

No. 60B



N° 60B

ISSN 1180-2987

Legislative Assembly
of Ontario

Third Session, 37th Parliament

Assemblée législative
de l'Ontario

Troisième session, 37^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Thursday 21 November 2002

Jeudi 21 novembre 2002

Speaker
Honourable Gary Carr

Clerk
Claude L. DesRosiers

Président
L'honorable Gary Carr

Greffier
Claude L. DesRosiers

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

Copies of Hansard

Information regarding purchase of copies of Hansard may be obtained from Publications Ontario, Management Board Secretariat, 50 Grosvenor Street, Toronto, Ontario, M7A 1N8. Phone 416-326-5310, 326-5311 or toll-free 1-800-668-9938.

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

Exemplaires du Journal

Pour des exemplaires, veuillez prendre contact avec Publications Ontario, Secrétariat du Conseil de gestion, 50 rue Grosvenor, Toronto (Ontario) M7A 1N8. Par téléphone : 416-326-5310, 326-5311, ou sans frais : 1-800-668-9938.



LEGISLATIVE ASSEMBLY
OF ONTARIO

Thursday 21 November 2002

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Jeudi 21 novembre 2002

The House met at 1845.

ORDERS OF THE DAY

The Acting Speaker (Mr Raminder Gill): Orders of the day.

Hon Doug Galt (Minister without Portfolio): Thank you, Mr Speaker. It's nice to see you occupying the chair this evening.

I seek unanimous consent to consider Bill 177 this evening, notwithstanding order 77(b).

The Acting Speaker: Is it agreed? Agreed.
House in committee of the whole.

MUNICIPAL STATUTE LAW
AMENDMENT ACT, 2002

LOI DE 2002 MODIFIANT DES LOIS
EN CE QUI A TRAIT AUX MUNICIPALITÉS

Consideration of Bill 177, An Act to amend the Municipal Act, 2001, the Municipal Elections Act, 1996 and other Acts consequential to or related to the enactment of the Municipal Act, 2001 and to revise the Territorial Division Act / Projet de loi 177, Loi modifiant la Loi de 2001 sur les municipalités, la Loi de 1996 sur les élections municipales et d'autres lois par suite de l'édiction de la Loi de 2001 sur les municipalités et révisant la Loi sur la division territoriale.

Hon Doug Galt (Minister without Portfolio): I seek unanimous consent for the following procedure to be followed for the consideration of Bill 177. The Chair shall put every question necessary to dispose of the clause-by-clause stage of the bill without debate. The Chair shall allow only those amendments previously filed with the Clerk on schedule D. All questions shall be decided by voice vote with no division allowed pursuant to standing order 29.

The Acting Chair (Mr Raminder Gill): Is there agreement? Agreed.

We'll be dealing with each section of the bill and with three amendments to schedule D.

Shall sections 1 through 9 carry? Carried.

Shall schedules A through C carry? Carried.

Mr Galt has an amendment to schedule D, section 8.

Hon Mr Galt: I move that section 8 of schedule D to the bill be amended by adding the following subsection:

“(1.1) Section 29 of the act is amended by adding the following subsections:

“Certain persons eligible to be nominated

“(1.1) Despite subsection (1) and despite section 258 of the Municipal Act, 2001, and section 219 of the Education Act, an employee of a municipality of the council or local board is not ineligible to be nominated in an election for an office with the council or local board that is the employer by virtue of being an employee of the council or local board that is the employer but, if the person is an employee and not on a leave of absence as described in section 30 as of the close of nominations on nomination day of the election, the nomination shall be rejected by the clerk under section 35.”

1850

The Acting Chair: Shall the amendment carry?

All those in favour, say “aye.”

All those opposed, say “nay.”

In my opinion, the nays have it. The amendment is defeated.

Hon Mr Galt: I move that section 8 of schedule D to the bill be amended by adding the following subsection:

“(1.1) Section 29 of the act is amended by adding the following subsections:

“Certain persons eligible to be nominated

“(1.1) Despite subsection (1) and despite section 258 of the Municipal Act, 2001, section 9 of the Legislative Assembly Act and section 219 of the Education Act, a member of the Legislative Assembly of Ontario or the Senate or House of Commons of Canada is not ineligible to be nominated for an office in an election by virtue of being a member of any of those bodies but, if the person is a member of any of those bodies as of the close of nominations on nomination day of the election, the nomination shall be rejected by the clerk under section 35.

“Exclusion

“(1.2) Subsection (1.1) does not apply to a member of the executive council of Ontario or a federal minister of the crown.”

The Acting Chair: Shall the amendment carry? Carried.

Hon Mr Galt: I move that the bill be amended by adding the following section:

“26.1 Paragraph 3 of subsection 70(4) of the act is repealed and the following substituted:

“3. The crown in right of Canada or Ontario, a municipality or local board.”

The Acting Chair: Shall the amendment carry? It is carried.

Shall schedule D, as amended, carry? Carried.

Shall schedules E and F carry? Carried.

Shall the title of the bill carry? Carried.

Shall I report the bill, as amended, to the House? Carried.

Hon Mr Galt: I would now move that the committee of the whole House rise and report.

The Acting Chair: Shall the motion carry?

All those in favour?

All those opposed?

In my opinion, the ayes have it. Carried.

Mr Speaker, the committee of the whole begs to report one bill with certain amendments and asks for leave to sit again.

The Acting Speaker (Mr Raminder Gill): Shall the report be received and adopted? Agreed.

GOVERNMENT EFFICIENCY ACT, 2002

LOI DE 2002 SUR

L'EFFICIENCE DU GOUVERNEMENT

Mr Galt, on behalf of Mr Flaherty, moved third reading of the following bill:

Bill 179, An Act to promote government efficiency and to improve services to taxpayers by amending or repealing certain Acts and by enacting one new Act / Projet de loi 179, Loi visant à favoriser l'efficacité du gouvernement et à améliorer les services aux contribuables en modifiant ou en abrogeant certaines lois et en édictant une nouvelle loi.

The Acting Speaker (Mr Raminder Gill): Pursuant to the order of the House dated October 28, 2002, I'm now required to put the question. Is it the pleasure of the House that the motion carry?

Those in favour?

Those against it?

In my opinion, the ayes have it.

Be it resolved that the bill do now pass and be entitled as in the motion.

LEGAL AID SERVICES AMENDMENT ACT, 2002

LOI DE 2002 MODIFIANT LA LOI SUR LES SERVICES D'AIDE JURIDIQUE

Mr Galt, on behalf of Mr Young, moved third reading of the following bill:

Bill 181, An Act to amend the Legal Aid Services Act, 1998 / Projet de loi 181, Loi modifiant la Loi de 1998 sur les services d'aide juridique.

The Acting Speaker (Mr Raminder Gill): Pursuant to the order of the House dated October 21, 2002, I'm now required to put the question. Is it the pleasure of the House that the motion carry?

All those in favour?

All those against it, say "nay."

I think the ayes have it.

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

I have a note: "Pursuant to standing order 28(h), I would like to request that the vote on Bill 181, An Act to

amend the Legal Aid Services Act, 1998, be deferred until November 25, 2002." The vote is therefore deferred.

CONSUMER PROTECTION STATUTE LAW AMENDMENT ACT, 2002

LOI DE 2002 MODIFIANT DES LOIS EN CE QUI CONCERNE

LA PROTECTION DU CONSOMMATEUR

Resuming the debate adjourned on November 18, 2002, on the motion for second reading of Bill 180, An Act to enact, amend or revise various Acts related to consumer protection / Projet de loi 180, Loi édictant, modifiant ou révisant diverses lois portant sur la protection du consommateur.

The Acting Speaker (Mr Raminder Gill): Pursuant to the order of the House dated November 19, 2002, I'm now required to put the question. On October 28, 2002, Mr Hudak moved second reading of Bill 180. Is it the pleasure of the House that the motion carry?

All those in favour?

Those opposed?

I believe the ayes have it.

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

I have a note here: "Pursuant to standing order 28(h), I would like to request that the vote on Bill 180, An Act to enact, amend or revise various Acts related to consumer protection, be deferred until November 25, 2002." The vote is deferred till then.

MUNICIPAL STATUTE LAW AMENDMENT ACT, 2002

LOI DE 2002 MODIFIANT DES LOIS EN CE QUI A TRAIT AUX MUNICIPALITÉS

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

Bill 177, An Act to amend the Municipal Act, 2001, the Municipal Elections Act, 1996 and other Acts consequential to or related to the enactment of the Municipal Act, 2001 and to revise the Territorial Division Act / Projet de loi 177, Loi modifiant la Loi de 2001 sur les municipalités, la Loi de 1996 sur les élections municipales et d'autres lois par suite de l'édiction de la Loi de 2001 sur les municipalités et révisant la Loi sur la division territoriale.

The Acting Speaker (Mr Raminder Gill): Shall the motion carry?

All those in favour?

All those opposed?

In my opinion, the ayes have it.

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

I've been handed this note: "Pursuant to standing order 28(h), I would like to request that the vote on Bill 177, An Act to amend the Municipal Act, 2001, the Municipal Elections Act, 1996 and other Acts consequential to or related to the enactment of the Municipal Act, 2001 and to revise the Territorial

Division Act be deferred until November 25, 2002.” The vote is therefore deferred until November 25, 2002.

Orders of the day.

Hon Chris Stockwell (Minister of the Environment, Government House Leader): Thank you very much, Mr Speaker, for stepping in. I think you did a wonderful job.

I would move adjournment of the House.

The Acting Speaker: Is it the pleasure of the House that the motion be carried? It is carried. This House stands adjourned until Monday at 1:30 of the clock.

The House adjourned at 1902.

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lieutenant Governor / Lieutenant-gouverneur: Hon / L'hon James K. Bartleman

Speaker / Président: Hon / L'hon Gary Carr

Clerk / Greffier: Claude L. DesRosiers

Deputy Clerk / sous-greffière: Deborah Deller

Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma-Manitoulin	Brown, Michael A. (L)	Haldimand-Norfolk-Brant	Barrett, Toby (PC)
Ancaster-Dundas- Flamborough-Aldershot	McMeekin, Ted (L)	Haliburton-Victoria-Brock	Hodgson, Hon / L'hon Chris (PC) Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement
Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC)		
Beaches-East York	Prue, Michael (ND)	Halton	Chudleigh, Ted (PC)
Bramalea-Gore-Malton- Springdale	Gill, Raminder (PC)	Hamilton East / -Est	Agostino, Dominic (L)
Brampton Centre / -Centre	Spina, Joseph (PC)	Hamilton Mountain	Bountrogianni, Marie (L)
Brampton West-Mississauga / Brampton-Ouest-Mississauga	Clement, Hon / L'hon Tony (PC) Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée	Hamilton West / -Ouest	Christopherson, David (ND)
Brant	Levac, Dave (L)	Hastings-Frontenac- Lennox and Addington	Dombrowsky, Leona (L)
Bruce-Grey-Owen Sound	Murdoch, Bill (PC)	Huron-Bruce	Johns, Hon / L'hon Helen (PC) Minister of Agriculture and Food / ministre de l'Agriculture et de l'Alimentation
Burlington	Jackson, Cameron (PC)		
Cambridge	Martiniuk, Gerry (PC)	Kenora-Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Chatham-Kent Essex	Hoy, Pat (L)		Gerretsen, John (L)
Davenport	Ruprecht, Tony (L)	Kingston and the Islands / Kingston et les îles	
Don Valley East / -Est	Caplan, David (L)	Kitchener Centre / -Centre	Wetlaufer, Wayne (PC)
Don Valley West / -Ouest	Turnbull, Hon / L'hon David (PC) Associate Minister of Enterprise, Opportunity and Innovation / ministre associé de l'Entreprise, des Débouchés et de l'Innovation	Kitchener-Waterloo	Witmer, Hon / L'hon Elizabeth (PC) Deputy Premier, Minister of Education / vice-première ministre, ministre de l'Éducation
Dufferin-Peel- Wellington-Grey	Eves, Hon / L'hon Ernie (PC) Premier and President of the Executive Council, Minister of Intergovernmental Affairs / premier ministre et président du Conseil exécutif, ministre des Affaires intergouvernementales	Lambton-Kent-Middlesex	Beaubien, Marcel (PC)
Durham	O'Toole, John R. (PC)	Lanark-Carleton	Sterling, Hon / L'hon Norman W. (PC) Minister of Transportation / ministre des Transports
Eglinton-Lawrence	Colle, Mike (L)		
Elgin-Middlesex-London	Peters, Steve (L)	Leeds-Grenville	Runciman, Hon / L'hon Robert W. (PC) Minister of Public Safety and Security / ministre de la Sécurité et de la Sécurité publique
Erie-Lincoln	Hudak, Hon / L'hon Tim (PC) Minister of Consumer and Business Services / ministre des Services aux consommateurs et aux entreprises	London North Centre / London-Centre-Nord	Cunningham, Hon / L'hon Dianne (PC) Minister of Training, Colleges and Universities, minister responsible for women's issues / ministre de la Formation et des Collèges et Universités, ministre déléguée à la Condition féminine
Essex	Crozier, Bruce (L)		
Etobicoke Centre / -Centre	Stockwell, Hon / L'hon Chris (PC) Minister of the Environment, government House leader / ministre de l'Environnement, leader parlementaire du gouvernement	London West / -Ouest	Wood, Bob (PC)
Etobicoke North / -Nord	Hastings, John (PC)	London-Fanshawe	Mazzilli, Frank (PC)
Etobicoke-Lakeshore	Kells, Morley (PC)	Markham	Tsubouchi, Hon / L'hon David H. (PC) Chair of the Management Board of Cabinet, Minister of Culture / président du Conseil de gestion du gouvernement, ministre de la Culture
Glengarry-Prescott-Russell	Lalonde, Jean-Marc (L)		
Guelph-Wellington	Elliott, Hon / L'hon Brenda (PC) Minister of Community, Family and Children's Services / ministre des Services à la collectivité, à la famille et à l'enfance	Mississauga Centre / -Centre	Sampson, Rob (PC)

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Mississauga East / -Est	DeFaria, Hon / L'hon Carl (PC) Minister of Citizenship, minister responsible for seniors / ministre des Affaires civiques, ministre délégué aux Affaires des personnes âgées	Scarborough Centre / -Centre	Mushinski, Marilyn (PC)
Mississauga South / -Sud	Marland, Margaret (PC)	Scarborough East / -Est	Gilchrist, Steve (PC)
Mississauga West / -Ouest	Snobelen, John (PC)	Scarborough Southwest / -Sud-Ouest	Newman, Hon / L'hon Dan (PC) Associate Minister of Health and Long-Term Care / ministre associé de la Santé et des Soins de longue durée
Nepean-Carleton	Baird, Hon / L'hon John R. (PC) Minister of Energy, Minister responsible for francophone affairs, deputy House leader / ministre de l'Énergie, ministre délégué aux Affaires francophones, leader parlementaire adjoint	Scarborough-Agincourt	Phillips, Gerry (L)
Niagara Centre / -Centre	Kormos, Peter (ND)	Scarborough-Rouge River	Curling, Alvin (L)
Niagara Falls	Maves, Bart (PC)	Simcoe North / -Nord	Dunlop, Garfield (PC)
Nickel Belt	Martel, Shelley (ND)	Simcoe-Grey	Wilson, Hon / L'hon Jim (PC) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Nipissing	McDonald, AL (PC)	St Catharines	Bradley, James J. (L)
Northumberland	Galt, Hon / L'hon Doug (PC) Minister without Portfolio, chief government whip / Ministre sans portefeuille, whip en chef du gouvernement	St Paul's	Bryant, Michael (L)
Oak Ridges	Klees, Hon / L'hon Frank (PC) Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs	Stoney Creek	Clark, Hon / L'hon Brad (PC) Minister of Labour / ministre du Travail
Oakville	Carr, Hon / L'hon Gary (PC) Speaker / Président	Stormont-Dundas-Charlottenburgh	Cleary, John C. (L)
Oshawa	Ouellette, Hon / L'hon Jerry J. (PC) Minister of Natural Resources / ministre des Richesses naturelles	Sudbury	Bartolucci, Rick (L)
Ottawa Centre / -Centre	Patten, Richard (L)	Thornhill	Molinari, Hon / L'hon Tina R. (PC) Associate Minister of Municipal Affairs and Housing / ministre associée des Affaires municipales et du Logement
Ottawa-Orléans	Coburn, Hon / L'hon Brian (PC) Associate Minister of Municipal Affairs and Housing / ministre associé des Affaires municipales et du Logement	Thunder Bay-Atikokan	McLeod, Lyn (L)
Ottawa South / -Sud	McGuinty, Dalton (L) Leader of the Opposition / chef de l'opposition	Thunder Bay-Superior North / -Nord	Gravelle, Michael (L)
Ottawa West-Nepean / Ottawa-Ouest-Nepean	Guzzo, Garry J. (PC)	Timiskaming-Cochrane	Ramsay, David (L)
Ottawa-Vanier	Boyer, Claudette (Ind)	Timmins-James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Oxford	Hardeman, Ernie (PC)	Toronto Centre-Rosedale / Toronto-Centre-Rosedale	Smitherman, George (L)
Parkdale-High Park	Kennedy, Gerard (L)	Toronto-Danforth	Churley, Marilyn (ND)
Parry Sound-Muskoka	Miller, Norm (PC)	Trinity-Spadina	Marchese, Rosario (ND)
Perth-Middlesex	Johnson, Bert (PC)	Vaughan-King-Aurora	Sorbara, Greg (L)
Peterborough	Stewart, R. Gary (PC)	Waterloo-Wellington	Arnott, Ted (PC)
Pickering-Ajax-Uxbridge	Ecker, Hon / L'hon Janet (PC) Minister of Finance / ministre des Finances	Whitby-Ajax	Flaherty, Hon / L'hon Jim (PC) Minister of Enterprise, Opportunity and Innovation / ministre de l'Entreprise, des Débouchés et de l'Innovation
Prince Edward-Hastings	Parsons, Ernie (L)	Willowdale	Young, Hon / L'hon David (PC) Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Renfrew-Nipissing-Pembroke	Conway, Sean G. (L)	Windsor West / -Ouest	Pupatello, Sandra (L)
Sarnia-Lambton	Di Cocco, Caroline (L)	Windsor-St Clair	Duncan, Dwight (L)
Sault Ste Marie	Martin, Tony (ND)	York Centre / -Centre	Kwinter, Monte (L)
		York North / -Nord	Munro, Julia (PC)
		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

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

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

CONTENTS

Thursday 21 November 2002

COMMITTEE OF THE WHOLE HOUSE	Legal Aid Services Amendment Act, 2002, Bill 181, Mr Young
Municipal Statute Law Amendment Act, 2002, Bill 177, Mr Hodgson	Vote deferred3174
Mr Galt 3173	Consumer Protection Statute Law Amendment Act, 2002,
Report adopted 3174	Bill 180, Mr Hudak
	Vote deferred3174
THIRD READINGS	Municipal Statute Law Amendment Act, 2002, Bill 177, Mr Hodgson
Government Efficiency Act, 2002,	Vote deferred3175
Bill 179, Mr Flaherty	
Agreed to 3174	

TABLE DES MATIÈRES

Jeudi 21 novembre 2002

COMITÉ PLÉNIER DE L'ASSEMBLÉE LÉGISLATIVE

**Loi de 2002 modifiant des lois en ce
qui a trait aux municipalités,
projet de loi 177, M. Hodgson**
Rapport adopté 3174

TROISIÈME LECTURE

**Loi de 2002 sur l'efficience
du gouvernement, projet de loi 179,
M. Flaherty**
Adoptée 3174

**Loi de 2002 modifiant la Loi sur
les services d'aide juridique,
projet de loi 181, M. Young**
Vote différé 3174

**Loi de 2002 modifiant des lois
en ce qui concerne la protection
du consommateur,
projet de loi 180, M. Hudak**
Vote différé 3174

**Loi de 2002 modifiant des lois en ce
qui a trait aux municipalités,
projet de loi 177, M. Hodgson**
Vote différé 3175