



No. 74A

N° 74A

ISSN 1180-2987

Legislative Assembly
of Ontario
Second Session, 37th Parliament

Assemblée législative
de l'Ontario
Deuxième session, 37^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Monday 3 December 2001

Lundi 3 décembre 2001

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 3 December 2001

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Lundi 3 décembre 2001

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

HEALTH CARE

Mrs Lyn McLeod (Thunder Bay-Atikokan): I want to be sure the Minister of Health has seen the advertisement that is running in papers across northern Ontario. The ad is paid for by the Northwestern Ontario Municipal Association. It's supported by concerned citizens, educators and medical practitioners across the north.

These are all people who understand the importance of training doctors in the north. These are people who were ready to welcome the government's initiative in establishing a new medical school in northern Ontario, but they are also people who believe the government's motto for the medical school is the wrong one. That's what the ad says to the government and to the people appointed to implement the government's proposed model: you are doing the wrong thing.

Laurentian and Lakehead universities developed the proposal for a new medical school and it was always to be a school with two equal campuses: one in the north-east and one in the northwest. That's the model that had the support of all municipalities across the north, that's what was presented to the government's expert panel on physician shortages and that's what the commission recommended. But it seems Mike Harris's political friendships counted for more than the government's own expert panel. Now we have an important initiative that could have made a huge difference to health care in northern Ontario, but won't, because it is the wrong model.

There's a big price to be paid for doing this the wrong way. The two-year clinical program will not get off the ground in northwestern Ontario and we will lose this important opportunity to introduce new medical school students to practise in the northwest. We will continue to have a shortage of doctors and people will continue to either go without care until there's a crisis, or they will seek costly care in hospital emergency rooms.

Communities should not have to take out ads in the paper to persuade government to listen and to understand what they're trying to say. They don't know what else to do to get the government to hear them. Let's hope this works.

SUPPORTLINK

Mr Garfield Dunlop (Simcoe North): I rise today in the House to speak about an important program that our government has started in partnership with Ericsson and Rogers AT&T Wireless. It's called SupportLink.

The focus of the program is to keep victims safe through planning and awareness. Victims referred to SupportLink are offered specialized planning services to assist them in keeping safe and providing them with techniques to prevent or escape potential problem situations. Victims who are most vulnerable and lack the resources to acquire a wireless phone of their own may receive a free wireless phone, pre-programmed to dial 911 in the event of a personal safety emergency.

In 1999 the Harris government initiated the SupportLink program with two pilot sites in Ottawa and Barrie. Following the success of these programs, SupportLink is being expanded province-wide to 18 additional sites over the next two years. This year, new sites will be located in Durham, Muskoka, Peterborough, Brant, Dufferin, Guelph, Niagara, Peel, North Bay, Timmins, Toronto, and in my riding of Simcoe North. The program is being administered in my riding of Simcoe North, in Orillia, though the North Simcoe Victim Crisis Services, an amazing organization run by executive director Patricia Heath.

I'd like to thank them for continuing to work with victims to make our communities a better place to live. I'd also like to thank the Orillia detachment of the OPP for their support, Attorney General David Young, the Office for Victims of Crime and all the volunteers who work with the North Simcoe Victim Crisis Services to make our community a better and more caring place to live.

FOOD SAFETY

Mr John Gerretsen (Kingston and the Islands): With the aftermath of the Walkerton tainted water scandal still fresh in all our minds, the safety of the food we eat on a daily basis is of utmost importance to all Ontarians. The principal responsibility of the Ministry of Agriculture, Food and Rural Affairs is to manage the food safety risk in order to protect all consumers.

As pointed out by Erik Peters, our independently appointed Provincial Auditor, in this year's annual report, the meat and produce we eat and the milk we drink are

becoming increasingly contaminated. “They”—and I quote him—“pose risks to human health and deficiencies are not corrected in a timely manner.”

Meat is inspected by how it looks and smells, and not by the antibiotics it contains. Ninety per cent of all goat’s milk shows excessive bacteria counts. Over one third of all deficiencies noted by him were detected again the following year, in meat inspections, milk-dairy operations and excessive amounts of chemicals in our fruits and vegetables.

Has this government not learned anything from Walkerton? Do we really feel safe about the food we eat when the staff has been reduced from 103 full-time inspectors in 1995 to only eight in 2000? Do we really need a crisis like Walkerton to occur in our food inspection area before this government will take action?

On behalf of all Ontarians, I ask the government to stop implementing its \$2.2-billion corporate tax cut today and reinvest in quality and accessible health care, affordable and universal education, and adequate inspection programs in water and food safety so that all of us will feel safe and secure in the food we consume on a daily basis.

LABOUR DISPUTE

Mr Peter Kormos (Niagara Centre): On Saturday morning I was extremely proud to join workers in Whitby on their picket line, members of CAW Local 1000, the employees of Value Village in Whitby who have been forced out on strike on to the streets since October 10 in their efforts to negotiate a first contract.

Mostly women, these workers are being paid \$8 an hour for what is nothing other than and best described as sweatshop work conditions. These workers had the courage and the tenacity to organize, to join a trade union, in a climate in this province created by Mike Harris and the Conservatives that we know discourages trade unionization. These workers have banded together in solidarity as Autoworkers to take on this bad boss, this sleazy employer, Value Village.

The boss, the employer, Value Village, is trying to bust that union. These workers aren’t going to let that happen, their union leadership isn’t going to let that happen, other working women and men acting in solidarity with these workers aren’t going to let that happen, and the NDP is going to do everything it can do to make sure it doesn’t happen.

I call upon the members of this Legislature and indeed folks across this province to boycott every Value Village retail outlet in this province, until Value Village sits down at the bargaining table with these workers in Whitby and organizes a contract that’s fair, guarantees fair salaries and guarantees workplace conditions where the workers have some control over their occupational health and safety.

Value Village, bad boss, sleazy employer: we’re standing with the workers.

CHEMOTHERAPY CLINIC

Mr Doug Galt (Northumberland): I rise in the House today to celebrate the opening of the new chemotherapy clinic at the Northumberland Health Care Centre. As our population ages, there will be more and more demand on our health care system. This clinic will provide the chemotherapy services necessary for the residents of Northumberland right in their own backyard.

For example, in the year ending March 31, 2001, 10 patients received 39 chemotherapy treatments in the Northumberland Health Care Centre. In the past six months, six patients received 26 treatments. It appears that the number of treatments will almost double this year over last. The need for a local clinic is clear.

An open house held last week at the clinic showed what the community has accomplished through fundraisers, gifts and donations. With these proceeds, the clinic was able to purchase comfortable recliners and many other homey touches such as curtains, wallpaper borders and attractive framed prints.

Through Cancer Care Ontario, the government is ensuring that people in Ontario receive high-quality cancer treatment. One of its mandates is to ensure that patients across the province receive the same high quality of care regardless of where they live.

Our government is committed to supporting our cancer patients. I commend the efforts of the Northumberland Health Care Centre, and I’m pleased to congratulate our community for working together in the opening of this clinic.

1340

HIGHWAY SAFETY

Mr Michael Gravelle (Thunder Bay-Superior North): As the Minister of Transportation will know, a tragic accident near Shabaqua this past Friday between two transport trucks completely shut down the Trans-Canada Highway this past weekend. Because one of the vehicles contained PCBs, extreme caution is being used. It is expected that even now, three days later, there will be only one lane of traffic open until at least tomorrow.

The province must recognize that when an accident such as this takes place on that particular stretch of the highway, there are no other options for drivers going east or west. It has happened before and I fear, unfortunately, that it will happen again. Surely the most recent tragedy should be a wake-up call for the Minister of Transportation. A divided, four-lane highway must be constructed on this stretch so that road closures such as the one we are now experiencing can be avoided. Perhaps, more significantly, it is clear that this accident never would have taken place were the transports travelling on such a divided highway.

We need more than a rehabilitation of our highways in our part of the province. We need a rejigging of the priorities so that this vital project, a divided, four-lane highway between Nipigon and Shabaqua, is treated as a

real priority by this government. We are tired of being treated as second-class citizens as far as highway improvements are concerned.

While I have the attention of the minister, I'd like to ask him to provide proper lighting on the Thunder Bay Expressway. All of us who use the expressway after dark find it a frightening experience. In light of the increased inter-city volume of traffic that is on the expressway, I would figure that officials would agree proper illumination is vital. The next time you're in Thunder Bay, Minister, I would invite you to travel on the expressway after dark. I suspect that would be enough to convince you of the need for this crucial safety improvement.

HANUKKAH

Mrs Tina R. Molinari (Thornhill): It gives me great pleasure to speak today about the Jewish festival of Hanukkah, which will begin Sunday, December 9 at sundown and will be widely celebrated throughout my riding of Thornhill.

Hanukkah comes from the Hebrew word meaning "dedication," and is celebrated for eight days in the Hebrew month of Kislev, which usually occurs in mid- to late December. Hanukkah recalls the struggle of religious freedom and commemorates the victory of the Jewish fighters, the Maccabees, over the Hellenistic Syrians in the year 165 BCE. The Maccabees became legendary in later years, largely due to the Jewish historian of the first century, Josephus. His retelling of the Hanukkah story became immensely popular during the Middle Ages. It was Josephus who first referred to Hanukkah as the Feast of Lights.

Jewish families across Thornhill and the province will celebrate Hanukkah by lighting the eight lights of the menorah, which celebrate the miracle of a one-day supply of oil lasting for eight days. I will have the pleasure of taking part in some menorah lightings in Thornhill, in particular on December 15 at the Chabad Lubavitch of Markham.

I would like to take this opportunity to wish the families in my riding of Thornhill and across Ontario a very happy Hanukkah.

CANADIAN CELEBRATION IN NEW YORK

Mr Gerry Phillips (Scarborough-Agincourt) I want to salute all Canadians, including a huge number from Ontario, who went to New York City this weekend. There were 20,000 people at that rally. It's very important to show our support for our neighbours. New York was dealt an enormous blow on September 11, and it is slowly getting back on its feet, but it does need the support of its friends.

Ontario's police and fire services did us particularly proud by presenting a \$200,000 donation to the victims and families of the police services in New York. Our fire services donated a huge new vehicle.

Probably no two countries in the world have closer and more friendly relations than Canada and the US.

I was in New York with my daughter and my 7-year-old grandson—all at my own expense, by the way, just in case the taxpayers are worried—and we went throughout Manhattan. I can tell you that New Yorkers were very much aware that their friends from Canada were there, and they really appreciated it. After the event, Mayor Giuliani said it was the most uplifting event he has experienced since September 11. As I walked around Manhattan there was a song that kept going over in my mind, That's What Friends Are For—in good times, in bad times.

New York has had a tough time, and it was good to show our terrific friendship with our good friends in New York City. I congratulate all who travelled down there.

FIREFIGHTERS

Mr Toby Barrett (Haldimand-Norfolk-Brant): Earlier this month a ceremony was held outside this Legislature to honour brave men and women, the firefighters of Ontario, and Lieutenant Governor Hilary Weston was on hand to give out Ontario medals for firefighter bravery. I'm proud to say that one of the 15 recipients was from my riding of Haldimand-Norfolk-Brant. As we've become more aware in recent months, firefighters must be prepared to face danger each and every day. They must have the skills it takes to handle an emergency, but more important, they must have the bravery it takes to face the sometimes life-or-death challenge.

Last July, Phil McCulla, of the Norfolk County Fire Department, was off duty east of Turkey Point when he spotted the scene of a head-on collision, and he responded in the only way he knew how—with skill and bravery. Hearing a woman screaming from one of the vehicles, McCulla flew into action, pulling the woman from the car. He then battled extreme heat and flames to rescue a trapped boy who was unable to move because of two broken legs. As Solicitor General David Turnbull noted at the medal presentation, "Philip risked his life so that the mother and child could live." Philip was one of six to receive the Ontario Medal for Firefighter Bravery. We recognize Philip McCulla, firefighter, hero and Norfolk county resident.

VISITORS

Hon Dan Newman (Minister of Northern Development and Mines): On a point of order, Mr Speaker: I'd ask you and all members of the Legislative Assembly to join me in welcoming Linda Brett, mother of one of our pages, Andrew Brett, from Scarborough Southwest, to the Legislature today.

INTRODUCTION OF BILLS

COMPENSATION FOR VICTIMS OF CRIME AND SOLICITORS STATUTE LAW AMENDMENT ACT, 2001

LOI DE 2001 MODIFIANT DES LOIS SUR L'INDEMNISATION DES VICTIMES D'ACTES CRIMINELS ET DES PROCUREURS

Mr Bartolucci moved first reading of the following bill:

Bill 146, An Act to amend the Compensation for Victims of Crime Act and the Solicitors Act / Projet de loi 146, Loi modifiant la Loi sur l'indemnisation des victimes d'actes criminels et la Loi sur les procureurs.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

Mr Rick Bartolucci (Sudbury): I was honoured to be at the kickoff of Action Sudbury's Red Ribbon program on Friday, and in their honour I introduce this bill. This bill amends the Compensation for Victims of Crime Act to allow victims of motor vehicle offences under the Criminal Code of Canada, such as impaired driving, to apply for compensation under the act. At present, victims of those offences are not allowed to apply for compensation under the act, and I believe with the passage of this bill there will be fairness for all who are victims of crime because of impaired drivers.

MOTIONS

HOUSE SITTINGS

Hon Janet Ecker (Minister of Education, Government House Leader): I move that pursuant to standing order 9(c)(i), the House shall meet from 6:45 pm to midnight on Monday, December 3, Tuesday, December 4, and Wednesday, December 5, 2001, for the purpose of considering government business.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry?

All those in favour of the motion 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 five-minute bell.

The division bells rang from 1350 to 1355.

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

Ayes

Agostino, Dominic
Arnott, Ted
Barrett, Toby

Galt, Doug
Gerretsen, John
Gilchrist, Steve

Newman, Dan
Ouellette, Jerry J.
Patten, Richard

Bartolucci, Rick
Bountrogiani, Marie
Boyer, Claudette
Bradley, James J.
Brown, Michael A.
Bryant, Michael
Caplan, David
Chudleigh, Ted
Clark, Brad
Cleary, John C.
Clement, Tony
Coburn, Brian
Colle, Mike
Conway, Sean G.
Curling, Alvin
Di Cocco, Caroline
Dombrowsky, Leona
Duncan, Dwight
Dunlop, Garfield
Ecker, Janet
Elliott, Brenda
Flaherty, Jim

Gill, Raminder
Gravelle, Michael
Hoy, Pat
Hudak, Tim
Jackson, Cameron
Johns, Helen
Johnson, Bert
Kells, Morley
Kennedy, Gerard
Lalonde, Jean-Marc
Levac, David
Marland, Margaret
Martiniuk, Gerry
Maves, Bart
Mazzilli, Frank
McLeod, Lyn
McMeekin, Ted
Miller, Norm
Molinari, Tina R.
Munro, Julia
Mushinski, Marilyn
Phillips, Gerry

Peters, Steve
Pupatello, Sandra
Ramsay, David
Runciman, Robert W.
Ruprecht, Tony
Sampson, Rob
Sergio, Mario
Smitherman, George
Snobelen, John
Sterling, Norman W.
Stewart, R. Gary
Stockwell, Chris
Tascona, Joseph N.
Tilson, David
Tsubouchi, David H.
Turnbull, David
Wettlaufer, Wayne
Wilson, Jim
Wood, Bob
Young, David

The Speaker: All those opposed will please rise one at a time and be recognized by the Clerk.

Nays

Bisson, Gilles
Hampton, Howard

Kormos, Peter
Marchese, Rosario

Martel, Shelley
Prue, Michael

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 73; the nays are 6.

The Speaker: I declare the motion carried.

INTERNATIONAL DAY OF DISABLED PERSONS

JOURNÉE INTERNATIONALE DES PERSONNES HANDICAPÉES

Hon Cameron Jackson (Minister of Citizenship, minister responsible for seniors): Mr Speaker, on a point of order: Might I seek unanimous consent from the House to have five-minute statements from each of the caucuses with respect to the International Day of Disabled Persons?

The Speaker (Hon Gary Carr): Is there unanimous consent? Agreed.

Hon Mr Jackson: December 3 is the day that the United Nations has set aside as the International Day of Disabled Persons. It is an annual opportunity for governments all around the world, for persons with disabilities, their families, their friends and their caregivers, to celebrate their achievements and focus on public awareness of issues around disabilities.

Ontario is already recognized as a leader in services for persons with disabilities in Canada. Our foundation of legislation and services for persons with disabilities includes the federal Charter of Rights and Freedoms as well as the Ontario Human Rights Code, and they are considered the strongest in North America.

A strong Human Rights Code provides a solid basis for the rights of persons with disabilities in this province. The code and the commission have an impressive record of protecting the rights of all residents, including persons

with disabilities, yet we know that we can do much more in this regard. That's why this government is planning legislative amendments that would update, improve and strengthen the Ontario Human Rights Code. I'd like to acknowledge the work of the chief commissioner, Keith Norton, and his commissioners.

There is a special feeling to the events that mark the International Day of Disabled Persons this year. With our recently released Vision of a more inclusive and accessible society, with our Framework for Change for Persons with Disabilities and with our proposed legislation, the Ontarians with Disabilities Act, Bill 125, we have embarked on a course that is considered one of the broadest and strongest in all of Canada.

1400

We're determined to increase the independence, the opportunity and the quality of life for persons with disabilities, to achieve a province where existing barriers are removed and have a legislated plan in place in order to remove existing barriers. All of us have a role to play in this important goal. That's why we've consulted Ontarians so widely in preparing our accessibility strategy. We have met with hundreds of persons with disabilities and their organizations, parents of children with disabilities, municipalities and even the private sector. These are valuable meetings, and they reinforced my belief that Ontarians were up to the challenge of assisting this government in establishing standards and guidelines that can be enacted to improve the lives of persons with disability.

Last Friday, further public hearings began in Ottawa on Bill 125, and these hearings continue in Windsor, Toronto, Sudbury and Thunder Bay this week. The hearings reflect our continued commitment and desire to make a good bill even better by holding it up to public review and consultation.

The government's proposed Framework for Change would directly affect four key areas: the Ontario public service, the municipalities, the broader public sector and the private sector. Each has a role to play in helping Ontario achieve its vision for persons with disabilities and each is affected by the mandatory and the non-mandatory measures.

I am encouraged that the private sector has already taken measures to improve accessibility in our province. The best examples we have are the Greater Toronto Hotel Association, the Ontario Restaurant Hotel and Motel Association and Tourism Toronto.

Earlier today, I launched a new ministry Web site at the Granite Brewery restaurant on Eglinton Avenue in Toronto, a fully accessible private sector restaurant. The Granite Brewery has menus in Braille, the public telephone is lower to accommodate persons in wheelchairs, audible emergency signals have been installed for customers who are blind or visually impaired and the staff have been specifically trained to provide good customer service to persons with disabilities. When I asked Ron Keefe, the owner, what prompted him, he said the CNIB and seniors in their immediate community, in their

neighbourhood, have a right to have full access to his business.

That's why I think it is important for us to include all sectors in our Vision for improving the quality of life for individuals with disabilities in our province. You'll find more about the Granite Brewery and many other leading-edge companies on the ministry's brand new Web site, Paths to Equal Opportunity, which was launched this morning.

Later today, I will be attending the March of Dimes 50th anniversary open house and reception. The Ontario March of Dimes and the Ministry of Citizenship have forged a strong working relationship over the years. We respect them as leaders in their field, and we rely on their expertise and their commitment to persons with disabilities. All in all, the ministry has provided significant funding, but it is this relationship which has worked so successfully.

The March of Dimes is not unlike hundreds of organizations, with their dedicated staff and volunteers who are inspired by their service to disabled citizens. As members, we continue to be inspired by their spirit and their hopes for our future.

Ontarians want to do what's right, and they have demonstrated this time and time again. Our Vision, our Framework for Change and our proposed disabilities legislation will, I believe, be welcomed into Ontario's historic wellspring of justice and fairness.

Barriers still remain; we know that. But together we must set about the task of removing them. Only the Ontario government is prepared to make the first step to empower disabled persons to make decisions about removing barriers to accessibility, services and employment in their communities. Working in partnership with municipal government, agencies and institutions in the broader public sector, the private sector, persons with disabilities and all caring Ontarians, this government is leading the province to full accessibility and equal opportunity for all its citizens.

Mr Dwight Duncan (Windsor-St Clair): On behalf of the official opposition, I and my colleague from Ottawa Centre will share our five minutes to make a few comments about the International Day of Disabled Persons.

As we reflect on the contribution of the disabled community not only in this country but around the world, we think of people like Franklin Roosevelt, or like Gary Malkowski, who was the first deaf person elected to this Legislature. We think of the enormous contributions that have been made by many people who face challenges the rest of us don't in terms of making this world a better place, whether here in the Legislature or right across Ontario.

This day also gives us reason to pause and reflect on what contributions may have been met, what opportunities may not have been forsaken, had we truly had a more accessible society in the past, had we as a people made greater efforts and striven further in days past to ensure that accessibility. The numbers of persons in our society who are disabled are truly astounding, and their

contributions are truly remarkable. Tomorrow, the Order of Ontario will be bestowed on one of my constituents, Danielle Campo, a remarkable young woman who represented this country so well in the Paralympics. I'll be speaking more about that tomorrow.

But we must reflect always on how we deal with these issues legislatively and from a public policy perspective. The minister referenced the achievements of successive governments in this province, whether it was the government of Bob Rae or the government of David Peterson or the government of William Davis or John Robarts, that have consistently moved us forward. Today in committee in Windsor, we are debating the government's Ontarians with Disabilities Act, a bill that we feel is flawed, but we will have more to say about that in the committee hearings and as we continue debate in this House.

It's ironic that those hearings had to be moved at the last minute today in Windsor because the facilities that were booked were not accessible to the disabled. It is an important matter, when we deal with the issues confronting disabled persons, that we be sensitive to their needs, in a timely fashion, but one that will allow full accommodation as a government. It's unfortunate that at a time when the world, particularly the United States with its Americans with Disabilities Act, has moved so far forward, we are left moving hearings at the last minute because the site we chose as a government was not accessible for Ontarians with disabilities. It is a commentary not on the government but on this society that that sort of thing should happen. It is a commentary on all of us, that each of us needs to strive to recognize the enormous potential that people in our communities have to give to society and to improve society. We in the official opposition pay tribute to those among us with disabilities who contribute every day to the greatness of this province and country.

With that, I'll give the remaining time to my colleague from Ottawa Centre.

Mr Richard Patten (Ottawa Centre): I would like to add that I had the experience last Friday of sitting in on some hearings to look at the Ontarians with Disabilities Act proposals that are before the people, and it's quite a moving experience.

There was one gentleman suffering from multiple sclerosis who in particular had an impact. His statement was, "The bill as it is proposed does not, of course, deal with the private sector," which is fundamentally important, because in the daily lives of most disabled people, about 75% to 80% of their experience has to do with barriers in the private sector. He used the analogy of one step. He said, "Everywhere I go, there's one step." He's in a wheelchair and he struggles even being able to manage the wheelchair. He said, "I keep hitting upon trying to go to a coffee shop. There's one step, and it's a barrier. I try to go to a dry cleaner's; there's another barrier because of that one step." He said these things do not take massive amounts of resources. There are no incentives even for the private sector to make improvements to some of their places. He said that will be, at the end of

the day, what we will see as a measurement of the commitment of this government, because it is in the government's hands.

We will vote for you with some support in addressing the private sector to play a role in supporting the disabled people in our province.

1410

Mr Howard Hampton (Kenora-Rainy River): International Day of Disabled Persons: a day established by the United Nations to recognize that people who struggle with disabilities are often not fully included, not fully given access or allowed to access all of the work, all of the physical settings, all of the participation in our society that we believe needs to happen.

It is clear that headway is being made in other countries around the world in terms of recognizing the challenges that individuals who suffer with disabilities face. It is clear, for example, the strides that have been made in a number of European countries. It's clear, for example, by some of the legislation that has been passed in the United States. We would hope that in our province, the province of Ontario, we would similarly take steps to broaden the access in employment, broaden the access physically, broaden the access in terms of participation in society.

At this time we are in fact debating legislation, Bill 125, which the minister says is Ontario's answer. On this day, I simply want to comment once again on the reality of Bill 125, which is being heard now in hearings being held across the province. The people who are coming to the hearings are not congratulating the government; the people who are coming to the hearings are pointing out the shortfalls in the legislation. This is what they point out:

There are no mandatory requirements for the private sector: the private sector does not have to increase the physical accessibility to buildings; the private sector does not have to think about accessibility in terms of employment or other participation.

There is no enforcement strategy to this legislation; there are no timelines to indicate when persons with disabilities can expect to live in a barrier-free Ontario.

The advisory committees that will be established have no power to ensure compliance and enforcement; their only capacity will be to lobby, something that the community has been doing.

There is no funding allocated to improve accessibility.

There is no mandatory action required of municipalities, other than simply to develop plans, plans which need not be acted upon.

The only enforcement machinery that is available is the Ontario Human Rights Commission, something which we know is already very badly overextended.

And while the legislation says that it reforms the Social Housing Act to ensure any future social housing is fully accessible, we know that no social housing has been built in this province for five years now.

So representatives of the disability community, the David Lepofskys, the Gary Malkowskis, are left to won-

der, if there is so little in this legislation, what is improving. What is happening? I think the sad commentary is that not much is happening.

This is a day where the government wants to say that it is doing something. The reality is, when you look at their legislation, not much is happening at all.

M. Gilles Bisson (Timmins-Baie James) : Imaginez-vous qu'aujourd'hui, en 2001, on se plante ici à l'Assemblée législative de l'Ontario pour faire des remarques faisant affaire avec la Journée internationale des personnes handicapées. Moi, je me dis comme individu ontarien comment on n'a pas avancé le dossier, dans les 120 années que la province est ici, comme Assemblée législative. Pourquoi pas faire des modifications à la loi municipale pour un fait seulement, le moindre des moindres : dans n'importe quelle planification des nouveaux bâtiments dans la province, que chaque bâtiment soit bâti avec l'idée de faire accessibles ces bâtisses-là ? C'est quelque chose qu'on pourrait faire, c'est facile, ça se fait tout de suite et on pourrait avancer le dossier pour les personnes avec disabilities. Mais on ne le fait pas.

Mr Steve Gilchrist (Scarborough East): On a point of order, Mr Speaker: I know it's never the intention of any member to mislead this House. However, I believe I heard Mr Duncan suggest that the hearings in Windsor today are taking place in a facility that is not disabled-accessible. In fact, the representative—

The Speaker: Order. The member take his seat. The member will know that he can't correct the record of somebody else. If there is a record that needs to be clarified, the member can do that.

Mr Duncan: On a point of order, Mr Speaker: It's a misinterpretation; I'm sure the member didn't mean to mischaracterize. The hearings in Windsor had to be moved late on Friday because it was determined on Friday afternoon that the venue that the hearings were supposed to be in was not in fact accessible. They moved them, effective today, to accommodate those persons who, it is my understanding, could not have been accommodated in the original facilities that had been chosen.

The Speaker: I am aware of the change of the venue. The Chair of the committee I'm sure will handle the circumstances as rightly as is his duty.

It is now time for oral questions.

Oh, I'm sorry: the member for Bramalea-Gore-Malton-Springdale.

VISITORS

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): I'd like to have the members of the House recognize students from Cardinal Leger high school in Brampton and their teacher, Trevor Hilton, who are in today along with many other students.

The Speaker (Hon Gary Carr): I apologize. There is statements too. The member on a point of order?

Mr Gilles Bisson (Timmins-James Bay): If we're going to start welcoming people, I'd like to welcome a number of citizens from northeastern Ontario who are

here today. They are worried about what's happening with the garbage situation and they are so opposed to the Adams mine project. Our good friends, Charlie, John and the rest, we welcome you to the—

The Speaker: Order. Let me say very quickly about the introductions that I have no problems with doing them. As I've said to some members, some days they're the nicest things we do here. I remember one day a young fellow up there in the gallery was so excited when he got introduced that there was a big smile on his face. I don't see problems with doing that as long as we don't get too carried away.

Some members I know have voiced concerns about that. I will leave it up to the House leaders and collectively the House to decide. I'm in your hands on that. The only thing I will suggest: if we start introducing people and then putting caveats of why they're here, it may become a little bit more partisan. That will defeat it, and then some members won't want to proceed like that.

Again, I will leave it in the hands of the House leader. For those members who have voiced some concern, different jurisdictions do it differently. For example, in the House in the United States, they actually call the guests down. They come up, they interrupt the proceedings and they welcome their honoured guests. I personally don't see a problem; as I mentioned, when I see a smile on the face of some of the young people when they get introduced, I don't see a problem with it. I will look for the guidance of the House leaders, as I often do in situations like this, on how they want to proceed with introductions and I will be guided by them.

I apologize; I went by ministers' statements.

STATEMENTS BY THE MINISTRY AND RESPONSES

BORDER SECURITY

Hon Robert W. Runciman (Minister of Economic Development and Trade): I'd like to share with the House the update on border security issues. As members know, on November 2 Premier Harris and I hosted an industry leaders' round table on border issues.

Business leaders and governments are in agreement that we must find a way of maintaining the free flow of goods, services and people across our border with the United States while ensuring our security. Business leaders and the Ontario government came up with four key recommendations. They are: the establishment of a North American security perimeter—we believe that a security perimeter is key to ensuring both our safety and our economic prosperity; harmonization of border procedures between Canada and the United States; increasing the use of pre-clearance and identification procedures; and utilization of new and existing technological measures.

The recommendations of Ontario's round table report were reinforced today when the Coalition for Secure and

Trade-Efficient Borders released its second report. The coalition is calling for many of the same elements to be brought to bear as are suggested in the Ontario report: for example, increased use of technology and pre-clearance; improvements to immigration security; and investments in transportation infrastructure to facilitate the movement of goods and people.

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The two reports are sending the same message to Ottawa: the federal government must develop a comprehensive and integrated strategy that addresses the issues of security and border management, and they must do so in a way that will give Canadians and Americans confidence that border issues are being addressed head-on.

We sent our round-table recommendations to the federal government, but I felt the message needed to be delivered in person. Last Friday I met with Industry Minister Tobin and stressed to him how strongly Ontario's business community feels about these recommendations. I also participated in a federal-provincial conference call of trade ministers that same day.

In my meeting with Mr Tobin and during the conference call, I had the same message to deliver: listen to Ontario business about border security. A North American security perimeter is vital to our safety and our economy. All the provinces and territories expressed support for the perimeter concept, and it appears the federal government is listening.

Today we see the first concrete steps.

US Attorney General John Ashcroft is in Canada today to meet with four federal cabinet ministers to discuss security issues. His visit comes on the heels of a United States announcement that 600 American troops will be deployed to assist in border flow and security. It's clear the United States continues to have grave concerns about the possibility of terrorists entering their territory from Canada. The US action today underscores the importance of Canada moving quickly to introduce a perimeter approach to North American security.

Today's announcement includes an agreement to coordinate immigration measures between the two countries, and hopefully this will lead to the tightening of Canadian immigration rules called for by Premier Harris in his November 6 letter to Prime Minister Chrétien.

We will closely monitor the implementation of today's announcements and will be in constant touch with stakeholders in Ontario to assess the impact as these measures are put in place. We will continue to press the government of Canada to take all the steps necessary to ensure the security of Canadians, to ensure terrorists cannot enter Canada from third countries and to ensure everything possible is done to facilitate cross-border trade.

Security and the economy are completely linked. The jobs and the lives of Ontarians depend on quick and thorough action by the Canadian government.

I want to thank Industry Minister Tobin for his co-operation and support. Our industry leaders' round table called for co-operation between governments on these

critical security and economic issues, and with today's announcement it appears to be happening.

Mr Dwight Duncan (Windsor-St Clair): I'm pleased, on behalf of our caucus, to have the opportunity to respond to the minister and, first of all, to acknowledge that we are pleased with the tone of this statement, acknowledging the role of the federal government. We think it's extremely important that governments at all levels, municipal, provincial and federal, work together, and it is our view, frankly, that the rhetoric emanating from Ontario has not been helpful in these circumstances and during these debates.

Representing the largest dry port in this country, this issue has been of extreme importance to myself and my colleagues from Windsor West and Essex, as it is to all of us in this Legislature.

The federal government has had no less than five ministers down to our community to meet with business communities. The federal government has met quite independently of the province's initiative on an ongoing basis with key business representatives from across the country. The question of free flow of goods and the question of security at the border are now interwoven and must be dealt with together.

On the question of free flow of goods, I think all of us support it. There are some challenges with that issue. There are some challenges that have to be acknowledged with respect to our sovereignty and our ability to integrate not only our border, but how that impacts on some of our other laws. For instance, the Americans have very different gun laws from Canada. We don't allow handguns; they do. Like it or not, that's the way it is. There is a whole range of these kinds of issues that deal ultimately with our ability as a people to make laws for ourselves that reflect our national objectives.

Accordingly, as we move to a freer border, and I think we all agree to that, a number of the initiatives that have been proposed, and I say to the minister, these initiatives have been on the table for some time prior to September 11—for instance, the pre-clearance through customs on either side—took on a new urgency, admittedly, after the terrorist bombings. Those things do have to move forward, but in a manner that can accommodate our national differences, our national priorities and our national choices.

This province's trade is so dependent on the United States, we have no alternative but to make sure that border remains open. My leader, Dalton McGuinty, came to Windsor I think about a week and a half after September 11 and met with all of the business leaders. He has also met with leaders of the automotive industry and other trade-dependent industries to talk about the impact of these events on working families in this province. We recognize the need to make sure that border stays open to the free flow of goods.

It will be incumbent on the government of Ontario, in our view, to work co-operatively with the federal government at this time of war. We are in a state of war. Canadian troops are on their way to Afghanistan as we speak.

We are engaged in security measures. I should say to the minister, I had the opportunity to cross the border the other evening, and passenger vehicles are now moving across in about 15 minutes. It's still slower than it was prior to September 11, but the co-operation we've seen between Washington and Ottawa is an example of the co-operation we ought to have between Toronto and Ottawa.

Attorney General Ashcroft today praised the government of Canada for its efforts. The Dallas morning newspaper last week ran a lead editorial applauding the government for its response. I acknowledge that the government of Ontario has taken a proactive role. This is no time for lobbying cheap political shots. This is not a time when we ought to be debating, in what I would call a crude partisan fashion, issues that are at the very heart of our economic well-being and the security of the people of the United States and the security of the people of this province.

I would urge the minister, as I wrap up my remarks, that there are certain issues that the province of Ontario ought to look at very quickly.

Number one: the largest border crossing in this country is not directly linked to a provincial highway. It was the minister's government that downloaded that road to the municipality.

Number two: there is an urgent need for another border crossing, but more importantly from the province's perspective, an investment in capital to ensure that the goods and services that are crossing at that port can access our provincial highway system. Today they can't. The minister is in possession of the emergency response from the city of Windsor dated September 11, and he knows full well what this province ought to be doing to ensure—and this province can do alone—as he says, that our border stays open and free and the people in this province continue to have jobs to support their families.

Mr Howard Hampton (Kenora-Rainy River): I want to raise some questions about the statement made by the minister responsible today.

First of all, I want to talk about the trade issues, because it seems as if someone is trying to indicate that following September 11 there was this dramatic drop-off in trade. But all of the evidence points to the contrary.

I want to quote from the Financial Post article of November 21, where they look at the Statistics Canada figures, which are released monthly. The Statistics Canada figures for September show that within a week after the events of September 11, the actual amount of traded goods going across the border had returned to normal. In fact, they note that the only significant decline was a decline in energy exports. But energy exports do not move across customs inspections; energy exports move by way of natural gas and oil pipelines.

So I'm left to wonder: if the evidence that has been determined by Statistics Canada, which is also corroborated by studies on the United States side of this issue, in fact shows that there has not been a major disruption of trade, then what is the motivation here?

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If I may suggest, the motivation underlying this—and I think we should thank the United States ambassador, who has been very forthright on this issue. He said, "It's long been, in fact, the policy of the United States to ask Canada to integrate our immigration, our customs and our policing and security issues with theirs, even before September 11." But there is no evidence, in terms of the trade data, which would support this.

I wanted to ask another question about the so-called security side, because it seems to me that there are some issues here as well. I watched the US Attorney General, Mr Ashcroft, on television two nights ago. He indicated, for example, that the United States has over 9,000 customs officers and border security officers along the border with Mexico. On a border that is two and a half times larger, the border with Canada, they have only 500 customs officers. It seems that the United States has not regarded their border with Canada to be a problem. It seems they've not regarded it to be a problem at all.

If having more security officers along the border is a solution, it seems to me that Mr Ashcroft and this government should explain how, despite all of the border patrol officers and customs officers along the US border with Mexico, over one million illegal immigrants move from Mexico into the United States every year. You should explain how it is that Spanish-speaking people are now becoming the largest immigrant group, the largest ethnic group, in the United States. Something doesn't add up here.

Another question about security: we know that the United States has spent billions of dollars along the Mexican border, yet it doesn't seem to have added any security. The United States has spent tens of billions of dollars in the last 30 years on something called the war on drugs. One would think, with the incredible resources that have been devoted, and the tens of billions of dollars, that Americans should somehow be more secure from drugs. It hasn't happened.

I want to get directly to the question, the issue of trying to build a security perimeter around North America. I invite this government to actually listen to somebody who has been advising the United States. The gentleman's name is Robert Kaplan. He is an adviser to the US Special Forces. It's his advice to them that you cannot, in the modern world, build this kind of security barrier. He points out that the heart of the problem is rising inequality in the world. One part of the world lives in desperate poverty and people will do anything to escape that desperate poverty. People live in hopelessness and they live with a sense of injustice, so trying to establish security perimeters really doesn't answer the question. We have to address the issue of growing inequality in the world. We have to address the issue that over 50% of the people feel a great sense of injustice in this world. We have to do something about it.

ORAL QUESTIONS

SCHOOLTEACHERS

Mr Dalton McGuinty (Leader of the Opposition):

My first question today is for the Minister of Education. Minister, on your watch, the number of unqualified people teaching Ontario children has skyrocketed. According to the College of Teachers, we now have 1,300 people teaching in our schools who simply are not qualified to teach. That's 63% higher than last year, and 400% more than under the previous two governments. These people are teaching our kids, despite never having graduated from a faculty of education and notwithstanding the fact they have never been certified by the Ontario College of Teachers.

Madam Minister, I thought you were all in favour of higher standards for teachers. Why are you lowering the standard for teaching in Ontario?

Hon Janet Ecker (Minister of Education, Government House Leader): I find it interesting that the honourable member would like to support higher standards for teachers. I hope that means he will be supporting Bill 110, which sets out performance appraisal standards for teachers in the classroom. I hope very much that that setting of higher standards would be something the honourable member would support.

Secondly, as the honourable member should well know, the policy that provides school boards the flexibility to have people with other skills that they feel are appropriate in classrooms through the letter of permission process was the same process that was in place when the Liberal government was there, when the NDP government was there and when the Conservative government was there. I would certainly caution you on the use of numbers. That number fluctuates up and down, as it has under Liberal, NDP and Conservative governments.

Mr McGuinty: Madam Minister, your number, 1,300 letters of special permission issued this year, is 400% higher than the numbers ever used by the previous two governments. It used to be an emergency provision, where you brought in teachers as some desperate measure. The problem today is that you're driving teachers out of the profession. That's why you've got to bring in so many teachers.

In Toronto alone, you've got 1,000 people teaching who are not teachers; there are 138 in Ottawa, 123 in London, at least 70 in the north and 39 in Barrie. That means that somewhere around 30,000 Ontario students are at a distinct disadvantage because the people standing at the front of the class and teaching them day in and day out are not certified and are not qualified to teach as teachers. Madam Minister, I ask you again, why are you lowering the standard of teaching in Ontario classrooms?

Hon Mrs Ecker: First of all, no one has changed a standard. The letter of permission process is the same process that was in place for the last many, many years and many, many governments. There are actually more

people in teachers' college, more people graduating from teachers' college, because on this side of the House we recognized some years ago that the population was aging and that the demographic wave was going through the profession of teaching like it's going through nurses, doctors and politicians. We have increased the number of spaces in teachers' colleges to make sure there are more teachers available for our system—some 6,000 more teaching spots—and we still have more people who want to be teachers than we have spots for. It's a wonderful, positive statement about the teaching profession and how young people and people from other careers see teaching as a wonderful choice to make.

Mr McGuinty: There were 35% fewer applications in Ontario's faculties of education last year than the year before. You are driving teachers out of the profession and you are hardly extending a warm invitation to those who might be considering it as a profession.

Madam Minister, you won't do anything about these unqualified, uncertified people teaching Ontario children but the Ontario College of Teachers would like to do something, but they are powerless to do so. They're asking you for greater authority over these unqualified individuals and you won't give it to them. They say they need this "for reasons of accountability, standards of practice, ethical standards and misconduct rules." If you won't do anything to help regulate and control these unqualified, uncertified people who are teaching Ontario children, then why will you not at a minimum accede to the Ontario College of Teachers's request so they can put in place some measures of accountability and some standards for those people?

Hon Mrs Ecker: Again, there are more people applying to teachers' colleges. We are expanding—

Mr Gerard Kennedy (Parkdale-High Park): Not this year there aren't.

Hon Mrs Ecker: Yes, there are. I hear the honourable member, Mr Kennedy, who hasn't got the research right yet. I really wish he would. It would certainly help the debate on public education. It deserves better than the kind of research that has sometimes been demonstrated.

We are expanding the number of teachers' college spots. We still have more people applying than we have space for. That's why we're continuing to expand the number of teachers' college spots, to take advantage. We still have boards—for example, the Toronto board had more people applying for jobs than they could possibly hire. We're continuing to see qualified, interested people who have skills to offer.

If he wants to suggest that school boards are not living up to their obligations and responsibilities as employers, if he says he can't trust school boards to protect our kids, then he should say that, because that's what that question is saying, that he doesn't trust school boards to hire qualified people—

The Speaker (Hon Gary Carr): The minister's time is up.

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MINISTRY DOCUMENTS

Mr Dalton McGuinty (Leader of the Opposition):

My question is to the Solicitor General. You are the chief law enforcement officer of the province of Ontario. In that capacity you must be beyond reproach; you must inspire the confidence of Ontario families; you must be seen to have the utmost respect for the law. The Provincial Auditor says you did not respect his lawful request for information, a request he made pursuant to the Audit Act of Ontario. Given that you failed to respect the law in the past as a minister, how can we trust you to respect the law today as Ontario's chief law enforcement officer?

Hon David Turnbull (Solicitor General): To the Deputy Premier.

Interjections.

The Speaker (Hon Gary Carr): Order. The government can answer the question—whoever. Deputy Premier, sorry for the interruption.

Hon Jim Flaherty (Deputy Premier, Minister of Finance): The question relates to the auditor's work with the Ministry of Transportation, not with the Ministry of the Solicitor General. In the work that was done by the auditor, the auditor's staff, as is normal, worked with the staff of the ministry, not the minister. That's normal; that's the way the procedure is normally followed. Then something unusual happened. The auditor's staff requested the release of cabinet documents. That is an unusual occurrence. The next thing that happened, which is absolutely appropriate, was that the ministry staff then took the matter to Cabinet Office. The secretary of cabinet and the Secretary of Management Board then met with the auditor.

Mr McGuinty: Minister, let me just remind you of the auditor's finding that he set out in his recent report. He says, "For the first time since being appointed Provincial Auditor, I have to report an instance where my office did not receive all the information and explanations we required." He specifically says this was contrary to section 10 of the Audit Act. He says, "The then senior management of the ministry hindered the audit process by not giving my staff full access to pertinent files, not providing all the information requested and deleting parts of pertinent documents that they provided." That is very specific.

This man sitting directly behind you is in breach of section 10 of the Audit Act of Ontario. How can he expect us now to have confidence in him in his new capacity as chief law enforcement officer of Ontario if at another time and in another capacity as a minister he did not show respect for the law then?

Hon Mr Flaherty: As I was indicating in my previous answer, which I didn't finish because of the time, what happened after the cabinet documents were requested by the auditor's office was that the ministry staff quite rightly referred that to the Cabinet Office, and the secretary of cabinet quite appropriately got involved. The secretary of

cabinet and the Secretary of Management Board then met with the auditor's office. There was no protocol for the release of cabinet documents in those circumstances, and there are conflicting issues here. There's the issue of the confidentiality of cabinet documents and the cabinet process, and there are the responsibilities the auditor has under the Audit Act. The good news is that a protocol was worked out to cover the entire government with the auditor, and that's significant progress.

Mr McGuinty: The only conflict here is between your version of events and the Provincial Auditor's version of events, and I'm with the Provincial Auditor.

There is not a single reference in the auditor's report to any cabinet documents. On the other hand, section 10 of the Audit Act is very clear, and I'll quote from it. It says, "Every ministry of the public service ... shall furnish the auditor with such information ... as the auditor from time to time requires, and the auditor shall be given access to all books, accounts, financial records" etc. There are no ifs, ands, buts or maybes. It says that they "shall" provide that specific information.

I ask you again, Mr Minister, in your new capacity, how is it that you expect us to have confidence in your new role today as chief law enforcement officer of Ontario if in another capacity as minister you refused at that time to respect the law?

Hon Mr Flaherty: First of all, the information was provided. The member should make that clear and acknowledge that, that the information requested by the auditor was in fact provided.

The second point—and I'm sure the Leader of the Opposition, as a lawyer, knows that there is a significant issue raised between the auditor's responsibilities under the Audit Act and the necessary confidentiality of the cabinet process. Those are competing demands. They had to be resolved. They were resolved through the secretary of cabinet and the Secretary of Management Board meeting with the auditor's office and working out a protocol to cover government. That's a desirable result. It's helpful to have the protocol in place. I'm sure that will assist not only Cabinet Office, but also Management Board and all ministries in dealing with the auditor and his important duties in the future.

HEALTH CARE

Mr Howard Hampton (Kenora-Rainy River): A question to the Deputy Premier: When Ontario citizens hear about your plans for private hospitals in Brampton, we wonder, when is the Conservative government going to start learning from your privatization mistakes? Siphoning off health care dollars for private, for-profit health care corporations is the problem we face, not the solution.

The Provincial Auditor slammed your government last week for proceeding with privatizations without making any case as to how the public was going to benefit. But despite Walkerton, despite the problems with food safety examination, your government continues down the road.

Before you make another mistake on privatization, Deputy Premier, will you say here and now that there will be no private hospitals in Ontario of any shape or form?

Hon Jim Flaherty (Deputy Premier, Minister of Finance): The announcement that the Minister of Health and Long-Term Care and I were privileged to make on Friday afternoon in Brampton dealt with the use of private capital in order to build hospitals sooner and to build more new hospitals in Ontario. Certainly it's the view of the government that that's in the best interest of the people of Ontario, who, after all, want the best. They want first-class health and hospital facilities.

We're very fortunate in this province to have significant pools of capital in the teachers' fund, in the OMERS fund, in private capital reserves. It seems to me an entirely sensible thing to do, for the public sector to partner with the private sector to get these facilities built earlier and to build more of them in the province.

Mr Hampton: Deputy Premier, what is almost tragic about this is that your governments, Conservative governments, have been down this road a couple of times before. In the early 1980s the Conservative government of the day got into a contract with Extencicare to build a chronic care hospital in Etobicoke. But then it leaked out that the cost of private financing and private building would mean that the cost to the public was \$3 million more. It cost \$3 million more for the private sector to build the hospital. After that became public, the Conservative government of the day quickly and quietly backed away from that kind of proposition.

So I have to ask you, do you have to repeat the same mistake again? Private building of hospitals, private operation of hospitals, have been proven time and time again to cost more. If you really believe that health care dollars should be used wisely, you won't do this. Stand up and say you're not going to, in effect, cost the people of Ontario more because the private sector will want to make a profit on the building of the hospital.

Hon Mr Flaherty: Private money can of course be used to build the hospital. The hospital would be publicly administered and would comply with the Canada Health Act. The RFP process would be followed, as always, to ensure the best proposal came forward and was accepted by the government. All of this is standard procedure.

Mr Hampton: What's not standard about it is that time and time again it's been shown that when the final bills are in, the public will be paying more. You keep saying you have no money for health care, yet you're going to try the same kind of boondoggle Conservative governments tried in the 1980s; that is, get the private sector to build the hospital, but then you have to figure in the profit level and the financing fees that they'll charge, and it comes out costing \$3 million or \$4 million more.

If you're short of health care dollars, how can you afford to spend the \$3 million or \$4 million more that the private sector will demand because they will want to make a profit on the building, on the leasing and on whatever other operations they pay for? It can't be both

ways. Either you're trying to save health care dollars or you're spending more, as I say you're doing now. How can you defend this when you know it's going to cost more money?

Hon Mr Flaherty: The leader of the third party was right when he advocated tax cuts in Ontario. He's wrong about this and he's out of touch with the people of Ontario.

David MacKinnon, the president and CEO of the Ontario Hospital Association, said on Friday, "This initiative is an example of an innovative partnership that will enhance quality health care services in this province."

Hilary Short, the vice-president of the OHA, said this, this weekend: "The OHA is very supportive of this innovative new partnership to build a new hospital. In light of very significant capital needs of hospitals, we need to find new and creative ways to rebuild the hospital system."

Interjection.

Hon Mr Flaherty: If we listen to the member from St Catharines, who's yelling at me right now, we'd know that the member for St Catharines would pull the crane down, down the street, that's building the new emergency ward at the Toronto Hospital, \$250 million, being built now through a bond issue. The member for St Catharines wants no more—

The Speaker (Hon Gary Carr): The Deputy Premier's time is up.

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DOMESTIC VIOLENCE LEGISLATION

Mr Howard Hampton (Kenora-Rainy River): My question is for the Attorney General. I want to ask the Attorney General about a woman named Stephanie Tesolin, a woman who knows all too well how this government fails to help women who are victims of violence. Mrs Tesolin's husband is serving a 30-day sentence for assaulting her and threatening to kill her, but the 30-day sentence is up soon. She wanted to make use of some sections of the Domestic Violence Protection Act, an act that your government passed 12 months ago that you said was absolutely urgent. But when she tried to make use of the sections, she was told that despite the fact that it was passed 12 months ago, your government hasn't proclaimed the act.

Can you tell us, Minister, how a piece of legislation that was urgently needed 12 months ago to protect women who were subject to violence hasn't been proclaimed in force by your government?

Hon David Young (Attorney General, minister responsible for native affairs): The act that my friend talks about is indeed an important act; it is indeed an act that will revolutionize, in many respects, the way that this very important matter is dealt with. But as the member knows, this isn't easy. If it was easy, undoubtedly the member, when he was in my position, when he was sitting around the cabinet table, would have taken these steps. For five years they did absolutely nothing.

Here's what we've done: we've brought in legislation that is generally viewed as being state of the art and ahead of its time. But in order to implement it, as he should know, we have to make sure that all the resources are available. So over the last little while, what we have done is we have worked with the judiciary, we have worked with crowns, we have worked with victims' groups, we have worked with the police, with a view to ensuring that the proper resources are there to assist individuals in need of this type of assistance when they need it. We must get it right the first time.

Mr Hampton: This was the government that 12 months ago told this Legislature and the people of Ontario that this bill was absolutely urgent and had to be passed right away. This is a government that used time allocation to force the bill through in record time because it was so urgently needed. This was a government that said that once this bill is proclaimed, abused women will be able to get emergency intervention orders any time of the day or night. Well, this woman, who is afraid for her life, tried to use your legislation and what did she find out? This legislation that was so urgent, that had to be rushed through the Legislature with limited debate, almost no debate, your government hasn't even proclaimed it yet.

What do you say, sir, to Mrs Tesolin and all the other women out there who have been beaten and abused and threatened with death, and you can't even proclaim legislation that you said was urgent 12 months ago?

Hon Mr Young: What I would say to the individual involved is that we have resources in place to assist them right now, resources that weren't there when the Liberals and the New Democrats were in power, in excess of 40 programs in fact in place, \$145 million spent every year by this government to assist victims each and every day.

As for this new legislation, that I believe the member opposite not only voted against but argued against day in and day out, as for that legislation that he opposed, that he attempted to delay, that he's now welcoming, that he's now asking us to expedite, even though he tried to stall it, I say to you that in other provinces it's taken up to 15 months to proclaim similar types of legislation, legislation that doesn't go nearly as far as our legislation does. If he looks across the country, if he looks at provinces that have different governments, governments that are New Democratic or Liberal, he will see that they've tried to do as much as we are doing and that it's taken them even longer.

WASTE DISPOSAL

Mr David Ramsay (Timiskaming-Cochrane): My question is to the Deputy Premier. I'd like to know why your government has reopened the Adams mine debate on the eve of Toronto city council's garbage vote, which is supposed to happen this week. The answer up here is that the Harris government is once again using the power of its government to basically enrich, in one last parting gift, the Premier's personal friends.

This is the same, as I call them, notorious nest of thieves up in North Bay that is not content with the taxpayer-financed golf tournaments and sweetheart land deals we've all seen. If you're a friend of the Premier, you get a good deal.

Interjection.

Mr Ramsay: No, they're waiting for the big payoff, the Adams mine. That's the multi-million dollar project that's going to pay off big for the Premier's friends, that's going to pay off very big for the Premier down the road.

Minister, the trouble with the Adams mine is that it's anti-environment. Unlike the Michigan contract that the city of Toronto wants to sign, the Adams mine is contrary to all the progressive diversion programs that Toronto wants to embark upon. Why have you waited until the very last moment to intervene in Toronto's garbage debate?

Hon Jim Flaherty (Deputy Premier, Minister of Finance): There's an issue, of course, with respect to the garbage production in the city of Toronto, and not only in Toronto but in the areas surrounding Toronto and elsewhere in southern Ontario that produce a great deal of garbage.

It is up to the relevant municipalities, including the city of Toronto, to take decisions. Their elected officials will make decisions about how to dispose of their garbage. You know that the Keele Valley site will be closed. You know that commitment by this government is firm. You know there's some indication that the city of Toronto intends to move garbage down Highway 401, through populated areas, into Michigan. It is up to the city of Toronto to make that decision. It has raised concern from other municipal leaders: Mayor McCallion in Mississauga, Mayor DeCicco in London.

These are difficult issues, but they are for the municipalities to determine.

Mr Ramsay: Minister, if it's up to the city of Toronto, why is your Minister of Municipal Affairs right now asking for a six-month deferral of this vote? It's because your government wants to interfere with that municipal function. That's what's going on.

I ask myself, "What's the reason?" It just so happens that here we have the chief dump promoter in North Bay, a full-page ad, saying, "Mike Harris, do what you said you were going to do and put this money into our pockets." A few days later, here's a full-page ad, also from a dump promoter, saying, "Get on with it, Mike. We want this project." Why would this be coming? The day after this ad appears, Chris Hodgson comes in and says, "I'm going to step into the Toronto garbage debate." Lo and behold, he's doing that.

Over the last six years, this has been a consistent pattern of behaviour, that this government has steered the city of Toronto toward the Adams mine. Why? Because the Premier's friends potentially can benefit from millions and millions of dollars from this. Minister, it's obvious why the Premier wants this. But why is your

government, you and the Minister of Municipal Affairs, participating in this gross conflict of interest?

Hon Mr Flaherty: I understand the Minister of Municipal Affairs did not ask for six months, but that's another matter.

There are a number of regional and municipal governments throughout Ontario that will be considering waste disposal solutions in the very near future. This government lived up to its commitment to review Toronto's proposal to transport its solid waste, by truck, to Michigan, to ensure it meets all provincial regulatory requirements for protecting the environment. We did that. It remains a matter of substantial concern, however, to other municipalities. There are other municipalities around Toronto that are going to have to deal with this very serious issue of disposing of garbage over time.

It does seem that the minister responsible, and others, would view the role of the Smart Growth councils as being vital in looking at the overall issue of how we're going to deal with this important environmental issue over the next decade.

1500

GOVERNMENT PUBLICATION

Mrs Julia Munro (York North): My question is for the Chair of Management Board. This past week I received the latest edition of ON magazine entitled, "Building a Stronger Economy." Flipping through it while eating breakfast, I noticed there is quite a variety of information.

Interjections.

The Speaker (Hon Gary Carr): The Minister of Labour, it's your member. Please let her ask the question. Member for York North.

Mrs Munro: There is quite a lot of information about what this government is doing for the people of Ontario. For example, I was struck by the information it provided for people about how to start their own small business, tips on safe winter driving, information on how to keep our communities safe, fun and interesting winter holidays in Ontario and a parent survey on education.

The opposition parties have on numerous occasions called this same publication "partisan political advertising." When there is so much news coverage about what this government is doing and with so much attention to decisions made by this House, is this publication really necessary?

Hon David H. Tsubouchi (Chair of the Management Board of Cabinet): ON magazine, which has just recently been issued, contains a number of very important information items for the public. In fact, the government wants to be able to convey to the people of Ontario many things, informational pieces about what the government is actually doing. According to a very recent survey done by the federal Liberal government, it was indicated that 14% of people thought they received enough information from the government and, therefore,

the vast majority believed they didn't receive enough information.

I will point out one thing. A number of the issues here were such tourism initiatives as, in the member from York North's riding, the Georgina Winter Carnival. Certainly it's a good promotion for events in Sutton. We have Winterlude in Ottawa and the Bon Soo in Sault Ste Marie. I'm sure some of the members in the opposition parties would like to see the government promoting such great tourism initiatives under our great tourism minister, Tim Hudak.

Mrs Munro: I appreciate the response from the Chair of Management Board. I think everyone will agree that a government has an obligation—

Interjections.

The Speaker: Order. It's getting loud in here. The member for St Catharines, please come to order.

Mrs Munro: —to communicate with its taxpayers. Certainly a government like this, which has undertaken so many important initiatives, is no exception.

I was not aware that so few people felt they received enough information about what their government is doing. In light of that, I find it appalling that the opposition would carry on to the extent it has. Based on this, and their resistance to these communications, I can only surmise that they are either (a) ignorant of the facts—

Interjections.

The Speaker: Order. Member for Windsor West, come to order, please. I just get up and say it and then somebody else starts up. Please come to order. You were talking right across the entire time. Please come to order. Sorry again, member for York North.

Mrs Munro: —or (b) are afraid of people having information so that they can make up their own minds

We all know that information does not come cheaply. The opposition has often told us that we are wasting money on advertising. Minister, can you tell me, do you feel that being accountable to the people of Ontario is worth the expense of government publication?

Hon Mr Tsubouchi: You'll be happy to know, and I'm sure the people in Ontario will be happy to know, that ON magazine, which informs people about education, health and a number of tourism issues, costs 25 cents to publish, send out and deliver. That's the whole cost. That's less than about half the cost of a postage stamp. On the other hand, we have here the federal government publication, which is called Services For You, which costs 32 cents per unit, which is 36% higher than the cost to the Ontario public.

We have the ability here to tell the public about our commitment to health care—

Interjections.

The Speaker: Order. A warning to everybody: the next one who shouts out, I'm going to pick you out. It's like a hockey game. You might not be the first one to do it, but now there's going to be somebody thrown out. It might not be the person who does it, but just be warned, if you do shout out, you might or might not be thrown out. Last warning to everyone.

Hon Mr Tsubouchi: I'm very pleased to say that with ON magazine we have the ability to inform the public about our commitment to health care, on which I have to say the federal government certainly doesn't live up to its commitments. I'm sad to say that back in 1974 the commitment was 50-50, the federal government and the province of Ontario. In 1994, it was 18%. Sadly today, it is 14%. Fourteen cents on every dollar by the federal government, where the province of Ontario pays 86 cents—

The Speaker: Order. The minister's time is up. New question.

SCHOOL CLOSURES

Mr Gerard Kennedy (Parkdale-High Park): I have a question for the Minister of Education. You've been forcing school boards to close schools now prematurely and unnecessarily at a rate that is double and triple the closures of previous governments. Your provincial school closing policy would put 100-plus schools up for closing this year in Ottawa, in St Catharines and right here in Toronto.

Minister, today in the gallery is June-Marie Herron from St Veronica's elementary school. So is Deborah Lucas from St Bernadette's. She's here with her kids Emily, Benjamin and Jacob. They represent hundreds who are here today to hold you directly responsible for the pending loss of their schools. You no doubt want to blame the school boards, as you had in the past, but these parents know better. Your policy is seriously flawed. It's a rigged process: the board who plays this can only lose, and it's a question of which parents and which children will lose.

Minister, will you today fix your school closing policy so it's not so brutally unfair? Are you prepared to sit down with the parents—

The Speaker (Hon Gary Carr): The member's time is up.

Hon Janet Ecker (Minister of Education, Government House Leader): One of the most difficult responsibilities for any school board is to try and allocate school space as populations shift from one neighbourhood to another neighbourhood. That's always been the responsibility of school boards. The rate of school closure was the same in the honourable member's government time in office as it is now with ours.

Secondly, it is not accurate and is highly misleading to go out and take a list of schools that boards are looking at and reviewing, and saying they're all slated for closure. If the honourable member was familiar with the process he would know that by law, school boards are required to talk to the community and to work with the community: "Are there alternatives? Are there better uses to make sure that we can have effective use of all of our school space?" Many times, when that happens, a school board decides, based on the community input, to make alternative decisions, and that is as the process should be.

If the honourable member is proposing that he wants Queen's Park to start making decisions about—

The Speaker: Order. The minister's time is up.

Mr Kennedy: Minister, 10 years before your government, an average of 30 schools closed. Last year there were 59 closed. The year before that, 73. That's not the same rate.

These parents and hundreds of others have examined your excuses and they want me to tell you that it's unacceptable. The experts say their smaller schools are better. They say that the savings are small or non-existent and they know that what you're doing is taking away parent choice despite the chattering of the people opposite. They know that the millions that you spent on ads and on phoney questionnaires could have kept their school open.

Real parents are right here, as they are in Niagara and in Ottawa. Their lives are about to go through con-tortions. Debra McNevin depends on grandparents to look after kids. Joanne Kular, with her kids here, Eric and Laura, depends on special programs that you are going to make them lose.

Minister, if you're so confident that you don't have a role in this, that it's not your provincial school closing policy, will you refer it to an independent body, say, to the deans of education? Will you at least sit down with these parents and explain why you're closing their school?

Hon Mrs Ecker: Let's be clear what the honourable member has just asked. You want to take elected trustees and say, "Step aside; you have no right to make the decision about what works for your community school," and give it to unelected university, ivory tower—God bless them—faculty of education deans. Let's be very clear that's what he's asking to do: to take deans of education—

Interjections.

The Speaker: Order.

Sorry. Not you, Minister.

Hon Mrs Ecker: I'm very respectful of the Speaker.

The Speaker: I know, it's confusing when you do that. Sorry, Minister. I didn't mean to scare you.

Hon Mrs Ecker: The honourable member is quite obviously not familiar with the process that school boards are required to go through: to consult the school community, to consult parents. First of all, about the honourable member's factual information: there were not 73 schools closed in 2000. There were not 59 schools closed in 2001. Again, he's putting out facts trying to scare communities. It's a very difficult process. That's why—

The Speaker: Order. I'm afraid the minister's time is up.

1510

GOVERNMENT SERVICES

Mr Doug Galt (Northumberland): My question is directed to the Minister of Transportation. I bring for-

ward concerns from the important and highly competitive trucking industry. These concerns relate directly to the administrative process associated with the international registration plan. Minister, for some people in my riding, the amount of time and distance required to get a truck registered can be very, very impractical. In this respect, businesses in large urban areas have an unfair advantage over their rural counterparts. This issue of access to services was emphasized to me when I chaired the Premier's Task Force on Rural Economic Renewal. Minister, what actions have you taken to improve customer service, and is it possible to expand the number of service delivery points?

Hon Brad Clark (Minister of Transportation): I want to thank my colleague for the question. My ministry is committed to ensuring that the Ontario trucking industry remains competitive in the North American marketplace. Membership in the international registration plan supports Ontario's transportation industry and our economy as a whole.

The original interjurisdictional carrier registration network consisted of seven offices. Since implementation of IRP, my ministry has expanded this network to 13 offices, opening new ones in several municipalities across the province. The Ontario trucking industry was consulted and provided valuable assistance in selecting these new locations.

In addition to over-the-counter service, MTO registers Ontario IRP carriers through fax, mail and courier delivery. We've also developed new innovations to ensure a quicker registration process. Of course, my ministry will continue to look for ways to improve this service.

Mr Galt: Thank you for the response. Minister, we're living in an age of dramatic technological advances, including interactive Web sites, videoconferencing and instant financial transactions. Many time-consuming tasks have been simplified and made user-friendly. Under this government, you can now register a business within 20 minutes or less, as opposed to 20 days in years past, and you can now renew your vehicle licence plate conveniently at kiosks located in malls and government buildings across the province. The process of international-registration-plan registration appears to be a simple information transaction. Is it not possible to provide this service via a secure Internet site or through existing government kiosks and service desks?

Hon Mr Clark: Thank you again to my colleague for the question. Registering a vehicle for travel within Ontario is relatively simple. However, it is naturally more complicated to register a commercial vehicle for travel to other provinces and the continental US.

During my ministry's transition to IRP, 12,000 applications, totalling 60,000 vehicles, were processed. IRP is designed as a one-stop shopping program for registration in all member jurisdictions, so carriers must satisfy the information needs of up to 59 jurisdictions, instead of just Ontario. So you can appreciate that, as a result, IRP applications need to be processed by specifically trained staff using software designed specifically to capture the

necessary information. We are looking into new ways of providing an electronic processing feature for IRP, and I'm looking forward to examining these possibilities in the near future.

MINISTRY DOCUMENTS

Mr Peter Kormos (Niagara Centre): To the Deputy Premier: there's nothing ambiguous about section 10 of the Audit Act, and there's no ambiguity in the report of the Provincial Auditor. The Provincial Auditor didn't report back on establishing a new protocol about accessing certain types of documents. The Provincial Auditor complained of an unprecedented obstruction of the performance by him of his duty. That obstruction consisted of a clear breach of section 10 of the Audit Act, as well as the alteration of documents and the contents of those documents.

I say to the Deputy Premier, the then Minister of Transportation is now the Solicitor General. Do you think it's appropriate for a minister of your government to engage in scofflaw, as was demonstrated here, and the possible breach of Criminal Code, and is it similarly appropriate that that minister now be the Solicitor General?

Hon Jim Flaherty (Deputy Premier, Minister of Finance): It should be noted that the government did indeed provide the auditor with all of the necessary information that he required to conduct his audit, including the confidential cabinet documents. The staff of the ministry was working with the auditor. An issue arose at the request of the auditor for the production of certain cabinet documents. Quite correctly, the ministry staff referred that to the secretary of cabinet, to the cabinet office. The secretary of cabinet and the Secretary of Management Board then met with the auditor's office. They developed a protocol together that would permit the government to provide those confidential documents to the auditor's office. As I say, the government provided the auditor with all the necessary information that he required.

Mr Kormos: Well, Deputy Premier, your line today doesn't jive with what was in the Provincial Auditor's report. The Provincial Auditor complained of an unprecedented obstruction of his work. You should understand, Minister, that making a material alteration in a document by erasure, obliteration, removal or any other way constitutes the criminal offence of forgery. The Provincial Auditor indicated clearly that he received documents from the then Minister of Transportation, now Solicitor General, that were materially altered. The purpose of the alteration was clearly for no other reason than to protect the government in a way that it finally wasn't able to protect itself when the auditor finally had access to all of the information.

I say to the Deputy Premier that we, as you know, have asked the Ontario Provincial Police to conduct an investigation of this matter. Why is it appropriate for your Solicitor General to remain in his position when he

is the subject matter of a contemplation of an investigation by our Ontario Provincial Police?

Hon Mr Flaherty: As I indicated to the member opposite, a protocol has been agreed on with respect to the production of these types of documents. There is also a long-established protocol in place that allegations of misconduct that have been raised are referred to the assistant Deputy Attorney General for his review.

The Speaker (Hon Gary Carr): New question. The member for Scarborough-Agincourt.

Mr Gerry Phillips (Scarborough-Agincourt): To the Deputy Premier on the same matter, I just talked to the Provincial Auditor, who tells me that the documents he requested are documents that in his opinion are documents prepared in the normal course of events, documents that are prepared in any ministry to do business, not confidential cabinet documents, and that those are documents that his auditors have always had available. Minister, why would you be telling the Legislature that these documents were secret cabinet documents when according to the Provincial Auditor they're simply documents prepared in the normal course of events?

Hon Mr Flaherty: I'm advised that the documents requested by the auditor's staff in undertaking their work were cabinet documents.

Mr Phillips: I would like to know how you personally have been involved in the background analysis of this. To us, a decision like this would be one that appears to have been made with the involvement of the cabinet minister involved, a major decision like this. Have you personally assured yourself, Deputy, that the documents the auditor requested—because according to him, these were simply documents that would be prepared in any ministry for any normal business case, documents always provided to the auditor. Have you personally had an opportunity to review this and determine, first, whether the minister himself was involved in discussions with staff about the decision, and second, have you assured yourself that in fact the documents requested by the auditor were confidential cabinet documents?

Hon Mr Flaherty: I have not investigated this matter or assured myself with respect to those matters. That's not my role. What I do rely on is the information given to me through Cabinet Office and through Management Board that this was the process followed. I have no reason to believe that the information given to me with respect to process is anything but accurate, and that is, certain documents were requested, there was a meeting that took place between the auditor's office and the Secretary of Management Board and the secretary of cabinet, and that a protocol which heretofore had not been in place was put into place. The documents were then produced. The auditor got the information he wanted and was able to comment on the subject matter with which he was concerned.

FOOD SAFETY

The Speaker (Hon Gary Carr): New question. Member for Perth-Middlesex.

Mr Bert Johnson (Perth-Middlesex): Mr Speaker, I'm sure you'll get us on schedule again on the rotation.

My question is for the Minister of Agriculture, Food and Rural Affairs. As society moves more from subsistence, where each person grows their own food, to survival, where very few people produce the food for everyone—that's the context I want to put my question in. Last week, the Provincial Auditor reported some concerns about the safety of our food, especially meat, fruits and vegetables. Can you tell me what your ministry is doing to ensure food safety for Ontario consumers?

Hon Brian Coburn (Minister of Agriculture, Food and Rural Affairs): Actually, our government and my ministry are working on many fronts to ensure the safety of food for our consumers. We're continually strengthening the province's food safety system by updating standards and inspection programs and using new science, taking advantage of new technologies to minimize public health and the economic risk.

When the audit of my ministry's food industry division was being conducted by the Provincial Auditor, we were already well underway in reviewing our food safety system in preparation for new legislation. In fact, when Bill 87, the proposed Food Safety and Quality Act, is passed, we'll be better equipped than ever to provide a science-based, field-to-fork food safety system.

I can assure consumers that all of the recommendations in the Provincial Auditor's report have been accepted and many have already been acted on by our ministry. But we also work closely with our industry partners—

The Speaker: The minister's time is up.

1520

Mr Johnson: Minister, I'm pleased to hear your assurances for consumers and that the industry is working with you to ensure food safety. I have an article here from the local Listowel paper that makes note of Mary MacIntosh and Russ Danbrook and the grant they received from the healthy futures program for their environmental farm plans. Of course, it mentions that in the county that I live in, Perth, the peer review committee has approved over 1,000 farm environmental plans in that area. Can you tell me what other kinds of industry projects are supported through the healthy futures for Ontario agriculture program?

Hon Mr Coburn: There are a number of excellent projects that we have partnered with in the healthy futures program. For example, a project called The Cutting Edge involves a thorough technical analysis of leading-edge beef cutting and tracing technology around the world and the development of a comprehensive plan for best adapting it to the unique needs of the meat processors here in Ontario.

Another project will ensure the development and implementation of a hazard analysis and critical control point, more commonly known as HACCP. This is a qual-

ity assurance program for all of the chicken farms in the province.

There is a second HACCP-based quality assurance program for 6,300 dairy farmers right across the province as well, and yet another HACCP-based project at the Ontario Food Terminal.

The healthy futures project for the pork sector includes enhancing competitiveness in five distinctive areas: assured food safety and quality, livestock identity preservation, international marketing and competitiveness, industry co-operation and development, and electronic supply chain coordination.

MINISTRY DOCUMENTS

Mr Dalton McGuinty (Leader of the Opposition):

A question to the Deputy Premier. I want to return to the very serious matter raised by the Provincial Auditor and specifically his assertion on page 2, right at the front of his auditor's report released last week, that section 10 of the Audit Act was breached, and was breached for the first time since he was appointed Provincial Auditor some nine years ago. This is a man who has completed dozens of audits and of course who has since produced nine annual reports.

Minister, I'm trying to ascertain now precisely your understanding of why it is that information was held back from the Provincial Auditor. First you told us that these were cabinet documents and hence protected by confidentiality, but we now have learned directly from the Provincial Auditor himself that the documents he was seeking at no time were cabinet documents and that they were documents that were provided in the normal course of events.

Can you now tell us specifically what kinds of documents you believe were held back and why it is that they were held back from the Provincial Auditor?

Hon Jim Flaherty (Deputy Premier, Minister of Finance): As I told the honourable member some 30 or 40 minutes ago now, the auditor's office was working with the ministry's staff in the normal course of their audit. The minister's office was not involved; the ministry staff were involved. That, again, is the normal process. In the audit relationship in Ontario, as I understand it, the auditor's staff requested certain documents in the nature of cabinet documents. That was an issue, then, that was raised by ministry staff with the secretary of cabinet's office—with Cabinet Office. That was, again, appropriate; the procedure followed was to refer the issue to the Cabinet Office. Cabinet Office and Management Board responded promptly to the specific request of the auditor and developed a government-wide protocol for the release of cabinet documents.

Mr McGuinty: I can understand why the Deputy Premier now would be shifting his answer. At first it was a matter specifically of cabinet documents. Now, apparently, that is not in fact the case, given the assertions just given to us by the Provincial Auditor. Now the Deputy Premier is trying to place the responsibility with staff.

I believe there's something called ministerial accountability, and I believe that the minister's responsibility is to acquiesce to any invitation, any request made by the Provincial Auditor when it comes to providing information in the normal course of events.

Will you now admit, Deputy Premier, that the facts are as specifically stated by the Provincial Auditor in his report and as he has just added to those through his telephone conversations with us today? And the facts are that there were no cabinet documents involved here. These were documents that should have been provided in the usual course of business. The fact is that the minister, who is accountable for the activities of anybody within his ministry, failed to live up to his responsibilities under the Audit Act and to provide all information that he should have provided to the Provincial Auditor, who was conducting an audit.

Hon Mr Flaherty: As I indicated previously to the member opposite, the secretary of cabinet and the secretary of Management Board met with the auditor to resolve the issues and define a mechanism to provide him with the information that he required to fulfill his responsibilities under the Audit Act. Again, there are the competing requirements of the auditor's obligations, his responsibilities under the Audit Act in Ontario, and the obligations with respect to confidentiality, which are the responsibilities of the secretary of cabinet and the secretary of Management Board. What they were able to accomplish was to draft a protocol and agree to a protocol for the release of the documents.

I repeat to the member opposite that the government provided the auditor with all of the necessary information that he required to conduct his audit, including confidential cabinet documents.

NANTICOKE GENERATING STATION

Mr Toby Barrett (Haldimand-Norfolk-Brant): My question is to the Minister of Energy, Science and Technology. Minister, just last week you were down in my riding and visited our Nanticoke generating station. At the station you announced the installation of selective catalytic reduction units, certainly great news for our area. It would create jobs, of course, but more important, the installation of this kind of equipment is great news for the environment.

Despite this fact, there are critics. They continue to raise concerns that the plant should be converted to natural gas. Minister, could you please explain to my constituents and others elsewhere in the province why the Nanticoke coal-fired generating station should not be converted to natural gas?

Hon Jim Wilson (Minister of Energy, Science and Technology): While it may be a noble goal to convert our four coal stations to natural gas, I remind people that's certainly not the trend around the world. There are 205 United States coal plants within our Ontario-US airshed. Currently they're building more coal plants, as are Alberta and other provinces in Canada, and many of

these new plants don't have the new technology or the \$250-million investment that we've made on the Nanticoke plant and the Lambton plant.

Also, the Clean Air Alliance says this can happen overnight. You've got to ask Jack Gibbons, "Where are you going to get the gas?" Our four coal plants would take all of the natural gas available today in Ontario, plus we'd have to double the pipeline either from the west or the east. The tripling of natural gas prices you saw last year and earlier this year—you ain't seen nothing yet. We would take all the gas so that Mrs Jones, my mother, my household wouldn't have any available gas. We'd have to double the pipelines in Canada. You would do more environmental damage doing that alone, keeping in mind that Nanticoke and our four stations are responsible for less than 10% of the smog problem in this province.

Mr Barrett: Thank you, Minister. We certainly all realize this \$250 million is a very significant investment, an investment by Ontario Power Generation. Could you now explain how the selective catalytic reduction units will help the environment while improving air quality in my area and improving air quality across the province?

Hon Mr Wilson: The selective catalytic units will reduce some 12,000 tonnes of toxic emissions. That's the equivalent of taking 6,000 cars off the road. It will remove some 80% of the nitrogen oxides and will make a significant improvement to air quality.

Again, the point is, to convert these plants would take all of the natural gas and more that's available in Ontario today, so there would be none left to heat those over two million homes and small businesses that need it, for our hospitals, for our small businesses and our large businesses, our steel factories etc. The price of gas would at least quadruple, if not go up six or eight times, plus you'd have to build new pipelines across this country or from the United States to get more gas in here. It doesn't make sense.

The route we're taking has been applauded by many environmental groups. Our new standards at Nanticoke and our other plants are now higher than those in the United States by the EPA, and the commitment of this government is to meet or exceed anything the US may come out with in the future. Right now we're North American leaders.

1530

WASTE DISPOSAL

Mr Gilles Bisson (Timmins-James Bay): My question is to the Deputy Premier and it's in regard to the Adams mine project once again. You would know that Gordon McGuinty, the proponent of the Adams mine project, is out there trying to revive that project once again, and it would appear that he has found himself a champion at your cabinet table—none other than Chris Hodgson, the Minister of Municipal Affairs himself.

Why we're saying that is that it's fairly clear by the actions of Mr Hodgson that he and Mr McGuinty are somewhat connected. We know that Mr McGuinty is out

there saying he wants the city of Toronto to delay by six months their decision to extend the contract for transportation of waste to Michigan. We've now got the Minister of Municipal Affairs out there saying he wants to have the same six-month delay. We know that Mr McGuinty is saying that he is developing language saying this is a made-in-Ontario solution. All of a sudden we hear the same buzzwords coming out of the minister's mouth.

I'm asking you this question: Deputy Premier, will you today make a very clear statement on behalf of your government that you will not take part in trying to revive the Adams mine project once again?

Hon Jim Flaherty (Deputy Premier, Minister of Finance): The decisions with respect to garbage and the disposition of garbage remain with the municipalities. It is a matter for them to decide. In the future we do anticipate that the Smart Growth councils will be of significant assistance to all of the people in Ontario in taking a broad view on a regional basis, because the Smart Growth councils will be regionally based, with respect to how we address this very important issue, not just with respect to the city of Toronto but with respect to the 905 areas and other areas of the province.

This is a major environmental challenge, I'm sure the member opposite would agree, for all of us in Ontario. It is up to the municipalities to come to a decision. They have to comply of course with provincial regulations. I understand the city of Toronto has done that, but in the future I certainly hope that our Smart Growth councils would address this important environmental issue.

Mr Bisson: We could debate your Smart Growth; it's more like dumb growth when you look at the policy. But the issue is a very simple one. I'm asking you today to stand in this Legislature and categorically say that your government is not going to be moving to try to be the proponent of the Adams mine project. I'll put it to you again. It's really simple. Will you stand up today on behalf of the government of Ontario and tell us and tell northerners who are here today in the gallery that your government will not take part in a strategy that will see the revival of the Adams mine project once again?

Hon Mr Flaherty: The province is not in a position to tell the city of Toronto what it should or should not do. The city of Toronto has the jurisdiction to make its own decision with respect to the disposition of its waste. I hope that the city of Toronto would take into consideration the views of the mayor of Mississauga, of the mayor of London, of other people around the province, with respect to the disposition of its waste.

Similarly, I hope that the 905 areas and the other areas of the province with significant challenges in terms of disposition of waste would take into consideration the views of other people in the province of Ontario, but at the end of the day this is a municipal issue to be resolved by the municipalities, subject of course to ensuring that their steps meet all regulatory requirements for protecting the environment. That has been reviewed in terms of the city of Toronto proposal to truck waste to Michigan and they've complied.

PETITIONS

HIGHWAY IMPROVEMENTS

Mr Michael Gravelle (Thunder Bay-Superior North): “To the Legislative Assembly of Ontario:

“Whereas traffic volume has increased dramatically on Highway 11-17 between Thunder Bay and Nipigon over the past 15 years; and

“Whereas the sections of Highway 11 between Nipigon and Longlac, Highway 584 to Nakina, Highway 17 between Nipigon and Marathon and Highway 527 to Armstrong would benefit from a safety point of view from fully paved shoulders; and

“Whereas the Minister of Transportation has recommended that any major transportation infrastructure improvements on these stretches of the provincial highway should focus on high-volume areas and enhanced safety features;

“Therefore, we, the undersigned citizens of Ontario and residents of northwestern Ontario, petition the Legislative Assembly of Ontario to provide funding support to:

“(1) Twin the highway between Thunder Bay and Pass Lake as a first priority with the stated goal of eventually completing the twinning all the way to Nipigon;

“(2) Commit to fully paving the shoulders of Highway 17 from Nipigon east to Marathon, Highway 11 from Nipigon east to Longlac, Highway 584 from Geraldton to Nakina, Highway 527 from the Thunder Bay Expressway to Armstrong;

“(3) Commit to a serious re-evaluation from a design point of view of dangerous portions of the highway that have seen a higher proportion of accidents over the years.”

This comes to me from June Huston in Pass Lake, who has worked very hard to get these out. I’m very happy to add my name to this petition.

HEALTH CARE FUNDING

Mr James J. Bradley (St Catharines): I have a petition to the Ontario Legislature.

“Whereas Health Canada approved Visudyne on June 1, 2000, as therapy for the treatment of wet form age-related macular degeneration. However OHIP does not yet pay for the procedure and it has not been added to the Ontario drug plan formulary;

“Whereas the provinces of Quebec, British Columbia, Alberta, Saskatchewan and Nova Scotia have already added Visudyne to their provincial drug plans;

“Whereas clinical trials have demonstrated that this treatment safely and effectively stabilizes vision loss in 67% of patients and improves visual acuity in 13% of patients;

“Whereas patients requiring therapy using Visudyne face a cost of \$1,750 for the drug and \$750 for the clinician procedural fees each time therapy is administered, and to complete a full therapy cycle, a patient

would be required to pay \$15,000 to preserve his or her sight; and

“Whereas the Ministry of Health was to make a decision on Visudyne treatment at the end of February 2001;

“Let it be resolved that the Ministry of Health immediately approve and add Visudyne treatments to the Ontario drug plan formulary to assist those suffering with macular degeneration.”

I affix my signature. I’m in complete agreement with the sentiments expressed in this petition.

EDUCATION FUNDING

Mr Doug Galt (Northumberland): I have a petition here from the Hastings and Prince Edward District School Board expressing concern about the student-focused funding. They’re asking for additional funding. In particular, their concern has to do with declining enrolments and the difficulties that boards have with declining enrolments. I respectfully submit this petition.

NURSES

Mr Alvin Curling (Scarborough-Rouge River): I have a petition here that is supported by all the members of Scarborough-Rouge River. It reads:

“Whereas the nurses of Ontario are seeking relief from heavy workloads, which have contributed to unsafe conditions for patients and have increased the risk of injury to nurses; and

“Whereas there is a chronic nursing shortage in Ontario;

“Whereas the Ontario government has failed to live up to its commitment to provide safe, high-quality care for patients;

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

“We demand the Ontario government take positive action to ensure that our communities have enough nursing staff to provide patients with the care they need. The Ontario government must:

“Ensure wages and benefits are competitive and value all nurses for their dedication and commitment; ensure there are full-time and regular part-time jobs available for nurses in hospitals, nursing homes and the community; ensure government revenues fund health care, not tax cuts; ensure front-line nurses play a key role in health reform decisions.”

I’m going to affix my signature on this, with all the people of Scarborough-Rouge River, in support of this.

AUDIOLOGY SERVICES

Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): I have another 1,000 names to add to the audiology petition from the following communities, who have asked me to present on their behalf: Caledonia, Hagersville, Mount Hope, Ancaster, Hamilton, Grimsby,

Dundas, Sutton, Nobleton, Mount Albert, Bradford, Oakville, St Catharines, Brougham, Brampton, Barrie, Pickering, Uxbridge, Thornhill, Oakville, Holland Landing, Keswick, Caledon East, Georgetown, Little Britain, Lindsay, Belleville, Fenelon Falls, Coboconk—I don't know where that is; I'm going to look that up, though—Oshawa, Cameron, Oakwood, Woodville, Reaboro, Colborne, Drayton, Listowel, Fordwich, Hanover and Moorefield. The petition from these communities reads as follows:

“Whereas services delisted by the Harris government now exceed \$100 million in total; and

“Whereas Ontarians depend on audiologists for the provision of qualified hearing assessments and hearing aid prescriptions; and

“Whereas the new Harris government policy will virtually eliminate access to publicly funded audiology assessments across vast regions of Ontario; and

“Whereas this new Harris government policy is virtually impossible to implement in underserved areas across Ontario; and

“Whereas this policy will lengthen waiting lists for patients and therefore have a detrimental effect on the health of these Ontarians;

“Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government move immediately to permanently fund audiologists directly for the provision of audiology services.”

May those who have ears to hear, hear.

1540

LONDON HEALTH SCIENCES CENTRE

Mr Pat Hoy (Chatham-Kent Essex): I have a petition presented to me by Mike Wells. There are over 1,300 names on this petition.

“To the Legislative Assembly of Ontario:

“Whereas the London Health Sciences Centre is a world-class academic health sciences centre serving people throughout southwestern Ontario; and

“Whereas the Ministry of Health has forced the London Health Sciences Centre to find \$17 million in annual savings by 2005; and

“Whereas the London Health Sciences Centre has agreed to cut 18 programs in order to satisfy directions from the provincial Ministry of Health; and

“Whereas these cuts will put the health of the people of southwestern Ontario, and particularly children, at risk; and

“Whereas these cuts will diminish the London Health Sciences Centre's standing as a regional health care resource; and

“Whereas these cuts will worsen the continuing physician shortages in the region;

“Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government take immediate action to ensure these important health services are maintained so that the

health and safety of people throughout southwestern Ontario are not put at risk.”

I too have signed this petition.

PROFESSIONAL LEARNING

Mr Doug Galt (Northumberland): This petition comes from the Ontario English Catholic Teachers' Association. Signatures here are from my riding, Durham, Peterborough and also from Prince Edward-Hastings. Basically they're concerned with the teacher testing program. They oppose what the government is passing. What they're asking is that:

“We, the undersigned, respectfully request that you repeal all clauses and references to professional learning from the Stability in Education Act, 2001.”

I respectfully submit this petition.

HOME CARE

Mr John Gerretsen (Kingston and the Islands): I have a petition here signed by a number of people in my riding of Kingston and the Islands. It states as follows:

“We, the undersigned, request a withdrawal of Bill 130, the Community Care Access Corporations Act, 2001, introduced by the associate minister of health with responsibilities for long-term care, the Honourable Helen Johns;

“Bill 130 will eliminate community volunteer membership in local access centres, fire the CEOs, fire the volunteer officers and members of the boards of directors. The cabinet will appoint a CEO, the directors and the officers of the local access centres, who will be paid by the taxpayers as they are no longer volunteers;

“We urge the government to withdraw Bill 130, initiate public consultations with the stakeholders that are transparent and accessible and to review the issues of the current delivery of home care and options to improve the current system.”

This has been signed by a number of people, and I have signed it as well.

SOCIAL AUDIT

Mr Michael Gravelle (Thunder Bay-Superior North): To the Legislative Assembly of Ontario:

“Whereas the Mike Harris government has undertaken a massive reform of the way social service programs are managed and delivered in this province; and

“Whereas the government's language, actions and policies over the last six years have reinforced the worst kind of stereotypes about people on social assistance without offering Ontarians any proof that the policies they've put in place are meeting the needs of those whose circumstances have forced them to seek temporary assistance from Ontario's social safety net; and

“Whereas this government when challenged on how well their Ontario Works programs are working, point to

welfare caseload numbers as their one and only measurement of success or failure; and

“Whereas a social audit would determine how this government’s policies are impacting on low-income children and families and allow for enhancements to improve the well-being, employability and economic security of individuals and families in need;

“Therefore we, the undersigned, petition the Legislative Assembly of Ontario to demand that the government of Ontario conduct a social audit of its Ontario Works program.”

I am pleased to sign my name to this petition.

EDUCATION FUNDING

Mr James J. Bradley (St Catharines): I have a petition to the Legislative Assembly of Ontario:

“Whereas the Harris government’s rigid education funding formula is forcing the potential closure of neighbourhood schools such as Consolidated, Dalewood, Lakebreeze, Maplewood and Victoria in the city of St Catharines, and has centralized control for education spending and decision-making at Queen’s Park, and will not allow communities the flexibility to respond to local needs;

“Whereas chronic underfunding and an inflexible funding formula are strangling the system and students are suffering the consequences;

“Whereas there is evidence that larger schools do not automatically translate into cost-effectiveness;

“Whereas smaller, neighbourhood schools have lower incidences of negative social behaviour, much greater and more varied student participation in extracurricular activities, higher attendance rates and lower dropout rates, and foster strong interpersonal relationships; and

“Whereas small neighbourhood schools in local communities, both rural and urban, serve as important meeting areas for neighbourhood organizations which help bring individuals together and strengthen neighbourhood ties and the current funding formula does not recognize community use of these schools,

“Be it resolved that the Harris government immediately reconfigure their unyielding funding formula to restore flexibility to local school boards and their communities which will allow neighbourhood schools in our province to remain open.”

I affix my signature; I’m in complete agreement with this petition.

CHILDREN’S MEDICAL SERVICES

Mr Pat Hoy (Chatham-Kent Essex): “To the Legislature of Ontario:

“Whereas the recent events at the London Health Sciences Centre, where 18 programs have been lost due to funding shortages, and in particular the Children’s Hospital of Western Ontario, cause us to be concerned that we may lose medical and surgical subspecialty pediatric services for ourselves and our children;

“Whereas southwestern Ontario is a vital region of the province of Ontario that requires urgent access to pediatric subspecialty services, and to travel to other children’s health facilities in Ontario would result in serious personal hardship and risk to our children ...;

“Whereas we have greatly benefited from the expertise and pediatric care provided by Children’s Hospital of Western Ontario over the years and we appreciate that we may not be apprised of all the reasons for these physician losses, however, our children deserve to continue to receive the pediatric subspecialty care from the London Health Sciences Centre and Children’s Hospital of Western Ontario that our region has depended on for decades;

“Whereas the loss of these services will result in great hardship to the families and seriously endanger the health of our children, we look to you as leaders to address this issue immediately and thoroughly. These times of great uncertainty about children’s access to health care are a significant stress to ourselves and our families;

“Therefore we, the undersigned, petition the Legislature of Ontario to demand that our government respond immediately to restore these critical services to the citizens of southwestern Ontario.”

I have signed this petition.

HIGHWAY SIGNS

Mr Michael Gravelle (Thunder Bay-Superior North): “To the Legislative Assembly of Ontario:

“Whereas the Mike Harris government has been spending thousands of taxpayers’ dollars on a provincial sign campaign accompanying highway construction sites, which read, ‘Your Ontario tax dollars at work,’ signed Premier Mike Harris;

“Whereas these signs serve no particular purpose except to promote the image of the Premier at taxpayers’ expense;

“Whereas this kind of public relations exercise is a completely inappropriate waste of taxpayers’ dollars and certainly is not a wise use of our tax dollars at work;

“Therefore, we, the undersigned citizens of Ontario, petition the Ontario Legislature to demand that the Ministry of Transportation immediately remove all of these partisan highway signs from provincial highway construction sites across the province of Ontario.

“Furthermore, we petition the Ontario Legislature to pass Bill 44, An Act to amend the Public Transportation and Highway Improvement Act to prohibit partisan highway signs, which, if passed, would prevent the Ministry of Transportation from issuing to the crown any permit to display a sign which contains the name or image of a member of the provincial cabinet or a member of the Legislative Assembly or a partisan message.”

This is a very important petition. I’m very pleased to sign my name to this petition.

1550

ORDERS OF THE DAY

TIME ALLOCATION

Hon R. Gary Stewart (Minister without Portfolio):

Mr Speaker, government notice of motion number 101.

Mr Peter Kormos (Niagara Centre): Mr Speaker, on a point of order: I will be making submissions and asking the Speaker to rule this motion out of order. It's my submission that this is the appropriate time to make that submission to you, the order having been called but before it's in fact moved, but notwithstanding that, it having been recorded in the documents before the assembly today.

The Deputy Speaker (Mr David Christopherson):

Your point of order in terms of raising it now is in order. Please proceed.

Mr Kormos: There are two fundamental issues: one, the motion is so internally contradictory that it nullifies itself; secondly, and this is the reference to the standing orders, throughout my submissions I submit there should be persistent reference to standing order 1(b), in particular, the rights of members to debate, speak to and vote on motions, resolutions and bills.

Look, we know that the mere fact a matter is time allocated is in and of itself not sufficient to move it out of order; we have standing order 46. But here we have a time allocation motion which is literally unprecedented in this chamber, and the terms of that time allocation motion especially—and I refer the Speaker particularly to paragraphs 3 and 4 of that time allocation motion, and that is the committee process. These provisions, in my submission, have never been seen before in this chamber and may directly impact not only the right to debate—because, of course, time allocation motions do that; we understand that—but may impact directly on the right to vote, if I may explain why very briefly.

The fourth paragraph reads, “That, at 10 am on the day the committee is scheduled for clause-by-clause consideration”—that's one day only—“those amendments which have not yet been moved shall be deemed to have been moved.” This isn't the historical or classic provision where at a certain time on that day of clause-by-clause any outstanding motions shall be deemed to be moved, let's say at 4 or 4:30 in the afternoon and the committee started at 3:30, but “That, at 10 am on the day the committee is scheduled for clause-by-clause consideration, those amendments which have not yet been moved shall be deemed to have been moved, and”—and this is more significant—“the Chair of the committee shall interrupt the proceedings”—well, there's no real need to, you see, because the proceedings have only just started; there are no proceedings because the committee starts at 10, so it's not a matter of interrupting the proceedings, to wit, debate on a motion or debate on clause-by-clause

consideration—“and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of the bill.” So no debate is permitted on any clause or amendment at the committee stage, in contrast to the historical position where there has been a limitation of debate. This is an absolute denial of debate. But there's more.

All members of the committee will be prevented from voting on all 27 sections of the bill and any amendments put forward. How that happens is perhaps an effort on the part of the drafters of the motion to be clever, but it's where they in fact have violated significantly section 1(b) of the standing orders, because 1(b) of course tells us that a member's right to vote is fundamental. There's more.

Since only 90 minutes is allocated for voting on clause-by-clause consideration of the bill—and take a look at Bill 122 and the number of sections we have here—there will in all likelihood be an inability to even vote on all sections of the bill, because the time allocation motion has put a cap, 10 am to 11:30 am, and at 11:30 that committee dissolves, that committee becomes functus. So there won't even be time to vote on each and every section of Bill 122 as it stands.

Furthermore, since, as is the practice in time allocation motions, the bill will have been deemed passed by the committee in the event the Chair fails to report back on December 6—that's only two hours after the committee is scheduled to adjourn, 11:30 am to 1:30 in the afternoon—it's my submission to you that it's physically impossible to have a completed bill prepared, purporting to have gone through the committee process in time to table it, but in fact this deems it to have been tabled, regardless of whatever form it is in. That's strange because it goes into a dark hole as a result of the convoluted committee process, because the motion also deems this: “The bill shall be deemed to have been passed by the committee, including any amendments that have been adopted by the committee.”

This is where it goes directly to 1(b). The time allocation motion says that even though committee members may not have had an opportunity to vote on each and every section of the bill or, furthermore, amendments, they will be deemed to have voted, and not only deemed to have voted; deemed to have voted in favour. This is as thorough and complete a violation or contradiction of 1(b) as could ever be contemplated. The inclusion of those words, “including any amendments that have been adopted by the committee,” being deemed to have been passed is unprecedented and, I submit to you, unworkable.

First, by eliminating any opportunity for members to vote on amendments, the government has ensured that the committee will have no amendments to report back to the House. Furthermore, by preventing the Chair from making a report, the government has ensured that Bill 122 will be pulled back from committee in its original, unamended form. So the impact of the time allocation motion is to deny opposition members or government members the opportunity of even putting an amendment

forward because, necessarily, the bill has to be reported back in the form that is dictated by the time allocation motion. By adding the words “including any amendments,” the government has rendered the legislative process unworkable.

Should the House pass the time allocation motion, it will be asking the committee to report the bill back with amendments. In the absence of a committee report, how is the House to know what those amendments might have been should some of them, for instance on behalf of opposition members, by chance be adopted by the committee before it adjourns? There is no mechanism in place to allow this assembly to abide by the provisions outlined in this time allocation motion. It has been written in such a way as to ensure that the will of the House cannot be fulfilled.

I recognize of course that past rulings have deemed that time allocation motions can diminish or deny the rights of members as provided for in 1(b), because “They may be regarded,” as Erskine May states, “as the extreme limit to which procedure goes in affirming the rights of the majority at the expense of the minorities of the House.” Erskine May also notes that time allocation motions have been used when “governments have been confronted with the choice, unless special powers are taken, of cutting down their normal program to an undesirable extent, or of prolonging the sittings of Parliament, or else of acknowledging the impotence of the majority of the House in the face of the resistance of the minority.”

Bill 122, the Oak Ridges moraine act, in my submission to you does not pass that test enunciated in Erskine May. It is a bill that all sides of the House publicly support in principle. While the opposition parties may seek to improve it at the committee stage, this is a bill that all members of this assembly have effectively co-operated on. The government has absolutely no reason to curtail the democratic rights of members in the severe manner proposed in this time allocation motion. This is, by the very structure of that motion, an unprecedented attack on members’ democratic rights, as defined in standing order 1(b), “to submit ... debate, speak to, and vote on motions, resolutions and bills” before the assembly and its committees. It crosses the line significantly between preserving those democratic rights and affirming the will of the majority. Should this motion proceed, it would create a highly undesirable precedent, allowing bills to pass the committee stage without a vote, without a democratic vote.

As well, I put this scenario to you. Because of the cap on the time during which the committee will be allowed to vote, and because of the magnitude of the bill, and because of the fact that the motions shall be put in the traditional way—for acceptance or rejection of each and every clause, section, amendment—one understands the lack of capacity in that one-and-a-half-hour time frame, that 90-minute time frame. But look at this scenario as well. Should you have a scenario where amendments that are dependent upon other amendments are passed, in the

early stages of that 10 am to 11:30 am process, the amendment they amend may not pass because it doesn’t get to a vote, and it’s there by way of an amendment, which then creates the absurdity, which the rules are designed to accommodate and prevent, of amendments passing at the early stage of the 10 am to 11:30 am process, but then becoming irrelevant because the amendment they amended may not pass because it cannot be dealt with within the one-and-a-half hour, the 90-minute framework contemplated by the motion.

This is a most peculiar time allocation motion. I think it’s a very dangerous one. I think it is, finally, the time allocation motion that warrants your attention, especially with consideration of standing order 1(b) and the clear and dramatic way in which it precludes a vote, also precludes reporting back and in effect denies the right of an opposition member or a government member to amend a government bill.

1600

Hon Janet Ecker (Minister of Education, Government House Leader): Mr Speaker, with all due respect to the honourable member, this particular motion is very similar to many motions of this nature that have been passed. I would argue that the motion is in keeping with the practices and customs of this House and that we should be permitted to proceed with its consideration.

It’s not the first time the House has been asked to consider a motion like the one before us today. Standing order 46(a) states, “The government House leader may move a motion with notice providing for the allocation of time to any proceeding on a government bill or substantive government motion.” That is what this motion does for the subsequent stages of this bill. The motion allows for the bill to be reported to the House after 90 minutes of clause-by-clause consideration of the bill, and any amendments that have been passed after 90 minutes of clause-by-clause consideration can be reported back to the House with this bill.

Time allocation motions of this nature have been put before the House, debated and passed. This motion, again, allows for debate at third reading.

When confronted with similar questions regarding time allocation on December 2, 1997, Speaker Stockwell said that time allocation motions “can very rarely be out of order because they” do “suspend the very standing orders that we live by.” This has been the understanding of all our Speakers since time allocation was introduced to the standing orders of Ontario by previous governments—a government actually, by the way, of which the honourable member was a member.

This understanding of our rules and precedents was further upheld by Deputy Speaker Churley on December 8, 1997, when she ruled on a time allocation motion and made specific reference to standing order 1(b). At that time she stated, “While standing order 1 may elevate the test that other procedures must pass in order for the rights of members to be affirmed, the time allocation motion, by its very nature, must logically be protected and saved from it. If it were otherwise,” it would be logical “ ... to

foresee a scenario where a single member, by asserting the protection set out in standing order 1, could thwart the House from ever concluding consideration of an item of business that the remainder of the House demonstrably wishes to conclude.”

The motion being presented today is similar in scope to other motions considered and passed previously in this House. It was in order then, Mr Speaker, and I respectfully submit and trust that it is still in order today.

Mr Dwight Duncan (Windsor-St Clair): Mr Speaker, I want to lend my support to my colleague for Niagara Centre’s point of order, which was well thought out and well put. We have raised similar points of order in the past. The government House leader has referenced previous decisions.

Mr Speaker, I hold that you have an obligation to ensure the sanctity of Parliament, to ensure that time allocation is not abused. This government has used time allocation far more than any other government, and in our view, and our representations are, this type of manoeuvre, when a House like this only sits 95 days or so a year, and then in the last two weeks in December we’re staying here until midnight debating complex pieces of legislation and then we’re going to adjourn and probably won’t be back until March or April, constitutes a violation of a variety of standing orders and ought to be considered in that context.

I would submit that the previous findings of the Chair on these matters shouldn’t be confined simply to the strict, narrow interpretation of the standing orders, but that they must take into consideration and account the oversight role of Parliament, our rights and privileges as members to have an adequate opportunity to debate legislation, to place amendments and to have those amendments debated.

My view is that, historically, the Chair in this House has ruled too narrowly on the standing orders, without giving due consideration to the broader questions of the rightful role of Parliament. This is becoming rote behaviour: time allocation today, time allocation last week; we’ll have two or three more time allocations. No government has ever used time allocation to this extent.

What’s sad is that we sit so little. We do two or three sessional days in one calendar day, but we’ll only sit for 90 to 95 days in the calendar year versus the federal House which last year sat for 135 days. I ask, sir, that in your deliberations you consider not only the strict, narrow interpretation of the standing orders, but look at the precedents of Parliament, look at our right, our job to oversee the government, to question the government, to debate its legislation and put it into the broader context of the proper functioning of Parliament.

We submit that this government, first of all, wrote the rules and, second of all, is abusing the rules, and accordingly the Speaker in our view has an obligation to look at the broader question of the role of Parliament and its ability to provide an oversight function with respect to the government.

Hon Mrs Ecker: Mr Speaker, thank you very much for allowing me to speak very quickly again. Actually if you wish to consider the broader case the honourable member for the Liberal Party is putting forward, you would see that not only do we have—yes, I agree there are more time allocation motions. However, what I would also like to point out is that that is because we are one of the busiest Legislatures, as a recent study has pointed out, of all the provincial Legislatures. We have had very many days to debate bills. If you look at our record of committee hearings, again it is a much better record in terms of committee time, out-on-the-road committee hearings, than other provincial Legislatures—more bills, more legislation. I would suggest that we have indeed put forward more legislation and more sessional days and that this in no way takes away from that. The statistics are very clear on our record vis-à-vis earlier governments.

The other thing I think it is important to recognize about this particular bill is that there was extensive consultation. There have been hours of debate, days of hearings. It is also a bill that it is very important to many communities, that we move forward on this legislation.

Interjections.

The Deputy Speaker: Order. This is a point-of-order debate. It’s very important. I recognize the House leader for the official opposition.

Mr Duncan: Yes, Mr Speaker, if one compares us to Prince Edward Island, we have sat more and we deal with more legislation. In your deliberations, I ask you to consider, for instance, that on the snowmobile legislation we had last year, we had 11 days of public hearings—not to underestimate the importance of that because it was very important legislation, but this is a bill that affects the Oak Ridges moraine. This is a bill that governs and will have a dramatic impact on the development or lack of development of some of the most sensitive lands in our province, lands that provide the largest metropolis in this province, indeed in this country, with its source of drinking water.

This time allocation motion effectively limits us to under three hours of committee hearings or opportunity to put amendments, let alone debate and vote on those amendments. As you consider all the submissions, I urge you to consider again not just the total times, but to look at the way these motions are used and the legislation on which these motions are used. We again submit that it constitutes a violation of the rules and an attempt by the government to deal with matters that it doesn’t choose to have proper hearings on, in a quick way, to get things out of the way.

1610

Mr Gregory S. Sorbara (Vaughan-King-Aurora): On the same point of order, Mr Speaker: It may be somewhat presumptuous of me to speak on this point of order, given that in this Parliament I’ve only had the advantage of sitting for a few months, but I did spend, from 1985-95, some 10 years in this Parliament. I simply want to offer a very brief historical perspective on this

time allocation motion and this point of order raised and I think eloquently argued by Mr Kormos.

The Deputy Speaker: I just want to say one thing before you begin. I'm going to allow you the opportunity, but I would ask that you stay to the point of order, as opposed to point of view. So please keep that in mind as you proceed.

Mr Sorbara: I am going to try my best to do that, sir.

I submit to you, sir, that if this kind of time allocation motion had been submitted to previous Parliaments—the ones I sat in from 1985-87, from 1987-90, from 1990-95—they in fact would have been rejected by the Speaker.

What I have seen over the course of the past 15 years is that succeeding governments have nibbled further and further away at the democratic rights of members of this House to debate and consider bills, both in second reading and for clause-by-clause consideration. I could not have imagined at that time that a time allocation motion could be submitted that would in fact say that there will be no clause-by-clause analysis, and the votes on the various clauses of the bill shall be deemed to have been voted upon and therefore accepted in the manner and in the order that the government with the majority wishes. That simply would never have happened in a Parliament of Ontario that I was a member of until this Parliament.

The fact is that there is a basic standard principle of law, "Thou shalt not do indirectly that which you cannot do directly." What this time allocation motion does directly is insist without any debate, without any consideration, without any vote that the bill shall pass in the form that the government wishes. That's the direct result of this. To do it indirectly by way of a time allocation motion, which effectively wipes out any committee consideration, I submit to you, sir, ought to be rejected.

I hear the government House leader talk about the stream of decisions. But I suggest to you, sir, that the law, our rules and our motions here are organic and that at some point the course of those rules needs to change so that a Speaker of this Parliament can, once again, start to invest in the members of this Legislature, in all parties, some small opportunity to have their voices heard. With a ruling today that rejects this time allocation motion, I submit to you, Mr Speaker, you could start down that new road.

I want to tell you, as someone who has sat in this House for 10 years and has now returned, that I am shocked at the distance we have gone to eliminate the rights of parliamentarians to consider public business. There has got to be a point when that thing starts to turn around, when a Speaker realizes that governments are simply eliminating entirely a member of Parliament's opportunity to do the public's business.

The Deputy Speaker: I did afford the government and official party House leaders an opportunity for a second comment. I will afford that same opportunity to the third party House leader, who raised the initial concern, again, keeping with the facts.

Mr Kormos: I appreciate the opportunity, but my argument is as I've expressed it. I think it's one that warrants serious consideration.

What's unique here—because, historically, there's always been a preservation, for instance, of the right to debate, but a restriction of it. In other words, "It shall be debated for one hour, two hours, three hours." This eliminates the right to debate. Second, it eliminates the right to vote, which, if you rank things, if you were inclined to rank things, is even more sacrosanct than the right to debate, because all time allocation restricts the right to debate. It means some won't be able to debate because of the time allocation. But the right to vote is what pushes this far over the line. I leave it for your careful consideration.

The Deputy Speaker: Just to assist the Chair, would you please again, in that same length of time that you just used or less, enunciate the difference, if you will, in how you read this time allocation motion versus others, because you know what's going to happen when I recess the House. I'd like to hear your arguments about why this is different.

Mr Kormos: Because it requires the committee to sit from 10 am to 11:30 am. It doesn't provide any time for clause-by-clause consideration. "At 10:00 am on the day the committee is scheduled for clause-by-clause consideration"—and I'm not talking about the public here; I'm talking about clause-by-clause—"those amendments which have not yet been moved shall be deemed to have been moved." But there won't have been any moved because everything will be deemed to have been moved because the day prior is for the purpose of conducting public hearings.

Section 3 says that December 6 is the day for clause-by-clause. It starts at 10 am, goes to 11:30. All amendments will be deemed to have been moved at 10 am. There will then be voting, starting with section 1 of the bill. But at 11:30 the committee ends, even if the bill hasn't been voted upon, even if there's been no vote on reporting the bill as amended back to the House.

So what you have here is a bill being deemed to have passed, even though there has been no vote. That, I submit to you, is the outrageous element and a very dangerous element. Our imagination doesn't have to get too vivid to see where that can take us in terms of how convenient it would be for any government.

The Deputy Speaker: At the risk of keeping this going on for far too long, I did initiate a question with the House leader of the third party. Does the government House leader wish to comment on that?

Hon Mrs Ecker: Yes, very quickly, Mr Speaker. I appreciate your indulgence. The wording in this motion is as it has been in other motions, based on the advice we've received from the table. So I would respectfully say that it is indeed in order.

The Deputy Speaker: Thank you very much for the submissions. We'll take a 10-minute recess to give me an opportunity to consult with the table and return with a ruling.

The House recessed from 1618 to 1639.

The Deputy Speaker: Let me say that I've given this a great deal of consideration and that I believe the House leader for the third party, who raised the point of order, has raised some important matters that I would hope the House would take seriously. Those arguments were supported by the member for Vaughan-King-Aurora, as well as the House leader for the official opposition.

I feel very constrained by the rules as we have them, and although I have a great deal of sympathy for some of the arguments, for the following reasons I've concluded otherwise.

First of all, on standing order 1, this standing order and its relationship to time allocation motions was fully fleshed out in a ruling dated December 15, 1997, specifically that standing order 1 has no bearing on orderliness of a time allocation motion. Second, numerous examples of time allocation motions do not allow debate at some stage: as far back as 1993, there have been time allocation motions that have indeed allowed for no debate at all at third reading and, further, many time allocation motions have specified no committee time whatsoever. Third, deeming provisions are consistent with the practice of this House. The only difference in this case is the clause that allows the amendments already passed by the committee to be reported with the bill. Since these amendments are duly passed by the committee, it offends no standing order or parliamentary practice. A far more thorough dissertation on deeming provisions in time allocation motions is contained in the Hansard of Speaker Edighoffer's ruling dated July 17, 1989.

Although my remarks at the outset stand, and I hope at some point this House would begin to turn back the trend, it is my opinion that the rules as they exist now, the practice of this particular Parliament and in preceding Parliaments, dictate that a ruling from the Chair must be that the motion is in order. As such, I look to the government whip to initiate debate on this.

Mr Kormos: Mr Speaker, I want to thank you for your ruling and for your consideration of the matter.

The Deputy Speaker: I thank everybody for taking the time and particularly in the manner that it was presented. I know how serious it was and do thank all of you.

Hon Mr Stewart: I move that, pursuant to standing order 46 and notwithstanding any other standing order or special order of the House relating to Bill 122, An Act to conserve the Oak Ridges Moraine by providing for the Oak Ridges Moraine Conservation Plan, when Bill 122 is next called as a government order, the Speaker shall put every question necessary to dispose of the second reading stage of the bill without further debate or amendment, and at such time, the bill shall be ordered referred to the standing committee on general government; and

That, notwithstanding standing order 28(h), no deferral of the second reading vote may be permitted; and

That, the standing committee on general government shall be authorized to meet in Toronto from 6 pm until 9:30 pm on the evening of Wednesday, December 5,

2001, for the purpose of conducting public hearings and from 10 am until 11:30 am on Thursday, December 6, 2001, in Toronto for clause-by-clause consideration of the bill; and

That, at 10 am on the day the committee is scheduled for clause-by-clause consideration, those amendments which have not yet been moved shall be deemed to have been moved, and the Chair of the committee shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of the bill, and any amendments thereto.

Any division required shall be deferred until all remaining questions have been put and taken in succession with one 20-minute waiting period allowed pursuant to standing order 127(a); and

That the committee shall report the bill to the House on the first sessional day that reports from committees may be received following the completion of clause-by-clause consideration and not later than December 6, 2001. In the event that the committee fails to report the bill on the date provided, the bill shall be deemed to have been passed by the committee including any amendments that have been adopted by the committee, and shall be deemed to be reported to and received by the House; and

That upon receiving the report of the standing committee on general government, the Speaker shall put the question for adoption of the report forthwith, and at such time the bill shall be ordered for third reading; and

That the order for third reading may immediately be called.

That, when the order for third reading is called, 60 minutes shall be allotted to the third reading stage of the bill, to be divided equally among all recognized parties, and at the end of that time the Speaker shall interrupt the proceedings and shall put every question necessary to dispose of this stage of the bill without further debate or amendment; and

That, notwithstanding standing order 28(h), no deferral of the third reading vote may be permitted; and

That, in the case of any division relating to any proceedings on the bill, the division bell shall be limited to five minutes.

The Deputy Speaker: Mr Stewart has moved government notice of motion number 101. The chief government whip has the floor.

Hon Mr Stewart: It is my pleasure to be able speak to the Oak Ridges Moraine Conservation Act, 2001. I believe, and certainly the reading today suggests, that the debate on Bill 122 has clearly gone on long enough. The sooner this legislation is passed, the sooner the government can protect the Oak Ridges moraine.

The people in this area want the area protected, and certainly the government notes that. The government wants to protect the area, and it's a perfect example of what this government is doing regarding the environment. A good example of that is the Living Legacy, which was approved and passed some months ago.

That's important. It's important that we get on with passing this legislation, because the Oak Ridges moraine is a very unique natural area in southern Ontario. Granted, it is not in my riding, but it is very close. If you go through that part of the country which includes the moraine, going down as far as Northumberland county, it is absolutely essential that we protect the natural features of that particular area.

It's also a very important source of clay and water for all those who live and work in the communities in and near the moraine. Certainly, with some of the concerns and problems that have surfaced over the last year or so, it is absolutely imperative that we protect the clean water source in that particular area. It has been a priority of our government and indeed will continue to be a priority with ourselves as government and with all Ontarians.

The Oak Ridges Moraine Conservation Act and plan would protect those natural and water resource features in the moraine that will preserve agricultural land and direct development to approved settlement areas. Certainly all of us who have been in municipal politics prior to coming to this House are fully aware that the agricultural land in this province has to be protected, yet we have to have development and expansion as well. But it has to be controlled; it has to be in areas that accent the areas where it's located too.

I think the idea of the act is very important, as I said, if we are to preserve the agricultural land in this province. The legislation would require all new Planning Act applications made on or after November 17, 2001, to conform to the Oak Ridges moraine plan. Within 18 months, municipalities will be required to amend their official plans and zoning bylaws to conform to the proposed plan. If you look in that particular area with the amount of municipalities that are included in it, every one of them has their own official plan; every one of them has their own zoning bylaws. I can tell you, of the area where I am, that the municipalities that surround Pigeon Lake I think have something like seven different official plans and seven different zoning bylaws. It is crucial that we get some type of consistency in some of the areas. Whether it be for the people who want to build there as residents, whether it's the agriculture component of it or indeed the development of it, we have to make sure that there is consistency across the region. This will happen so that people going into the area will know exactly where and when they can develop, what the zoning is on the property, if they want to make some changes and to move forward.

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One of the key components of this particular act is the protection of water resources, a priority for our government, a priority for Ontarians. The proposed plan would include strong policies to protect water quality and water quantity. It would protect headwaters and cold-water streams, such as those running into Lake Simcoe, and all the kettle lakes in the moraine. Again, the whole area is an environmental phenomenon and it has to be protected. This particular act will do just that.

Storm water has tremendous potential to contaminate groundwater. There is not a person in the House here who does not realize that, and I believe all have concerns for it. That's why I emphasize the fact that this bill go through as quickly as possible. We will therefore err on the side of caution when it comes to managing storm water—very, very important.

The plan would require innovative storm water management practices in order to protect sensitive recharge areas. It would prohibit technologies that cause rapid infiltration of storm water into the groundwater. Again, I believe in some of the statements is the protection, having a plan, having a management plan, having management practices in place in order to protect this entire area.

The plan would limit the amount of impervious or hard surfaces within watersheds. This is needed to protect the natural hydrological cycle, maintain groundwater recharge and reduce potential flooding and erosion, all things that are very important to this unique area, an area that I believe has to be protected.

I suppose because I represent a rural riding, with a farm background, I believe it is so essential that we have the plans in place. Unfortunately, up until recently a lot of people took things for granted. "Well, there was a plan there and it hasn't been revisited in a number of years. Oh, so what? It works." Unfortunately, when we look at some of the problems that we have with some of the municipalities regarding quality and quantity of water, it has proved that we had better start taking a long, hard look at putting plans in place, making sure that there are those regulations, standards and restrictions to make sure that we do protect these natural areas.

The proposed plan would require municipalities to set out wellhead protection areas for all new and existing municipal wells. It would also have to prepare management plans to control and restrict activity—

The Deputy Speaker: Sorry, could you take your seat, please?

Mr Gilles Bisson (Timmins-James Bay): On a point of order, Mr Speaker: This is a most riveting speech, but we don't have a quorum to listen to it.

The Deputy Speaker: Would the table please check for quorum.

Clerk Assistant (Ms Deborah Deller): Quorum is not present, Speaker.

The Deputy Speaker ordered the bells rung.

Clerk Assistant: A quorum is now present, Speaker.

The Deputy Speaker: The chief government whip may continue.

Hon Mr Stewart: I appreciate the member for Timmins-James Bay saying that, because I want many people to hear what I have to say; I have all my life. Certainly in this particular instance, where we are endeavouring to put through a bill quickly to protect the environment, I think it is imperative that all people listen to it. I truly believe some of the opposition did have some of their people here to listen as well, because they seem to be the ones who are putting the obstacles in front of this good bill going through.

Carrying on, many land uses could contaminate groundwater. We know that. We know that, and we've known it for many years. Unfortunately, as I said, many past governments have not acted on that and we, in turn, are and will. These would be prohibited in hydrologically sensitive areas. These uses could include, for example, underground storage tanks, toxic or hazardous material storage, auto wrecking or salvage yards and the retail sale of gas. Leakage and contamination seems to be happening in a lot of areas in this province.

I was very involved with waste management and landfill prior to coming to Toronto. One of the problems I have is when things are covered up; when things are kind of hidden away, I have great concern for them. Those are the things that can contaminate our groundwater, and, as I have suggested, quality and quantity of water is so essential. I know many of the people in the House live in urban areas where they believe the water comes out of the tap, and indeed it does, but those of you who have lived in the country and in some of the smaller urban areas know that if water is short, all of a sudden you're out of water, which happens. It's happening in our area right now, even with all the rain, but people are still drawing water. You don't realize just how essential that is until you don't have it.

For natural core—there again it's an interesting comment from Walkerton. Municipalities have got to take some responsibility that they haven't shown for a number of years with what goes on in their municipalities. Responsibility is what has to happen.

For natural core, natural linkage and countryside areas, upper- and single-tier municipalities would be required to prepare watershed plans—there again, in areas where I come from, most of them have watershed plans in place, and certainly with this act that would have to happen in the moraine area—and incorporate these plans into their official plans, again, showing consistency, making sure that the watershed plans are in place in these particular areas. The watershed plans would have to include water budgets and water conservation plans. Again, water conservation plans, as we have difficulties in some areas, appear to be needed more and more by the people they are having an effect on. We have to have these water plans; we have to have them in place. They would have to contain criteria to protect water quality and water quantity and hydrological features and functions. I want to emphasize the two words “quality” and “quantity.” You can have the best quality of water, but if you don't have the quantity, you are still in a bad situation, just as bad as if you didn't have the quality.

They would have to include a framework for implementation. The framework would include more detailed plans covering smaller areas, such as subwatershed plans and environmental management plans. There again, what you're going to see in this particular bill will make sure that plans are in place so that people know exactly what they can expect. If you're going to live in that area, if you're going to develop in that area, if you're going to

protect the natural environment in that area, they will know upfront.

Watershed plans would have to include an environmental monitoring plan—ongoing monitoring so that if anyone is trying to do some illegal activity in the area, it would be known up front and be monitored.

1700

They would have to include environmental management practices, such as pollution prevention, reduced pesticide use and road salt management—again, all things that are very important to people living in that area and also to people living in other areas of Ontario. Road salt has been a concern. Road salt is a major concern in the rural areas. The reduced pesticide use again is very important. Some things have happened in pesticide use where people who handle it, people who apply it have to be licensed and have to know how to use it, to make sure the environment is protected.

Some of the natural features that are included in this act are extremely important. Not only would the plan protect water resources; it would also include policies to protect the health, diversity, size and connectivity of significant natural heritage features. As I read some of the material that comes out of that moraine area from the news media, from people who are very involved, from the environmentalists in that area, these are policies that I believe we have to have in place, and the people in that area believe they should be in place. To protect the health and size etc of these natural heritage features is very, very important. These features would include wetlands, significant portions of the habitat of endangered and threatened species—why not? Why wouldn't we? Why would we hesitate to pass this bill quickly, when things like endangered and threatened species may not be protected? Areas of natural and significant interest—why wouldn't we protect them as quickly as possible? Significant valley lands, significant woodlands and significant wildlife habitats—why wouldn't we get on and protect them? Certainly nobody else in the past has wanted to do that. It appears they haven't wanted to do it. It appears that you guys across the way don't want to do it now. Let's get on with it and get it done as quickly as possible. We have to be realistic and, as I said, get on with it.

I'm getting a little long-winded, aren't I?

Interjection: Yes.

Hon Mr Stewart: Anyway, we have their attention across the way, so that's a good sign that most of the stuff I've said is true—in fact, I suggest all of it's true. I'm pleased that the opposition has responded to me, because that means in my mind that we're on the right track. So let's get on with passing this bill.

Mr Sorbara: I'm delighted with the opportunity to have a few moments to speak to this time allocation motion. I want to say to you, Mr Speaker, reiterating some of the remarks I made during your consideration of Mr Kormos's point of order, that I find this time allocation motion to be simply shocking and almost incomprehensible, particularly given the length of time that people right across southern Ontario and certainly in my

riding have dedicated, over 30 years, in a campaign to put into place the appropriate public protection for the Oak Ridges moraine.

I stand here today to condemn this time allocation motion and to say to you that—let me put it this way—governments are defeated for two reasons: one, because of what they do, because of the policies they bring forward and the things they do to the people of a place like Ontario, and the second reason they are defeated is the way in which they go about doing them. I want to make it very clear that the real time allocation in Ontario is the time left for the Conservative government in this province. People don't care very much about the change in the Office of the Premier. That's not what they're looking for. It doesn't really matter. What they're looking for is a change in government. This time allocation motion is just another example of why people are so anxious to get to the ballot box in a general election and send them packing.

Let's look at this time allocation motion and see what it says. Bill 122, An Act to conserve the Oak Ridges moraine, has had exactly eight hours of debate in this Legislature. After eight hours of debate—today being Monday, December 3—the time allocation motion says, if I can paraphrase, that on Wednesday, from 6:30 to 9:30, the public is going to have three hours to let this Parliament know their views about this bill. The public has three hours to speak in this Legislature to one of the most significant pieces of legislation that this Parliament has considered during its life. Three hours of public hearings; three hours for the people of Ontario to come to this building and make their views known. So that's going to take place on Wednesday. Come on down. You have three hours, so maybe you'll get a minute to make your views known to the committee on general government. It's going to take place on Wednesday.

On Thursday, there's going to be fully one and a half hours for clause-by-clause consideration of a terribly significant piece of legislation. You read the time allocation motion and it says that it doesn't matter what amendments have been considered, talked about, proposed; they're all deemed to have been moved and they're all deemed to have been voted upon and they're all deemed to have been approved.

I listened very carefully to your ruling on Mr Kormos's point of order, and I could hear the regret, sir, in your voice that this Parliament has degenerated to this point. I know, sir, that you are bound by precedent and this book of standing orders. I want to tell you, as someone who sat in this Parliament for 10 years, that we have gone way down the road in dismissing any possible input of a parliamentarian in Ontario's public business.

There's only one piece of good news. Come the next general election, the members on that side of the House are going to be voted out of office and a new government will come in with a democratic charter that is going to dramatically change how this Parliament works. We will throw out these standing orders if these standing orders

mean that time allocation motions of this sort can be passed in this Parliament.

Interjections.

Mr Sorbara: Now we know how they really feel over there. They are worried, and they are worried with good reason, because people actually follow this stuff. People are appalled at the way in which succeeding governments have minimized, reduced and ignored the democratic right of parliamentarians to comment on and influence the public business, and this motion and the ruling that you were constrained to make is yet one further step. When the government changes and when we're elected, I tell you here and now, sir, that we are going to make dramatic changes to give life and vitality back to the people's Parliament. That's our commitment.

I want to take you through the history of the Oak Ridges moraine debate. I want to take you through this history, going back 30 years. An initial group started to come together 30 years ago to start to impress on the then Conservative government that development was coming north of Toronto and there was this very sensitive moraine area that deserved special consideration, in the way in which the Niagara escarpment had been given special consideration. They worked year after year to bring this to the attention of succeeding governments. Finally, in 1987 the then Premier, David Peterson, commissioned one of our members, Ron Kanter, to do a study on the Oak Ridges moraine. In early 1990, we brought submissions to this Parliament for a comprehensive program to protect the Oak Ridges moraine. After nearly 15 years of public debate, finally a government had taken a stand. Well, you know the history, sir. Our government was defeated. Your party, the party that you're a member of, was elected. And I know there were significant efforts on your part—

Ms Marilyn Churley (Toronto-Danforth): Say it: the NDP.

1710

Mr Sorbara: The NDP was elected. It was a mistake, but it happened, Marilyn. Your party was elected, and I know that you gave serious consideration to implementing a program for protection and preservation of the moraine, but it didn't happen.

Then, in 1995, the Conservative Party was elected. The pressure from community groups like Earthroots and STORM and others—they made their pitch to the Conservative government and they were laughed at. Their submissions were summarily rejected. They were told that there was no possible way you could freeze development on the Oak Ridges moraine. "Impossible," they said. Our own member from Eglinton-Lawrence led the crusade on behalf of our party, and he was told more than once in this Legislature that his ideas were simply foolish, and they were ridiculed.

Then, sir, a terrible tragedy happened. My predecessor, the former member from Vaughan-King-Aurora, suddenly passed away of a heart attack. We should remember him, because he was a great member. He was a great friend of mine. But the amazing thing was that

that changed the political dynamic right across York region. A by-election would have to be held. The government would have to defend its record. And suddenly, out of nowhere, like St Paul on the road to Damascus, the government saw the light. "We shall freeze development on the Oak Ridges moraine." Zap; it's frozen. Because, truthfully, in the world of politics, they were headed to a huge defeat in Vaughan-King-Aurora. Well, sir, I'll tell you, that defeat happened anyway, and it resulted in my taking this seat in this Parliament.

Do you know something? If I could just report to you about the mood in my riding during the campaign, the mood was that the government could not be trusted on environmental issues. They were very worried that they had to send a very strong message that the temporary freeze was not good enough, and they wanted permanent protections.

Finally, in this Parliament, a bill is introduced. It's given eight hours of debate. The bill, which we are going to support, is a terribly imperfect bill, and if you want to know the very worst of it—and most people in Ontario think it's all done. They haven't read the bill. They don't know that it provides in its body that any successive minister of the crown can summarily, with a regulation passed by the cabinet without any debate, basically wipe out the entire plan.

Our view is that the protections should be permanent. Our view is that there should be an Oak Ridges moraine commission, like there is a Niagara commission, to permanently oversee this very sensitive piece of Ontario's geography. But with this time allocation motion, we are given absolutely zero opportunity to make those arguments. That's why this time allocation motion is such a tragedy. I certainly will be voting against it.

The Deputy Speaker: The floor is open for further debate.

Mr James J. Bradley (St Catharines): Thank you, Mr Speaker. I too will be opposing the time allocation motion and I too noted the regret—at least what I detected as regret—in your voice at the ruling that you had to make. But I think more and more people should realize that this Legislature has become largely irrelevant in the democratic process in Ontario.

The member who served at a period of time from 1985 to 1995 probably didn't recognize the rules when he came back, how badly they've been mangled so that the House has become just about irrelevant. That's unfortunate for all of us in the House. The government whip over there mumbles and grumbles in a gruff voice about this, but I tell him, if you ever have the opportunity to sit on this side of the House, you'll find out what I'm talking about and why it's relevant.

Mr Sorbara: That opportunity will come to them soon.

Mr Bradley: That is always up to the electorate to make that decision.

But I keep saying it's in the interest of all members of the House that we not have rules of this kind. It's difficult. The member has said that the Liberal Party has

made a commitment to change the rules, to make the House more democratic. I can tell you, there will be a lot of people surrounding any new government who will be telling them they shouldn't do that. They will be saying, "The argument you people should make is, it was good enough for the Conservatives when they were in government; it's good enough in opposition." That's the problem when you make rules of this kind, when you change the rules that way. There are always going to be those people who will be giving that counsel and advice not to change them back.

You see, this isn't a business boardroom. Business should run differently as a boardroom in the decision-making process. It's a different venue, and there are some good business practices we can bring to government. But the deliberations and the decision-making are not things that you impose from business on a democratic Legislature, though in terms of practising certain things within government, it can be helpful. That's why I consistently oppose these kinds of motions.

There was a point of order brought earlier to say why this is a particularly difficult motion to accept. We could talk about the closing of schools in each one of our constituencies. Tonight, one of the committees of the District School Board of Niagara will be making a decision on schools to be closed. There are eight of them under the gun right now; five of them are in my constituency of St Catharines.

An outdated, outmoded and excessively restrictive funding formula from the Ministry of Education, from this government, is compelling boards of education to make decisions that, in their own mind, they know are not right for the children in that area. We know that those schools are also community centres, they're recreational centres and the yard itself is used for sports and recreational activities and open space.

The kids are going to have to take buses to the new schools. It simply isn't going to be satisfactory. I don't think anybody says that under no circumstances would any school ever close, but we think that the funding formula is excessively restrictive. I'd like to talk about that.

I'd like to talk about the need for the Visudyne treatment for those with macular degeneration to be covered by the drug benefit program of the province of Ontario, as I have on numerous occasions in this House, along with my colleagues in the Liberal caucus. That's the kind of thing I'd like to be talking about, instead of a time allocation motion.

I'd like to talk about what I consider to be an abuse that governments are into. At a time when there's financial restraint, when the Chair of Management Board is going around having to tell various ministers that they have to cut back in their budgets, what do we have? Another propaganda piece from the government.

It's interesting, because if I asked the federal government members about their piece, they'd say it's not propaganda either; except that I think anybody objective who looks at these would recognize that there's a

propaganda message in it, there's a political message in it. I think we should discontinue that.

That's not to say there isn't information that governments can provide in a way that is without partisanship; it can be, and there are some reasonable ways. I think that's an abuse, and that's one of the things we should talk about.

The auditor's report and food safety in this province: a real issue, a real concern as government cutbacks are in place and we're unable to inspect meat in this province the way we'd like to; or the fact that there was withholding of information from the Provincial Auditor. All of those are things I'd rather talk about than a time allocation motion.

1720

Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): I am also pleased to join this important debate. A very wise man once said, "You don't know what you've got until you lose it." In these troubling times, we must be particularly vigilant to affirm our most precious democratic freedoms, because compromising core components of our healthy democratic process is very dangerous indeed, and we've seen a lot of that the last week.

As you know, I'm a relatively new member of this House. I arrived here eager to get going, to engage in the democratic process, to listen to some of my esteemed colleagues who, on a good day, inspire me.

Listening to the Minister of Municipal Affairs talking about Bill 111, the Municipal Act—he said, and I had conversations with him, "We want to get this bill into committee so we can make it a better bill, so that we can shape it so that new relationship we're talking about with municipalities, one predicated on respect and trust and consultation, would be advanced." The government was so committed to consultation that they used closure to make it happen more quickly.

Ironically, I came just a few moments ago from a meeting of the standing committee on justice and social policy. We were dealing with Mr Colle's private member's bill dealing with heart defibrillators. The ironic thing was the government took the position that they didn't want to support it, for a whole slew of reasons, not the least of which being they thought it was more appropriately something that should be handled municipality to municipality. Yet ironically, just last week when members of our caucus, with support from members of the caucus of the third party, actually put an amendment which would have allowed that, the government members of the committee voted it down.

In fact, I found it passing strange that every single government amendment to Bill 111, the new Municipal Act, predicated on trust and respect, was passed, and every single amendment that was put by the NDP and the official Liberal opposition was rejected. I want to suggest it wasn't because the amendments that were put by opposition members were lacking in integrity or decency or appropriateness vis-à-vis the municipal scene. It was,

strictly speaking, just narrow-minded ideological knee-jerk politics again.

When I came here, I was an incurable optimist, but I need to tell the members opposite, I'm now cured, almost completely. The kinds of things that were rejected, if you can believe it—we put amendments that said municipalities shouldn't be amalgamated against their consent. Defeated. We've said there should be a prescribed period with respect to downloading and consultation. It was defeated. The safety aspects that I've just pointed out were defeated. A number of amendments with respect to the natural environment were defeated. What fundamentally was defeated was the minister's promise and assurance that he was serious, and that he wanted us to proceed with this legislation in a spirit of tri-partisanship, to really do the things that we needed to do.

I hope, as the Premier wannabes are redefining themselves and racing to the centre, that part of that race to the centre might include some consideration of democracy. They could start with some of the propositions that my own leader, Dalton McGuinty, has put.

The Oak Ridges conservation act—simply put, the government's own panel, and virtually every environmental group connected, was recommending full hearings. This government has decided not to proceed with that. Why? Because the bill simply has a number of massive loopholes, which I think this government, in its heart of hearts, fears are going to be exposed. The protection is temporary. Any portion of the act could be revoked at any time by regulation. Major roads are still allowed to go anywhere. There are all kinds of sidebar deals that could be struck.

In the technical briefing—I recommend it, by the way, for those who want to get some real information; I was one of two MPPs who attended it—we were told that 9% of the proposed settlements would be outside the settlement area and we'd get information. We're still waiting for that. We need a watchdog commission here and a permanent plan, not something that can be revoked at any moment and not a bill that's going to be handled simply through regulation. That's not—

The Deputy Speaker: The member's time has more than expired. Further debate.

Ms Churley: I rise in opposition to the time allocation motion before us today. The—

Interjection.

Ms Churley: Yes, I am.

Democracy, as we all know, can be messy and it can take time, but I think we all agree in this place that we're darned lucky to have a democracy, a system where we can get up and debate and make our views known, where communities can get involved and make their views known. We know that within the existing system we have, the British parliamentary system, there is a majority government and at the end of the day you get your way. All of us in this House, all three parties now, have been in government and we all know how it works.

But what you have to understand is that when you rush through significant bills like this, it really makes people

mad. People are really mad about this. We have a representative from Earthroots here today. He's mad about this. We have representatives, who aren't here right now, from STORM and other groups who are angry about this. They want this bill to pass because it is better than where we started, believe me. Again, I want to congratulate them and all those from the 905 community who put forward their ideas and just grilled the government and went out in the thousands for meetings and made them move a long, long way from where they started, where they weren't going to do anything.

The communities that have an interest in this, and I and the New Democratic Party, who have concerns about this significant bill, are not having a significant opportunity to discuss it. What is most galling about it, Mr Speaker, and you know because you had to make that tough decision—and I agree, I heard regret in your voice as well, and I've been there, as you know—following the rules that were before you; you had to base your decision on that. These kinds of time allocation motions should not be here before us. We should not have to be deemed to agree with something. That really offends me, that years from now the record will show I voted for something that perhaps I wouldn't—I don't know yet—but I'm not going to have that opportunity to say “aye” or “nay.” That is outrageous.

I don't understand exactly why the government is doing this. One can try to imagine. Let's propose first that, yes, the government has come a long way from the early days when Shelley Martel and I put forward a couple of bills. Our bills, as you know, were more inclusive, because when the New Democratic Party was in government we brought in a green planning act, and people will recall that one of the very first items on the Tory government agenda was to wipe out that green planning act.

Had it stayed, a lot of the problems that showed up about the Oak Ridges moraine never would have happened, because the green planning act we brought in was very clear about development on these environmentally sensitive lands. But the Tory government took away those really good, far-reaching clauses in that bill. In fact, in the new Planning Act they brought in, they really got more regressive. They brought the Planning Act to the pre-Liberal and Tory days before then. They didn't just wipe out the NDP green planning act. You made it even more regressive. So that was taken away; that really strong tool that was given to municipalities and the OMB was wiped out. That was after John Sewell, who by the way came in on time and under budget, I believe, which is pretty much unheard of in this place, with a general consensus from all the parties who were involved in a two-year consultation process. That bill passed in this House, I believe, at the time—I'm not sure—but opposition parties voted against it because some said it went too far in the green direction. But overall there was a strong consensus about that bill, and that was wiped out.

Now here we are today debating a time allocation motion before us yet again. It makes me think back.

We've been in government here. We know what it feels like when you get in government and backbenchers and new people, even ministers who haven't been here before, say things like, “What's going on over there? We're the government. We have the majority and those people in opposition are holding things up. We're the government. We have the power. Why should we let them do that?”

That's what happened over there. Shortly after they got in government, John Baird, I remember, who must have been a backbencher then, if I recall—yes, he was—the tool of the minister responsible, came forward with the so-called private member's bill—remember that?—about rule changes, slid in through the back door, outrageous rule changes which we fought—

Mr Kormos: Previous governments have never done stuff of that nature.

1730

Ms Churley: Never like that; not that outrageously anyway. Now, you be quiet. The member for Niagara's causing some problems for me here again.

But no, outrageous. He would agree with me and the whole House would agree that we had never seen anything like those rule changes. Talk about slapping down democracy. Everybody here will remember—think back to, I think it was Bill 26, the downloading bill, which—

Mr Kormos: The omnibus bill.

Ms Churley: That's right, the omnibus bill. A huge bill brought before this House. I forget which year it was, but the Liberals and New Democrats worked together on strategy on that bill and we used the rules to try to hold it up. Yes, we confess, we talked to each other and we agreed because the rules at that time said you had to vote. Alvin Curling from the Liberal Party was the first person called, by virtue of, I guess, the alphabet that day. He was the first person and he refused to stand and take a vote. We had already decided that our party was all going to go over there, along with the Liberals, and surround him, to protect him from the Sergeant at Arms—not this Sergeant at Arms, I'd like to point out; our former Sergeant at Arms, who was put in a very tough spot. But he did go over there and there were big pictures in the papers of all of us together, the opposition, saying, “No, we do not accept this kind of bill. It should not be here in one piece.” He sat, I forget for how many hours, but there were many—

Mr Kormos: Well overnight.

Ms Churley: Well overnight—many jokes that came out of how he was able to do that, which I will not go into. But you know what happened right after that? The government said, “We can't let that ever happen again.” They changed the rules, so now you can abstain from votes. You can't do that any more.

The thing that sticks in my mind, perhaps because I was then, Mr Speaker, in your position—I was Deputy Speaker and we had nine or 10 24-hour days debating Bill 103. That was the amalgamation of the city of Toronto. The New Democratic Party came up with a way within the existing rules to, some might say, filibuster. It

wasn't our position. I don't think we were filibustering. It was a very bad bill that the majority of the people within the five cities who were going to be amalgamated disagreed with, and the government wouldn't listen. They even had polls because the government refused—here again we have this hypocrisy. They say they believe in the democratic process, but refused to have any kind of referendum or poll from the communities most affected on this. They did it themselves, and huge majorities of people said, "This is bad for us." We had an example from Halifax that had done this kind of amalgamation. We could show that it wasn't going to work, and in fact it hasn't. It's a disaster for our cities, but they went ahead anyway.

We believe that what we did then within the existing rules was legitimate, to give people more time to get down here. People were organizing in the thousands. The galleries were filled, those days and nights. I remember getting up, going to my office and having one or two hours' sleep and coming up with really bad hair. That was a real problem for me, those days, getting up off my couch and coming in and sitting at that table and reading street name after street name, but it was done because that's what democracy is all about. The majority of people in those five cities believed that what you were doing was wrong and you were not listening to them, so we found a way to give them more of an opportunity to have their voices heard.

The government changed the rules so that cannot be done again.

The opposition in this place now, frankly, has very little impact. The kinds of opportunities—

Interjection.

Ms Churley: It is true—within that context has very little impact—I'm not finished my sentence here—when it comes to holding the government accountable for the things they are inflicting on the people of this province because the rules have been changed to the extent where debate is shut down prematurely. I'm going to therefore come back to the bill we're talking about today and the time allocation motion before us.

I believe that the opposition, along with the community groups who have been working on this for years, have had a huge impact. That's why we've come this far, because of democracy, because we've been able, together, to change the government's mind and make them understand that they were going to lose a lot of seats—that's what this is about and that's fine; it's part of democracy as well—if they didn't do more to save the Oak Ridges moraine. But now, and this is where democracy is being shut down, the bill is being rushed through.

People want an opportunity to be heard. The people who have been directly involved in getting to where we are today want longer hearings, because they have many concerns about this bill. They have, I believe, three hours to come and talk about their concerns. We have concerns about the bill. We pointed out on many occasions prior to the bill not only that we needed the protection of a freeze on the Oak Ridges moraine and the protection in the

study we did, which this government shelved, with all kinds of good ideas in it, but that we needed that updated. We wanted a freeze until that was done.

Our bills, the New Democrats' bills, also went further and brought back components of the green planning act, because not only does this not solve many of the problems of the Oak Ridges moraine—it doesn't do the whole thing—but there are other environmentally sensitive lands on which people are going to have to go through a similar process because this just applies to the Oak Ridges moraine. Our private members' bills passed and went through second reading and got sent to the general government committee, but were never called.

That's another issue I want to speak about for a moment: the lack of significant bills that actually get passed here and get sent to committee and actually get heard. Everybody knows I've got one now that was sent to the general government committee, and that's the adoption disclosure bill. That's a bill that the majority of people, from all parties in this Legislature, support. Do you know how I know that? We've had debate on this bill many times before. There's one small change in the bill I brought forward. Most of the people in this chamber voted for it again and again. I know people support the present bill, because I have talked to most every member in this Legislature now and the vast majority of people support that bill, along with thousands and thousands of people who are affected by these archaic adoption disclosure laws we have.

All over the world now changes have been made. This is the kind of bill that should be brought forward, a private member's bill that so many people support. That's what democracy is all about. Why should a few people here who oppose it—they have a right to speak to it and state their case—shut down something that the majority of the population supports and that the majority of legislators support?

We have this time allocation bill before us today and I want to take a few minutes to talk about some of my concerns about the bill. Obviously the key one, perhaps the biggest concern—I think the present government members should agree with this. They might not be the government the next time.

Mr Morley Kells (Etobicoke-Lakeshore): At least you have it down to "might not."

Ms Churley: You never know. The Liberals, let's face it, have been high in the polls the last two elections and have fallen down. In 1990, when the New Democrats went into that election, we were way down in the polls and look what happened. I think the New Democratic Party has a very strong platform and a very strong sense of ideas alternative to what the Tories are saying and doing in this province.

You never know what's going to happen at election time, as people listen and make their decisions about what kinds of things they want to see happen, what kind of Ontario they want to see in the future. The government could very well—a few of you could be sitting right here where I'm standing now. Some of you have been over

here. You know what it's like. You've experienced the frustration of being in opposition, and that was before the rules got changed to this extent, where there are fewer and fewer opportunities for the opposition to be engaged in the debate.

We see so many time allocation motions now; we see debate shut down all the time. We see public hearings on things like snowmobile trails, which are important, for—what?—two or three weeks out there. But we've got three hours on such a significant bill as this before the vote is taken and I don't have a voice. I don't have the opportunity to say whether or not I support an amendment. That's ridiculous. That's not democracy.

1740

I have concerns about this bill. My party has concerns about this bill. When it was announced, I did the right thing. I believe that I stood up and congratulated the people from the 905 and the groups who worked so hard on getting to where we are. I told the government that I thought it was a great leap forward and congratulated them for what they presented to us, but I said very clearly that I have some problems and that we need to have an opportunity to correct those problems. I support the move forward but I don't support it as it stands. There are some major problems.

It's been pointed out by others that the most significant one is that, by regulation, any minister at any time can take out any portion—the whole bill, if they want—of the bill. There are highways being built. They're extending Highway 427. I understand that the new super-highway at the north end of York region, I believe, is being built. They're talking about extending highways. We know, and nobody would argue with this, the iron law is that when you build a highway, development comes. You know that. We've seen that happen. Also, people think, "How do you deal with gridlock?" You build a new highway through the Oak Ridges moraine; you extend a highway. Guess what? Studies have shown, where they've done real smart growth, as opposed to this dumb growth, that when they extend the highways or build a new one, gridlock has not stopped. It's still a problem. What you need to be doing is investing in public transportation, big-time. What this government does is just the opposite.

Interjection.

Ms Churley: No, just read statistics. You don't have to believe me. Mr Speaker, I know they're not going to believe me. Statistics show it. They've tried it in other jurisdictions. This is not smart growth: building new highways, extending new highways. It's not going to deal with gridlock. As you develop more and more the outreaches on good farmland outside of the major built-up areas, more and more cars come on to those highways because there isn't adequate transportation, particularly in the regions outside the built-up area. That's one of the major problems, as well as the issue around government being able at any time to take out any portion of the bill.

There is the issue of the 10-year review, I believe. Some people say, "That's a good thing, because the

government can improve on it." But look at the opposite side of it. We know that this government gets all kinds of money from developers. We know some of the Liberals get all kinds of money from developers. There are a couple of elections coming up over the course of that time and a lot of pressure to tear that plan apart. All of the work, all of the effort that people put into getting even this far, could just like that, in 10 years, be thrown out. If you want to have a 10-year review, it should stipulate that the review would very specifically deal with problem areas that people are pointing out. The government is saying right now, "We refuse to fix these areas." If there is a review, it should be very clear that it will be examining some of the areas within the existing bill that could be problematic or are being pointed out as being problematic and say, "OK, we're not going to change it now," but at least go so far as to say, "We'll take a look at that when the review time is up."

The other issue that I wanted to talk briefly about, and there are so many, I'm not going to get them all right now—I pointed out before, as have others, the land swap that's going on. What is that all about? Some of those developers, we all agree—I said that very clearly here—should be compensated.

Interjection.

Ms Churley: Yes, they do, but some of them were speculating. If you go out and gamble, you go out and buy farmland at a very cheap price and you don't know if the zoning is going to be changed or what the government is going to do, you're speculating. You are speculating. I'm not talking about the little guy out there who's bought some land and is building his house. He should be compensated, and some of the developers should be compensated.

These deals are happening behind closed doors, in secret. Every one of them should be transparent, tabled in this House, and we should take a look at what kinds of deals the taxpayers are getting into here and whether or not these are legitimate. Because we all say some are, but some aren't, and that's what's going on.

There's concern about the land swaps in Seaton. Some of that land is environmentally sensitive as well. It has some of the same issues and the same problems. We should be looking after the wheat. But still, we've passed a bill on brownfields. If we're doing some swapping, maybe we should be looking at Ataratiri, some of the lands in built-up areas as exist.

I'm very disappointed to have this time allocation motion before us today, and shame on the government.

Mr Kells: Since the late 1980s, people have been concerned about the long-term health of the Oak Ridges moraine. Two successive governments talked about protecting the moraine, yet by the spring of 1995 no strong measures had been taken and development applications continued to be approved.

I was invited out of government in 1985, but I was around—

Ms Churley: What were you doing? Come on, tell us.

Mr Kells: I'm going to tell you if you'll just wait. In my capacity as president of the Urban Development Institute, and the honourable member and the Sorbara family were very valued members of that organization. Actually I was proud to be the president and I still am. There was a heck of a lot more honesty in the development industry than I sometimes find in politics.

Anyway in the late 1980s, Ron Kanter, then a member for the Liberal Party—the government—wrote a report called a greenland study on the Oak Ridges moraine. I had occasion, of course, to read that in detail and wrote a number of times about it and its impact. As I said at the time, it was a bunch of woulds, coulds and shoulds that a government might do to protect the moraine.

As you know, history tells us—and it's been told in this Legislature today—that the NDP became the government of the day, and somehow the greenland study disappeared off the radar screen.

David Crombie had two royal commissions going at the same time, and he picked up that challenge and expanded it to take in the moraine. Of course, over that period of time I wrote many times about Crombie's reports and his interim reports. In his final report, he did get into the Oak Ridges moraine in a fairly large way.

Mr Bradley: He shows up everywhere.

Mr Kells: Yes, he does. As you'll recall, what happened to Crombie was he cut a—I'm never going to say that word. He changed under the regeneration—

Mr Kormos: Metamorphosis.

Mr Kells: Yes, that's the word I was trying to get, with a verb on it.

Anyway, he went in there and the moraine went with him. No action was taken until 1995 when along comes our government. By that time there were lots of development applications. Developers will always go where they can sell houses; it's just a natural marketing rule.

In the long term this government has done more in the last six months to protect the Oak Ridges moraine than the other two governments did in a decade of talk. That is why it's so vital that we get on with the job of passing Bill 122, the Oak Ridges Moraine Conservation Act.

I would like to point out that it didn't take this House very long to pass the bill freezing development on the moraine; I think it took five minutes. It just indicates that when the Legislature wants to move quickly and they're in some kind of agreement, they can. All we've done is do what we promised to do when we put the freeze on. We've had our advisory panels report to us. We've dealt with the problems.

Mr McMeekin: We're surprised.

Mr Kells: I think you're surprised that we got an agreement, and I think you're surprised that we're here today with this bill.

The honourable member in the third party indicated that she didn't feel there would be an agreement that it should all be done in a transparent way. I think in a very

honest way, that's the way it's going to be. There are going to be long, drawn-out negotiations. Regardless of her thoughts about a developer, a developer who pays for the land owns the land and is due the protection of any other citizen. If his land is worth a certain value at the time you want to take it, then you should pay him that value.

The Deputy Speaker: The time for debate has expired.

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

All those in favour of the motion will please indicate by saying "aye."

All those opposed will please indicate by saying "nay."

In my opinion, the ayes have it.

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

The division bells rang from 1750 to 1800.

The Deputy Speaker: Order. All those members in favour of the motion will please rise one at a time and be recognized by the Clerk.

Ayes

Arnott, Ted	Johns, Helen	Sampson, Rob
Chudleigh, Ted	Johnson, Bert	Snobelen, John
Clark, Brad	Kells, Morley	Sterling, Norman W.
Coburn, Brian	Klees, Frank	Stewart, R. Gary
Cunningham, Dianne	Marland, Margaret	Stockwell, Chris
Dunlop, Garfield	Maves, Bart	Tascona, Joseph N.
Ecker, Janet	Mazzilli, Frank	Tilson, David
Elliott, Brenda	Miller, Norm	Tsubouchi, David H.
Galt, Doug	Molinari, Tina R.	Turnbull, David
Gilchrist, Steve	Munro, Julia	Wettlaufer, Wayne
Gill, Raminder	Mushinski, Marilyn	Wilson, Jim
Harris, Michael D.	Newman, Dan	Wood, Bob
Hodgson, Chris	Ouellette, Jerry J.	Young, David
Hudak, Tim	Runciman, Robert W.	

The Deputy Speaker: All those opposed to the motion will please rise one at a time and be recognized by the Clerk.

Nays

Agostino, Dominic	Di Cocco, Caroline	McLeod, Lyn
Bartolucci, Rick	Duncan, Dwight	McMeekin, Ted
Bisson, Gilles	Gerretsen, John	Patten, Richard
Bountrogianni, Marie	Gravelle, Michael	Peters, Steve
Bradley, James J.	Hoy, Pat	Phillips, Gerry
Brown, Michael A.	Kennedy, Gerard	Sergio, Mario
Churley, Marilyn	Kormos, Peter	Smitherman, George
Conway, Sean G.	Levac, David	
Cordiano, Joseph	Marchese, Rosario	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 41; the nays are 25.

The Deputy Speaker: I declare the motion carried.

It now being after 6 of the clock, this House stands adjourned until 6:45 this evening.

The House adjourned at 1804.

Evening meeting reported in volume B.

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lieutenant Governor / Lieutenant-gouverneure: Hon / L'hon Hilary M. Weston

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

Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
Agostino, Dominic (L)	Hamilton East / -Est	chief opposition whip / whip en chef de l'opposition
Arnott, Ted (PC)	Waterloo-Wellington	Parliamentary assistant to the Minister of the Environment / adjoint parlementaire à la ministre de l'Environnement
Baird, Hon / L'hon John R. (PC)	Nepean-Carleton	Minister of Community and Social Services, minister responsible for children, minister responsible for francophone affairs / ministre des Services sociaux et communautaires, ministre délégué au dossier de l'Enfance, ministre délégué aux Affaires francophones
Barrett, Toby (PC)	Haldimand-Norfolk-Brant	Parliamentary assistant to the Minister of Natural Resources / adjoint parlementaire au ministre des Richesses naturelles
Bartolucci, Rick (L)	Sudbury	deputy opposition House leader / chef parlementaire adjoint de l'opposition
Beaubien, Marcel (PC)	Lambton-Kent-Middlesex	
Bisson, Gilles (ND)	Timmins-James Bay / Timmins-Baie James	chief New Democratic Party whip / whip en chef du Nouveau Parti démocratique
Bountrogianni, Marie (L)	Hamilton Mountain	
Boyer, Claudette (Ind)	Ottawa-Vanier	
Bradley, James J. (L)	St Catharines	
Brown, Michael A. (L)	Algoma-Manitoulin	Deputy Speaker and Chair of the Committee of the Whole House / Vice-Président de la Chambre et Président du Comité plénier de l'Assemblée législative
Bryant, Michael (L)	St Paul's	
Caplan, David (L)	Don Valley East / -Est	deputy opposition whip / whip adjoint de l'opposition
Carr, Hon / L'hon Gary (PC)	Oakville	Speaker / Président
Christopherson, David (ND)	Hamilton West / -Ouest	
Chudleigh, Ted (PC)	Halton	Parliamentary assistant to the Minister of Economic Development and Trade / adjoint parlementaire au ministre du Développement économique et du Commerce
Churley, Marilyn (ND)	Toronto-Danforth	
Clark, Hon / L'hon Brad (PC)	Stoney Creek	Minister of Transportation / ministre des Transports
Cleary, John C. (L)	Stormont-Dundas- Charlottenburgh	
Clement, Hon / L'hon Tony (PC)	Brampton West-Mississauga / Brampton-Ouest-Mississauga	Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée
Coburn, Hon / L'hon Brian (PC)	Ottawa-Orléans	Minister of Agriculture, Food and Rural Affairs / ministre de l'Agriculture, de l'Alimentation et des Affaires rurales
Colle, Mike (L)	Eglinton-Lawrence	
Conway, Sean G. (L)	Renfrew-Nipissing-Pembroke	
Cordiano, Joseph (L)	York South-Weston / York-Sud-Weston	
Crozier, Bruce (L)	Essex	
Cunningham, Hon / L'hon Dianne (PC)	London North Centre / London-Centre-Nord	Minister of Training, Colleges and Universities, minister responsible for women's issues / ministre de la Formation et des Collèges et Universités, ministre déléguée à la Condition féminine
Curling, Alvin (L)	Scarborough-Rouge River	
DeFaria, Carl (PC)	Mississauga East / -Est	Parliamentary assistant to the Minister of Citizenship / adjoint parlementaire au ministre des Affaires civiques

Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
Di Cocco, Caroline (L)	Sarnia-Lambton	
Dombrowsky, Leona (L)	Hastings-Frontenac-Lennox and Addington	
Duncan, Dwight (L)	Windsor-St Clair	opposition House leader / chef parlementaire de l'opposition
Dunlop, Garfield (PC)	Simcoe North / -Nord	Parliamentary assistant to the Minister of Education and government House leader / adjoint parlementaire à la ministre de l'Éducation et leader parlementaire du gouvernement
Ecker, Hon / L'hon Janet (PC)	Pickering-Ajax-Uxbridge	Minister of Education, government House leader / ministre de l'Éducation, leader parlementaire du gouvernement
Elliott, Hon / L'hon Brenda (PC)	Guelph-Wellington	Minister of Intergovernmental Affairs / ministre des Affaires intergouvernementales
Flaherty, Hon / L'hon Jim (PC)	Whitby-Ajax	Deputy Premier, Minister of Finance / vice-premier ministre, ministre des Finances
Galt, Doug (PC)	Northumberland	Parliamentary assistant to the Minister of Agriculture, Food and Rural Affairs / adjoint parlementaire au ministre de l'Agriculture, de l'Alimentation et des Affaires rurales
Gerretsen, John (L)	Kingston and the Islands / Kingston et les îles	
Gilchrist, Steve (PC)	Scarborough East / -Est	
Gill, Raminder (PC)	Bramalea-Gore- Malton-Springdale	Parliamentary assistant to the Minister of Training, Colleges and Universities / adjoint parlementaire à la ministre de la Formation et des Collèges et Universités
Gravelle, Michael (L)	Thunder Bay-Superior North / -Nord	
Guzzo, Garry J. (PC)	Ottawa West-Nepean / Ottawa-Ouest-Nepean	
Hampton, Howard (ND)	Kenora-Rainy River	Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Hardeman, Ernie (PC)	Oxford	Parliamentary assistant to the Deputy Premier and Minister of Finance / adjoint parlementaire au vice-premier ministre et ministre des Finances
Harris, Hon / L'hon Michael D. (PC)	Nipissing	Premier and President of the Executive Council / premier ministre et président du Conseil exécutif
Hastings, John (PC)	Etobicoke North / -Nord	Parliamentary assistant to the Minister of Energy, Science and Technology / adjoint parlementaire au ministre de l'Énergie, des Sciences et de la Technologie
Hodgson, Hon / L'hon Chris (PC)	Haliburton-Victoria-Brock	Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement
Hoy, Pat (L)	Chatham-Kent Essex	
Hudak, Hon / L'hon Tim (PC)	Erie-Lincoln	Minister of Tourism, Culture and Recreation / ministre du Tourisme, de la Culture et des Loisirs
Jackson, Hon / L'hon Cameron (PC)	Burlington	Minister of Citizenship, minister responsible for seniors / ministre des Affaires civiques, ministre délégué aux Affaires des personnes âgées
Johns, Hon / L'hon Helen (PC)	Huron-Bruce	Minister without Portfolio (Health and Long-Term Care) / ministre sans portefeuille (Santé et Soins de longue durée)
Johnson, Bert (PC)	Perth-Middlesex	Second Deputy Chair of the Committee of the Whole House / Deuxième Vice-Président du Comité plénier de l'Assemblée législative
Kells, Morley (PC)	Etobicoke-Lakeshore	Parliamentary assistant to the Minister of Municipal Affairs and Housing / adjoint parlementaire au ministre des Affaires municipales et du Logement
Kennedy, Gerard (L)	Parkdale-High Park	
Klees, Frank (PC)	Oak Ridges	
Kormos, Peter (ND)	Niagara Centre / -Centre	New Democratic Party House leader / chef parlementaire du Nouveau Parti démocratique
Kwinter, Monte (L)	York Centre / -Centre	
Lalonde, Jean-Marc (L)	Glengarry-Prescott-Russell	
Levac, Dave (L)	Brant	

Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
Marchese, Rosario (ND)	Trinity-Spadina	
Marland, Margaret (PC)	Mississauga South / -Sud	
Martel, Shelley (ND)	Nickel Belt	
Martin, Tony (ND)	Sault Ste Marie	First Deputy Chair of the Committee of the Whole House / Premier Vice-Président du Comité plénier de l'Assemblée législative
Martiniuk, Gerry (PC)	Cambridge	
Maves, Bart (PC)	Niagara Falls	Parliamentary assistant to the Minister of Health and Long-Term Care / adjoint parlementaire au ministre de la Santé et des Soins de longue durée
Mazzilli, Frank (PC)	London-Fanshawe	Parliamentary assistant to the Minister of Tourism, Culture and Recreation / adjoint parlementaire au ministre du Tourisme, de la Culture et des Loisirs
McGuinty, Dalton (L)	Ottawa South / -Sud	Leader of the Opposition / chef de l'opposition
McLeod, Lyn (L)	Thunder Bay-Atikokan	
McMeekin, Ted (L)	Ancaster-Dundas-Flamborough- Aldershot	
Miller, Norm (PC)	Parry Sound-Muskoka	
Molinari, Tina R. (PC)	Thornhill	Parliamentary assistant to the Minister of Community and Social Services and Minister responsible for Children / adjointe parlementaire au ministre des Services sociaux et communautaires et ministre déléguée au dossier de l'Enfance
Munro, Julia (PC)	York North / -Nord	Parliamentary assistant to the Minister of Transportation / adjointe parlementaire au ministre des Transports
Murdoch, Bill (PC)	Bruce-Grey-Owen Sound	Parliamentary assistant to the Minister of Labour / adjoint parlementaire au ministre du Travail
Mushinski, Marilyn (PC)	Scarborough Centre / -Centre	Parliamentary assistant to the Premier / adjointe parlementaire au premier ministre
Newman, Hon / L'hon Dan (PC)	Scarborough Southwest / -Sud-Ouest	Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
O'Toole, John R. (PC)	Durham	Parliamentary assistant to the Minister of Finance / adjoint parlementaire au ministre des Finances
Ouellette, Jerry J. (PC)	Oshawa	Parliamentary assistant to the Minister of Northern Development and Mines / adjoint parlementaire au ministre du Développement du Nord et des Mines
Parsons, Ernie (L)	Prince Edward-Hastings	
Patten, Richard (L)	Ottawa Centre / -Centre	
Peters, Steve (L)	Elgin-Middlesex-London	
Phillips, Gerry (L)	Scarborough-Agincourt	
Prue, Michael (ND)t	Beaches-East York	
Pupatello, Sandra (L)	Windsor West / -Ouest	
Ramsay, David (L)	Timiskaming-Cochrane	
Runciman, Hon / L'hon Robert W. (PC)	Leeds-Grenville	Minister of Economic Development and Trade / ministre du Développement économique et du Commerce
Ruprecht, Tony (L)	Davenport	
Sampson, Hon / L'hon Rob (PC)	Mississauga Centre / -Centre	Minister of Correctional Services / ministre des Services correctionnels
Sergio, Mario (L)	York West / -Ouest	deputy opposition whip / whip adjoint de l'opposition
Smitherman, George (L)	Toronto Centre-Rosedale / Toronto-Centre-Rosedale	
Snobelen, Hon / L'hon John (PC)	Mississauga West / -Ouest	Minister of Natural Resources / ministre des Richesses naturelles
Sorbara, Greg (L)	Vaughan-King-Aurora	
Spina, Joseph (PC)	Brampton Centre / -Centre	Parliamentary assistant to the Minister of Consumer and Business Services / adjoint parlementaire au ministre des Services aux consommateurs et aux entreprises
Sterling, Hon / L'hon Norman W. (PC)	Lanark-Carleton	Minister of Consumer and Business Services / ministre des Services aux consommateurs et aux entreprises

Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
Stewart, Hon / L'hon R. Gary (PC)	Peterborough	Minister without Portfolio, chief government whip, deputy government House leader / ministre sans portefeuille, whip en chef du gouvernement, leader parlementaire adjoint
Stockwell, Hon / L'hon Chris (PC) Tascona, Joseph N. (PC)	Etobicoke Centre / -Centre Barrie-Simcoe-Bradford	Minister of Labour / ministre du Travail Parliamentary assistant to the Solicitor General / adjoint parlementaire au solliciteur général
Tilson, David (PC)	Dufferin-Peel-Wellington-Grey	Parliamentary assistant to the Attorney General and minister responsible for native affairs / adjoint parlementaire au procureur général et ministre délégué aux Affaires autochtones
Tsubouchi, Hon / L'hon David H. (PC)	Markham	Chair of the Management Board of Cabinet / président du Conseil de gestion du gouvernement
Turnbull, Hon / L'hon David (PC) Wettlaufer, Wayne (PC)	Don Valley West / -Ouest Kitchener Centre / -Centre	Solicitor General / solliciteur général Parliamentary assistant to the Chair of the Management Board of Cabinet / adjoint parlementaire au président du Conseil de gestion du gouvernement
Wilson, Hon / L'hon Jim (PC)	Simcoe-Grey	Minister of Energy, Science and Technology / ministre de l'Énergie, des Sciences et de la Technologie
Witmer, Hon / L'hon Elizabeth (PC)	Kitchener-Waterloo	Minister of the Environment / ministre de l'Environnement
Wood, Bob (PC)	London West / -Ouest	Parliamentary assistant to the Minister of Correctional Services / adjoint parlementaire au ministre des Services correctionnels
Young, Hon / L'hon David (PC)	Willowdale	Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones

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Vice-Chair / Vice-Président: Alvin Curling
Gilles Bisson, Alvin Curling, Gerard Kennedy,
Frank Mazzilli, Norm Miller, John R. O'Toole,
Steve Peters, Wayne Wettlaufer
Clerk / Greffière: Susan Sourial

**Finance and economic affairs /
Finances et affaires économiques**

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Vice-Chair / Vice-Président: Doug Galt
Marcel Beaubien, David Christopherson,
Doug Galt, Ernie Hardeman, Monte Kwinter,
John O'Toole, Gerry Phillips, Joseph Spina
Clerk / Greffière: Susan Sourial

General government / Affaires gouvernementales

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Steve Gilchrist, Dave Levac, Norm Miller,
Michael Prue, Marilyn Mushinski
Clerk / Greffière: Anne Stokes

Government agencies / Organismes gouvernementaux

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Vice-Chair / Vice-Président: Michael Gravelle
James J. Bradley, Leona Dombrowsky, Michael Gravelle,
Bert Johnson, Tony Martin, Frank Mazzilli,
Jerry J. Ouellette, Bob Wood
Clerk / Greffière: Donna Bryce

Justice and Social Policy / Justice et affaires sociales

Chair / Présidente: Toby Barrett
Vice-Chair / Vice-Président: Carl DeFaria
Toby Barrett, Marcel Beaubien, Michael Bryant,
Carl DeFaria, Garry J. Guzzo, Peter Kormos,
Lyn McLeod, Tina R. Molinari
Clerk / Greffier: Tom Prins

These lists appear in the first and last issues of each session and on the first Monday of each month. A list arranged by riding appears when space permits.

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Vice-Chair / Vice-Président: Julia Munro
Ted Arnott, Marilyn Churley, Caroline Di Cocco,
Jean-Marc Lalonde, Margaret Marland, Julia Munro,
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Clerk / Greffière: Tonia Grannum

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Règlements et projets de loi d'intérêt privé**

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Gilles Bisson, Claudette Boyer, Garfield Dunlop,
Raminder Gill, Pat Hoy, Morley Kells,
Rosario Marchese, Ted McMeekin, Bill Murdoch,
Wayne Wettlaufer
Clerk / Greffier: Douglas Arnott

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Sources de carburants de remplacement**

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Vice-Chair / Vice-Présidente: Marie Bountrogianni
Marie Bountrogianni, James J. Bradley, Marilyn Churley, Doug
Galt, Steve Gilchrist, John Hastings,
John R. O'Toole, Jerry J. Ouellette, Ernie Parsons
Clerk / Greffière: Tonia Grannum

Ces listes figurent dans les premier et dernier numéros de chaque session et du premier lundi de chaque mois. Par contre, une liste des circonscriptions paraît si l'espace est disponible.

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