions on issues.

Whatever happened here this afternoon, and I was in the House when it happened, will unfold in due course. No matter what kind of a motion is passed here tonight, that's not going to change whatever happens and whatever investigation may take place. We may take the

position that we don't want the record of these hearings and this meeting and the meeting from this afternoon to be part of the public domain, but whatever has happened has happened. That will unfold in due course.

But this is not about the 103 of us in here. This is about the young people who have protection under the Young Offenders Act. Although there's been much debate and much discussion as to what should happen with the Young Offenders Act, whether or not it should be strengthened, whether or not in certain circumstances adult penalties should be involved, whether or not they should be tried in adult court and all that sort of thing, the whole concept behind not using the names of young offenders is to protect people who are not yet adults in our society so that they have a legitimate second chance at succeeding in life.

That is the whole reason behind not naming young offenders in public and why there has been a publication ban up to now in all cases. It is to deal with minors in a particular way so that once they become adults, they will not carry that stigma of having done something inappropriate against society's rules and laws while they were youngsters. In the whole debate about whether you're tough or easy on crime for young people or for old people, that sometimes gets lost.

That's where our concern should be, not so much in how it will affect the five or six individuals who were named by the member here this afternoon but in the general principle as to why young offenders should not be named in public. I happen to believe that people, whether they're young or old, deserve a second chance. That's why I'm fully in favour of those provisions in the Young Offenders Act that protect the identity of young people who have committed a crime in society. I know sometimes we get the impression in this place that we have parliamentary immunity, that we can say whatever the heck we like or want and that somehow we can't be taken to account on it, whether it's in civil actions or otherwise. I guess here we have a good example where that may—and I say “may” because whatever has to happen will have to unfold by way of the investigation—not be the case in this particular type of situation.

If there's one lesson that the 103 of us as honourable members of this House can learn from all of this, it is that maybe it will allow us to re-examine within ourselves the whole purpose in hiding the identity of young offenders. That I think should be the lesson we, hopefully, will all learn from this.

2030

Mr Dave Levac (Brant): I rise today probably with a heavier heart than I have had at all when I have stood in this place, not because of the specific information that was released, but for the idea and the ideals which we stand for. I've been trying to explain the position that we feel on this side of the House about private institutions and about corrections in general. What we have to remember, if my information is correct, is that this is a private institution we're talking about, and after some discussion and a few phone calls, it may indeed very well

have been that institution itself which made available that information that the member was quoting from. If that's the case, there's a breach in the Young Offenders Act right there that is a difficulty.

As I called up the Young Offenders Act in terms of identifying, I wanted to make sure I understood that, first of all, we can't identify these young offenders, and that is evident in subsection 38(1) under (a) and (b). But one of the other things I noticed was that there should be no other subsequent disclosure. When we talk about subsequent disclosure, "No person to whom information is disclosed, pursuant to subsection (1.11), shall disclose that information to any other person unless the disclosure is necessary for the purpose of preparing the report for which the information was disclosed" in the first place. That's making reference to very specific information that the public needs to know about the offender in order to prepare a subsequent plan for that young offender. Under any of these circumstances, I can't think of any reason why that should have been done in this particular House at this particular time.

The thing that we have to remember as well is that we have had situations on about three or four other occasions in this House where we've discovered that the private enterprise that seems to be running these facilities are the ones that again—and this gives substance to the claims that we've been making all along to this House that are attempting to shoot down members on the other side who say, there's nothing wrong with the private situation: "Everything's hunky-dory. Everything's fine. Everything's OK. Don't worry about it." Quite frankly, the very same institution I'm talking about was provided with an extra \$400,000 in its budget—pointed out by the Auditor General that we've got a problem here.

The problem exists in the inability of that particular privateer to do the job it needs to do in order to make our community safe and secure. Safety and security includes obeying the Young Offenders Act, and safety and security deemed by this particular law is basically saying that the safety and security of our public at large plus the offenders, once leaving the institution, are protected. What we have to do is make sure that we don't make an argument against this whole body because the breach takes place. If the breach takes place with this institution, there needs to be some accountability built into this. There are an awful lot of words being bandied about about accountability. Quite frankly, we are all accountable in terms of our own personal actions and deeds, and that'll take care of itself.

What I'm after, and members so far across the board have been talking about, is the protection of the young offender, as long as we maintain the protection of the young offender in terms of what is applied in the law, and the law very clearly states that we can't identify that particular individual. We took that information, from my understanding, from a graduation program that was produced. If it does require us to have an investigation, I'm going to leave the police investigation to itself, and subsequent to that the judiciary must be left to itself to

make those decisions. I'm very much supportive of that and I wouldn't want the two to mix either. I think our decision here has to be based on whether or not those rights were infringed upon and whether or not a member has indeed done something that he or she should not have done.

That being said, I want to provide other members an opportunity to make sure we understand that the discussion is based on the motion, which allows the system within itself to work and flush out what's wrong and what's right and provide the opportunity for the people in the judiciary and the police to do their job. We have to do our job here in the House. It behooves us all to make sure that we set ourselves on the right path to ensure that the rights of the citizens of Ontario, regardless of whether or not we have decided to deprive them of their freedoms, are protected.

Mr Duncan: Let me begin by saying that every fibre of my being tells me not to support this motion. My friend from Toronto-Danforth accused me of being strange some moments ago, and I can certainly understand that position.

Ms Churley: Weird.

Mr Duncan: Weird, that's correct.

This government has lectured us time and time again about the problems with the Young Offenders Act, an act that is designed to protect young people and get them proper corrections when they find themselves in trouble with the law. Yet we have the member from Northumberland who violates every principle of that and has lectured me time and time again in this House about not giving those kids any kind of leniency, about not understanding the difference between a crime committed by a 13-year-old and a crime committed by an adult, and as soon as they make a mistake, what do they want to do? They want to expunge the record. That offends every sense of decency that I have. Do you know what? You can try to expunge the record any way you want—the Minister of Education laughs and jokes, but this is a serious matter.

Hon Janet Ecker (Minister of Education): Speaker, on a point of order—

Mr Duncan: She's not in her seat.

The Deputy Speaker: Point of order. Stop the clock. You're not in your seat; you have no personal privilege.

Interjections.

The Deputy Speaker: The member for Windsor-St Clair. If he wishes to moderate his remarks, that would be fair.

Mr Duncan: With all due respect, no, I don't wish to moderate my remarks. The Minister of Education demonstrated the absolute intolerance and lack of understanding that government has for the problems of youth in our correctional system. So, no, I will not. And that kind of intolerance is indicative of a government that on the one hand will say, "The first time our minister gets out of line, let's expunge the record or at least let's put the record aside for a moment while we consider this," and then on the other hand will throw the book at those young kids.

It is only because of the arguments that are contained in the Young Offenders Act itself and the nature of protecting the rights of those kids—and I say to my friend from Niagara and my friend from Toronto-Danforth and my friend from Renfrew and my friend from Kingston and the Islands, you have convinced me of that, and party politics aside. But when I get lectures from you over there about this issue and when I see the member from Northumberland stand up in this House—and I want to know where he got those names. I want to know if he got them from the minister of corrections. I reviewed the record of what that party did to other members, other cabinet ministers in this House, whether it was an NDP minister or a Liberal minister. I want to know about that. The Minister of Education laughs and shakes her head, because in my view they don't have an understanding of what's really at stake here, just like the member for Northumberland obviously didn't have an understanding of what is at stake when you named the names of young people in this House and put it out in the public.

Every fibre of my being wants to just take that member and do to him what I'm sure he'd do to the young offenders if he had the opportunity. Every fibre of my being says we're not going to let this die. This is a fundamental breach of the rights of those young individuals. It is certainly abuse of this Parliament, in my view, and I can support this motion only because of that, and only to say to this government, no more sanctimonious lectures. Because as soon as you get into any trouble, you want to use your majority to expunge the record. You want to use your majority to try to pretend that what was said in this House a mere four hours ago was not said.

We will not forget, we will not let you forget, the people of this province will not forget. And maybe—just maybe—you'll start to think about what you are saying in this House, whether it involves the rights of six young individuals or whether it involves the rights of an entire group of people in this province. I will reluctantly support this, with the warning to this government that this is not the last you have heard on this issue.

2040

The kind of public policy you are practising, the kind of scapegoating you are practising, the kind of "Let's drug-test all them welfare bums"—that kind of stuff ought to stop. I'm ashamed of this assembly, I'm ashamed of the member from Northumberland and I'm ashamed to have to vote for this motion. In my view, it abrogates what we are as a Parliament and as free-thinking people who ought to do things with due process and due consideration for the rights of individuals. It's a sad, sad occasion in this House that we have to do this tonight. I'm embarrassed as a parliamentarian, I'm embarrassed as a member of this Legislature and I'm embarrassed as a citizen of this province.

Ms Caroline Di Cocco (Sarnia-Lambton): The member from Windsor-St Clair has shown a great deal of passion in his discussion tonight, and this discussion

deserves a great deal of passion. Too many times in this House I have heard members take too much liberty in what is said, and that happens all the time. We as elected members should be held to a higher standard.

I have listened and listened to government members who show no tolerance. I have heard and I have seen no tolerance: "If you make one breach of welfare, you don't get any more welfare cheques." I have listened to this tough-talking group of people when it comes to people who break the law. We should be held to a higher standard. Yet I've heard the rhetoric over and over in this House, and no one is really held accountable.

To me, the breach of privacy is not so much that the mistake was made, but oftentimes it's the attitude that although there is a breach—in the case of the privacy commissioner, of giving out names—it's just swept under the rug. It's allowed because you have a majority, and it should not be allowed. That was wrong and it is still wrong. Yet, as the member from Pembroke has stated, I didn't hear Minister Eves apologize. I didn't hear anyone apologize. It's not apologized for; it's justified.

The member from Hamilton Mountain said that had she done something similar to this, she would have lost her licence. Yet we in this House say a mistake was made. Again, it's the attitude of this place that I sometimes see and it's the level of debate and the level of arrogance that we as honourable members should not have.

I've been saddened by what I've seen here today and tonight. Sometimes I see that doing the right thing is not what drives the agenda. Over and over again I have heard disparaging remarks made on issues of the Young Offenders Act. I hope that each one of us learns from this lesson. I hope that each one learns that this Legislature is an honourable place to debate issues, and to debate issues in the interest of the public good. Somewhere along the line, that has been forgotten here. I have heard too many times, when I have spoken to members on all sides of the House, that the Legislature is irrelevant. We fill in time to speak, we fill in 20 minutes, we fill in 10 minutes. We fill in time and we don't think about what we must say.

I feel that by expunging remarks we as a Legislature are suggesting that those remarks have not been said. Unfortunately, the mistake has been made. Unfortunately, the rights of those individuals have been breached. We in this Legislature can only do the best we can to rectify what we can at this point in time. I have to commend all the members on all sides of the House who at least are going to try to protect in whatever small way we can the interests of those young people.

When I first came into the Legislature, I looked at this place with awe. I thought, "This is a wonderful place where we're going to make a difference, and we're going to make a difference for the public good." I believed that. In my heart of hearts I truly believed that was the purpose of this place. This is not a place where we hear disparaging remarks. It is not a place that gives us license to say whatever we want to say without understanding the

facts, without maintaining a high standard in what we say, understanding also that we have to base our remarks on good practices.

The Deputy Speaker: Further debate?

There being no further debate, Mr Kormos has moved:

That all records of remarks by the members during the debate of the motion regarding Bill 144 on Monday, December 4, 2000 not be published electronically or in print, or in any other public form until such time as the police have completed any investigation of remarks during that debate, and further, that Hansard maintain and preserve all records and evidence of that debate, and that in any event, publication of the debate by Hansard shall not be done until such time as the Assembly is sitting and has sat for four calendar days and that the question be put no later than 9:20 and time be split equally among the three parties.

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

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 30-minute bell.

The division bells rang from 2049 to 2050.

The Deputy Speaker: All in favour of the motion by Mr Kormos will stand one at a time until recognized by the Clerk.

Ayes

Agostino, Dominic	Di Cocco, Caroline	Mazzilli, Frank
Arnott, Ted	Ecker, Janet	McMeekin, Ted
Baird, John R.	Elliott, Brenda	Munro, Julia
Bisson, Gilles	Gerretsen, John	Murdoch, Bill
Bountrogianni, Marie	Gilchrist, Steve	Spina, Joseph
Christopherson, David	Hampton, Howard	Stewart, R. Gary
Churley, Marilyn	Hastings, John	Stockwell, Chris
Clark, Brad	Johnson, Bert	Wettlaufer, Wayne
Coburn, Brian	Klees, Frank	Wilson, Jim
Conway, Sean G.	Kormos, Peter	Wood, Bob
Crozier, Bruce	Levac, David	

The Deputy Speaker: Those opposed?

Clerk Assistant (Ms Deborah Deller): The ayes are 32; the nays are 0.

The Deputy Speaker: I declare the motion carried.

ROYAL ASSENT SANCTION ROYALE

The Deputy Speaker (Mr Michael A. Brown): I beg to inform the House that in the name of Her Majesty the Queen, Her Honour the Lieutenant Governor has been pleased to assent to certain bills in her office.

Clerk at the Table (Ms Lisa Freedman): The following are the bills to which Her Honour did assent:

Bill 69, An Act to amend the Labour Relations Act, 1995 in relation to the construction industry / *Projet de loi 69, Loi modifiant la Loi de 1995 sur les relations de travail en ce qui a trait à l'industrie de la construction.*

Bill 140, An Act to amend the Assessment Act, Municipal Act and other Acts with respect to property taxes / *Projet de loi 140, Loi modifiant la Loi sur l'évaluation foncière, la Loi sur les municipalités et d'autres lois à l'égard de l'impôt foncier.*

RED TAPE REDUCTION ACT, 2000

LOI DE 2000 VISANT À RÉDUIRE LES FORMALITÉS ADMINISTRATIVES

Mr Spina, on behalf of Mr Hodgson, moved third reading of the following bill:

Bill 119, An Act to reduce red tape, to promote good government through better management of Ministries and agencies and to improve customer service by amending or repealing certain Acts and by enacting two new Acts / *Projet de loi 119, Loi visant à réduire les formalités administratives, à promouvoir un bon gouvernement par une meilleure gestion des ministères et organismes et à améliorer le service à la clientèle en modifiant ou abrogeant certaines lois et en édictant deux nouvelles lois.*

Mr Joseph Spina (Brampton Centre): I'm pleased that we can get into this third reading. This bill contains more than 200 amendments to acts and 15 ministries. It contains a variety of measures to update and simplify legislation for the benefit of Ontarians. While the actual legislation deals with the minutiae of correcting, updating and modernizing legislation, the benefits to the people of Ontario are unmistakable.

This bill will protect consumers by prohibiting the charging of significant upfront fees by credit repair companies for services that consumers that can do for themselves at little or no costs. It provides insurance benefits to volunteer auxiliary police officers if they are injured while providing service. It expands the recognition of electronic records. It updates legislation to reflect new methods of data collection and record keeping. It strengthens the Workplace Safety and Insurance Board's anti-fraud strategies. It increases measures to deal with irresponsible dog owners and, lastly, to increase the amount of compensation to victims of crime.

The bill also proposes to repeal two acts: the Ontario Training and Adjustment Board Act, 1993—the Ontario Training and Adjustment Board was disbanded in 1996—and the Hunter Damage Compensation Act. Standard livestock insurance policies include hunter damage to livestock as a normal insured peril.

In May 2000, Premier Harris announced the establishment of the permanent Red Tape Commission to eliminate and prevent job-killing red tape. The commission plays an important role in the government's efforts to continue building the right climate for jobs and investment in Ontario. It was part of the Common Sense Revolution and part of the Blueprint for Ontario in a recent throne speech. The key objectives of the commission are to help business, institutions and consumers with red tape problems; to evaluate regulatory proposals

using a new business impact test that will weed out those proposals that are job killers; to coordinate the development of at least one red tape reduction bill per year; to assist ministries in implementing annual red tape reduction plans; and to undertake special red tape reduction projects on behalf of ministries and groups and individuals with an interest in government issues.

I'll be sharing my time with the member from London West. I'm proud to say he was the former co-chair of the Red Tape Commission since the election in 1999 and I was pleased and honoured to have taken his place in the recent move. The member from London West I know is extremely knowledgeable and very passionate about getting rid of red tape and creating an environment that is more positive for business.

When this act is passed, we are confident there are a number of other issues, beyond what I've just mentioned in a quick summary, that will go a long way toward assisting jobs in Ontario.

I just want to talk on this one issue, which was a very critical one but very little known, called viatical settlements, in Ontario. The issue that arose was the Red Tape Commission's recommendation to permit a viatical industry in Ontario to provide an option for terminally ill individuals who need additional financial resources. The Ministry of Finance proposes to amend the Insurance Act to allow regulation-making power to govern viatical settlement activity in Ontario. Viatical settlements allow a life insurance policy owner to sell the policy to a third party at a discounted rate from the face value of the policy. Typically, an insured will have a shortened life expectancy and be in need of financial resources to offset medical or other expenses. The insured changes the beneficiary of the policy to the buyer and, when the insured dies, the buyer gets the payout under the policy.

There are other jurisdictions that deal with this in the United States. Viaticals began in 1989. Today there are about 70 operating companies with an estimated \$500 million in life insurance policies viaticated each year according to the Viatical Association of America and the National Viatical Association, two trade groups representing the viatical industry.

2100

Thirty-two states regulate viaticals to some degree, and 24 states require viaticals to hold a licence or have an application filed in order to conduct business. In most cases, the state insurance department regulates viaticals; however, in several states regulation is the responsibility of the securities regulator. Although some states have developed their own specific legislation to regulate viaticals, many have adopted the suggested legislation proposed by the National Association of Insurance Commissioners, NAIC, in the early 1990s.

In Canada, Nova Scotia and Quebec are the only provinces that allow transactions similar to viatical settlements, and now we trust that the third province will be Ontario.

In 1997 the Red Tape Commission of Ontario recommended that a greater number of options should be avail-

able to the terminally ill who have life insurance policies. Specifically, the commission's final report, *Cutting the Red Tape Barriers to Jobs and Better Government*, January 1997, concluded, "There is a consumer demand for viatical settlements that will grow with the demands of an aging population and a business interest from viatical companies wanting to operate in Ontario. The Ministry of Finance will amend the Insurance Act to permit these companies to operate in Ontario. Regulatory systems will be developed to govern viatical settlement activities to ensure that policyholders and investors are informed and protected. The marketing of viatical investments will be protected through either the Insurance Act or the Securities Act or a combination of both acts."

I'm proud to speak on this issue, and happy now to turn it over to the member from London West, with whom I said I would share my time.

Mr Bob Wood (London West): As we take a look at this bill, I think we might take a look at some of the principles on which it is based. What is red tape? By my definition, red tape is any process or procedure that the Ontario government puts its citizens or its own members of the public service through that's not absolutely essential to achieving an identified government objective. The goals of the Red Tape Commission are of course to create in Ontario one of the best regulatory regimes in the world and some of the best customer service in the world. I'm pleased to note that over the past five years the commission has come a long way in achieving those objectives.

These objectives are important because (1) surely our people deserve nothing less and (2) it is absolutely essential to do just that in order to attract and maintain the kind of investments and jobs we need in Ontario. Foreign jurisdictions understand the importance of a good red tape reduction program. The socialist government of France recently set up its equivalent of a red tape commission, and we have similar commissions in the United Kingdom, in New York state and in all kinds of other jurisdictions. If we intend to compete, as we must, with these jurisdictions in the 21st century, we've got to make sure we are well ahead of the curve in this area.

We appear to be moving towards at least one red tape bill each and every year. This is perhaps the fourth year in which we have had a red tape bill before the Legislature. I think that's a very good thing. Prior to the Red Tape Commission, there were little red tape problems throughout all the ministries, which took years and years to get solved. We now have a mechanism where, within a reasonable period of time, satisfaction can be given to those who have legitimate complaints. That, in and of itself, justifies the work the commission does.

The previous speaker set out in some detail the many excellent things the commission is involved in. I suggest that when you take a look at the 200-plus changes that are made in this bill and go through them one by one, you will find that every one of these changes meets the principles I have just set out. I think that is what the commission really does for the people of this province. It has a good definition of good regulatory policies, and it

works with every ministry and with the cabinet to try to make sure that not only are they developed and recognized—and that's always important—but that they are actually applied, so that the people dealing with the various ministries can see the results of those good ideas. It also works with every ministry and with the cabinet to try to make sure we are giving the best possible customer service.

We know that over a long period of time there is much work still to be done, and there is much work still to be done today with respect to customer service in the government of Ontario. But a good start has been made, and I look forward to a lot of very positive things coming from the commission and from this bill.

Mr John Gerretsen (Kingston and the Islands): Let me start by saying that this place never ceases to amaze me. Earlier this evening we had a situation in which ultimately a motion was passed by the entire House supporting a certain situation with respect to expunging the record on a matter that happened to one of our members here. Many of us in the House talked about the fact that we may have our disagreements but we are honourable members.

What the government whip has just done in this House is totally and completely unacceptable. He has called for third reading a bill, Bill 119, which contains 128 pages, which has about 26 schedules and which had already been time-allocated, so that when it was called for third reading it would be debated just during that sitting.

What does that normally mean? It normally means that after question period and petitions, orders of the day would be called, Bill 119 would be called for debate and there would be a two- to a two-and-a-half-hour debate in this House, as set out in the time allocation motion, and the time would be split equally between all the parties. This means that each party would at least get something like 40 minutes to debate this huge bill. This, in and of itself, is quite unacceptable, particularly on a bill that has such huge significance and dimensions as this one.

As a result of the motion, which I talked about earlier, being approved about 15 minutes ago or even less than that, he has now taken it upon himself to call this bill, so that there will be a total of 30 minutes' debate.

That's funny—I see some people smiling there. It's kind of like, "I gotcha." It's wonderful, you know: you have finally won the day. I see the Minister of Education shaking her head. Minister of Education, you should—and she's entitled to shake her head—

Hon Janet Ecker (Minister of Education): On a point of personal privilege, Mr Speaker: I am sitting here doing my own work, discussing issues with my caucus colleagues. The last time I checked, members in this Legislature are allowed to have private conversations with their colleagues on either side of the House. If the rules—

The Deputy Speaker (Mr Michael A. Brown): Thank you. I get the drift. It sounds more like debate.

Mr Gerretsen: In that case, I apologize, Minister. You can shake your head all you want. I apologize. But

the fact still is that you're giving each one of the opposition parties a total of 10 minutes to discuss this 128-page bill that affects about 20 to 25 different ministries.

You wanted our co-operation on the other thing, and that co-operation was given. There was a long debate on it, sir. Your own motion stated that the—

2110

Hon Jim Wilson (Minister of Energy, Science and Technology): We're cutting red tape. We don't want to have a long debate.

The Deputy Speaker: Order. The Minister of Energy will come to order.

Hon Mr Wilson: Sit down.

The Deputy Speaker: The Minister of Energy will come to order. The Minister of Energy is going to be named if he doesn't come to order.

The member for Kingston and the Islands.

Mr Gerretsen: Mr Minister, this is—

Hon Mr Wilson: Now you see the real Jim Wilson.

The Deputy Speaker: The Minister of Energy is named.

Mr Wilson was escorted from the chamber.

The Deputy Speaker: The member for Kingston and the Islands.

Mr Gerretsen: Thank you very much, Speaker—

Hon Frank Klees (Minister without Portfolio): On a point of order, Mr Speaker: The member indicated that calling Bill 119 is unacceptable. Would you rule on that?

The Deputy Speaker: It's in order.

Mr Gerretsen: Sir, it's totally acceptable within our rules. But now we're talking about being honourable—one member, one caucus to another caucus.

You know as well as I do that during the last five years when any other bill in this House has been called for third reading debate, there has been a one-day debate on it, meaning somewhere between two and two-and-a-half hours. What you have just done by your move to call this particular bill forward during the last 30 minutes of this session is that you have unilaterally decided, "No, we're not going to discuss this for two hours. No, we're not going to discuss this for two and a half hours. Each caucus will get 10 minutes."

If you think that is acceptable, then so be it. Are you strictly within the rules? Yes, I guess you are because it is one sessional day, even though in effect it only lasts for 30 minutes. But I ask the other honourable members here, irrespective of what party you belong to, whether or not that was the honourable thing to do.

I think we can all formulate our own opinions on that. All I know is that it is a travesty of the democratic system to expect on third reading of a bill to pass it within 30 minutes, a 128-page bill that has—let me just read to you some of the ministries it deals with. It deals with the Ministry of the Attorney General, the Ministry of Consumer and Commercial Relations, the Boundaries Act, the Business Corporations Act, the Certification of Titles Act, the Change of Name Act, the Collection Agencies Act, the Condominium Act, the Consumer Reporting Act, the Land Registration Reform Act, the Land Titles

Act, the Mortgages Act; it deals with the Ministry of Education, the Education Act; it deals with the Ministry of Energy, Science and Technology, the Electricity Act, the Ontario Energy Board Act; it deals with the Ministry of the Environment, the Environmental Assessment Act, the Environmental Review Tribunal Act; it deals with the Ministry of Finance.

It deals with amendments to the Ministry of Health and Long-Term Care, such as the Health Insurance Act, the Ministry of Health Appeal and Review Boards Act; it deals with the Ministry of Labour, it deals with amendments proposed by the Management Board Secretariat and it deals with amendments proposed by the Ministry of Municipal Affairs and Housing, including the Building Code Act, the Municipal Act, the Municipal Tax Sales Act, the Municipality of Metropolitan Toronto Act, the Planning Act, the Tenant Protection Act—

Interjection.

Mr Gerretsen: Well, it will take me at least another nine minutes to read all the various acts that it deals with.

Then we go on. It deals with the Ministry of Natural Resources, the Aggregate Resources Act, the Conservation Land Act, the Crown Forest Sustainability Act, the Forestry Act, the Lakes and Rivers Improvement Act, the Niagara Escarpment Planning and Development Act, the Oil, Gas and Salt Resources Act and the Public Lands Act.

It deals with amendments proposed by the Ministry of Northern Development and Mines, amendments proposed by the Ministry of Training, Colleges and Universities and amendments proposed by the Ministry of Transportation. Last but not least, it deals with the Wine Content Act.

Those are the acts this bill deals with, and on third reading, through your action here, unilateral action—fast, do it quickly, when you darn well know that the intent to debate is for at least a two to two-and-a-half-hour period, as it always has been during the last five years. You have limited the total debate to 30 minutes. I find that totally unacceptable.

For the parliamentary assistant to in effect say, “Well, it only deals with red tape”—you know as well as I do, Speaker, that most of the bills we have had in front of us deal with only one thing: creating more red tape; not diminishing red tape but creating more red tape.

I would ask the government ministers who are in the House right now, including the whip, the Minister of Education, the Minister of Labour and the Minister of Community and Social Services, to do the right thing: ask your whips to pull this bill back. You know it has already been time-allocated. It's something we have opposed right from the beginning.

We feel that a bill as substantial as this requires public hearings. I believe there were actually public hearings of one day or a two-hour session. We feel this needs a full and open discussion with the general public.

To pull a fast one like this—and that's the only way I can describe it—by putting this bill forward in the last 30 minutes of a legislative day I think is unbecoming of the

government and unbecoming to the members of this particular House.

I implore the Minister of Labour, whom I've always found to be a reasonable individual: why don't you do the right thing, sir? You have a minute and three seconds to talk to your whip and say to the other minister there, “Let's do the right thing.”

The opposition did the right thing with that motion earlier today. Let's show our good faith and let's say, “Yes, we will give you an undertaking that we are not going to call for a vote on this bill today, but we are going to call this bill forward again tomorrow,” so that it can have the customary standard two hours of debate that we normally get when a bill is time-allocated. If you're not going to do that, then how can you possibly expect co-operation from the opposition in the future? There's an old saying that those who live by the sword, die by it. Whereas I certainly in this Christmas season don't wish harm or ill on anybody, just remember that what goes around, comes around. The manner in which you've acted is not correct and it is not becoming of honourable members.

Mr Gilles Bisson (Timmins-James Bay): I'm not surprised by this move by the government to try to pull a fast one at the end of the sessional day because they feel as if they've been stung. Two of their own have done something that's inappropriate. Their caucus is having to pay the price and they're trying to figure out some way to come back and pull a bit of a fast one on the opposition. I just think the government's doing this at this late hour tonight, Monday, is unbecoming of what a government should be all about and is a bit of a childish move on their part.

I think, as most other people think, that when it comes to how Legislature works, you're supposed to have a government working in co-operation, to a certain extent, with the opposition parties so that we can have fair and clear debate about issues that are brought before the House to make sure the views of the people of Ontario are brought to the floor and, more important, that those views be seen inside the bill; that when a government brings legislation forward, the bill be fine-tuned to a certain extent as per the debate that happens in this Legislature when it comes to the views that are expressed to us as representatives of the people we represent in our riding.

Clearly what the government is demonstrating again, far too often, unfortunately, in the last six years, is a government that says, “The public's opinion be damned; what the people say be damned.” At the end of the day, all that's important is the view of Mike Harris and the view of a few other people in the Premier's office as to what is important for the province of Ontario.

It brings me to this point. More and more of us in Ontario are coming to realize that we are in deep need of reform about how the parliamentary process works. We see, far too often, bills brought through this House hastily. We see bills that are not properly debated, we see bills that might be brought forward with good intent on

the part of the government, I'm willing to concede, but often, when it comes to practical things, how a bill works and how it affects the group or the citizens it is aimed at, it doesn't work quite well.

What we have is a government that brings in bills, foists them on the House, doesn't allow proper debate, doesn't allow proper hearings at the committee level so that when bills are finally passed in this House we are doing so in about two days or three days of debate where in the past we used to have a little bit more time.

The problem we have in this Legislature is that the parliamentary system that was devised some 300 years ago in Mother England, when it comes to the mother of all Parliaments, has not kept pace with where we are today. I would argue that we are in deep need of reform about how this Legislature does not work. I would argue that we need to do a couple of things. One is to reform the rules of Parliament so that there is actual meaningful debate within this Legislature so that at the end of the day the people, the voters of the province of Ontario, are able to see them through their representatives in this House, something that doesn't happen here because of the way the rules work and the way that the government chooses to use those rules as they have tonight.

The second point I would make is that we really need to have electoral reform. I would argue, I think as many backbenchers both in the government and in the opposition benches would agree, that this system is about power. It is about a few people at the head of a party. In the case of government it's about the Premier and a few people around him in cabinet. In the case of opposition it's around leaders and a few people around them. It has very little to do with the public and it has very little to do with about 90% of members of this Legislature. What we should be trying to do in this the new millennium is to try to find both an electoral system in this province and parliamentary reform that more closely resembles the view, the needs and the aspirations of the people of this province.

Some of the things we should be looking at—we should be looking at the process of parliamentary reform with an eye to proportional representation. There is something wrong in a democracy that says a party that gets 42% of electoral votes is able to get a clear majority in the House. I would argue as a New Democrat that an NDP government that was elected on 37% of the vote and got a clear majority in the House is wrong, not on the fact that they were New Democrats but on the fact that they didn't have a clear 50% of the votes in the general election. There has scarcely been an example in this House where a party has been elected by better than 50%. What we should move to is a system that says that if you got 42% of the electoral vote in a general election, the number of seats in this House should represent 42%, so that you don't have a clear majority and that the number

of seats in the House by proportion are representative of the vote you got in the general election. That is one of the things that I would argue.

Through that system you would also be able to see better co-operation within the House, where you would have a situation where the government caucus, in this case a Conservative caucus, would need the support of at least 9% of the members on the opposition benches to be able to pass any of their legislation. That would be a safeguard for the public of Ontario. Either 9% within the Liberal caucus or 9% within the NDP caucus, or a combination thereof, would have to support the government in any bill that it brings forward. That would temper a government and make sure that it governs in a way that is more in keeping with the needs of the people of the province.

I would also argue that we should move to a system of electoral reform, which we will have an opportunity to speak to a little bit later, at a future date.

More to the point today, I would like to move adjournment of the House.

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

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the nays have it.

Call in the members. This will be a 30-minute bell.

The division bells rang from 2124 to 2154.

The Deputy Speaker: Members please take their seats. Mr Bisson has moved adjournment of the House.

All those in favour will rise and remain standing.

All those opposed will rise and remain standing.

Clerk Assistant (Ms Deborah Deller): The ayes are 11; the nays are 32.

The Deputy Speaker: I declare the motion lost.

Pursuant to the order of the House dated October 17, I am now required to put the question. Mr Spina has moved third reading of Bill 119. Is it the pleasure of the House that the motion carries?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

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

I have received a letter from the chief government whip requesting that the vote on Bill 119 be deferred until tomorrow during deferred votes.

Mr Duncan: On a point of order, Speaker: The opposition wishes to be recorded as being opposed to that.

The Deputy Speaker: The vote will take place, obviously, tomorrow during deferred votes.

It being past 9:30 of the clock, this House stands adjourned until 1:30 of the clock tomorrow afternoon.

The House adjourned at 2156.

LEGISLATIVE ASSEMBLY OF ONTARIO
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Speaker / Président: Hon / L'hon Gary Carr
Clerk / Greffier: Claude L. DesRosiers
Clerk Assistant / Greffière adjointe: Deborah Deller
Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman
Sergeant-at-Arms / Sergent d'armes: Dennis Clark

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

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Garfield Dunlop, Raminder Gill, Pat Hoy,
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CONTENTS

Monday 4 December 2000

SECOND READINGS

Employment Standards Act, 2000,

Bill 147, Mr Stockwell

Mr Stockwell..... 6067

Debate adjourned 6068

THIRD READINGS

Red Tape Reduction Act, 2000,

Bill 119, Mr Hodgson

Mr Spina..... 6076

Mr Wood..... 6077

Mr Gerretsen 6078

Mr Bisson..... 6079

Vote deferred..... 6080

ROYAL ASSENT

The Lieutenant Governor 6076

OTHER BUSINESS

Disclosure of confidential information

Mr Kormos..... 6068

Mr Galt..... 6070

Ms Churley..... 6070

Mr Conway 6072

Mr Gerretsen 6073

Mr Levac 6073

Mr Duncan 6074

Ms Di Cocco 6075

Agreed to..... 6076

TABLE DES MATIÈRES

Lundi 4 décembre 2000

DEUXIÈME LECTURE

Loi de 2000 sur les normes d'emploi,

projet de loi 147, M. Stockwell

Débat ajourné 6068

TROISIÈME LECTURE

Loi de 2000 visant à réduire les formalités administratives,

projet de loi 119, M. Hodgson

Vote différé..... 6080

SANCTION ROYALE

La lieutenant-gouverneure 6076