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of Ontario

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de l'Ontario

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**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Tuesday 11 June 2002

Mardi 11 juin 2002

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

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LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 11 June 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 11 juin 2002

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

JAMAICAN RELIEF EFFORT

Mr Alvin Curling (Scarborough-Rouge River):

Jamaica and Jamaicans are currently facing a perilous situation. Heavy rains and thunderstorms have caused widespread flooding and landslides throughout Jamaica. The heavy downpours, which began May 22 and continue today, have uprooted people from their homes and damaged roads, power and water supplies and personal property.

The hardest hit areas are St Elizabeth, Manchester, Clarendon, St Catherine and St Thomas. Prime Minister P.J. Patterson has declared these five parishes disaster areas. Vivia Betton, the consul general for Jamaica in Toronto, has appealed to all Ontarians to assist in the relief effort. Monetary donations have been requested, as well as bedding, blankets, lanterns and candles. The Jamaican consulate has opened a bank account at the Bank of Montreal at 200 King Street West in Toronto, where deposits can be made to assist the flood victims. Furthermore, contributions can also be made at any TD Canada Trust branch.

I am pleased to report that prominent Jamaican-born Michael Lee-Chin, CEO of Hamilton-based AIC mutual fund company, has pledged to match relief donations to a maximum of C\$3 million for all donations made to the special account set up at TD Canada Trust. In addition, the consulate general is accepting donations in the form of cheques or money orders. Donations can be sent to 303 Eglinton Avenue East. I encourage all Ontarians to contact the Jamaican consulate and make their contributions.

CHILDREN'S SAFETY VILLAGE

Mr Bob Wood (London West): I rise today to tell members of the House about the Children's Safety Village in London, which recently celebrated its first year of operation. The aim of the Children's Safety Village is to reduce the current statistics of 600 children injured each month in the London area. Some 95% of these injuries are preventable through education and hands-on experience.

The Children's Safety Village of London Area consists of a main building with two classrooms and a miniature town and is built on four acres of land provided by the Upper Thames River Conservation Authority. It has approximately 26 scaled-down buildings, roadways, traffic lights and signs, an operational railway crossing and a school bus. After classroom instruction by police, fire and other safety personnel, the children demonstrate their knowledge of safety through the use of electric cars, bicycles and walking around.

The key to success is having fun in a learning environment. The target market is 15,000 students each school year in the London area from grade 1 to grade 4. They are taught pedestrian, bike, fire, rail and personal safety, stranger danger, and electrical and other household hazards.

The Children's Safety Village mission statement is, "Tell me and I will forget; show me and I may remember; involve me and I will understand." We cannot afford to overlook the significance of a comprehensive safety education that will ensure the well-being of our children.

I know that all members will join with me in wishing many more years of success to the Children's Safety Village of London Area and to congratulate the board of directors, board chair Andrew Murray, executive director Bill Brock, volunteers and the support staff for the important work they do.

JUVENILE DIABETES

Mr Ernie Parsons (Prince Edward-Hastings): My statement today is to the Minister of Health. As I'm sure you know, diabetes is the leading cause of blindness, amputation, kidney failure and heart disease in Ontario. We have a treatment for it, but we do not yet have a cure.

Type 1, or juvenile diabetes, is only 10% of all cases but it causes 50% of the complications. For our young people, this is a life-altering condition. However, research has developed and proven that an insulin pump not only prevents complications with these young people but in many cases reverses it by putting a regular amount of insulin into the body that extremely closely matches what the body naturally does. Unfortunately, the cost of this pump prevents most Ontarians from having the use of it. It is approved in other countries. It costs about \$5,700 per patient to equip them with it and \$2,200 per year for supplies. But if one person has the complications from juvenile-type diabetes, it costs the health care

system over \$100,000 a year. Not only is it the right thing to do from humanity's viewpoint, it is good fiscal management to prevent these complications.

Minister of Health, I urge you to investigate immediately the feasibility and the process by which this province can provide funding for our young people, in fact for all of our citizens, who would benefit from the use of an insulin pump. It alters their life. It is a humane thing to do and is fiscally responsible. I urge the minister to act now on this.

PEEL CHILDREN'S WATER FESTIVAL

Mr Joseph Spina (Brampton Centre): Last Monday and Saturday I had the privilege to join other distinguished guests to welcome children from grades 2 to 5 to the Peel Children's Water Festival and to speak to them about something we all take for granted: water. This five-day event, now in its seventh year, took place at the Heart Lake Conservation Area in my riding of Brampton Centre and in the heart of Heart Lake, which is where I live. It's an interactive educational event designed to complement the Ontario curriculum and give students hands-on learning about the importance of water in everyday life.

Over 5,000 Peel students joined up to participate in more than 50 activity centres, learn about water in the environment, water quality, distribution and conservation. On Saturday, with the assistance of the Toronto and Region Conservation Authority, children released a tank of trout into the Heart Lake Conservation Area to understand the value of conservation and appreciation for our fish and wildlife.

In addition to Peel students, there were a number of other schools participating. High Park Alternative School from Toronto, Donwood Park Junior Public School from Toronto and Brant Township Central Public School from Walkerton also enjoyed the festivities, as I did.

I thank all the participants who were involved and give a special thank you to all the partners that made this year's water festival a resounding success. I look forward to attending again next year.

BORDER CROSSING ISSUES

Mr Dwight Duncan (Windsor-St Clair): Later this week, in Windsor and Detroit, the Michigan-Ontario summit will occur. The Premier of Ontario will represent Ontario there. My understanding is the Governor of Michigan will attend on behalf of the state of Michigan.

There are a number of pressing issues between the state and Ontario, between our great country and the United States. We reflect today as this meeting begins on the state of our border crossings, the Ambassador Bridge and a proposed third link. In its last budget, the federal government pledged \$600 million to improved border crossings, of which approximately three quarters is directed to the Windsor situation to help improve the flow of goods and services between Windsor and Detroit.

It is the largest dry port in the country, one of the largest ports in the world. It is absolutely essential that the province of Ontario come up with its share of money to improve that border crossing and to ensure that the studies that are proposed today don't take the projected 10 to 12 years.

This is probably the most significant economic and trade issue between our great nations. The federal government of the United States and the federal government of Canada are at the table; it's now time for the Premier of Ontario to put the government's money, and the people's money, where its mouth is, and that is to support a speedy resolution of the dilemma at the border crossing.

I'd also urge the Premier to discuss with the Governor of Michigan at that time the situation involving health care professionals going to and fro across the border and the need for Ontario to be able to retain and recruit new nurses in particular.

1340

HAMILTON CHINESE LANGUAGE SCHOOL

Mr David Christopherson (Hamilton West): I rise to acknowledge an important anniversary that is taking place this weekend in Hamilton. The Hamilton Chinese Language School is proudly celebrating its 25th anniversary. For the past quarter of a century, thousands of students have attended classes at Sts Peter and Paul, and St Patrick and St Charles schools in Hamilton.

One person who has played a crucial role in the success of the school is principal Mrs Rhoda Mark, who will be honoured for 25 years of teaching excellence, leadership and dedication at her retirement party this weekend. Mrs Mark was instrumental in founding the Hamilton Chinese Language School. As principal of the school, she helped enrich the lives of many young people and has made an outstanding contribution to the community with 25 years of dedicated service. Throughout her career, she has worked to promote the importance of learning about the Chinese language, heritage and multiculturalism and what it is to be uniquely Canadian. I'm sure all members will want to join me in paying tribute to Mrs Mark and extending best wishes for her retirement, as well as best wishes for continued success to the Hamilton Chinese Language School.

BRAMPTON BLOCK PARENT PROGRAM

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): On behalf of the people of Bramalea-Gore-Malton-Springdale, I'm pleased today to pay tribute to our volunteers at the Brampton Block Parent program. Block Parents are people whose homes display a red and white sign so that children know where they can get assistance if they're lost, scared or in need of help. Since 1991, Brampton Block Parents has been part of the Brampton Safe City Association. Brampton Safe City is also a recipient of funding under the Ontario government's

community policing partnership program. The Brampton Block Parents have elected a new and energetic board that is eager to make the program a success, but they're going to need community help as well. Block Parents are always looking for volunteers. Brampton Block Parents can be reached at 905-793-8132.

This fall, Brampton Block Parents will be going to many schools to inform the children about this program. I ask the folks who are watching at home, the next time you go for a walk with your kids, point out the Block Parent homes so that children know. If your block doesn't have a Block Parent, then perhaps you should volunteer to be one. Nothing takes away a child's fear more than seeing a friendly and reassuring smile. If you'd like to have more information, you can contact my office at www.ramindergill.com.

DOCTOR SHORTAGE

Mrs Sandra Papatello (Windsor West): Yesterday, Maclean's magazine ranked several cities across the nation—54 of them. A big surprise—or at least, it shouldn't be to the Minister of Health—was that Windsor ranked 54th out of 54 cities for the number of doctors per capita. This should not be a surprise to anyone on the other side of the House. We have been bringing this issue forward for, at a minimum, the last seven years.

The government's answer to our woeful inadequacy of doctors: the minister decides to announce a southwest rural training centre, which may see 10 medical students coming through the Windsor area as part of their training. Let me say that even if all 10 students were to stay, we may have some remedy for family doctors in the next 15 years because this number won't even keep up with attrition—the number of retirements and doctors moving from our community.

Western University is to launch this program in the month of July. That's next month. Western University hasn't received one red cent yet to begin this program. How can we expect universities in Ontario to float these new programs on their own, considering the operating woes that our universities face? We insist that the minister come to the table to help, especially in areas like Windsor that are so woefully inadequate in the number of doctors, specialists and family doctors.

FUNDRAISING EVENTS IN BARRIE-SIMCOE-BRADFORD

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): On Saturday, June 8, I was pleased to attend and sponsor my sixth annual pancake breakfast at the Royal Canadian Legion in Barrie. The pancake breakfast has raised funds in excess of \$12,000 in support of women's cancer research, treatment and prevention at Royal Victoria Hospital. It also raises awareness of women's cancer and the excellent treatment provided by the professionals at Royal Victoria Hospital. I wish to thank all those who attended the breakfast and the proud supporters, those

being the Barrie Examiner, Shoppers Drug Mart, A&M Super Food Store, the Barrie Jazz and Blues Festival, Wagg's Linens, B101, and Papermate Business Solicitations Inc.

I also extend an invitation to my constituents to attend on Sunday, June 16, from 10 am to 2 pm at Casey's Bar and Grill on Bayfield Street, and the Barrie Jazz Festival at Heritage Park, in support of men's cancer research treatment and prevention at the Royal Victoria Hospital.

Finally, my fourth annual pancake breakfast starts at 9 am on Saturday, June 22, at Holy Martyrs of Japan church in Bradford-West Gwillimbury to raise funds and awareness for women's cancer research, treatment and prevention at Southlake Regional Health Centre.

VISITOR

The Speaker (Hon Gary Carr): Just before we begin, in the member's west gallery we have Mr René Fontaine, who was the member for Cochrane North in the 33rd and 34th Parliaments. Please join me in welcoming our colleague.

INTRODUCTION OF BILLS

ELECTRICITY AMENDMENT ACT (HYDRO SALARY DISCLOSURE), 2002 LOI DE 2002 MODIFIANT LA LOI SUR L'ÉLECTRICITÉ (DIVULGATION DES SALAIRES DANS L'INDUSTRIE DE L'ÉLECTRICITÉ)

Mr McGuinty moved first reading of the following bill:

Bill 85, An Act to amend the Electricity Act, 1998 by making the corporations created under it subject to the Freedom of Information and Protection of Privacy Act / Projet de loi 85, Loi modifiant la Loi de 1998 sur l'électricité en assujettissant les personnes morales créées en vertu de celle-ci à la Loi sur l'accès à l'information et la protection de la vie privée.

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

The member for a short statement?

Mr Dalton McGuinty (Leader of the Opposition): Quite simply, this bill will act to protect the interests of Hydro's ratepayers by breaking down the wall of secrecy around that company and by requiring it to make available information on compensation and other matters of interest to the Ontario public.

TRUTH ABOUT IPPERWASH ACT, 2002 LOI DE 2002 CONCERNANT LA VÉRITÉ SUR IPPERWASH

Mr Phillips moved first reading of the following bill:

Bill 87, An Act to provide for a public inquiry to discover the truth about events at Ipperwash Provincial Park leading to the death of Dudley George / Projet de loi 87, Loi prévoyant une enquête publique pour découvrir la vérité sur les événements qui se sont produits au parc provincial Ipperwash et qui ont conduit au décès de Dudley George.

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

The member for a short statement?

Mr Gerry Phillips (Scarborough-Agincourt): The bill's short form is called the Truth about Ipperwash Act, 2002. It requires the Premier to recommend to the Lieutenant Governor in Council that a commission be appointed to inquire into and report on the death of Dudley George and to make recommendations directed to the avoidance of violence in similar circumstances. The commission is given powers under the Public Inquiries Act. Once the inquiry begins, the commission must make an interim report in six months and a final report in 12 months.

1350

MEMBER FOR LANARK-CARLETON

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): On a point of order, Mr Speaker: I ask for unanimous consent to pay our respects to the long-serving member for Lanark-Carleton.

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

Hon Mr Eves: Thank you, Mr Speaker. I thought that might be the only way I got unanimous consent.

It's a pleasure for me to rise and recognize a person and an individual who I think has been respected by all sides of this Legislature for over 25 years now. I understand a tribute was paid to our good friend Mr Bradley yesterday, but Norm Sterling was first elected to the Legislature in the same election on June 9, 1977. He has outlived three different name changes in his riding to date—I say “to date”—with Carleton-Grenville, Carleton and, of course, now Lanark-Carleton. It doesn't seem to make any difference what the riding is called or what its boundaries are, but Norm seems to earn the respect of the people he represents. Abraham Lincoln once said, “You don't have to fool all the people all the time, you just have to fool the majority of them.” I guess Norm has done that very well.

He's the longest-sitting member of the PC caucus, having been re-elected for a seventh time in 1999, which would make him the dean of our caucus. Of course, as honourable members know, he currently serves as Ontario's Minister of Transportation.

Prior to this, Norm has held many different portfolios. He certainly has had a well-rounded experience in this place. I don't know what that says. Either he solves the problems at all the ministries he's at or we move him on to another one. He has been the Minister of Consumer and Business Services, Minister of Intergovernmental

Affairs, government House leader, Minister of the Environment and Energy and Minister of Consumer and Commercial Relations.

In his first term, he served as parliamentary assistant to the then-Attorney General Roy McMurtry. It was there that I first met Norm Sterling on my arrival at Queen's Park in 1981. I was a very lowly backbencher sitting way back there in the fourth row. Norm took pity on me, I guess, and invited me to an Attorney General's conference in Vancouver. Of course we had—

Interjections.

Hon Mr Eves: Before they go too far over there, James Breithaupt, the good Liberal member from Kitchener of course, and James Renwick were also in attendance, as I recall, and contributed greatly to the conference, I might add.

Norm, of course, very shortly thereafter became a minister without portfolio and then became Provincial Secretary for Resources Development with primary responsibility for native affairs in the Niagara Escarpment. It was under those auspices, I guess, that I really got to know Norm fairly well because I was asked to take over his portfolio in 1985. You might expect an individual whom you were replacing to be somewhat bitter about the experience, but I will never forget how gracious and helpful Norm Sterling was to me as he took me through the different problems and concerns with respect to that particular ministry. He always put the peoples' interests first and put other interests, including his own, aside. That told me a lot about Norm Sterling as an individual.

Norm has also served in this House as PC deputy House leader; chair of the PC caucus; PC critic for intergovernmental affairs; for treasury and economics; for industry, trade and technology; and for consumer and commercial relations.

Norm has several degrees, which may come as some surprise to those members of the House opposite. He received a bachelor of engineering, a civil engineering degree from Carleton University in 1964 and a law degree from the University of Ottawa in 1969. He was called to the bar in 1971. Some would say that Norm is educated beyond his intelligence, but I wouldn't say that.

Mr Dominic Agostino (Hamilton East): He's your friend, Norm. Wait till it gets to this side.

Hon Mr Eves: I just thought I'd prepare Norm for the comments that might follow from the opposite side of the House.

Prior to entering politics, Norm worked as a civil engineer. He owned and operated a small manufacturing firm and he practised law for six years.

Norm has always had a bit of a flair for the unusual. You just never know what's going to come out of Norm next, so to speak. In 1992, he introduced a private member's bill called the Drop the Penny Act to abolish the penny. I can remember the great fanfare and commitment with which Norm stormed through the Legislature and talked many, many a time about the logic of this great initiative.

He also introduced a resolution in 1992—that must have been a particularly difficult year for Norm—stating that the Senate of Canada should be abolished. Of course, others have followed him in that regard many times over. Obviously, Norm doesn't have any aspirations to get appointed to the Senate of Canada, and if he ever did, they're gone now.

Norm also was very influential in supporting the Corel Centre, the home of the Ottawa Senators, and bringing forward freedom of information legislation and legislation prohibiting smoking in the workplace and initiating the Drive Clean program in the province of Ontario.

In 1996, while Minister of Consumer and Commercial Relations, Norm had another particular little quirk when he amended the Liquor Control Act of Ontario to allow drinking on the golf course. I can still remember all of the interesting fallout that came from that.

Norm is a huge golf fan. You'll notice I didn't say, "A huge golfer." He's a huge golf fan. He relishes the game and the challenge that it brings, and certainly enjoys the odd toddy afterwards. He loves the Ottawa Senators and he enjoys a good glass of scotch. Of course, anyone who loves the Ottawa Senators should enjoy scotch quite a bit because they get a chance to indulge quite a bit.

While in opposition, the Conservative filibuster to read out every single lake and stream into the Legislature Norm claims was his suggestion, not Mike Harris's. That might be news to Mike, but it probably was Norm's suggestion, knowing Norm's penchant for such unusual ideas and solutions to problems.

On a personal note, Norm has been together with Joan Stearns for 12 years and they've been married for the last two. They have four adult children: Sara, Ian, Jarrod and John. His passion in life is the three grandchildren: Madleine, Brayden and Tierney. Norm even claims to have owned a few racehorses to pay his way through law school, although I've been to the racetrack with Norm and I doubt that could ever possibly be the case. But he certainly enjoys telling the stories and relishes an evening or a day at the track.

Norm and Joan took up ballroom dancing together, and they stunned the guests at their wedding when they danced the tango. Now, Norm's been known to dance around a few issues at Queen's Park, but that was a sight to behold indeed.

It's kind of ironic that what goes around often comes around in life. When Norm was first out of school and looking for a job as an engineer, he was offered a job with the Ministry of Transportation, but turned it down because the pay was inadequate. Today, the pay's still inadequate, but he stands as the Minister of Transportation in the province of Ontario.

Congratulations, Norm; another 25 years to you.

Applause.

Mr James J. Bradley (St Catharines): Yesterday, Norm Sterling had the chance to say a few words about me, and he was very kind, I must say. Today, on behalf of Dalton McGuinty and the Liberal caucus, and I'm sure

on behalf of many people of Ontario, I have the pleasure of saying a few things about Norm Sterling.

The first thing I would say is that Norm is a very good friend of mine, as a member of this Legislature, and has been since he was elected in 1977. I'm very proud to count him among people whom I would call close friends, and it is a result of both of us serving in this Legislature. I've had a good deal of respect for Norm's views on issues. A lot of people, perhaps, if they don't follow the Legislature closely or an individual's career, wouldn't recognize that Norm is a very independent-minded person. Those in the caucus would know it and those who served in cabinet would know it. Norm isn't afraid to express his point of view. That has been shown on a number of occasions, when he has even voted the opposite way to his party and spoken out on a number of issues.

What is an enemy, sometimes, of those of us who serve in the Legislature is something called Hansard, because it's there forever and one can read back some of the comments, which at the time seem to be very wise aren't always a little later. But for Norm they are.

1400

One thing I've always relied upon in the Conservative government is that Norm Sterling would be speaking on behalf of the Niagara Escarpment Commission. That's because when he was the provincial secretary for resources development he was responsible for overseeing the development of the Niagara Escarpment plan. So when issues come up that are contentious, as they do from time to time in cabinet and in caucus and in the realm of public policy, I as a strong defender of the Niagara Escarpment Commission have always been able to rely upon my friend Norm Sterling to speak out on behalf of the preservation of the escarpment. I think the people of this province should know that. Certainly people who are close to Norm would know that.

Second is the issue of freedom of information, which is topical at all times; it's topical in this House today. There was a bill introduced in the federal House at this time; they're talking about freedom of information. When Norm was the parliamentary assistant to Roy McMurtry, the Attorney General, he was responsible for developing a plan to implement freedom of information. My suspicion would be, although one has to be careful when speaking about a Chief Justice in Ontario, that Norm was more radical on the issue than perhaps Minister McMurtry might have been at the time and he actually fought for a very meaningful program and policy and bill which would bring into action freedom of information in government.

He was also ahead of his time in his smoking legislation; that is, in terms of anti-smoking. Today it is almost accepted in many quarters that public buildings are completely free of smoke. Norm brought forward his resolution when it wasn't quite so popular to do so, and he was somewhat in a minority. Today people have come around to his point of view, and he of course was right in advancing that particular legislation or that resolution.

In addition to that, he has talked about the role of the individual MPP. I'm quoting from an Eric Dowd column. What would we do without Eric Dowd, the dean of the press gallery, who has even more newspapers and clippings than I have in my office? It is said, and I'll be very careful because I don't want to cause any problems—but Norm Sterling, a former minister, called his Premier's lack of regard for elected members "disgraceful and a charade." He was talking about a Premier; he wasn't talking about the present Premier. I want to assure you of that. This was a number of years ago. It was because he recognized, as he always has in this House, the importance of the role of the individual member and has some strong views of what that role should be. He was a good House leader, when he was the House leader, for that reason and was tough to deal with in negotiations as a House leader but very fair. The one thing you always liked about Norm was that when he gave his word on a House leaders' agreement, you knew that his word was as good as gold in that case.

I should tell you, though, that he had this to say about party leaders and so on. He said in Hansard in 1987, "My answer to the question of who rules is that it is neither the members of this Legislature nor the critics. It is the Premier of the province who rules and rules alone, and the leaders of the party to a minor degree." So he observed something that others across Canada are observing today.

He said, "I suggest that it is necessary to change not only the written rules but also the chemistry of what happens between each and every one in this Legislature, including my relationship with my leader, my relationship with the Premier and the relationships of government members with the Premier.

"I am going to suggest some very radical things that I would like to see changed as well," supporting the member for Humber in this particular case. He said, "I would like to remove the Premier's absolute control over the financial well-being of every member of this Legislature. I believe that every member of this Legislature, whether he is a cabinet minister, a parliamentary assistant, the head of a committee or a member of the opposition, should be paid the exact same dollars. Therefore, people seeking to become cabinet ministers, seeking a higher position in their party, seeking to become leader of their party would seek those positions on a matter of principle alone and they would not feel financially compelled to stay in a position if they differed with a policy of the Premier or of the leader of the party." How do you like that?

So, needless to say—and I'm not trying to get you into trouble, Norm—he had some very popular views. He didn't suggest that other salaries be lowered. He suggested, I think, that all salaries be lifted.

Read the biography. Biographies are pretty dry, but the Premier has mentioned an exceptional background: business background, law background—an engineer and a lawyer at the same time. Norm has an excellent back-

ground to come to this Legislature and contribute to public life.

As I mentioned, as a House leader you couldn't ask for better, although the present House leader is certainly trying to reach the level of his Housemate there—this House of course.

I want to say as well that Norm was kind enough, without any prompting—just one request to him—to come down to a dinner in St Catharines where I was being feted, I guess is the word you say, for 25 years in the Legislature. But Norm's the kind of—

Hon Chris Stockwell (Minister of Environment and Energy, Government House Leader): Feted.

Mr Bradley: "Feted" is the word? We were feted, you know. I'm glad you mention that. I'm glad we have that former Speaker in the House to tell us that.

The point is, it took no prompting for Norm. He so willingly came down. We know the busy schedule that cabinet ministers have, and I was pleased to see that.

The beer on the golf course is appreciated by many. I, of course, have been corresponding with the temperance union in Ontario, indicating that I'm not entirely in support of what he has suggested, but there are many people in my constituency who thought that was what we would call a "progressive" move.

He has, as well, an excellent sense of humour. In this job you have to have a sense of humour. At one moment, we can be angry with one another or angry at a situation, but Norm Sterling always has that sense of humour which can defuse a very tense situation, and that's what we need in this House.

I appreciate that he's a person who doesn't jump on the bandwagon of the Toronto Maple Leafs, for instance. I know it was popular to do so in Toronto, waving the flags and so on. But even when the Premier went to St Catharines and said, "Anybody who cheers for the Senators is a loser," I stood up in this House and defended Norm Sterling for indicating he was prepared to stick with the Ottawa Senators.

The last thing he is well known for is wanting to abolish the penny. I can't think of anybody in this province outside of those who make pennies who would want to see those pennies remain.

Norm, it's been a pleasure sitting with you. I know you're not about to retire. What happened yesterday—somebody phoned my office after what he referred to as a "eulogy" in the House for some reason and said, "I hear you're retiring." I had to correct him, of course, because you indicated, when you said there was still fire in the belly for you and for me, that neither one of us would be retiring. I'm happy to hear you are going to continue on. Needless to say, we will have a very strong Liberal candidate in your riding who will once again try to unseat the "squire of Manotick," as you used to be referred to by my colleague Sean Conway.

We wish you well. You've been a good representative for your constituents. You've been an excellent person in opposition and recognized the importance of the opposition. You've been an outstanding cabinet minister with a

breadth of experience and a lot of empathy for the people of this province. We thank you for that service, and we all wish you well for many years to come.

Applause.

Mr Peter Kormos (Niagara Centre): The competition was fierce among this cabinet—or this caucus; how interesting—among the nine of us as to who was going to participate in this tribute to Mr Sterling on the occasion of 25 years. We resolved this unusual conflict among these nine caucus members by determining that we'd assess the references to Norm Sterling and perhaps the caucus member who was most like him would have the opportunity to stand and pay tribute to him.

The 1987 headlines in the *Ottawa Citizen*: “Norm Sterling: A Touch of Rebellion Under Quiet Exterior.” I concede the quiet exterior to Mr Sterling. In 1985, a *Globe and Mail* article wherein “Mr Sterling Announces That He Will Indeed Vote Against His Government.” In 1994: “MPP Sterling Under Fire for Stalling Bill.” In 1985, a headline: “Frank Miller Will Not Discipline Renegade Conservative Norm Sterling.”

1410

Mr Tony Ruprecht (Davenport): What paper is that?

Mr Kormos: That indeed was the *Globe and Mail* again.

Interjection.

Mr Kormos: No, no, you misunderstand. Mr Sterling was not disciplined.

Look, 25 years in this Legislature is, in and of itself, a tremendous career. It's two and a half decades of commitment to one's own community, one's constituency, one's riding, one's constituents, and it's 25 years of commitment to this assembly.

I was first here, of course, with Mr Sterling after he had been in government and in positions of power within government. He was serving here in opposition, as was I. He was here and I was blessed and fortunate to become a member of this Legislative Assembly when the rapport among members of the assembly—as Jim Bradley indicates, while there was debate as acrimonious as any and as partisan as any, the rapport was such that once that debate ended, and I mean once the Speaker rose and announced the adjournment of the Legislature to the next day, there was an opportunity and there were frequent occasions wherein members would associate, would socialize, would indeed develop and pursue agendas together with what has been spoken of so often, that level of collegiality that is increasingly absent from the chamber. As well, senior members of the assembly—and don't forget, by the time I got here, Mr Sterling had already been here for beyond a decade—regardless of the partisan differences, gave their support and counsel to new and junior members of the assembly, and once again, without regard for the partisanship that inevitably occupied and preoccupied the debate.

Politics is in many respects so tough on families, and in this regard I'm pleased that the Premier made mention of Mr Sterling's family because the support that families give their spouses or their parents who are members of

the assembly is essential to that member being able to pursue his or her goals and professional and political career here. As a lawyer, as has been noted, as an engineer, as a small business person, Norm Sterling has clearly, with a strong professional background, been someone who has attracted and maintained the support of his constituents.

I also note, though, the newspaper reference to what must have been an incredibly challenging occasion for Norm when, in 1987, he had to acknowledge that for the first time he had to rely on his personality rather than his party in his pursuit of his seat and his re-election here at Queen's Park. I've had occasion, not so much in the recent past but in that distant past when Mr Sterling was a member of the opposition and I was a member of the opposition, to travel, for instance, to the Ottawa airport. Mr Sterling, once again, as I told you, in that model of the senior member who's so instructive to junior members, was most helpful to me in explaining how, notwithstanding one's reservation in the economy seats, if one delayed one's attendance at the desk where the flight was being announced and tickets were being taken, and did it with precision, one could, as Mr Sterling demonstrated with remarkable agility, find oneself in first class, notwithstanding the economy-tourist class ticket.

He also introduced me to—I had no idea; I had never been in and, quite frankly, haven't been in one since—the exclusive lounge that frequent flyers get at airports by virtue of the Air Canada points and the accumulation of those sorts of things. I tell you that he introduced me to that dark, mysterious, wonderful, affluent world of the private lounge for the frequent traveller. I've never been in one since. I'm grateful for his having taken me on that brief but remarkable journey, and I'm going to remember it for the rest of my life.

New Democrats here congratulate Norm Sterling on his service to his constituents, to his community and to this Legislature. He has been a formidable force within the Progressive Conservative Party. He certainly has performed roles of leadership, and continues to do that. We congratulate him, we applaud him and we wish him well in future years.

Hon Norman W. Sterling (Minister of Transportation): Thanks to Mr Eves, Mr Kormos and Mr Bradley for their kind remarks. Of course, I would not have been as successful in politics and I think as successful in getting re-elected had I not had the help of so many people, but I think also in terms of doing a lot of good things, not only on a big scale but on a small scale, for a lot of the people I represent.

I cannot forget coming here near the first day when one of my seatmates was a fellow named Bruce McCafrey, who was a member here until 1987. With him came a very important person to our caucus for a long period of time, Barbara Colantonio, who is also celebrating her 25th anniversary here.

Applause.

Hon Mr Sterling: I think everybody in Hansard should know that that was a standing ovation for Barbara.

There could probably be no better politician or political adviser than my wife, Joanie, who is sitting with us today in the members' gallery. Joan has been a tremendous strength to me, and she's a hell of a lot better looking than I am too.

Interjections: Hear, hear.

Hon Mr Sterling: Let's not go too far here.

When a member gets to sit in this place for 25 years and experience 12 years sitting on the executive council and cabinet, you do have a perspective of government, you have a perspective of how things are done and you have a perspective of what's happening back in your area. I have been extremely privileged to be supported by a whole number of people in eastern Ontario. I've always considered that my home, and I've really been very appreciative of their support over that period of time.

When you have that 25-year perspective, you can trace some of the things you did back in your early career to benefits that occurred in the later part of your career. I think one of my greatest achievements, which Mr Eves did not mention, was the building of Highway 416, which would not have happened had I not resurrected it early in 1982 or 1983, when everybody else had forgotten it, and pushed for the environmental assessment hearing to go ahead. Eventually the government was in a position to finish that in 1999.

I was here when the city of Kanata was created, way back in 1978. In fact, as a young backbencher, I asked the then Premier, Premier Davis, a surprise question about the fact that he was going to dump the Mayo report and the city of Kanata was not going to be created. I have seen that city being created and now becoming part of the city of Ottawa. So you get a different perspective about things when you have been here as long as Jim and I have, and I believe it's valuable to the other members of the Legislature to draw on that experience from time to time.

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I have been a very, very strong defender of this institution, this institution and the other institutions we rely on in our courts. I, like Jim, have never had to leave this chamber because of something I've said, because I have never considered it an honour, nor have I ever clapped for anybody who has been expelled from this place, because I believe that the defending of the institution is far more important than the issue of the day.

I will say this about the two institutions that I'm most closely allied with and have the greatest interest in, and those are the courts and this place, the Legislative Assembly. I'm worried about both of them going into the future. Quite frankly, I'm confused as to how to fix both. While being a strong supporter of the Charter of Rights, I do believe the judiciary is taking, at this point in time, far too active a role in what former politicians decided in this place and in our House of Commons. I do hope, going into the future, that will be corrected. I don't know how to correct it, but I do sense that that is one institution, which I have defended very strongly, which has to be brought back in line.

As far as this place, I have tried, as the House leader, deputy House leader, both in opposition and in this place as the government House leader, to bring change to the rules to allow this place to be more meaningful not only for the executive council but for the other members of the parties here, because I believe they're here not only to criticize but also to be constructive while they are here.

Back in 1987, when we were in a minority situation, I was able to negotiate the ability for members of the opposition to bring forward for discussion certain topics in committee. Unfortunately, that was used by the opposition over a period of time for partisan purposes and was not used for what I had envisaged in my own mind in terms of really giving opposition members the opportunity to bring forward topics that were of interest to them and would lead to greater study and then would lead to law.

As the House leader here, I brought forward the opportunity for members of a committee to bring forward committee bills in two of our committees. Unfortunately, that has not been used nearly enough, as far as I'm concerned, and I encourage members to use that tool.

I brought forward the opportunity to send bills out after first reading, and we have done that on a number of occasions. I know when Mr Clark was the parliamentary assistant to the Minister of Health he brought forward Brian's Law, and that worked out very well.

I think we have to look at this institution and, in the future, try to be more innovative, to make this place more meaningful, to make the debate more pointed, or the public will continue to hold us in the low esteem that some of them do at the present time.

I'm sorry to go on in a philosophical tone at a time of celebration. I left two professions to come to this profession. I believe being a politician is an honourable profession. I think it is one of the most exciting jobs a person could have and I think it's one of the most rewarding jobs a person can have, because you can do things for people. In a very small sense, my greatest 25th anniversary present was to be able to bring to a small community that I represent a new high school for that community. I will continue to be thrilled by—not changing laws in the big sense; that is important, but it's also important to do things back home for our kids and for the people in our communities.

I look forward to the challenges of the future, and for those of you who might be interested in whether I'm going to run the next time, I'm going to continue to run until we bring the pensions back.

ORAL QUESTIONS

EDUCATION TAX CREDIT

Mr Dalton McGuinty (Leader of the Opposition): My question today is for the Premier. Our public schools are in trouble: classes are too large; textbooks too few;

school closures too many; there are 39,000 children on a waiting list for their first psychological assessment; and the failure rate, we have learned, for students under the new curriculum is twice what it was under the old curriculum. Our schools and our students need your help. In the face of all this, Premier, can you tell us why you remain committed to spending half a billion dollars in private schools?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): To the leader of the official opposition, first of all, he throws numbers around, he grasps them out of thin air and states them as fact on many occasions. We recently, as he will be well aware, have committed some \$440 million in this fiscal year alone in additional funding to the education system in Ontario. We firmly believe in the public education system in Ontario. The Minister of Education has asked Dr Rozanski to come back with recommendations later this year with respect to the funding formula to protect and improve the public education system in Ontario, and we will remain firmly committed to that goal.

Mr McGuinty: I can understand why the Premier didn't address the issue of private school tax credits, because it's very difficult to defend the indefensible. It is very difficult to defend something which you yourself, sir, called ludicrous.

This year you are spending \$100 million on your private school tax credit. Next year it'll be \$200 million. When it is fully phased in it'll be \$500 million. We are short today in Ontario, Premier, English-as-a-second-language teachers, librarians, principals, psychologists, speech pathologists, special-ed assistants, phys ed teachers, music teachers, and security measures like surveillance cameras which would better protect our students.

I ask you again, Premier, in the face of all these needs within our public school system, how can you possibly justify spending one cent in private schools?

Hon Mr Eves: First of all, we happen to believe that choice in education is a good thing. Parents have a right to send—

Mr John Gerretsen (Kingston and the Islands): At the expense of the public system.

Hon Mr Eves: No, not at the expense of the public system. It is not at the expense of the public system, with all due respect to the honourable member for Kingston.

With respect to the public education system, as I said in my first response, we are spending well in excess of \$14 billion on public education in the province of Ontario this year. We have committed close to half a billion dollars in additional funding in this fiscal year alone and asked for a review of the funding formula so we can further improve upon it.

Going back to the issue with respect to choice in the education system, we happen to believe that choice is a good thing. It doesn't have to take away from the public education system. It won't take away from the public education system, and it isn't going to cost anywhere near as much as the leader of the official opposition would have one believe.

Mr McGuinty: You said it was ludicrous. If you have whatever you call it, whether it's \$300 million or \$500 million, for private schools in Ontario, I say that's coming at the expense of money that should be invested in public education.

Speaking of expense, it is parents who are shouldering this burden. Parents are paying out of pocket to try to shore up public education. Last year, parents raised \$38 million for things like basic classroom supplies and they're doing that because you won't provide those supplies, Premier. Private tutoring is a booming business in Ontario because students are not getting the help they need in their schools and you, sir, are not providing that help to our students.

My priority is public education and public schools. We put forward a variety of plans, Premier: Helping Kids Now, smaller classes, better safety measures in our schools. Why won't you stand up for public education? Why won't you renounce that investment in private schools and, instead, help shore up public education?

1430

Hon Mr Eves: First of all, I note that he's reduced his own calculation of the education tax credit from \$500 million to \$300 million in 10 minutes. If we stand here for another 10 minutes, it'll be down to \$100 million, no doubt.

We are absolutely committed to a quality public education system in this province. We've proved it by spending half a billion dollars more this year than we did last year on public education, and we will continue to prove it and demonstrate it as we go forward with a review of the funding formula and no doubt come forward with further improvements to the public education system in the province.

With respect to private tutoring etc, I had a son who was in the public education system whom we helped to get private tutoring because he had a learning disability. It's why I made special education a commitment of mine when I was Minister of Finance. It's why we're now spending \$1.4 billion a year on special education that has to be spent there, which your government never did when you were in power.

HYDRO ONE

Mr Dalton McGuinty (Leader of the Opposition): My question is to the Premier. Yesterday I asked your Minister of Energy if he would support a bill, which I introduced today, that would require that Ontario Hydro be subject to the provisions of the freedom of information legislation. He said that he would not do so. He said that it would put that company, Hydro One in particular, at a competitive disadvantage. That is nonsense, sir, and if you take a look at the freedom of information act, you will find out why it is nonsense.

Will you support the bill that I introduced today?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): Well, I haven't read the bill the honourable member introduced today. But I will say that

if you want, and I note that you have been on record as saying that you're in favour of Hydro One operating as a private company, as a Business Corporations Act entity, then you can't have two different levels of corporations under the Business Corporations Act in the province of Ontario. You're either going to act as a corporation of the Business Corporations Act of Ontario or you're not. So if you're going to try to set up some sort of special status for one company out of the tens of thousands in Ontario under the Business Corporations Act, I would not be in favour of that.

Mr McGuinty: The issue here is not as you framed it. The issue is whether or not you feel that ratepayers are entitled to have access to that information. That's the issue. By the way, Premier, section 18 of the freedom of information act reads as follows: "A head may refuse to disclose a record that contains ...

"(c) information where the disclosure could reasonably be expected to prejudice the economic interests of an institution or the competitive position of an institution."

The freedom of information act specifically provides for an exemption if to provide that information would put the company at a competitive disadvantage. So I ask you again, sir, why will you not support my bill which would ensure that Ontario Hydro ratepayers have access to important information?

Hon Mr Eves: The honourable member surely knows that Hydro One releases annual public filings and quarterly financial reports. He also knows that today an interim board of Hydro One was appointed. They are to report back to the government on issues of corporate governance and how to make that corporation operate more smoothly and in fact get information more quickly to the shareholders, who happen to be the people of the province of Ontario.

Mr McGuinty: If you want to put some important information on the record, Premier, this is what Ontarians should know. Before you imposed a blackout on information coming from Hydro One, this is what we learned. Paul Rhodes received \$225,000 after an untendered contract paid him \$2,000 a day. Tom Long's company was paid \$650 an hour to write speeches and US\$250,000 to do executive recruitment. Leslie Noble's contract paid her \$7,000 a month. We don't know what Deb Hutton is now making, and we feel Ontario ratepayers are entitled to that information. I believe the real reason has nothing to do with putting Ontario Hydro at a competitive disadvantage; it has everything to do with covering up contracts and perks awarded to your friends.

Premier, you can show me to be wrong. Prove me wrong and make this company, Hydro One, subject to freedom of information legislation.

Hon Mr Eves: I think the leader of the official opposition has been following the goings-on of the House of Commons in Ottawa a little bit too closely lately. With respect to Hydro One, we have put in place a decent board of directors as an interim board. We are asking that board, as boards should do, to report to the shareholder

on issues of corporate governance, compensation and severance—all the issues he has been complaining about in the Legislature for the last three weeks. We now have an interim board in place that will deal exactly with those issues. You might want to take those issues up with Murray Elston. I'm sure he'd be happy to hear your point of view as you go forward.

COMPETITIVE ELECTRICITY MARKET

Mr Howard Hampton (Kenora-Rainy River): My question is for the Premier. This morning hydro rates skyrocketed to over \$700 a megawatt hour. That's 15 times higher than they were before hydro deregulation. The IMO sent us a chart which shows what happened, but you have to flip the chart up to see exactly how much the hydro rate hike is.

The Independent Market Operator says we're in for a long, hot summer. The IMO says there will be hydro shortages and these incredible hydro rate hikes are going to happen very frequently.

Premier, my question to you is, how high will your new hydro rates have to go before you admit that hydro privatization and deregulation are not good for Ontario consumers or Ontario industry?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): First of all, the leader of the third party may have a very unique plan, where he pays by the hour or day, but I don't know of any such plan in existence in Ontario. He knows very well that you take averages of the hydro rates. There have always been spikes in electricity prices. They are now there for people to see and recognize.

He will also know that if you happen to subscribe through OPG, your hydro rate of course is guaranteed and locked in at no higher than 3.8 cents a kilowatt hour. He will also know that since the market has opened, the average has been below that amount every day. If the average ever happens to be above that amount, OPG will reimburse the ratepayer for those overages.

Mr Hampton: OPG will only play that subsidization game for a couple of years. The IMO is very clear: we are facing hydro shortages, and they're saying we are going to see huge hydro rate increases.

Let me give you the example of Abitibi-Consolidated, which has five paper mills in this province. Abitibi-Consolidated has told their employees that when the price of hydro goes up, as we're seeing today, they will simply close their mills and lay off their workers. Falconbridge in Sudbury has told their workers they're going to take a seven-week shutdown this summer. Part of the reason is because they're expecting these huge hydro rate increases, so they're going to lay everybody off and send them home.

Premier, is it your idea of something good for Ontario workers and industries that factories simply shut down for six, seven or eight weeks at a time and lay off thousands of workers? Is that a good idea?

Hon Mr Eves: I see the Minister of Energy chomping at the bit down here to answer this question.

Hon Chris Stockwell (Minister of Environment and Energy, Government House Leader): First of all, I would like to know where the IMO is quoted as saying there are going to be power shortages this summer. I've not read anywhere that they've said that. All I've ever read is that they did a supply study and they say our supply is adequate.

Second, you won't give up. For five months before the market opened, you told us about rolling blackouts and brownouts and doubling prices. It hasn't happened. Now you stand here in June telling us we're going to have a doubling of the price, a spike in the market. We haven't exceeded the average price yet. The market opened May 1.

Will there be periods of time during summer seasons where the price will go up? Yes, it will. But over a 12-month period, measure the average price of hydro and it will be competitive.

All you do is keep saying, "The sky is falling." The only place the sky is falling is in your little, tiny NDP world.

1440

Mr Hampton: I guess, according to the Premier and the Minister of Energy, schools should shut down during the daytime when prices spike, hospitals should cancel all their surgeries and schedule them for midnight when the price comes down and industries should just lay off their employees.

Premier, I refer you to Consumer Reports, the most respected consumer journal in the United States. This is what they have to say about hydro deregulation and privatization: "Broken promises, deceptive marketing, and dreadful service have become accepted business practices in an increasingly Wild West marketplace where incessant telemarketers interrupt your dinner but customer service won't answer the phone." That's their account of what's going on now in the United States with deregulation and privatization of electricity.

In Ontario, we've had a million consumers literally bilked into signing rip-off contracts and your government says you're not going to do anything about it. Premier, why don't you follow the advice of Consumer Reports, which has watched what's happened in the United States, and cancel electricity privatization and deregulation now?

Hon Mr Stockwell: You talk about people who sign contracts leading up to the market opening. Why did some of those people sign contracts? Because you put a bus out there with your picture on it and a light bulb above it, telling them prices were going to double and we were going to have blackouts. You intimidated them, you scared them into signing these contracts. Now you stand in this House and tell us, "Why did they sign these contracts?"

Secondly, you're referring me to Consumer Reports. I'll refer you to the reality world. The reality world is this, Howard. The reality world is prices—

Interjections.

Hon Mr Stockwell: I don't know why you take exception to this. You ran around this province in a bus telling every senior you bumped into that prices were going to double and we were going to have blackouts. Then these people signed contracts to limit the exposure and Howie's mad because they signed contracts.

The only concern that you should have at any time in this debate is, if anything you said actually came to pass, everyone in this place would pass out because nothing you've said has come true at any time in six months. Stop fearmongering, Howie. Stop trying to frighten people, to frighten seniors and to scare the public. Nothing you've said has come to pass. It's all—

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

COAL-FIRED GENERATING STATIONS

Mr Howard Hampton (Kenora-Rainy River): To the Premier, I just want to remind you that eight months ago I was telling you that salaries and bonuses were out of sight over at Hydro One and you said it would never happen.

Hon Chris Stockwell (Minister of Environment and Energy, Government House Leader): On a point of order, Mr Speaker: I'm still waiting for that open letter that you claim was sent to 300 people.

Mr Hampton: I sent it to you last week.

Hon Mr Stockwell: No one received it.

The Speaker (Hon Gary Carr): That is not a point of order.

Mr Hampton: You don't answer your mail, just like you don't answer questions.

Premier, the Ontario Clean Air Alliance says that we can get cleaner air in Ontario by shutting down the coal-fired hydro generating stations. But then they point out that under your scheme to privatize and deregulate, Hydro One and OPG aren't planning to shut down any of this.

In fact, what they're planning, according to the privatization prospectus of Hydro One, is to build more transmission cables into the United States and instead of shutting down the coal-fired stations, transmit the electricity into the United States where they can make more money. So the United States gets cheaper electricity; we get the smog and dirty air from privatization.

Premier, can you tell me how this is good for Ontario's environment, how this is good for the health of Ontario people, your scheme for privatizing hydro and sending coal-fired, dirty electricity south?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): First of all, the leader of the third party knows that the government has taken several actions to limit pollution coming out of coal-powered plants in Ontario. He also knows that we have regulated the Lakeview generating station to cease burning coal by April 2005. I happen to think that the very report he's talking about talks about different methods by which the province of Ontario and OPG could get to exactly where he

claims he wants to go, to a cleaner environment in Ontario, and we're quite prepared to look at it.

The Speaker: Final supplementary.

Ms Marilyn Churley (Toronto-Danforth): Your plan to privatize hydro means the opposite. Right now, the coal plants only burn at peak times. If you go ahead with your crazy scheme, they'll be burning seven days a week, 24 hours a day. People are dying premature deaths because of the pollution coming out of those plants.

Premier, while you're busy promoting burning dirty coal, your own MPPs on the select committee on alternative fuels are taking a different course, including the parliamentary assistant for the Minister of the Environment. They've signed a report calling for a complete phase-out of coal- and oil-fired plants. Premier, are you going to follow their advice? Are you going to shut down those plants?

Hon Mr Eves: First of all, I note that both her leader and the member herself haven't gone on to talk about the other issues mentioned in the very report they're quoting; ie, you haven't talked about how they're suggesting that the province of Ontario, once two nuclear reactors are back up and running, will alleviate the need by OPG to use and burn coal and certain other plants across Ontario. They have said, as I understand it, that that's a preferable alternative to what is being done today. Are you in favour of that? I haven't heard either you or your leader say today. You're quoting from that report. Do you embrace the recommendations of that report?

IPPERWASH PROVINCIAL PARK

Mr Gerry Phillips (Scarborough-Agincourt): In February, former Premier Harris launched a \$15-million libel suit against the Globe and Mail because of an article mentioning the shooting death at Ipperwash. Apparently, Harris's legal bills are all being paid by the taxpayers and will be in the hundreds of thousands of dollars. It's an important issue because, if members of the Legislature can simply launch a lawsuit using taxpayers' money, I think it can lead to threatening the media. I think that any member then can say, "You run that story and I'll sue you," and the taxpayers will be forced to pay the entire bill.

During your leadership campaign, Premier, you said you would look into this. I want to ask you, now that you've had a chance to look into it, is it appropriate for any member of the Legislature to use taxpayers' money on lawyers to launch a libel suit against the media?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): I'm not familiar, of course, with all the particulars of the lawsuit itself and what the claims are and aren't. I certainly am aware of the issues and the information that are divulged through the media with respect to this particular lawsuit.

My answer, as a matter of principle, to the honourable member would be, when members of the Legislature are engaged in their duties as members, be that as cabinet ministers or individual members or whatever, and incur

certain legal liabilities and situations and problems because of acting in their duties, then I think it is incumbent upon people to be able to look to the taxpayers for reimbursement.

But if, for example, in this particular lawsuit that he's talking about the former Premier is successful, I would presume that this should not cost the taxpayers of Ontario any money, and I presume that he would be able to obtain costs from the other side if in fact he has a valid case.

Mr Phillips: It's an extremely important issue and, frankly, Premier, you said four months ago that you would look into it, so I would assume that you've had a chance to examine this. This was not a case of Mr Harris defending himself. He launched a \$15-million lawsuit against the Globe and Mail. I think it was designed to chill them. I think it was designed to shut them up.

I say again to you, Premier, that it's an important issue. Do you believe it appropriate that members of the Legislature acting on their own, launching libel suits—is it appropriate for the taxpayers to be paying their legal bills when they launch a civil libel suit against the media? Is that appropriate or is it not, Mr Premier?

Hon Mr Eves: I don't believe that this lawsuit or any other lawsuit launched by any other member of the Legislature should end up costing the taxpayers of Ontario one cent. I don't believe it should.

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CENTRAL NORTH CORRECTIONAL CENTRE

Mr Garfield Dunlop (Simcoe North): My question today is for the Minister—

Interjections.

The Speaker (Hon Gary Carr): The member for Simcoe North has the floor now. Order.

Mr Dunlop: My question today is for the Minister of Public Safety and Security. Minister, it has now been about seven months since the \$90-million Central North Correctional Centre opened in my riding in Simcoe North in the town of Penetanguishene. As the members of this House will recall, there was substantial outcry regarding the opening of this facility, mainly because it was being operated in a private-public partnership. I know there have been over 300 jobs created at that facility and about a \$30-million impact on the town of Penetang in construction alone.

Now that we are well on our way to the first anniversary of this facility, could you please update my constituents and the members of this House on the progress that Central North Correctional Centre is making.

Hon Robert W. Runciman (Minister of Public Safety and Security): I'd like to thank the member for Simcoe North for the question. As well, I want to thank the member for his support and interest in this project. He has rallied behind my predecessor, Rob Sampson, to help make this project the success it has been. I'm pleased to say the facility has been running very smoothly since its

opening just over seven months ago. The institution is almost at full capacity now, and it is becoming a benchmark for other facilities to match. Not only is it running more efficiently, but it is also providing a wide range of rehabilitation and industrial programming for the offenders so that they will have a better chance of becoming law-abiding citizens once their sentences have been served.

Mr Dunlop: Thank you very much, Minister, for that response, and I am pleased that Central North Correctional Centre is now nearly at full capacity and that the offenders are spending their sentences learning the value of turning their lives around. That's so important for any correctional centre we have in our country.

The members opposite are not the only ones to have voiced their concerns over the public-private partnership of this facility in my riding. Some community members in the town of Penetanguishene have also expressed concerns on the opening of this new facility. Minister, how are you addressing some of the current concerns?

Hon Mr Runciman: I'm very much aware of the concerns expressed by the community, both before and after the facility was opened. However, I'd like to tell the local member today and all members of the House that the opening of the facility has gone smoothly and has provided an economic boost to the local community. In fact, 70% of the facility's annual budget is being spent locally. That's unlike a fully public institution. That's more than \$20 million being spent each and every year at local car dealerships, restaurants, clothing stores and other small businesses. This is on top of the \$25 million that was pumped into the community during the construction phase. Finally, approximately 300 new jobs have been created in the community. These are local residents who work at the jail and spend their hard-earned money in the North Simcoe area. All sectors of the community have felt the positive impact of having this new facility in their neighbourhood.

IPPERWASH PROVINCIAL PARK

Mr Gerry Phillips (Scarborough-Agincourt): I want to return to the Premier and his answer to us earlier. You indicated that you did think it was inappropriate for the lawyers' bills of an individual member of the Legislature to be paid by the taxpayers. Can you assure the House today that Mr Harris's lawyers' bills are not currently being paid? If they are, will you assure the House that you will notify Mr Harris that, henceforth, he should pay his own lawyers' bills and should reimburse the taxpayers for the money he has expended on behalf of himself in this \$15-million lawsuit?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): I will say this to the honourable member: at the end of the day, I don't believe that Mr Harris's or anybody else's bills for such a lawsuit should end up costing the taxpayer any money and that the taxpayer should end up paying for them.

Mr Phillips: In my opinion, this libel suit was designed to chill the Globe and Mail, to shut them up, and if the government is allowed to do that, I think it's totally inappropriate. I return to the central question. We've been trying to find out how much he has actually spent. We can't get that, of course, because we're being silenced, we're being gagged on it.

I would like you today to assure the taxpayers that you have an undertaking from Mr Harris that he no longer will be using taxpayer money for his private lawsuit against the Globe and that he will undertake to repay the money he's spent. If he wins the lawsuit, so be it; if he loses it, so be it; but let Mr Harris handle that on his own. This is not something the taxpayers should be involved in.

Hon Mr Eves: I know the honourable member talks a little bit about the merits of the lawsuit and I'm not going to get into that because, quite frankly, I don't know what the merits of the lawsuit are on either side of the equation. I've heard of proposed offers through the media, as I assume he and other members of the Legislature have. But I will say very directly to him, at the end of the day, I will see to it that the taxpayers of Ontario do not end up paying any money in legal fees in this regard.

SOFTWOOD LUMBER

Mr Bert Johnson (Perth-Middlesex): My question is for the Minister of Natural Resources. On March 21, 2002, the softwood lumber negotiations between Canada and the United States broke off, leaving Canada with subsidy and dumping duties totalling 27%. Clearly this is a blow to Ontario's softwood lumber industry.

There are remarkable parallels to the US federal farm bill and direct—

Interjections.

The Speaker (Hon Gary Carr): Order. I apologize to the member for shouting like that. I didn't mean to. The member has the floor. Sorry for the interruption.

Mr Johnson: There are remarkable parallels to the US federal farm bill and direct subsidies of US dollars causing injury to Canadian and Ontario farmers.

The softwood lumber industry is vital to Ontario's economy. Ontario mills sell about \$1.5 billion a year in softwood lumber, with about \$1 billion in sales to the US. The Ontario industry employs over 10,000 workers in its mills and forest operations. It is concentrated in northern Ontario, where some 40 communities depend on the forest industry to sustain their economies.

Minister, could you please outline Ontario's position on the matter of softwood lumber and our commitment to fair trade?

Hon Jerry J. Ouellette (Minister of Natural Resources): I thank the hard-working member for the question.

Ontario is seeking nothing less than full and unrestricted access to the US markets. Ontario has put substantive provincial proposals on the table since last December. However, the American response has been

less than favourable. It is clear that the US administration is not prepared to spend any political capital to rein in the American lumber companies on this particular issue.

Ontario does not subsidize its forest industry, nor do we believe that Ontario mills are dumping lumber on the US market. We believe that our timber prices are fair and reasonable, contrary to the US lumber industry claims.

Since a deal has not been reached, we have decided to pursue litigation with the World Trade Organization and NAFTA panels. We can expect fairer treatment from these impartial bodies than we received from the US agencies that imposed the 27% duties.

Mr Johnson: I am gratified that Ontario has decided to take our case to court.

Interjection.

Mr Johnson: However, I know that Ontario remains interested in a long-term, durable solution to this problem, in spite of the interjections of the member from Kingston and the Islands, and is prepared to resume talks if we get the right signal from the US.

Interjection.

Mr Johnson: If I can get over the interjections from the member for Kingston and the Islands, I'll continue with this question. He doesn't care about the farming in this area and he doesn't care about the softwood industry either.

Minister, what are the actions of the Ministry of Natural Resources to protect the interests of Ontario? What is the position of the major stakeholders in the matter and how is the ministry working with them to start approaching solutions?

Hon Mr Ouellette: Through the Ministry of Natural Resources and the Ministry of Enterprise, Opportunity and Innovation as well as the Ministry of Northern Development and Mines, Ontario has been aggressively defending the province's interests as the trade cases proceed.

In terms of working with stakeholders, MNR is carrying out significant consultations with the province's lumber producers and their associations—the Ontario Forest Industries Association and the Ontario Lumber Manufacturers' Association. The industry supports both the ministry's efforts to defend its interests in litigation and the ministry's efforts in exploring a reasonable settlement.

We believe that our actions are in the best economic interests of the Ontario communities that depend on the forest industry for their livelihood.

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ONTARIO RENTAL HOUSING TRIBUNAL

Mr Michael Prue (Beaches-East York): My question is for the Minister of Municipal Affairs and Housing. Minister, the Ontario Rental Housing Tribunal has just boosted its fees to tenants, and many tenants are going to wind up on the street as a result. Some of the fees have gone up 150% and more. The eviction applications have gone up from \$60 to \$150. It's not just the landlords who

are going to pay for that, because the tenants have to pay if they want to stave off eviction. They have to reimburse the landlord for the cost.

Is it fair that, if they can't afford the fee, they will be put out on the street? Two hundred and fifty people are before that tribunal every day; 250 people who have to pay \$150 to keep their homes. Are you going to do something about that or are you going to have those 250 families on the street each and every day because of these fee increases?

Hon Chris Hodgson (Minister of Municipal Affairs and Housing): I had trouble hearing the full question but I think I got the gist of it: you're concerned about the guideline rental increase that came out for last year and the applications for the above-guideline.

Interjections.

Hon Mr Hodgson: I couldn't hear your question. I can tell you the guideline increase for last year—and if you take a look at our whole history of the increase—is less, on average, than what the NDP's rate of increase was. If we kept up with the rate of increase of when you people were in power, there are a lot of people who wouldn't be able to afford the places they have today.

In terms of the above-guideline, that's the Tenant Protection Act. It goes through a hearing. If you want to elaborate and speak louder in your follow-up question, I'd be glad to answer it.

Mr Prue: I hope the minister has his earpiece in. That wasn't my question at all. My question is about how the Ontario Rental Housing Tribunal has raised its fees from \$60 to \$150 for eviction and that the tenants end up having to pay that in the end if they want to stay in their homes. If they can't pay it, they're evicted. Two hundred and fifty families are before that tribunal every day.

My second part is that it's not the only fee. There are fees associated with above-guideline increases too. Photocopying has gone from 50 cents to \$1. Those are hundreds of pages long and tenants have to pay that if they want to fight that. These fees are exorbitant. Tenants are already behind the eight ball. They're up against lawyers, accountants and whoever the landlord brings. Look at what is happening: they're having to pay fees to stay in their own homes that they cannot afford. What are you going to do about those fees?

Hon Mr Hodgson: There is a cost to filing appeals. There is a cost in the system, there is a cost to hear it fairly and there is a cost in the photocopying. We raised the fees. If you take a look at the fee schedule, it's more balanced than it has ever been. There are more fee increases for the landlord on the above-guideline increases than there are for the tenant.

To go from 50 cents to \$1—and there are caps in place, so if you have a specific hardship, let me know and I'll take a look at it again—we've tried to find the right balance to make sure the system's open and accessible but also has appropriate recovery of costs, because there is a huge expense to this.

HAZARDOUS WASTE

Mr Dominic Agostino (Hamilton East): My question is for the Minister of the Environment. Between 1995 and October 2000, thousands of tonnes of hazardous waste from the Swaru incinerator were sent to the Glanbrook landfill site near Hamilton.

Minister, this occurred on the watch of your government. Time and time again, samples were not tested. Time and time again, samples were analyzed six months after the materials were dumped in the landfill site. This went on for over five years, until the company came forward in October of 2000 and said there was a problem.

Minister, your ministry investigated for 18 months and has not laid any charges against the company or the city for this. Clearly what we see here is a pattern of neglect from your government. Clearly, for five years you let this happen. Where was the Ministry of the Environment? Where were the inspectors? Where were the checks and balances to ensure these soil samples were being tested?

Minister, you had five years. It was only after the company came forward that you investigated it. Can you explain to the House why in those five years the Ministry of the Environment not once stepped in when repeatedly soil samples showed hazardous waste was being taken? What steps should your ministry have taken to ensure this will not happen in five years, as it did until—

The Speaker (Hon Gary Carr): Minister?

Hon Chris Stockwell (Minister of Environment and Energy, Government House Leader): Let me first allay any fears for the people who live in the area. There have been a number of sample testings done by the city of Hamilton and the Ministry of the Environment. All those tests have come back negative. There have not been any positive tests with respect to contamination.

The question is how we may move forward on this. Let me say that as we've looked at this, and the Ministry of the Environment examined the files in the past, we're trying to determine exactly how the C of A got approved, who approved the C of A and what it got approved for. There's some difficulty following through, and the Ministry of the Environment is doing that as we speak. All I can suggest to the member opposite is, as this information becomes available, I will provide it to you.

But I want to calm the residents in the community and hopefully calm you as well. All the testing we've had, all the testing that has come back has indicated that the leachate is fine. It's not running. The contamination is contained. I just think we should maintain that composure as we discuss this. I'm not arguing with the member opposite. There are many questions that need to be answered here, but I don't think we should be alarmist and create an issue in the community when we don't need to create an issue, when it is in fact contained.

Mr Agostino: Minister, you have investigated this for 18 months. Let me tell you, there were tests that were failed in 1995, 1996, 1997, 1998 and 2000. There was clear evidence that those tests showed there was hazard-

ous waste and this material was still taken to the landfill site and dumped.

Again, I'm just trying to understand what role your ministry played here. Where were the inspectors? Where were the checks and balances? At any time, did the ministry look at the evidence that was there? At any time, did the ministry deal with the company or the landfill site to see if tests were being done, how long it took for those tests to come back, where that material was going and how much of it got dumped? We don't have any of those answers. You had 18 months. You investigated. You did not lay any charges against the company. That clearly shows the company did nothing wrong and the problem was with the Ministry of the Environment, your regulations, your certificate. For five years this government neglected to verify what was happening. It's responsible for that hazardous material going to that landfill site. I'm asking you today, will you undertake an independent outside investigation of the role that the ministry played in those five years in regard to this particular item?

Hon Mr Stockwell: As I said, I think we should maintain a level of composure here.

Interjections.

Hon Mr Stockwell: There are communities that surround this site that are also very interested in this issue, and they hear the member talking about hazardous waste and so on. Let's be clear: ongoing testing of the stabilized fly ash has indicated it's non-hazardous. OK? Additional comprehensive testing of the stabilized waste indicates it's non-hazardous.

Mr Agostino: That's today.

Hon Mr Stockwell: I appreciate that, to the member opposite. Right now, you're suggesting to the constituents in the community there's a hazardous waste site there. At this point in time, all the testing has indicated is that it's non-hazardous.

Mr Agostino: That's now. What about 1995 to 2000?

Hon Mr Stockwell: I say to the member opposite, those are the questions we need to answer, but before we start alarming a community by suggesting there are hazardous wastes being dumped in that spot, and all the testing indicates it's non-hazardous—

Interjection.

Hon Mr Stockwell: I know the member opposite wants to incite the community. I understand that, but all I want to suggest to the member opposite—

Interjections.

Hon Mr Stockwell: All I want to suggest to the member is, I know you want to incite the community and make an issue when there isn't any testing that indicates that, I appreciate that, but that's not the role of the government.

Mr Agostino: For five years you guys were negligent. That's why it happened.

Hon Mr Stockwell: If there's a problem, we will deal with it.

Interjections.

The Speaker: Order.

Hon Mr Stockwell: If there's a problem, we will deal with it, but all indications are that it's non-hazardous at this time.

MAMMOGRAPHY SERVICES

Mr R. Gary Stewart (Peterborough): My question is for the Minister of Health and Long-Term Care.

Interjections.

The Speaker (Hon Gary Carr): Order. The member for Peterborough, we'll wait till it gets a little quieter here. We've got some shouting going back and forth.

While we're waiting, the member for Sudbury, who has MacLeod Public School here, I'm sure would like to get on with question period for our friends from MacLeod school in Sudbury.

The member for Peterborough, sorry for the interruption.

Mr Stewart: As I said, my question is for the Minister of Health and Long-Term Care. Minister, last week the member from Windsor West began fearmongering in my riding, spreading incorrect information about the wait times for radiation and diagnostic services at the Peterborough Regional Health Centre. I was hoping my question to you last week would clarify an important issue in my riding from the member opposite. I am tired of the accusations the member is making against me, my local hospital and the Ministry of Health. I will once again ask you, Minister—

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Mr David Caplan (Don Valley East): On a point of order, Mr Speaker: Section 23(i) of the standing orders specifically forbids one member to impute "false or unavowed motives to another member." I believe the member from Peterborough has done precisely that.

Interjections.

The Speaker: We can announce the MacLeod school on this side too. Order. I would ask all members to be careful of what they're saying. Certainly when one side does it, the other side does it. We are honourable members, and I would ask all members to kindly watch what they say. I try and listen as closely as I can. It's sometimes difficult to do that, but I don't think it's helpful when we do that. What ends up happening, of course, is that you don't get your question asked anyway because you just yell at each other. The member for Peterborough.

Mr Stewart: Mr Speaker, I indeed am trying to pick my words as carefully as I possibly can.

I will once again ask the minister to ease the worries of my constituents, many of whom have experienced unwarranted anxiety and fear, and clarify the reality of wait times for radiation diagnostics in my riding.

Hon Tony Clement (Minister of Health and Long-Term Care): I will take the Speaker's words, carefully considered, and say that the honourable member from Windsor West was a tad confused when she began making claims against the Peterborough Regional Health Centre.

Interjection.

The Speaker: Will the minister take his seat? Member for Windsor West, please come to order. I can't hear the question.

Minister, sorry for the interruption.

Hon Mr Clement: I did try to clarify the facts on Thursday. The member for Windsor West released yet another communiqué afterwards stating, "Women are currently waiting three times the recommended wait time for mammography." The wait times for mammography that the honourable member opposite speaks of include non-symptomatic women who are scheduled regular mammograms for the breast screening program. These regular screenings are what we on this side of the House call preventive medicine, detecting potential health problems before the symptoms are present.

With the logic the honourable member uses, one would be arguing that any annual examination means that the wait time is one year. That's what the honourable member is suggesting. That's why they call it annual testing. Our record is clear. If there is an emergency in Peterborough, they are looked after, and that's what the people of Ontario care about.

The Speaker: The minister's time is up.

Interjection.

The Speaker: Order. I'm afraid no one heard.

Member for Peterborough.

Mr Stewart: Thank you, Mr Minister, for clarifying the facts on radiology wait times. It appears the member opposite is in a state of confusion.

After all the paranoia created in my riding last week by the member opposite, I was pleased to read the report on health care released by Maclean's magazine. I've always trusted my local experts to tell me the status of health care in my riding, but it's nice to see a national study acknowledge the gains Peterborough is making.

I understand the Windsor area is also reflected well in this study. I'm sure the member from Windsor West now realizes that—

Interjection.

The Speaker: Sorry, member for Peterborough. This is the last warning for the member for Windsor West. I can't keep getting up like this. Quite frankly, we would have gotten down to another Liberal question, had I not been up—we were going very well—and you're going to end up not getting another question now. If the members want to have questions, they can do that; if they want to just shout at each other, then we'll just stand up here. We were moving very quickly and now we lose questions from members who may want to ask questions. The only reason is that people want to shout at each other, and quite frankly no one at home hears what you're shouting anyway. Either side isn't going to change the other side. I've been here 10 years and it hasn't happened yet, so your shouting is actually pointless.

Member for Peterborough, sorry again for the interruption.

Mr Stewart: Thank you, Mr Speaker. As I mentioned, I understand that the Windsor area was also reflected

well in this study, and I'm sure the member now realizes that all the health initiatives this government has made in her riding are paying off.

Minister, can you please expand on what the Maclean's article said, especially about mammography services in my community?

Hon Mr Clement: The Maclean's health report is indeed out. As the member for Peterborough is already aware, his community gained seven places from last year's overall ranking. The report touches on two areas where Peterborough excels: stroke survival rates and mammography wait times. In fact, mammography services in Peterborough ranked fourth in all of Canada. I know the member for Peterborough is very proud of that; we're all very proud of that.

But I would like to take this time to acknowledge another community's high ranking, the Windsor-Sarnia area. While the member for Windsor West occasionally talks about the horrors of health care in her area, the Maclean's report is telling a much different story. Since last year's study, the Windsor area climbed 13 spots, ranking 19th overall in Canada. So while she releases communiqués about how poor mammography services are, Maclean's tells a different story. In fact, Maclean's ranks Windsor-Sarnia as the number one community in Canada to have a mammogram—number one in Canada.

CHILDREN'S HOSPITAL OF EASTERN ONTARIO

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): My question is to the leader of the government. Mr Premier, as leader of the government, are you aware of just how angry and how upset the people of eastern Ontario are, not just in Ottawa but in Pembroke, Renfrew and Hawkesbury and Cornwall and Napanee and many communities through the region, about your government's proposed shutdown of the children's heart surgery unit at the Children's Hospital of Eastern Ontario?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): I'd refer this question to the Minister of Health and Long-term Care.

Hon Tony Clement (Minister of Health and Long-Term Care): We are, of course, all waiting for the review of the review by Dr Keon and I would not wish to prejudice his comments or his conclusions.

Of course, this is a very emotional issue for the entire community. It's emotional for all of us. What we all want, and I'm presuming I'm including the honourable member opposite in this, is to ensure that any child who has this kind of condition that needs to be remedied has the best, and the best available, kind of care that we can possibly pursue in Ontario. That is the goal that this government has on this side of the House. We want the best results, the best outcomes, after cardiac surgery involving a person age zero to 18. That's what we all want and we are seeking a way to get there to ensure that is not only the case now but also in the future as well.

Mr Conway: This past Sunday afternoon in my home community of Pembroke, hundreds of people gathered at the waterfront to express to me, and the mayors and other community leaders, their upset, their anger, their incredulity at what's happening at the Children's Hospital of Eastern Ontario. They presented to me, after just a few days, a petition signed by over 10,000 people in my part of the upper Ottawa Valley. They've great respect for and confidence in Dr Keon, but these people, particularly the scores of young moms and dads who were at the meeting, wanted me to stand here and say to you, Minister, and more importantly to you, Mr Premier, that these parents are very pleased with the service they've been provided with by the children's heart surgery unit at CHEO. They are extremely upset not just at the prospect of the loss of that cardiac unit but all of the support services that would go with it. The thought that these young families would have to travel from communities like Beachburg and Eganville and Pembroke, not 150 kilometres to Ottawa but 400 and 500 and 550 kilometres to Toronto through terrible country in the wintertime, is beyond their comprehension. These people, these petitioners—

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

Hon Mr Clement: Of course, the pediatric review committee that originally looked at this issue did take into account travel times, did take into account the issues of convenience, but ultimately came down on the side that if increased mortality was the result of keeping things the way that they were, no one could countenance that in our society.

We are all trying to get to the best result for our kids as close to home as possible. That is the whole intention of the review. That is why the review recommended that we have a complete, province-wide pediatric cardiac care system, not five hospitals operating by themselves alone; that they all be part of a province-wide pediatric cardiac care system. That bodes well for CHEO. That means CHEO is part of a world-class, province-wide cardiac care service. That is what we want. We want CHEO to be excellent at what it does. We want excellent results for our kids in the future.

1520

BIOTECHNOLOGY

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): My question is for the Minister of Agriculture and Food. I had the pleasure of attending the opening of the BIO 2002 conference in Toronto—

Interjections.

The Speaker (Hon Gary Carr): We'll let him start over. I apologize; there was some carrying on. I hate to interrupt him like that when he's on a roll. We'll start over.

Mr Gill: As I was saying, I had the pleasure of attending the opening of the BIO 2002 conference in Toronto, the largest biotech conference in the world. I'd

like to welcome all the delegates to our beautiful province.

Along with many other topics, they are also discussing biotechnology and the use of alternate fuels. This is very timely, since our government has promised to safeguard the environment by using green fuels made from agriculture commodities. David Suzuki and other biotech opponents disagree. They are trying to say we are not ready for biotechnology. Minister, can you explain to individuals who hold this belief how Ontario's agriculture products can be converted into environmentally friendly fuels?

Hon Helen Johns (Minister of Agriculture and Food): I would like to thank the member for the question. Let me say first off that our government fully supports the development of a life science economy that will address environmental issues on the one hand and foster economic activity in Ontario on the other hand. Because biodiesel is made from agricultural commodities such as soybeans or by-products from the rendering industry, it's identified as one of the most effective ways Ontario can meet air quality and greenhouse gas reductions. So it's very important that we consider that.

We heard the committee talk about that with its recent report. The Ministry of Agriculture and Food recognizes the importance of biotechnology because it can lead to new markets that can help find ways to use our excess agricultural product. What this means to the agricultural community is that we have benefits. Our environment is safer and the rural economy enjoys new activities, jobs and businesses. It's a win-win for everyone.

Mr Gill: It's difficult to believe there are skeptics of biotech research, especially when you address these biofuel issues.

Summer seems finally to be here, and along with it come concerns about smog. I know we are aggressively attacking the smog problem. The Drive Clean program has reduced emissions by 11.5% in the Golden Horseshoe. Minister, how does this government, and specifically your Ministry of Agriculture and Food, intend to help in reducing emissions?

Hon Mrs Johns: Let me say we want Ontario to be one of the most competitive places in North America. One of the ways we can do this is by proposing to promote the use of environmentally friendly products made by the agricultural community in the province. Biodiesels are completely interchangeable with petroleum-based diesel fuels. The fuel is being adopted by a number of commercial truck fleets in Ontario, including Toronto Hydro, which seems like a little bit of an irony. Biodiesel is currently being imported from the US. The production and use of biofuels is identified as one of the most cost-effective ways Ontario can meet air quality standards and greenhouse reduction targets. By running vehicles on biodiesel, urban centres could reduce emissions and rural Ontario would experience a whole new industry whereby agricultural products will be used to replace petroleum-based fuels, a win-win for the agricultural community.

SCHOOL CLOSURES

Ms Marilyn Churley (Toronto-Danforth): This question is for the Minister of Education. It is well documented that your government's funding formula is biased against urban school boards with small community-based schools. You have acknowledged finally that there is a problem with the funding formula and ordered a review. The problem is, Minister, schools are slated to be closed; indeed, St Aloysius school in my riding is slated to be closed. It is a highly respected school with an excellent special education program and consistently high standardized test scores, and it is a focus point for the community. Grandparents pick up children, when the parents are working, for lunch and after school. All of this is going to end if that school closes. The population is growing in that part of East York.

I am asking you, Minister, for the sake of that community and these children, what are you going to do to help to keep this school from being closed? Will you place a moratorium on the closure of these community-based schools at least until the review of your funding formula is complete, and then we can look at those recommendations and go from there? Will you do that to help my community today, Minister?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): In response to the question from the member in the third party, as I noted yesterday, school closings are the responsibility of trustees on school boards. That has always been their responsibility. They make those decisions based on many reasons. I would recommend that the member of the third party, if she has concerns, should speak to the local school board.

I know that school closings are always very difficult issues. I don't think there's ever been a school closed that hasn't caused a lot of concern for parents, and I can understand that concern. But it is a local trustee decision.

I can give you facts that indicate that 37 public and Catholic schools were closed in Toronto between 1985 and 1990. In 1995 to 2000, there were only 20. There were more schools closed in Toronto between 1985 and 1990 than there have been recently, so you can't blame it on the funding formula as you have been.

CONSIDERATION OF BILL 118

Hon John R. Baird (Associate Minister of Francophone Affairs): On a point of order, Mr Speaker: I rise on a serious point of order with regard to Bill 118, An Act to amend the Ontario Disability Support Program Act, standing in the name of Mr Martin, which has received first reading and is currently on the order paper.

Standing order 56 states that, "Any bill, resolution, motion or address, the passage of which would impose a tax or specifically direct the allocation of public funds ... shall be proposed only by a minister of the crown."

I believe that if you examine section 1 of the bill and the subsequent sections of this proposed act, you will find that the bill is in violation of standing order 56.

In a ruling of December 6, 1968, Speaker Cass defined a money bill as “any bill, the real purpose of which is to raise, repeal, abate or direct the appropriation of public revenue.” He further indicated that a bill enlarging the class of persons eligible for payments out of public revenue was a money bill and hence outside the competence of a private member.

In Beauchesne’s Parliamentary Rules and Forms, sixth edition, with respect to the financial relations between the crown and Parliament, section 595 reads:

“The crown, being the executive power, has the responsibility for the raising and spending of money. Acting through responsible ministers, the crown makes known to the Commons the financial necessities of government. The Commons grants such aids and supplies as are necessary to meet the demands of the crown and provides through taxes and other sources of revenue the ways and means to meet the supplies that have been granted. The crown, therefore, demands money, the Commons grants it and the Senate assents to the grant. The Commons does not vote any money except for the necessities of the country as defined by the crown.”

Furthermore, section 598 of Beauchesne’s reads, “No cases can be found of any private member receiving the authority of the crown to propose a bill or motion involving either the expenditure of public money or an increase in taxation.”

I go to Erskine May, the 21st edition, under “General Rules of Financial Procedure of the Commons.” From the 21st edition I quote from page 688:

“Rule 2. The financial initiative of the crown. A charge cannot be taken into consideration unless it is demanded by the crown or recommended from the crown.”

Furthermore, on page 691, “The long established and strictly observed rule of procedure, which expresses a principle of the highest constitutional importance, that no public charge can be incurred except on the initiative of the crown....”

It further goes on, on page 993, under “Public Money,” section 46—

1530

Mr Tony Martin (Sault Ste Marie): It’s sleazy, John.

Hon Mr Baird: I say to the member opposite that this should be an issue not involving personalities, it should be about the issue in question. I hope he’ll have the opportunity to listen—

Interjection.

The Speaker (Hon Gary Carr): Order. I know he’s wrapping up. The member for Sault Ste Marie, please come to order. I’m listening to the member.

Sorry for the interruption. Chief government whip.

Hon Mr Baird: It’s regrettable that the member would say those types of things. I think it’s beneath him and it’s beneath the people he represents in this place.

On page 993: “46. Recommendation from crown required on application relating to public money. This House will receive no petition for any sum relating to public service or proceed upon any motion for a grant or charge upon the public revenue, whether payable out of the consolidated” revenue “fund or the national loans fund or out of money to be provided by Parliament, or for releasing or compounding any sum of money owing to the crown, unless recommended from the crown.”

I have two or three quick precedents, and I’ll be brief, Mr Speaker. On Friday, October 12, 1973, the Speaker rose and quoted from the legislative counsel, whose opinion he accepted: “It is the opinion of this office that the proposed bill in question is a money bill. Section 2 of section 7 of the act provides for the payment of interest by the Treasurer of Ontario at a rate which is to fluctuate as to reflect market conditions at the time the interest is paid. Since the interest is paid out of the consolidated revenue fund, and under today’s conditions would probably be at a rate which is higher than the 5% and 6.5% rate established under the act, this would involve an expenditure of public funds.” The Speaker then accordingly removed the bill from the order paper.

On May 17, 1979, the Speaker ruled, “This afternoon the member for Sudbury East, Mr Martel, introduced a bill entitled An Act respecting insurance services of the Ontario health insurance plan. At the time that the member made his explanation of the bill’s purpose, I felt that it was a money bill. However, I reserved a ruling on it until I could examine it more carefully. Having done so, it is obvious to me that as the bill would increase the services under OHIP, it must of necessity increase the expenditure of public funds out of the plan. I must rule that the bill is a money bill, which can only be introduced by a minister of the crown, supported by a message from the Honourable the Lieutenant Governor. The bill is therefore out of order and will be omitted from the order paper.”

Again, finally, on June 21, 1983, the Speaker ruled as follows: “Yesterday afternoon, the member for Sudbury East, Mr Martel, introduced a bill entitled An Act respecting insurance services under the OHIP plan. On careful examination, I find the principle of the bill yesterday to be the same as the one introduced by the member on May 17, 1979, and subsequently ruled out of order by Mr Speaker Stokes. His reasons at the time were that the bill would increase the services under OHIP and must of necessity increase the expenditure of public funds under the plan. I totally concur in that ruling and find that the bill, being a money bill, can only be introduced by a minister of the crown, supported by a message from the Honourable the Lieutenant Governor.” I would point out Speaker Stokes was a New Democratic Party member of this place.

Finally, a very good ruling, which will be the last one, and then I’ll take my seat: on May 9, 1991, Mr Speaker stood up: “On Monday, April 21, the member for Etobicoke West”—the now government House leader and former Speaker, but he was not a former Speaker at

that time—"introduced a bill entitled An Act respecting government expenditures. It has been brought to my attention that section 1 of this bill specifically directs the allocation of public funds. I must therefore rule the bill is a contravention of section 54 of our standing orders and can only be proposed by a minister of the crown, supported by a message from His Honour the Lieutenant Governor. The bill is therefore out of order and must be omitted from the orders."

Briefly, the title of the bill requires annual cost-of-living adjustments. Subsection 1(1) of the bill again uses the word "requiring," mandates clearly directing money from the consolidated revenue fund. I think it's an important principle, not just within the standing orders, but of the way our government and our parliamentary system operate.

I'll be happy to provide this information to you. We ask for your ruling on this important issue.

Mr Dwight Duncan (Windsor-St Clair): Mr Speaker, you're going to be called upon to make a ruling as to whether or not this bill is or is not in order. First of all, the member for Sault Ste Marie is one of the members in this House of great conscience. On behalf of the official opposition, I can't determine how you will judge this, but I would ask you, in your capacity as Speaker, that if you find the bill to be out of order, the member be allowed to bring something in a resolution form to the same effect. I can give this House the undertaking that the official opposition would support that, and I would assume the government would want to support that as well so that we have the opportunity to discuss this very important issue.

So I would ask you to consider the waiving of notice requirements and allowing the member, who brings this issue forward in very good conscience—I believe it's in order; I don't want to suggest for a moment that it's not. This was offered at House leaders last week—that needs to be said—and the government has chosen to wait this long, obviously trying to put you, sir, in a position where you're forced to make a difficult decision on short notice.

I would say to the chief government whip and to the government opposite that if in fact the Speaker finds this out of order, the same functionality of the bill can be put into a resolution format and be allowed to be debated. That being said, in my view, the bill is in order and it ought to continue for debate on Thursday morning as has been proposed, and it would be my hope that it does.

Mr Peter Kormos (Niagara Centre): I express gratitude to the government whip for advising me of his intention to bring this point of order. Mind you, it was but a few minutes prior to raising the point of order. He did, however, signal his interest in this matter last Thursday.

First, we have to look at this bill very carefully. Second, standing order 56 is long-standing. Third, members rely upon, and I put to you, Speaker, that the Speaker has to give great weight to, not only the historical rulings of this House in terms of the response to points of order but the precedents that have been created by any number of bills which have been advanced at first reading, then proceeded to second reading

and been permitted, notwithstanding that a point of order has not been raised. A bill is either in order or it isn't, and the mere fact that a point of order hasn't been raised does not cure a bill. Therefore, I put to you that we have a history or a succession of bills that have received second reading, which the Speaker implicitly has approved by virtue of hearing the debate around second reading and permitting the matter to go to a vote.

Virtually any policy initiative suggested by way of private members' public business, private members' bills, is going to inherently involve some sort of expenditure of monies that wouldn't have existed prior to that bill being advanced; in contrast to, let's say, resolutions, which are merely opinion. A bill does things, and to do things, almost inevitably you need money.

Let me distinguish this, for instance, from the illustration provided by the government House leader regarding a bill advanced by Mr Martel, which was ruled out of order by Speaker Stokes. Mr Martel wanted to create, as I understand that bill, a new class of things which fell under the umbrella of OHIP. In this bill—a very short bill, very easily read—there is no suggestion that, for instance, there be a redefinition of who is entitled to ODSP. We're dealing with the existing class of persons, the existing group of persons.

As well—and this is very important—please take a look at section 2 of Bill 118. Section 2 is critical to the bill having any effect. The bill is very carefully drafted. The author of the bill was well aware of standing order 56. Look at the language: "A regulation made under paragraph 4.1 of subsection (1) may provide"—permissive but not mandatory—"that the amount of income support provided be adjusted on April 1," to wit, giving effect to the indexing factor being proposed. That is critical. That is the section of the bill that puts it into action, that triggers it, that makes it work. It is permissive and it relies upon regulation, which is not in the scope or within the capacity of the private member, Mr Martin, who puts this bill forward for first reading; it's within the scope of the government. It's the government that could advance and must advance regulations and approve them through either one of the two channels by which regulations are approved.

1540

This does not, in and of itself, necessarily entail an increased expenditure. Having said that, I put to you that most, if not all, private members' bills that advance new policies or broaden policy initiatives inherently entail cost. This does not, of course, create a new tax. I put it to you that this bill is consistent with any number of bills which have preceded it in this House during the course of the last year, two years or three years and which have received approval, either explicitly or implicitly, by you, the Chair, the Speaker.

The bill has been drafted carefully, clearly cognizant of the impact of standing order 56. I put it to you, sir, that if reflection is required, then upon reflection the Speaker ought to find, and should find, that this bill in fact

complies, because of its very specific construction, with standing order 56.

The Speaker: Thank you very much, chief government whip and the House leaders for both the official opposition and the third party. I will review the bill and reserve my judgment.

Mrs Sandra Pupatello (Windsor West): On a point of order, Mr Speaker: On Thursday of this past week, the member from Peterborough stood in the House and I understand that he was corrected by the member from Thunder Bay-Atikoken as to information that was being relayed to the House. The information was in fact coming from the Ontario Association of Radiologists.

I would ask the Speaker if he could also engage the Minister of Health to table information as to the difference between urgent and—

The Speaker: I'm afraid it's not a point of order.

PETITIONS

CHILDREN'S HEALTH SERVICES

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): I'm enormously proud and pleased this afternoon to present to this Legislature several petitions signed by over 10,000 of my constituents and our neighbours on the Quebec side of the Ottawa River Valley, which petitions read:

"To the Legislative Assembly of Ontario:

"Whereas the province is considering closing the cardiac unit at the Children's Hospital of Eastern Ontario, Ottawa, we request that the Legislative Assembly refrain from this action, which will cost the lives of children in this area who require emergency care;

"We, the undersigned, petition the Legislative Assembly as follows:

"Keep open the full cardiac unit at Children's Hospital of Eastern Ontario, Ottawa."

I'm pleased to sign and endorse this petition and present it to you, Mr Speaker.

OPTOMETRISTS

Mr Peter Kormos (Niagara Centre): I have a petition to the Ontario Legislature.

"I do support the bill proposing an amendment to the Optometry Act to give optometrists the authority to prescribe therapeutic pharmaceutical agents for the treatment of certain eye diseases, and I urge the government of Ontario to ensure speedy passage to the bill."

This is signed by hundreds of Ontarians, as well as by myself.

CHILDREN'S HEALTH SERVICES

Mr John C. Cleary (Stormont-Dundas-Charlottenburgh): I have a petition to the Legislative Assembly of Ontario.

"Whereas the Ontario government is shutting down the heart surgery unit at the Children's Hospital of Eastern Ontario; and

"Whereas the closure of this program will restrict the accessibility of life-saving surgery for children in eastern Ontario; and

"Whereas every year CHEO treats 140 cases of seriously ill children close to home; and

"Whereas centralizing children's heart surgery in Toronto will force patients and their families to travel 400 to 600 kilometres away from home at a traumatic time; and

"Whereas there is a waiting list for cardiac surgery in Toronto but not at CHEO; and

"Whereas the people of eastern Ontario demand accessible, quality health care for their children;

"We, the undersigned, petition the Legislative Assembly of Ontario to immediately override the government's decision to close this life-saving program and ensure that top-quality, accessible health care remains available to every child in eastern Ontario."

I've also signed the petition, along with 2,100 of my constituents.

EDUCATION FUNDING

Mr Peter Kormos (Niagara Centre): I have a petition addressed to the Legislative Assembly of Ontario.

"Whereas many high school students in Ontario, outraged at the harshness of the new curriculum, choose to leave school on May 15, 2002;

"Inadequate funding made difficult the implementation of the new curriculum;

"High school students should not be used as forced labour in addition to the extra hours required for the new curriculum;

"There is inadequate funding for the double-cohort year. Universities and colleges will have trouble providing room for all those students;

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly as follows:

"We demand that a committee with government, teachers, trustees, parents and high school students establish a funding model to correct the shortcomings in the system;

"Further be it resolved that a committee with government, teachers, trustees, parents and high school students make recommendations to help those students who have had to change their career paths due to the harshness of the new system;

"Further be it resolved that students are no longer to do compulsory volunteer work;

“Further be it resolved that adequate funding be given for the double-cohort year.”

That’s signed by Emily Beaulieu, John Maddalena and hundreds of others as well as by myself.

PROFESSIONAL LEARNING

Mr Steve Gilchrist (Scarborough East): I’m pleased to introduce a petition that was in fact addressed to the Honourable Dan Newman, sent by the Ontario English Catholic Teachers’ Association, dealing with concerns about the education system. I’m pleased to offer that for the consideration of the table.

CHILDREN’S HEALTH SERVICES

SERVICES DE SANTÉ POUR ENFANTS

Mrs Claudette Boyer (Ottawa-Vanier): I have a petition from over 1,000 people in my riding.

« À l’Assemblée législative de l’Ontario :

« Attendu que le gouvernement planifie la fermeture du service de chirurgie cardiaque à l’hôpital pour enfants de l’est de l’Ontario;

“Whereas the Conservative government plans to centralize all cardiac services for children in Toronto;

« Attendu que la chirurgie cardiaque à l’hôpital pour enfants est un service essentiel pour les enfants de l’est de l’Ontario et pour tous les enfants francophones de toute la province;

“Whereas the lives of children may be at risk if forced to travel to Toronto for cardiac care;

« Attendu que les enfants et leur famille se verront imposer des dépenses et des soucis inutiles s’ils doivent se rendre à Toronto pour obtenir des services cardiaques;

“We, the undersigned, petition the Ontario Legislature to demand that the government halt immediately its decision to close cardiac surgery services at the Children’s Hospital of Eastern Ontario in Ottawa.”

I’m proud to sign this petition.

CHILDREN’S HEALTH SERVICES

Mr Richard Patten (Ottawa Centre): I’m very happy to present one set of petitions from the people in my riding, among tens of thousands.

“To the Legislative Assembly of Ontario:

“Whereas the Ontario government is shutting down the heart surgery unit at the Children’s Hospital of Eastern Ontario; and

“Whereas the closure of this program will restrict the accessibility to life-saving surgery for children in eastern Ontario; and

“Whereas every year CHEO treats 140 cases of seriously ill children close to home; and

“Whereas centralization of children’s heart surgery in Toronto would force patients and their families to travel 400 to 600 kilometres away from home at a traumatic time; and

“Whereas there is a waiting list for cardiac surgery in Toronto but not at CHEO; and

“Whereas the people of eastern Ontario demand accessible, quality health care for their children;

“We, the undersigned, petition the Legislative Assembly of Ontario to immediately override the government’s decision to close this life-saving program and to ensure that top-quality accessible health care remains available to every child in eastern Ontario.”

I affix my signature to this petition as well.

HYDRO ONE

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): A petition to the Legislative Assembly of Ontario:

“Whereas the Conservative government plans to sell off Hydro One and Ontario’s electricity transmission grid—the central nervous system of Ontario’s economy;

“Whereas the government never campaigned on selling off this vital \$5-billion public asset and never consulted the people of Ontario on this plan;

“Whereas Ontario families want affordable, reliable electricity—they know that the sale of the grid that carries electricity to their homes is a disaster for consumers;

“Whereas selling the grid will not benefit consumers—the only Ontarians who will benefit are Bay Street brokers and Hydro One executives;

“Whereas selling Hydro One and the grid is like selling every 400-series highway in the province to private interests—selling the grid means the public sector will no longer be responsible for its security and protection;

“Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature as follows:

“To demand the Conservative government halt the sale of Hydro One until the government has a clear mandate from the owners of Hydro One—the people of Ontario.”

I fully agree with this petition and have signed my signature to it.

1550

POST-SECONDARY EDUCATION FUNDING

Mr Rick Bartolucci (Sudbury): This petition deals with the double cohort and the quality in education. It’s from the College Student Alliance, who are partners in learning. It is to the Legislative Assembly of Ontario, from students at Cambrian College.

“Whereas by eliminating the fifth year of high school the government of Ontario has created a double cohort of students; and

“Whereas the government of Ontario has promised that there will be a space at a university or college for every willing and qualified student; and

“Whereas Ontario’s universities and colleges have not received sufficient funding from the government of Ontario to accommodate these double cohort students; and

“Whereas the quality of education at Ontario’s universities and colleges has been declining in recent years; and

“Whereas the double cohort students will add an additional strain on an already fragile university and college system;

“We, the undersigned, petition the Legislative Assembly of Ontario to: provide full funding for every new student entering Ontario’s universities and colleges; provide additional funding to increase quality at Ontario’s universities and colleges; provide targeted funding to colleges for skills and innovation; and increase the per student funding to the national average over the next five years.”

I affix my signature to this petition as I am in agreement with it. I give it to our new page, Lauren, to bring to the desk.

MANDATORY DRUG TESTING

Mr John Gerretsen (Kingston and the Islands): I have a petition that’s headed “Say No to Mandatory Drug Testing.” It is addressed to the Legislative Assembly of Ontario and it says:

“Whereas the government of Ontario proposes to implement mandatory drug testing for Ontario Works recipients;

We, the undersigned, petition the Legislative Assembly to revise this policy. Specifically, we find the proposed program punitive in nature. We strongly oppose treatment for substance abuse being tied to welfare benefits, and we strongly support individuals being respected in their ability and right to make informed choices, and treatment plans to be entered into voluntarily and negotiated between a health professional and the individual, not Ontario Works staff.”

As required by the rules, I have signed this and I’m handing it to our new page, Lindsey.

SERVICES DE SANTÉ POUR ENFANTS

M. Jean-Marc Lalonde (Glengarry-Prescott-Russell): J’ai ici une pétition qui contient 1795 noms et qui provient de Green Valley, la communauté où habite Patrick Quesnel, qui a subi 11 opérations à cœur ouvert.

« Attendu que le gouvernement de l’Ontario est en train de fermer le service de chirurgie cardiaque à l’intention des enfants fonctionnant actuellement à l’hôpital pour enfants de l’est de l’Ontario;

« Attendu que la fermeture de ce programme restreindrait l’accès des enfants de l’est de l’Ontario à cette chirurgie, qui sauve des vies;

« Attendu que CHEO traite chaque année 140 enfants gravement malades à proximité de leur foyer;

« Attendu que la centralisation des services de chirurgie cardiaque pour les enfants à Toronto obligerait

les patients et les parents à s’éloigner de 400 kilomètres à 600 kilomètres de leur foyer à un moment difficile;

« Attendu qu’une partie du personnel de ce programme à l’hôpital CHEO parle français, et que de ce fait la population francophone a accès à des conseils médicaux de qualité supérieure en français,

« Nous, soussignés, demandons à l’Assemblée législative de l’Ontario d’annuler immédiatement la décision du gouvernement d’abolir ce programme, qui sauve des vies, et de veiller à ce que chaque enfant de l’est de l’Ontario continue d’avoir pleinement accès à des soins de santé de qualité supérieure. »

J’y ajoute ma signature.

EDUCATION FUNDING

Mr David Caplan (Don Valley East): I have a petition signed regarding the school funding crisis here in the city of Toronto. It is to the provincial Legislature of Ontario.

“Whereas the education funding formula will oblige the Toronto District School Board to cut \$123.5 million in programs and services to students and their families;

“We, the undersigned, petition the provincial Legislature of Ontario to join the Toronto District School Board in its call for the government of Ontario to: begin an immediate review of the funding formula; maintain current funding levels of 2001-02 until that review is completed; put our children first by providing the level of funding for the public school system that our children need and deserve.

“We call upon the government to work with school boards across Ontario so that everyone charged with delivering education can ensure that students can succeed in school.”

I agree with all of the petitioners who have signed this petition and I hope that the government supports and adopts the measures they’ve called for. I have affixed my signature to it.

COMMUNITY CARE ACCESS CENTRES

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): A petition to the Legislative Assembly of Ontario:

“Whereas the Mike Harris government promised to institute patient-based budgeting for health care services in the 1995 Common Sense Revolution; and

“Whereas community care access centres now face a collective shortfall; and

“Whereas due to this funding shortfall, CCACs have cut back on home care services affecting sick, elderly Ontarians; and

“Whereas these cuts in services are mostly in home-making services, forcing Ontarians into more expensive long-term-care facilities or back into hospital;

“We, the undersigned, petition the Legislative Assembly to immediately institute real patient-based budgeting for health care services, including home care, so as to

ensure that working families in Ontario can access the health care services they need.”

I will very happily affix my signature to this petition.

AUDIOLOGY SERVICES

Mr David Caplan (Don Valley East): I have a petition and it's entitled, “Listen: Our Hearing is Important!”

“To the Legislative Assembly of Ontario:

“Whereas services delisted by the Harris and Eves 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 Harris and Eves government policy will virtually eliminate access to publicly funded audiology assessments across vast regions of the province of Ontario; and

“Whereas the Harris-Eves government policy is virtually impossible to implement in underserved areas across the province of 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 Harris-Eves government move immediately to permanently fund audiologists directly for the provision of audiology services.”

I have affixed my signature to this petition because I agree with it.

ORDERS OF THE DAY

TIME ALLOCATION

Hon Tina R. Molinari (Associate Minister of Municipal Affairs and Housing): I move that pursuant to standing order 46 and notwithstanding any other standing order or special order of the House relating to Bill 124, An Act to improve public safety and to increase efficiency in building code enforcement, when Bill 124 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

That the vote on second reading may, pursuant to standing order 28(h), be deferred until the next sessional day during the routine proceeding “deferred votes”; and

That on the same day that the bill receives second reading, it may be called for third reading; and

When the order for third reading is called, the Speaker shall put every question necessary to dispose of this stage of the bill without further debate or amendment; and

That the vote on third reading may, pursuant to standing order 28(h), be deferred until the next sessional day during the routine proceeding “deferred votes”; 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 Acting Speaker (Mr Michael A. Brown): Mrs Molinari has moved government notice of motion number 12. Minister?

1600

Hon Mrs Molinari: I am pleased to have the opportunity to speak on the motion regarding An Act to improve public safety and to increase efficiency in building code enforcement.

In recent years, building code users—property owners, builders, contractors, designers and building officials—have called for reforms, and I think it's time to move ahead with this legislation.

The foundation for this proposed legislation is based on recommendations from the Building Regulatory Reform Advisory Group, BRRAG. This advisory panel represented a broad spectrum of builders, designers, regulatory officials and consumers. Throughout the summer of 2001, discussions were held with stakeholders on how best to implement changes to the Building Code Act that are workable and effective.

In essence, this proposed legislation would allow building officials to make better decisions faster. If passed, the legislation would represent the most comprehensive and wide-ranging changes to the province's building code enforcement in over 25 years. It would improve public safety by enhancing the qualifications and accountability of building practitioners, streamline the building regulatory system and strengthen the province's Smart Growth agenda.

Ensuring public safety is a government priority and it is the key objective of the proposed legislation. This is achieved in part by increasing the knowledge of building practitioners. The legislation would require building designers, building inspectors and those working for registered code agencies to meet qualifications set by the province. These individuals would have to pass assessments related to their knowledge of the building code. This improved building code competency will lead to building plans that comply with safety standards in the code. As we know, it is critical for designers and building inspectors to know what's in the Ontario building code. This will help ensure that all drawings and specifications comply with the technical requirements of the code. Improving code knowledge of designers, for example, will mean that designers get it right the first time, and that saves time and money.

The proposed legislation would also require designers, builders and registered code agencies to have insurance. This will result in more accountability for the work they do and provides an additional incentive to avoid defects. Insurance coverage would be improved for the traditional professional indemnity policies covering designers and would be extended to RCAs. There would also be new

coverage required for seven years after construction for major structural defects. The building code would address the type and scope of coverage, coverage levels, period of insurance, deductibles and exemptions. The province intends to require this extended insurance for general contractors responsible for structural work who work on non-residential projects with a value of \$50,000 or more. Persons who build their own homes would be exempt, as would home renovators.

New home builders currently registered under the Ontario New Home Warranties Plan Act already provide warranty coverage, and this proposed legislation would recognize this. As part of this legislation, a registration system for building designers and RCAs would be established. Details would be set out in the building code. This system would be used to ensure these practitioners have staff with the appropriate code knowledge, as well as the necessary insurance. As we know, builders are already registered through the Ontario new home warranty plan. Other builders would not be subject to registration, but would have their insurance coverage verified by municipalities prior to construction.

This legislation also sets new minimum service standards and mandatory qualifications for inspectors. It would also clarify the roles and responsibilities of different building practitioners. Municipal building inspectors would be covered by a new code of conduct that recognizes the significant role and authority they hold in the approval process. Municipalities would develop their own codes of conduct governing the enforcement practices of chief building officials and building inspectors in order to promote appropriate standards of behaviour.

The province would set the same high standards for registered code agencies. They would be given all the powers required to carry out their responsibilities, including the power to inspect, issue orders and stop work if necessary to protect public safety. These standards would require their staff to have a high level of code knowledge. In addition, there would be stringent conflict-of-interest requirements to ensure the integrity of these agencies.

As well, new province-wide standards for inspections would mean that building officials have more certainty about what is expected from them. The legislation would establish mandatory inspections for all types of new construction. This would help ensure that projects are completed according to the approved plans of the code.

This legislation provides flexibility for municipalities in enforcing the Building Code Act and the Ontario building code. Municipalities would have several options to meet new minimum service standards: they could rely on their own staff, provide joint service delivery with other municipalities or contract some or all of the enforcement duties to registered code agencies. The bottom line is that municipalities would make these decisions since they are in the best position to do so.

Streamlining is another key component of this proposed legislation. Reducing red tape and encouraging innovation are important to this government.

This proposed legislation would reform the building regulatory system by reducing approval times and increasing certainty and predictability for builders and owners. Measures include establishing a standard building permit application; setting time frames for building permit decisions; allowing municipalities to reduce duplicated reviews of similar building plans; limiting building permit fees to the reasonable cost of enforcement; allowing municipalities to outsource plan reviews and construction inspections to registered code agencies; providing a speedier appeal process to the Ontario Municipal Board for site plan matters; requiring that mandatory inspections take place within a set time frame; and granting the Minister of Municipal Affairs and Housing the power to issue province-wide interpretation of the building code and the authority to approve alternative designs, systems and materials, provided the same level of performance established by the building code is maintained. These measures would promote more fairness and certainty in Ontario's building permit system.

Should the legislation be passed, it would be fully implemented within 18 months of royal assent. This would provide time to finalize the details of building code testing and the insurance requirement that would apply to building practitioners. It will also take time to develop regulations required to implement streamlined measures. We will continue to consult with building industry stakeholders on these implementation details.

We have an opportunity to improve the building regulatory system in Ontario in ways that make sense: that improve public safety, enhance accountability and streamline the building regulatory system. The time to move forward has arrived. This legislation would improve qualifications of those involved in the building sector, improve turnaround times for building permits, make the fees for permits reflect true municipal costs and protect the consumer. But, above all, this legislation would contribute to our ongoing efforts to ensure public safety is a priority in all construction throughout Ontario.

I urge all the honourable members in this House to join me in supporting this motion.

The Acting Speaker: Further debate?

Mr James J. Bradley (St Catharines): I'm always disappointed, though not surprised, when the government brings in a time allocation motion, choking off debate, ending debate on important legislation.

Mr John Gerretsen (Kingston and the Islands): Three days in a row.

Mr Bradley: The member for Kingston and the Islands points out that this has happened three days in a row. That's most unfortunate because, as people in this province will recall who have listened to me speak in the House, this Legislature did not sit from the middle of December until the middle of May. I notice in Ottawa there's a bit of hubbub arising because there's a thought that the federal Liberal government might end its session in the third or fourth week of June. That's a session, by the way, that began in January this year, so of course we know there will be a national uproar if that happens. Yet

here at Queen's Park at the provincial level we heard nothing, read nothing and saw nothing about this government being unemployed for five months, in other words, not in this Legislature and accountable to the opposition and the public for some five months.

1610

There were some passing references, I'm told—I've been corrected on this—in the odd column to the fact that the House wasn't sitting, but how many people in this province, I ask my House leader, would know that the Ontario Legislature, because of the actions of this government, on the orders of this government, did not sit from the middle of December, 2001, to the middle of May, 2002? There was no uproar, there were no columns—well, the odd reference here and there—no television stories that I remember seeing, nothing on the radio, no outrage.

Hon Chris Stockwell (Minister of Environment and Energy, Government House Leader): Nobody cares.

Mr Bradley: The member over there says that nobody cares. Maybe he's right. Maybe the right people don't care about this. Do you know why they don't care? It's because they don't know. They don't know this happened. They have to be told this.

Hon Mr Stockwell: You've been telling them.

Mr Bradley: Some of them are aware if they watch this program, if they watch the Legislature in session, but they certainly wouldn't know it from any uproar in the news media about this.

I simply say, for the people of this province, what has happened is this: this government refused to sit, kept the House out of session in a very undemocratic way for five full months without paying any penalty at all in terms of adverse publicity, and there is not an uproar. Now they come in and they want to sit day and night, pass time allocation motions, ram everything through in the last six weeks and then tell everybody that they're governing in an accountable fashion.

Hon Mr Stockwell: We are.

Mr Bradley: I think most fair-minded people of this province would say that is not the case, despite the interjections of the government House leader, who is also the Minister of Energy, who is also the Minister of the Environment, and who simply can't hold three jobs like that, not because of lack of talent but because it's just too onerous to have one person assume those responsibilities.

The bill they're trying to ram through this afternoon reminds me of this government's attitude to public health and safety: "Let's privatize." That was, of course, part of the problem that arose in the Walkerton situation: the privatization; in that specific place and instance, the privatization of the laboratories. We had three first-class, top-notch regional laboratories in this province: one in Kingston, one in Thunder Bay and one in London. They used to do the water testing for the province of Ontario so municipalities, especially the smaller ones, could send in their water samples, have them tested and, when the results were obviously negative or bad, the local

municipality and the local medical officer of health were notified immediately.

This government was in a rush to get its tax cuts through. I know the former Speaker, now the Minister of the Environment, and the present Speaker, Mr Gary Carr—who, by the way, is being honoured this afternoon for receiving his MBA, his master of business administration degree, and we congratulate him—along with my friend Ted Arnott and a fourth member of the government caucus opposed cutting taxes until such time as they had balanced the budget. But because the Treasurer of the day, Ernie Eves, wanted to cut taxes unwisely at that time against the advice of some of his own caucus and against the advice of many people in the financial field, because they proceeded with that they had to make deeper cuts in such ministries as the Ministry of the Environment and therefore placed our water supply in this province in a riskier or more vulnerable situation, contributing to the unfortunate tragedy that occurred in Walkerton. That can be found in Judge O'Connor's report.

The government does not learn. They simply believe that a lot of these public functions, which should be in public hands, should be turned over to the private sector, in some cases, some might say with validity, putting the fox in charge of the henhouse. That has happened on many occasions.

There are areas where government should not be involved. We don't expect that governments are going to be producing automobiles. We don't expect that governments are going to be operating industries in this province. That's not what we expect from them. There are lots of areas where governments do not belong, but there are areas where they do belong and areas that should stay in the public domain, in the public sector, because the public employees represent the people of this province and not the people they're supervising. I see a trend away from public inspectors and in favour of inspections taking place by those in the private sector. As I say, in many cases it's the fox in charge of the henhouse, and that can have dire consequences for the health and safety of the people of this province.

I see another situation in my own area, and I don't know if there's a comparison, but I'm certainly going to mention it anyway just in case there's a comparison. That is where we have had downloaded to the regional municipality of Niagara the responsibility for land ambulances. That is very costly to the local municipality. There had to be a major upgrade of ambulance service when the province handed it down, and I happen to believe, by the way, that the province should be in charge of land ambulances in this province, but they decided to download it.

Unfortunately, they downloaded only part of it. In other words, they kept the central dispatch in provincial hands and the people who dispatch for the Niagara region now are people who aren't necessarily familiar with the roads in the Niagara region. There have been, I think I saw in the paper the other day—somebody can correct me—1,500 complaints the region has received. There

have been allegations that deaths have occurred because ambulances were unable to get there in an appropriate amount of time.

There is a report that was kept secret by this government for several months on ambulance services. Perhaps the member for Burlington South saw it; perhaps he didn't. I don't think he did.

Hon Cameron Jackson (Minister of Tourism and Recreation): Burlington.

Mr Bradley: Burlington now. Because if he had seen it he would have wanted it released immediately, and that report in effect talked about the chaotic situation with lack of appropriate equipment, with lack of the necessary training for the employees, employees who are underpaid. The turnover was rather significant, people who are stressed out in the job. The regional municipality of Niagara has asked that if you're going to give them responsibility for land ambulances you give them responsibility for dispatch services for land ambulances and that be placed in Niagara, not outside of Niagara. I'm sure many of the other municipalities affected by this would agree.

Now you ask, why do I draw this into this particular bill? I say it because there are some people who happen to believe that the government would like to privatize that service. Perhaps their fear should be allayed by the government, but there's a fear out there that the final solution this government will have—the ultimate solution, in other words—will be the privatization of that dispatch service, and I would be very much opposed to that.

After the unfortunate incidents since September 11, 2001, I think the public started to see where it was really important to have strong public services, and the tendency to say, "If it moves, privatize it," started to fade somewhat.

Now there's another controversy going on as to whether the LCBO should be privatized or not. I happen to be opposed to that but I'll tell you there are an increasing number of people out there who say that perhaps the LCBO should be privatized because of the way they're treating some people in the wine industry. We've had some recent developments that may be helpful in this regard, but I certainly worry about that.

But the point I want to make before I sit down and yield the floor to someone else in the House is that I think it's important that we not pass legislation of this kind. I wish there were a longer debate to be had on this particular piece of legislation. Unfortunately, the debate is being choked off, shut down, closed down by this government once again in the most undemocratic fashion.

1620

Mr Michael Prue (Beaches-East York): I rise today to speak against the motion, which is in effect a motion of closure. It is a motion to stop debate. It is a motion to ram through legislation without hearing the very people who are going to be impacted by this legislation.

As a municipal politician for many years before coming into this House, it was an area in which I had the

opportunity to deal with a great many people, a great many very good people, who worked for the municipality and for many municipalities, who were involved in looking after the building code, both those who looked at the plans and those who went out to the site. In those 13 years, in that entire 13-year period, I have to tell you that although there was the odd complaint from time to time from people, either in the industry or homeowners, that their plans were being delayed or that they didn't like what the men and women were saying who were going out to the construction sites, in all of that time, the decisions they made were justifiable. In all of that time what they were doing was right to protect the health and safety of the people whose property it was, but more importantly what they were doing was protecting the community standard. They were protecting the neighbourhood. They were protecting the neighbours.

The problem that I think the government sees here is a problem mostly of timing. There has been some talk of privatization here, and granted, that flows throughout almost everything this government tries to do. But there is a problem here of timing. How long does it take to get a building permit? How long does it take someone to be on the site to look to see whether the construction is valid? That is not going to be remedied, with the greatest of respect, by this particular bill.

There's an old adage about Canada that there are only two seasons: there is winter and there is construction. Really, nothing much happens by way of construction in the winter. The rest of it happens, really, from the first nice few days of spring right through to the final cold days of the fall. It is in that period that most construction takes place, and it is also in that period where people get the idea that they want to have their plans authorized, they want to have them looked at, they want the building to immediately go up, they want their deck to be built, they want the 101 things to be done, usually between the months of April and November. The problem has always been, and probably will continue to be, that because most people, most developers, most homeowners want immediate attention, they do not plan far enough in advance to allow municipalities and the workers who know what they're doing an opportunity to deal with it.

Mr Rosario Marchese (Trinity-Spadina): Nobody does that, Michael.

Mr Prue: Yes, yes. They do not give them that opportunity. In most municipalities in the GTA, where I had the privilege of being the mayor of one of them, people would come in and would not give that opportunity. Most of the municipalities had a problem because they could not deal with the sudden influx of work that came in April, May and June and the high expectations that came with it. Those expectations could easily have been met by the existing staff had people given longer time frames for their expectations.

But the workers struggled, on and continue to struggle on, to provide the very best they could. Municipalities were in a bind and continue to be in a bind. Do you staff up for the highest period and then lay off all your staff in

the winter? That's pretty poor planning. Or do you have a constant, that you try to get the work done into the months when there isn't much construction going and when the demand falls? That's what most of them have tried to do.

What this bill is intended to do, I think from the look of it, is to provide a whole bunch of summer jobs to people who are RCAs, or registered code agencies, a whole bunch of summer jobs so that people can go in and instantaneously get their building permit, a whole bunch of summer jobs so that the men and women who are registered code agents can go out and say, "I think we can pass this," or "We can do this," or "I'll be out to your construction site in five minutes."

I am very worried about this. I am very worried, because you are going to be taking the jobs away from dedicated professionals who have spent years learning their trade and you're going to give them out to anyone who can pass a test.

I'm not sure how good this test is going to be, and surely it's not contained in the body of the act, but I want to tell you that the people who work there now are professionals. Ask any mayor, ask any councillor in this entire province how many times the men and women who work for them doing building permits are called to court. Ask how many times their decisions are turned over—hardly ever. Ask how many times they have been sued successfully, how many times anything has gone wrong, and they will tell you they are absolutely satisfied with the mandated services they provide.

Mr Marchese: So why would they want to change the system?

Mr Prue: Nobody knows, except that some people are impatient.

What has resulted in this province is that over the years the safety of the homes, the safety of the decks that are built, the safety of the electrical work, the safety of the heating, the safety of the environment when it comes to building at or near some of our valleys and ravines have all been protected because the people who are there know the system.

What is most important and I think what is sometimes forgotten is that the people who work for the individual municipalities know not only the building code but they know the zoning bylaws, the planning provisions, the conservation authority guidelines for their respective municipalities. People who are going to hang out a shingle and become registered code agencies had better specialize too. There is nothing in this bill. People will go wherever the work is, people will go wherever they are hired, and they may not necessarily have the expertise of the home-grown talent.

I want to tell you the problems that I see with this bill, having worked there for some 13 years. One of them is that the bill will grant quicker approvals. There is no doubt that if you're going out to hire someone who is going to turn it around in eight or 20 days, you are going to get quicker approvals. You are going to pay that person to give you quick approval. But in the end, it will

come, potentially, and I think probably more times than it does now, at the expense of public safety. It's going to come at the expense of putting your life at risk, your family's life at risk or your immediate neighbours at risk.

We have seen a very devastating fire in East York this past week. Luckily no one was killed, but one house went up and six of them side by side went up. They went up not because of the building code of today but because of the building code of 40 or 50 years ago when those homes were built.

It is essential that we use the best possible standards and it is important that the public safety we all rely on in this province is maintained throughout. We do not need a hockey rink to collapse on the heads of the people who are there enjoying a hockey game. We do not need a fire to burn down an apartment building because the required safety measures and the fire doors have not been installed. We do not need to see buildings fall down before their time or be subject to wear and tear which would not have happened had the proper care been taken.

I see a second problem here too, and that is the limiting of the building permit fees. The limiting of the building permit fees is going to cause some considerable problem to the municipalities. I think the government sees contracting out as a way for the municipalities to limit their costs, but it will also, I would suggest to you, limit the construction inspection. It will limit the amount of work that these RCAs are doing on the site. It will not allow for good construction inspection.

There is a third problem with the bill. Nowhere in the bill does it contain anything about the Ontarians with Disabilities Act. This is an essential thing that needs to be remedied. It needs to be talked about. It is not in the present building code. I sat here through what seemed interminable debate over the Ontarians with Disabilities Act and all the laudatory things that were said by the government members. Surely we need an Ontarians with Disabilities Act, but we need one with some teeth. We need it to be able to help those people in our community who rely on buildings, who rely on building inspectors, and there's nothing here. There is nothing here that will give any comfort that the government is listening to them or that the building inspector will be mindful of what they are to do. There is nothing in here that will allow the registered code agencies any latitude, nothing for people who are disabled, or community standards for the disabled, or anything under that act. There is nothing that will say that it could be overridden in any way in support of what they need to function fully in this society.

1630

There is an absolute dearth of provisions in this act for anything to do with energy efficiency. There is nothing there. This province may or may not sign on with the federal government to the Kyoto accord. There was very good work done by all parties in this Legislature in the last week or so on alternative fuels, but there is nothing in this bill that will do anything for energy efficiency or anything related to energy efficiency in Ontario. There is simply nothing there. There was an opportunity in this

bill to address that and nothing has been done, and now we have closure.

Getting back to registered code agencies, there is much talk about contracting out. Contracting out is a very serious issue. This government seems to want to do it more times than not. It even wants to do it in light of Walkerton and other problems that have surfaced, when the private sector or those who are not properly trained or accredited go out to do the work more cheaply than those who are properly trained and dedicated to the task.

Much work is already contracted out by municipalities. A great many of them contract out work, and that is not necessarily bad. In East York, where I was the mayor, we contracted out some of that work. We had building code officers and people who went and looked very carefully at the plans and the construction sites, but we did not have all of the staff that a big city like Toronto or some other cities in the province might have. Some of the work was contracted out but it was contracted out by our chief building official and reported to our chief building official. That was a very real difference. This is not going to be to and by the chief building official or to and by the staff of the respective municipalities.

We contracted out heating and cooling because it was important to have experts and engineers who could comment on that. We contracted out the auditing provisions from time to time, when individuals had to be audited to see whether they were doing the correct documentation and observation under the code. Once in a while we contracted out complex electrical systems in the building of factories and multi-residential developments, because it was very complex and sometimes beyond the scope of even some of our building officials.

But the problem this creates is that it contracts it out to individuals who haven't passed a test and who may not have that expertise. Most importantly, it does not allow the chief building officials to have a say or to reject what is being done. That is a very real problem that's going to come back to haunt this government. The chief building official has been cut out of the whole process, unless and until such time as a stop-work order is put on. That is the only time they are going to have a handle on this. It has taken away the municipal guarantee of safety. It has taken away the municipal guarantee that when someone buys a house or moves into a new apartment, it was properly inspected. It takes away that guarantee, save and except for the seven years that one might be able to sue a registered code agent. Thereafter, in my reading of the bill, I don't think it contains anything at all.

The problem here as well is that these registered code agents are for hire. There's nothing wrong with putting out a shingle that you are for hire to do any number of things. Surely in this province and this country one can hang out a shingle, with virtually no experience, to be an immigration consultant or to go into court to argue traffic tickets. One would say, how much experience are these RCAs going to have under the building code? They'll have to pass a test. Will they have to have two, five or 10 years of experience? No, they won't. They won't have to

have any experience at all. They will have to have studied the manuals, they will have to pass the test, and they can literally go out that day and put their name for hire. They will in many cases be unsupervised.

They will be hired by people who want fast service, not necessarily good service. If they want a reputation for doing things quickly and they go on to a construction site where homes are being built, I can guarantee you what they're going to do: they're going to do it as quickly as they possibly can. They're going to approve it in a flash. They're going to work along with the contractor and the developer and they're going to turn a blind eye to small problems. They're not going to issue stop-work orders and they're not going to do the kinds of things that involve the municipality. And they're going to put their seal on it in the end.

They want that because they want the reputation of being fast. They want to be hired and rehired by the development community. They want to be hired and rehired by people who want fast service. They will want the extra work. They are not going to do things that in any way impugn or stop or slow down that process. That is what people who work in the public service must do from time to time to ensure safety. They will not be supervised. This is a huge problem. It is absolutely enormous.

Presently, in all municipalities of any size at all—and I can't speak for the little tiny ones—there is a chief building official, and below the chief building official are a number of building agents who work for the chief building official and who must report to him or her. Often there are people above that. There can be commissioners, there can be chief administrative officers. There is a whole chain of command to make sure that the people below you are doing the right thing, that they are supervised, that they are looked at if they do the wrong thing, and then the appropriate measures are taken to train them or discipline them. There will be none of that here. This will be unsupervised work. This will be people who are doing it quickly, who are doing it to make a reputation, who are doing it unsupervised.

You have another huge problem, and that's the time frames. This is designed to speed everything up to the point that an application can be made and approved in eight days and someone can be on the site and pass everything as it's being done, lickety-split, right there. It may be a boon to the construction industry and to the developers, but I will tell you, it is the time frames and not the costs that are behind this.

Unreasonable expectations are being put forward in this bill that municipalities cannot possibly meet. They are going to be forced in turn to go out and hire these people and they are going to be forced to hire them in the non-winter months. It is the time frames. How can anyone look at some of the extensive plans for building homes in eight days? How can anyone look at factories or big apartment buildings in 20 days, and look at everything that has to be done? You have to look at the code, you have to look at zoning, you have to look at

planning, you have to look at the fire code, you have to look at the conservation authority. You have to do everything and you have to be a policeman for the act. Someone who is hired by whoever wants something done can hardly be expected to police the act.

We have the whole huge problem of municipalities here; that is, what are municipalities going to have to do under this act? They are going to have to refund the costs of whatever RCAs are hired by developers, citizens or whoever, from the fees that they charge. I don't know what the limit is here—I could not see it, but perhaps better minds than mine can look at that—but they're going to have to take money from their coffers that they normally charge for this service and pay outside agents to do it. They are going to have to find the money from somewhere, and none of that is contained within the act.

They cannot charge more than is reasonable for costs. I understand what the courts have said about this. I have read the court judgments and I understand the government may be in a small bit of a bind related to this, but they cannot charge more than what is reasonable for the costs. Municipalities have a lot of costs which we will not see directly from the building code agents: costs related to interpretations; legal fees; costs related to zoning and planning; costs related to the whole plethora of government agencies with whom they must consult, from fire departments to the police to the conservation authority to the boards of health—everyone they would normally contact. There are costs there and it is not reasonable that they may have to have their costs cut. I'm not sure how much that is. I clearly can't see that anywhere in the act. I suppose it may be contained in the regulations, but I haven't heard anything in the debate yet that describes that. That causes me some very real concern for the municipalities of this province.

1640

They are going to have to prepare yearly reports. Here's more bureaucracy, but where does the bureaucracy fall? Not on the developers. It falls on the cities. It falls on the poor cities that are already struggling to make ends meet, that don't have the revenues to hire people to prepare yearly reports to some provincial bureaucrat, I am sure, or to this Legislature, outlining the whole yearly report of how many RCAs were into the field and how many things were developed and how much money was spent and how much money was saved and how much money was lost and everything else.

The chief building official in the municipality, as I have already alluded to, has no veto power if he or she thinks that what is happening does not comply with the building code. I cannot see anything in the act that says a chief building official of a municipality can override an RCA. They cannot do it. What kind of legislation is this that the trust we put into the chief building official of the province, to whom all the others report—and the chief building official of each of the municipalities cannot override the decision of an RCA, who might be totally wrong, who might be incompetent, who may not be trained, who may be on his or her first day of the job.

There is nothing in here that gives that veto power, save and except when a stop-work order is put into effect. If there is no stop-work order, something can go from beginning to end without the chief building official having any say whatsoever. This, to me, is tantamount to disaster. It will result in some very real problems.

We have also the problem that the province and the municipalities are exempt from anything done by RCAs, ie, they can avoid responsibility. This is a huge one. Stop and think about it. A municipality that has had or feels they may have some problems with a building or with a building permit can quite easily get out of that by giving it away. They can absolve themselves of the responsibilities. It would be on the backs, I guess, of whoever the RCA is and whatever insurance company deems them fit to hire them. This may cause some municipalities worry about the costs associated with legal action against them or about having lawyers at all. I can understand that, as a former mayor, but it will cause them to go out to the RCAs. It will cause in this province, I am sure, insurance premiums to skyrocket for them.

This is a bill that has not been well thought out in a number of areas. Communities across this province look to their chief building officials and the people who work there to look at the plans and make sure they comply with all the municipal standards, not just the building code but all the others as well. Communities look to planners to protect them in some cases against the city, to protect them in some cases against the developers, to protect them in some cases against committees of adjustment, and probably in virtually all cases against the decisions that might end up at the Ontario Municipal Board.

I don't believe that the communities are going to expect that same kind of service from someone who is hired privately and independently to look after their best interests. Neighbourhoods that are fighting something because they believe it is wrong will not find an ally or a sympathetic ear or someone who can explain to them the nuances of the Planning Act or the nuances of the building code or the nuances of the Conservation Act. They find that now in their officials within city hall; they will not find it with the RCAs.

We're talking about closure and we're talking about, I guess, the government wanting to ram this through. It is a very sad day that this is being done, because organizations like the Association of Municipalities of Ontario have a number of amendments they would have wanted to make. There are many people who want to speak to this bill, if not to completely derail it, at least to make some major changes to it so that it will work for every citizen and every municipality. They are not being given the opportunity to do that.

In the 20 minutes or so I have stood here, I have tried to explain what I see as some of the major faults of this bill. I'm not saying everything in the bill is bad, because very few bills are totally bad, but there are enough things in here that require a sober second thought from the community and the community leaders, from the municipalities this will affect to the health and safety of ordin-

ary neighbourhoods. You should have done a better job than to ram this through on third reading. If this unfolds as almost everything else unfolds in this House and this passes in a couple of days, I hope somebody in the government begins work immediately with the municipalities of Ontario and with all of the stakeholders to start bringing in some legislation and amendments to make this bill what it should be, and that is to the benefit of the people of this province.

Mr Gerretsen: I'm very pleased to speak on this matter today. Of course, once again it's a time allocation matter, which is closure. The last three times I've had an opportunity to speak in this House have been on closure motions. Three days in a row—last Thursday, yesterday and today.

Mr David Caplan (Don Valley East): Shame.

Mr Gerretsen: It is a shame because, as I pointed out to the government House leader yesterday, since this government took over in 1995, closure has been invoked 86% of the time, whereas prior to that it was less than 5% of the time. The people of Ontario should understand that closure means there can be no further debate. It also severely limits the members in the Liberal caucus in debating the issue, because the way things are set up here, we are lucky if we get five or six minutes to speak on any bill. I don't think that's too democratic. I certainly would like to see some changes to that. Having so little time and not being able to speak about what we're really talking about here, which is closure, shutting off the debate, leaves me no alternative but to speak about the bill for even the few minutes that I have.

What I find very interesting is that this is yet another bill in which the government wants to privatize good government services. You would have thought this government would have learned enough from what happened in Walkerton with the privatization of water inspection services. I know some people will say, "Well, it wasn't really the government's fault. It was the local officials who were to blame," etc. The bottom line is, there wasn't sufficient oversight, and exactly the same thing can happen in this situation.

I find it very interesting that one of the main ingredients of the bill is section 4.2, in which an applicant, in other words a builder or a developer himself, can appoint a registered code agency. It's kind of like hiring your own inspectors. You tell me how the public is protected by that. I know all sorts of reasons are given, you know, "We need to approve building plans quickly" etc, and I'm all for that. I think the way to get to that is to make sure the administrations in municipalities are run properly so that building plans can be approved in a quick, efficient and thorough manner, because, after all, time is money. There's no question about it. But do you have to put in legislation that in effect builders can appoint their own code agencies?

Let me just read to you what the Ontario Building Officials Association has to say about that. This is an association made up of the building inspectors in all our municipalities. Let me just read what they say. It says,

"Under section 4.2 of Bill 124 equivalencies can be proposed through a RCA." That's a registered code agency. "The municipality does not review plans for permit issuance and therefore any equivalencies that may impact fire services will not be known to the fire services until the project is completed. This process could impact fire suppression and life safety."

This is from an organization that is highly respected, that is involved in every one of our municipalities, our building inspectors—let me just read again the last line from their press release. It states, "This process could impact fire suppression and life safety." You would have thought that we in this province, and this government in particular, by the many actions it has taken over the last five to six years in privatizing as much as possible, would have learned by now. But apparently they haven't, because here they're at it again.

1650

I was almost going to say that one of the rules they have in the federal House is that when you want to bring in closure, the minister has to be in the House for the last hour to answer questions. I'm glad to see the minister here today, and I'm just asking her: are you prepared to answer questions about this particular bill and why you're invoking closure? Why don't we have the same rule they have federally: if a government department wants to invoke closure, the minister has to be here and has to answer questions as to why closure should be invoked? So I'm asking the minister directly, are you prepared to answer questions as to why you're invoking closure? If not, why are you invoking closure, particularly on a bill as important as this?

Let me get to the items in the bill again because I have very limited time. My whip is sitting right here and he's telling me to hurry up with the thing, but there are so many things to say. I think it is absolutely unbelievable that a bill that has something like 39 pages in it that are of great importance to the people of Ontario, that are of great importance to the municipalities—members in my caucus will in effect have four, five or six minutes to discuss it, under the closure motion that has been introduced here.

Let me get back to the AMO policy report. AMO makes a total of 33 recommendations as to changes that should be made to the bill or parts of the bill that are not accepted. I did not hear the associate minister say a word about that. Some of these recommendations are very severe. Why aren't you dealing with that?

Recommendation 1 in their policy report: "Because of the inherent conflict-of-interest and liability concerns, AMO opposes section 4.2," with respect to registered code agencies, the section I just referred to where a builder in effect can appoint his or her own inspector. They're against it. This section should be removed from the bill.

Another section, recommendation 6 of their report: "The government should not 'over-regulate' what building permit fees are charged by municipalities. The new Municipal Act establishes a framework for determining fees, so there is no need for a second set of regulations or

for provincial micromanagement,” and that’s exactly what is happening here.

There are a whole bunch of issues where all of a sudden the big province again knows better than the local municipalities.

It says that you can only collect permit fees that reflect the cost of service delivery. Who is better to know that than the local municipalities?

It talks about holding a public meeting before any changes are made to building permit fees. I would say that most municipalities that are conscious of what they’re doing are already doing that.

It says it should establish a code of conduct for building inspectors. Surely most municipalities are already doing that, and I could go on and on.

Here is Big Brother province once again telling our municipalities what to do. But this AMO report says, “Don’t do it. We know what our obligations are.” You don’t have to legislate in this particular area.

There are 33 of these recommendations. Let me just pick up on a couple of others.

Number 18: “The issues of when a building is complete and when the municipality is notified needs to be resolved.” That’s a rather important one. If there’s nothing in the legislation that talks about when a building is actually completed, at what stage it is completed, surely that has to be rectified.

Next, number 20: “Municipalities must have the power to limit the scope of work performed by the RCAs.” In other words, if a registered code agency has been appointed, you cannot limit the scope, or a municipality does not have the right to limit the scope, of that particular agency. It is absolutely ludicrous that this government couldn’t even get that right in their legislation, as the AMO report sets out.

Interjection.

Mr Gerretsen: Yes, Acting Speaker, you will get your chance during your time.

Mr Bert Johnson (Perth-Middlesex): What number was that?

Mr Gerretsen: What number is that? That’s number 20.

Interjection.

Mr Gerretsen: Oh yes. I’ll get to one more, and then we’ll get to the amendment. “Municipalities should be allowed to regulate ‘home renovators,’ who should be better defined in legislation/regulation.” Why don’t you do something meaningful and deal with the concerns of AMO? Don’t come into this House and say you’ve talked to your stakeholders and they’re all on side, because they’re not on side. There are 33 recommendations here that you have not enacted in your legislation.

So it is with that in mind that I move an amendment to government motion number 12, which we are debating right now and which is the time allocation motion with respect to Bill 124, as follows: that the first paragraph be amended by adding the following after the last word: “At such time the bill shall be ordered referred to the standing

committee on general government” and the third paragraph be deleted.

I so move this amendment. I’m giving it to our page Lisa. Oh, they have to have two of them. Here’s another one.

The Acting Speaker: Mr Gerretsen has moved an amendment.

Mr Gerretsen: With that, Speaker, I yield the floor.

The Acting Speaker: Further debate?

Mr Gilles Bisson (Timmins-James Bay): I see that our member has arrived, so that was my part of the debate.

Mr Dave Levac (Brant): I only want a couple of minutes to make reference to an issue that took place back in April 2000, and to remind the government on the other side that what they did back then came back to haunt us now, and what they’re doing now with Bill 124 is going to haunt us later. So here goes just a piece of history. Maybe they’d better pay attention carefully to what they’ve done.

In April 2000, I wrote a letter to the Minister for Community and Social Services—who at that time was Mr Runciman—and, in a nutshell, outlined a concern about the creation of the TSSA in Bill 42. There were concerns raised by one of my constituents who runs these devices about the qualifications and certification of the inspectors. Basically, under previous Minister Tsubouchi, with the TSSA—his response to me was, “Regarding your constituent’s concerns of professional qualifications, I’m pleased to inform him that nearly half of the staff in the elevating and amusement devices division have been certified.” He was basically taking great pride in the fact that 50% of the inspectors of those rides, after it was privatized and sent away from the public domain, were not certified. He was very proud of that fact—oh, I’m sorry, he said he was happy that they were certified. Well, that means 50% weren’t. Unfortunately, this came back to haunt us in my own riding, where a very good friend of mine, Ross and Chris Enslev’s daughter, who was a tremendously budding athlete, was seriously, seriously injured in an amusement device that was inspected by one of the 50% that weren’t certified.

Quite frankly, I just want to make the point that in Bill 124 we’ve got this push toward privatization that literally scares me. We’ve had example after example since 1995 of this government jumping into privatizing a lot of the services that are being offered. Need I remind you about Walkerton? Need I remind you again, for about the fifth time in this House, about the TSSA having 50% of its people not certified to inspect these devices? We’re going to have it happen again.

Unfortunately, the government’s not listening, because we’ve got AMO, which is saying that 33 recommendations to improve the circumstances this bill falls under should be looked at and seriously considered. I’m quite concerned that this government’s first claim to fame, as all of the members on the other side are prone to do, immediately talking about this bill—it’s about safety and security. The first thing out of their mouth is safety and

security, but back in 2000—since that time, 2000, I've talked about this amusement devices apparatus. I'm quite concerned that it's not happening.

1700

Mr David Christopherson (Hamilton West): I'm pleased to speak to Bill 124, for all of eight minutes and nine seconds.

Let me first begin by addressing the issue that's immediately in front of us, and that of course is the matter of time allocation. This is a huge deal. This is one of those things that unless you're either in the business or you've spent time at the municipal level, have some exposure to fully appreciate just how important and how significant the whole process of enforcing and interpreting the building code is—of course, that's a document that has evolved over years and years, and quite frankly the code often reflects horrible tragedies, people who have died because building codes weren't modernized at the time and they weren't up to speed, they didn't have the standards that they should have, and therefore there were coroners' inquests or other judicial reviews and it was found that in the application of the public interest and public safety the rules weren't what they should be.

This is not a minor matter, and now to find out that the government has no intention of letting the public speak to it—I mean, tell me, all of this is about municipalities, it's about people who develop and build things or redevelop in municipalities, it's municipalities that are empowered by this august body to be responsible for enforcing the building code. All the activity happens on the ground in communities. Not one municipal representative is going to get word one. Don't you think there might just perhaps be the odd mayor or councillor or alderman who wants to have something to say about this? How about municipalities that ask their chief building inspector to go in front of a legislative committee and express the concerns that a given municipality might have?

It's outrageous, if you stand back and think about it, that you would make a significant change, a significant departure in the way that we interpret and enforce the building code, and not one municipal representative gets a say.

I'm advised by our critic, the member for Beaches-East York, Michael Prue, that there are no fewer than 30—I believe it's 33 amendments that AMO would like to see. AMO, of course, is the Association of Municipalities of Ontario. They are exactly the body that you should be talking to. Their whole *raison d'être*, the reason they exist, is so that the interests of municipalities, big and small, can be focused into one body and then the Minister of Municipal Affairs and the Premier and others who have responsibility for municipal matters know whom to deal with—one-stop shopping, if you will—in terms of finding out what municipalities think.

They've got 33 amendments. Would I support all 33? I don't know; I haven't heard what the amendments are. But more importantly, neither has the government, and you've got the power. How can any of you here today leave this chamber and defend the fact that you're going

to give your vote to ram through a brand new law that has major implications for the public safety of the people of Ontario and nobody gets a say? It's outrageous.

Unfortunately, it's also business as usual. How many environmental laws have we seen come through here where no one got a say; how many labour law changes where nobody got a say; how many other changes to transportation and services and programs that you've hacked and slashed and burned and eliminated and nobody got word one?

Here we are, dealing with the very lives of Ontarians, and the people who are elected—they're not your minions; they're elected representatives in their own right—get no say. It's shameful and, at the very least, it's bad law-making. That's not the way to make and create and pass good law. It's insulting.

In the couple of minutes I've got left I want to focus on one thing, two if I have time. One thing is this whole notion that any increases in fees have to go to a public meeting. Fair enough. Business investment is important in all of our respective communities, and we all spend a lot of time and effort trying to entice business into our municipalities, for obvious reasons. It helps with the assessment base. It also provides jobs so that our young people don't leave our community, because all of us like to see our communities continue, as much as we can, with those who were born and raised there, and then continue to add through what they have to contribute as an adult.

But they aren't the only thing that matters in a municipality, and to say that if we're going to increase fees for developers and business interests and contractors, it has to go to a public meeting, how come that's not good enough for any increases in library fees? That's my point. It's not whether or not this is a good idea in and of itself, that the public will be given an opportunity to have input—unlike what you provided the municipalities, I might remind you. But you're going to give those developers and contractors a public hearing before any fees could be increased by the municipality.

If you think—and I'm not so sure—that's the way we ought to go, first of all, you ought to follow your own bloody advice and do it yourself. Secondly, I'd like to hear one of you defend why library services aren't that important, a cornerstone of democracy. For a lot of families who are financially challenged, libraries are the only hope that a lot of students have to get access to the kind of information they need in order to grab that one big hope that all young people have, and that is a good education.

If those fees are going to be increased or, more importantly, if those services are going to be curtailed because of downloading by this government, if municipal councils decide they're not going to open libraries on Sunday, how come that doesn't have to go to a public meeting? How about those kids who are in inner cities and the only relief they get from global warming, from the kind of summers we're now having, is to go to the local recreation centre and use the local pool? That

means an awful lot to young children and families and parents who want to make sure their kids have as good a summer as they can get.

And yet again, because of downloading and other things, there is not enough money to maintain the municipal recreation centres and the municipal pools, and so there's either an increase in the user fee or a decrease in access to the service. Where is the public meeting for that? Isn't that just as important as a developer doing a multi-million dollar project, where they're going to make multiple millions of dollars in profit? They get to hear what their costs are going to be, and yet those poor kids, whether it's the recreation centre or library or public health services or programs for the disabled, don't get a say. What hypocrisy, I say to the government members.

The Acting Speaker: Order. I think you might want to withdraw the word "hypocrisy."

Mr Christopherson: I withdraw.

The Acting Speaker: Further debate?

Mr Caplan: I am pleased to speak to the time allocation motion, but it's surprising that members of the government don't seem to want to debate their own motion. So I move adjournment of the House.

The Acting Speaker: Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the nays have it.

Call in the members. This will be a half-hour bell.

The division bells rang from 1709 to 1739.

The Acting Speaker: Mr Caplan has moved adjournment of the House.

All those in favour will please stand.

All those opposed will please stand.

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 24; the nays are 49.

The Acting Speaker: I declare the motion lost.

The member for Don Valley East.

Mr Caplan: In the short amount of time I have, I wish to move an amendment to the amendment that was proposed by my colleague.

I move an amendment to the amendment to the government notice of motion 12 that the sentence "that the third paragraph be deleted" be replaced with "that the fourth paragraph be deleted."

This particular time allocation motion is especially odious. It removes third reading debate, first of all. It also removes any ability for the committees to be able to look at any amendments and pass any amendments. I've already put the government on notice that I intend to introduce several substantive amendments to strengthen Bill 124.

Applause.

Mr Caplan: Well, thank you.

It is the job of legislators in this House to consider bills, to amend them as necessary, to make them better. The government seems intent on wanting to prevent all members of this House from having that ability, and it's particularly odious.

I hope that members of this House will support the amendments I have made, that my colleague Mr Gerretsen has made to Bill 124 to allow for some committee time, just one or two hours, to be able to strengthen Bill 124. It could be a bill that we can all support.

I say to members of the government, it was based upon the Building Regulatory Reform Advisory Group, a very good consultation, an industry-wide consultation. Many things that BRRAG recommended were not put in the bill. Many things that were in BRRAG that were rejected were put in the bill. I have a question for the government: why did you do that? Why didn't you accept your own expert panel's advice to put in certain things that would ensure public safety, ensure efficiency and streamlining when it came to building permits?

In fact, the Ontario Building Officials Association say very clearly that Bill 124 in its current form is a hazard to public safety as far as fire services. I would quote from their letter. It says, "Most municipalities rely on ... fire ... staff for plans review and inspections related to fire safety for all buildings. Under Bill 124 all fire services personnel currently carrying out this function will be required to pass assessment exams in order to be qualified."

Here's the operative section. "Under section 4.2"—the registered code agency section—"of Bill 124 equivalencies can be proposed through an RCA. The municipality does not review plans for permit issuance and therefore any equivalencies that may impact fire services will not be known to the fire services until the project is completed. This process could"—and I would say "will"—"impact fire suppression and life safety."

These are serious matters, matters of public safety. The government should take them seriously. Even in today's debate, the government was unwilling to put up anyone except the minister, who only gave us, frankly, half-truths. She would not answer any questions. They would not put up one speaker to speak to Bill 124 or the time allocation motion, which is a real shame.

That leads me to conclude that the government is afraid to debate this bill and the government is afraid to debate amendments. The government does not have public safety at heart.

Interjection.

Mr Caplan: That's right. They have abdicated their responsibility. With that in mind, I move adjournment of the debate.

The Acting Speaker: Is it the pleasure of the House that the motion carry?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the nays have it.

Call in the members. This will be a half-hour bell.

The division bells rang from 1746 to 1816.

The Acting Speaker: Mr Caplan has moved adjournment of the debate. All those in favour will please stand.

All those opposed will please stand.

Clerk of the House: The ayes are 26; the nays are 46.

The Acting Speaker: I declare the motion lost.

It being past 10 after 6 of the clock, I am required to place the question.

Mr Caplan has moved an amendment to government notice of motion 12, that the sentence “that the third paragraph be deleted” be replaced with “that the fourth paragraph be deleted.”

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

All those in favour will say “aye.”

All those opposed will say “nay.”

In my opinion, the nays have it.

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

The division bells rang from 1818 to 1828.

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

Ayes

Agostino, Dominic	Cleary, John C.	Lalonde, Jean-Marc
Bartolucci, Rick	Conway, Sean G.	Levac, David
Bisson, Gilles	Di Cocco, Caroline	Marchese, Rosario
Bountrogianni, Marie	Dombrowsky, Leona	Martin, Tony
Boyer, Claudette	Duncan, Dwight	Patten, Richard
Bradley, James J.	Gerretsen, John	Phillips, Gerry
Caplan, David	Gravelle, Michael	Pupatello, Sandra
Christopherson, David	Hoy, Pat	Ramsay, David
Churley, Marilyn	Kormos, Peter	

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

Nays

Arnott, Ted	Hudak, Tim	Mushinski, Marilyn
Baird, John R.	Jackson, Cameron	Newman, Dan
Beaubien, Marcel	Johns, Helen	Ouellette, Jerry J.
Chudleigh, Ted	Johnson, Bert	Runciman, Robert W.
Clark, Brad	Kells, Morley	Sampson, Rob
Coburn, Brian	Klees, Frank	Sterling, Norman W.
Cunningham, Dianne	Marland, Margaret	Stewart, R. Gary
Dunlop, Garfield	Martiniuk, Gerry	Stockwell, Chris
Ecker, Janet	Maves, Bart	Tascona, Joseph N.
Galt, Doug	Mazzilli, Frank	Tsubouchi, David H.
Gilchrist, Steve	Miller, Norm	Wettlaufer, Wayne
Hardeman, Ernie	Molinari, Tina R.	Wilson, Jim
Hastings, John	Munro, Julia	Wood, Bob
Hodgson, Chris	Murdoch, Bill	Young, David

Clerk of the House: The ayes are 26; the nays are 42.

The Acting Speaker: I declare the motion lost.

Mr Gerretsen has moved that government notice of motion 12 be amended as follows:

“That the first paragraph be amended by adding the following after the last word, ‘At such time the bill shall be ordered referred to the standing committee on general government,’ and that the third paragraph be deleted.”

Shall the motion carry?

All those in favour will say “aye.”

All those opposed will say “nay.”

In my opinion, the nays have it.

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

The division bells rang from 1832 to 1842.

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

Ayes

Agostino, Dominic	Cleary, John C.	Lalonde, Jean-Marc
Bartolucci, Rick	Conway, Sean G.	Levac, David
Bisson, Gilles	Di Cocco, Caroline	Marchese, Rosario
Bountrogianni, Marie	Dombrowsky, Leona	Martin, Tony
Boyer, Claudette	Duncan, Dwight	Patten, Richard
Bradley, James J.	Gerretsen, John	Peters, Steve
Caplan, David	Gravelle, Michael	Phillips, Gerry
Christopherson, David	Hoy, Pat	Pupatello, Sandra
Churley, Marilyn	Kormos, Peter	Ramsay, David

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

Nays

Arnott, Ted	Johns, Helen	Ouellette, Jerry J.
Baird, John R.	Johnson, Bert	Runciman, Robert W.
Beaubien, Marcel	Kells, Morley	Sampson, Rob
Chudleigh, Ted	Klees, Frank	Sterling, Norman W.
Clark, Brad	Marland, Margaret	Stewart, R. Gary
Coburn, Brian	Martiniuk, Gerry	Stockwell, Chris
Cunningham, Dianne	Maves, Bart	Tascona, Joseph N.
Dunlop, Garfield	Mazzilli, Frank	Tsubouchi, David H.
Ecker, Janet	McDonald, Al	Wettlaufer, Wayne
Galt, Doug	Miller, Norm	Wilson, Jim
Gilchrist, Steve	Molinari, Tina R.	Witmer, Elizabeth
Hardeman, Ernie	Munro, Julia	Wood, Bob
Hastings, John	Murdoch, Bill	Young, David
Hodgson, Chris	Mushinski, Marilyn	
Hudak, Tim	Newman, Dan	

Clerk of the House: The ayes are 27; the nays are 43.

The Acting Speaker: I declare the motion lost.

Mrs Molinari has moved government notice of motion number 12. Is it the pleasure of the House that the motion carry?

All those in favour will say “aye.”

All those opposed will say “nay.”

In my opinion, the ayes have it.

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

The division bells rang from 1846 to 1856.

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

Ayes

Arnott, Ted	Jackson, Cameron	Newman, Dan
Baird, John R.	Johns, Helen	Ouellette, Jerry J.
Beaubien, Marcel	Johnson, Bert	Runciman, Robert W.
Chudleigh, Ted	Kells, Morley	Sampson, Rob
Clark, Brad	Klees, Frank	Sterling, Norman W.
Coburn, Brian	Marland, Margaret	Stewart, R. Gary
Cunningham, Dianne	Martiniuk, Gerry	Stockwell, Chris
Dunlop, Garfield	Maves, Bart	Tascona, Joseph N.
Ecker, Janet	Mazzilli, Frank	Tsubouchi, David H.
Galt, Doug	McDonald, Al	Wettlaufer, Wayne
Gilchrist, Steve	Miller, Norm	Wilson, Jim
Hardeman, Ernie	Molinari, Tina R.	Witmer, Elizabeth
Hastings, John	Munro, Julia	Wood, Bob
Hodgson, Chris	Murdoch, Bill	Young, David
Hudak, Tim	Mushinski, Marilyn	

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

Nays

Agostino, Dominic	Conway, Sean G.	Lalonde, Jean-Marc
Bartolucci, Rick	Di Cocco, Caroline	Levac, David

Bisson, Gilles	Dombrowsky, Leona	Marchese, Rosario
Bountrogianni, Marie	Duncan, Dwight	Martin, Tony
Boyer, Claudette	Gerretsen, John	Patten, Richard
Bradley, James J.	Gravelle, Michael	Peters, Steve
Caplan, David	Hoy, Pat	Phillips, Gerry
Christopherson, David	Kennedy, Gerard	Pupatello, Sandra
Cleary, John C.	Kormos, Peter	Ramsay, David

The Acting Speaker: I declare the motion carried.

It being well past 6 of the clock, this House stands adjourned until 1:30 of the clock tomorrow afternoon.

Clerk of the House: The ayes are 44; the nays are 27.

The House adjourned at 1858.

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