



No. 17

N° 17

ISSN 1180-2987

Legislative Assembly
of Ontario

Fourth Session, 37th Parliament

Assemblée législative
de l'Ontario

Quatrième session, 37^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Thursday 29 May 2003

Jeudi 29 mai 2003

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
Claude L. DesRosiers

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 29 May 2003

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Jeudi 29 mai 2003

*The House met at 1000.
Prayers.*

**PRIVATE MEMBERS'
PUBLIC BUSINESS**

MOTOR VEHICLE MANUFACTURER'S
WARRANTY ACT, 2003

LOI DE 2003
SUR LA GARANTIE DES FABRICANTS
DE VÉHICULES AUTOMOBILES

Mr Sampson moved second reading of the following bill:

Bill 40, An Act respecting warranties offered by manufacturers of motor vehicles / Projet de loi 40, Loi concernant les garanties offertes par les fabricants de véhicules automobiles.

The Acting Speaker (Mr Michael A. Brown): The member has up to 10 minutes for his presentation.

Mr Rob Sampson (Mississauga Centre): This bill before us will represent, if passed by this House and carried to third reading, the first lemon law in all the provinces of Canada. I believe it's a major step forward for consumers, not only in this province but, if other provinces choose to pick up on this lead, perhaps across the country.

I want to start off by saying two things. The first is that by bringing this bill forward and debating it today, and hopefully moving it through the Legislature to a conclusion, it's not the intent to imply that, as it relates to vehicles or any consumer good in this country or province, we are not producing in this country and North America good quality vehicles. I believe we are. I believe the auto manufacturers take their time and effort to try to produce a good vehicle, and auto workers work hard to try to do that as the vehicles come off the line.

But the reality is that every once in a while, something does come off the line that just doesn't quite do it—a defect either in design or manufacture, or both. It ends up in the hands of consumers. Frankly, when it ends up in the hands of consumers, it's an extremely frustrating situation that is not being dealt with by the current law; and while the manufacturers themselves have their own arbitration program that I'll speak to in a few moments, it's really not being dealt with completely by that particular plan.

I've done a lot research on this issue—an issue, by the way, prompted by a discussion I had with a constituent at one time in my office. So I say to the constituents watching: these conversations you have with your local members do help, and they do, perhaps, every once in a while end up on the floor of the Legislature.

This bill before us is actually modelled after a number of pieces of legislation in the US—California and Wisconsin. When I did my research I came across a court decision around a Wisconsin lemon law. The decision was rendered in 1996 around a vehicle that was purchased in 1990. That vehicle had a number of transmission defects that on seven occasions couldn't be dealt with by the dealer.

There's a section of the decision that I'd like to read, because I think it says a lot about the frustration that people deal with when they have vehicles that can't be handled by the warranties. Whether it's the dealer's frustration with the manufacturer, or the manufacturer is not able to communicate to the dealer, whatever happens it ends up, unfortunately, in the lap of the poor consumer who has paid a tremendous amount of money.

The judge says, "We realize that car manufacturers do not deliberately set out to manufacture a lemon," and I think he's right. "Quite the opposite," he says. "In fact, it's in their own best interests not to do so." He goes on to say that it is in their own best interests to make sure a lemon doesn't slip through. In fact, they have many procedures on the line that work to make sure that lemons don't slip through. He says, "It's one of the facts of modern-day life that it does happen every once in a while, and it's a cost to the unlucky consumer who purchases that lemon as far as the cost of the car is concerned. They have things like interrupted use of the service, delays in using the vehicle, even cancelled schedules, the time and trouble as well as the anxiety and stress that accompany those changes and the apprehensions that result every time the consumer gets back into the automobile wondering what's next.

I have a lot of that, not personally but through correspondence I have received since I tabled this bill in the last session. I am actually surprised at the extent to which people have found out about this bill, e-mailed me, called me, written me, communicated with me in some way about the problems they've had with their vehicles. This is just a small sample of it.

I won't mention any names but I'll try to do some experiences here: things like somebody with a Subaru that didn't get fixed the third time the transmission

started to be defective and the only recourse was to sell the car, as the warranty had expired and nothing had been done.

Here's another one: "Seven trips to the dealership who simply told me, 'We cannot repair the vehicle after the warranty has expired.'"

Here's another one: this particular fellow is a lawyer who acted on behalf of somebody who actually did get a settlement. It was another vehicle, a Volvo, that was a lemon. She was awarded \$20,580 in the damages, but the cost to get that far was \$60,000.

My research indicated that there needs to be another vehicle to allow consumers to be able to get another avenue of recourse against the manufacturers of the vehicles.

I should say that dealers are working very hard on behalf of consumers to try to solve the problem, because they want to see that consumer come back and buy another car from them. Each consumer who comes in the door and buys a car is another consumer for the next purchase, and they do their best to try to deal with the vehicle and the vehicle's problems.

Vehicle manufacturers themselves have set up something called the Canadian Motor Vehicle Arbitration Plan. That was set up, I think, in 1994 and it allows purchasers of vehicles to petition this group to have their problem with the manufacturer arbitrated. I think this is a good initiative. It's not well advertised, and I've spoken to the people at CAMVAP, who acknowledged that perhaps their plan is not as aggressively communicated and marketed as it should be. I think they're taking some steps to do that. They have a Web site, www.CAMVAP.ca, for those who are viewing today.

1010

But the problem with this, of course, is that under the terms and conditions of using CAMVAP, if you decide to go to arbitration and have CAMVAP decide the issue around your vehicle, you can't subsequently sue; or if you sue the company and the manufacturer feels that you didn't get recourse, you are not entitled to use CAMVAP. So it's a bit of "this way or the highway," if you will.

This particular bill I have before the House will allow consumers that additional option to be able to find some resolution to their matter as it relates to an automobile they've purchased from a manufacturer here in Ontario. It simply says this: if a major defect has been identified within the warranty period that was there when the purchaser purchased the vehicle, and after three times the manufacturer can't fix that vehicle, the consumer has the option to pick: "Get me a new car, replace the car or give me my money back." It's very simply that.

The difference between that and perhaps the CAMVAP approach or any other action to tort or to go to court through other laws is that it's the consumer who gets to pick the resolution of the matter. It's an additional tool in their basket of tools to help them deal with the frustration, concern and costs they've absorbed as a result of purchasing a vehicle—a tremendous amount of money is now being spent in after-tax personal income on these

acquisitions—to give them a tool to be able to go back to the manufacturers themselves or to the dealer who may represent them, and say, "Look, I spent a lot of money on this. It's not working out. It's a safety defect. It's serious. It has been recurring. You solve my problem." The two choices for solving the problem really are in the hands of the consumer.

I think that for many consumers viewing, and certainly those who have written to me, if you peel back all these concerns and problems they've had, their issue is that they feel as though they're not in the driver's seat, if you will, as it relates to the resolution of their matter. This bill would put them in the driver's seat. It would give them that extra legislative tool to be able to say, "I spent a lot of money on your vehicle, Mr Manufacturer. Now help me out."

Mr Gerry Phillips (Scarborough-Agincourt): I'm pleased to join the debate and to say I will be supporting this bill, although I must say that my experiences with the automobiles I've happened to purchase have been pretty good. I drove my last automobile 330,000 kilometres with relatively little problem—a fine North American car, I might add—and that has been my experience with virtually every car I've had. I have a 1967 car that still runs very well. So I have not had the personal need for this sort of legislation.

I think if there's one area where we've seen tremendous improvement in the quality of the product, it has been in our auto sector over the last 20 years. I want to make that point to the member who is proposing this, to the public and to our auto industry. As I say, my experience has been exceptionally good. Frankly, this province is blessed. We have an enormous auto sector here, and one of the reasons for that is the quality of the workmanship we have.

I hope this bill doesn't imply that somehow or other the auto sector has special needs—because this deals just with auto. Frankly, there are some other sectors, such as the electronics sector and whatnot, that perhaps would benefit even more from a piece of legislation like this than the auto sector.

Having said all that, I do appreciate that the member has indicated he has a file of people who have had substantial problems with, I gather, their warranties. This piece of legislation is designed to fix that.

I have read this legislation. It was just two weeks ago that here in the Legislature we dealt with another private member's bill, designed to fix the problem of scoopers at the airport, where the business of our licensed limousine drivers—after paying insurance and getting the licence to pick up passengers at the airport—was being undermined by people operating illegally in picking up people out there. So we rushed that piece of legislation through here. We took it to a committee within a week, and we dealt with the legislation, but when we got to committee, the legislation changed dramatically. I guess the government said, "Listen, this private member's bill isn't workable," and we fundamentally changed the bill. That particular bill doesn't come into effect for six months after it's

proclaimed. We were told here in the Legislature two weeks ago, "We have an emergency. Our limousine drivers are going bankrupt. They are facing a crisis," and all three parties agreed to deal with the bill. We took it to committee and dealt with it in a matter of hours, only to find it's going to be at least Christmas before that legislation comes into effect.

The reason I raise that is, as I look at this piece of legislation, I realize it is the first lemon legislation in Canada, but I have some questions about how practical it is. I would hope that the member has at least had the input of the ministry staff to make absolutely certain that if we are going to take this forward, it is workable. The way I read the legislation—and the member, when he sums up at the end may be helpful here—if you take your vehicle in three times and they don't fix it, then the company must replace the vehicle. I had hoped that our warranty legislation was sufficiently good that you had the right, with any warranty in this province, to enforce it.

If what the member is saying is our legislation on enforcing warranties is unworkable and therefore we need a completely separate piece of legislation to deal with it—essentially, when you buy a warranty, it is supposed to be a legally binding contract, but what the member's bill is suggesting is that you can't enforce the warranty. If that is the case, then we've got a more fundamental problem, because all of us in this province have warranties on all sorts of things: any appliance, any electronic device, dare I say even the purchase of a new home. If what we're saying is that warranties in this province are legally unenforceable, but we're only dealing with automotive, then we're making a mistake.

I'll be supporting this piece of legislation with, I must say, some skepticism about its workability, having just two weeks ago dealt with another piece of private member's legislation—dare I say a few days before an election call—designed to solve an urgent problem only to find that the member who proposed that piece of legislation moved an amendment that made it not come into force until at least Christmas. I look forward to the member's explanation of why warranties in Ontario are unenforceable. In any event, I support the intent of the bill and look forward to discussion around it at committee.

1020

Mr Norm Miller (Parry Sound-Muskoka): It's my pleasure to join in the debate today to support my colleague Rob Sampson with his private member's bill. I know he has brought forward similar bills in the past. The bill of course is the Motor Vehicle Manufacturer's Warranty Act.

I certainly believe that Mr Sampson has found a bill consumers will support, and it's a bill that's necessary. An automobile is a huge purchase for the average person, one of their two biggest purchases. A house would probably be the biggest purchase they make, and an automobile is about the second-largest purchase that the average Ontarian makes. I have two brothers who are in

the car business, actually. My brother Larry is the Ford dealer, Cavalcade Ford, in Bracebridge, and my other brother, Ross, is the Chrysler dealer, Muskoka Chrysler, in Bracebridge. I make sure I buy at least one Ford and one Chrysler. I have to admit that with my many years of buying Fords and Chryslers, I have never had a serious warranty problem. Of course in this current job I put about 55,000 kilometres a year on my Chrysler Sebring, driving around the beautiful riding of Parry Sound-Muskoka, and I haven't had a serious problem.

This new law, essentially a lemon law, protects consumers, because if you do have a major problem, a problem over \$1,000, or a safety problem and you take it back to the dealer for that same problem for three times—they try to fix the same major problem or safety problem three times—then the dealer has to offer you a new car or give you your money back. I think this makes sense. It actually often assists the dealers as well, because if they have a problem where the manufacturer won't stand behind it and deal with the problem, that gives them a tool to be able to assist the customer and get them a new vehicle and deal with that major problem.

This is going to be a good thing for the average consumer. I'd like to refer to some of the information about why lemon laws work around the world. For example, "While BBB Autoline does not operate in Canada, a number of Canadian BBB offices participate in the Canadian motor vehicle arbitration plan," which is CAMVAP, which is in many respects similar to the BBB Autoline program in the United States. "In 1998, CAMVAP processed almost 500 cases, of which over 300 were decided in arbitration. Despite the BBB's presence in every US state, every state still has a lemon law, with many dating back two decades." So obviously the States is a bit ahead of us in this area. "Hence, the fact that CAMVAP exists shouldn't be used against the Sampson bill since it would coexist easily with the voluntary CAMVAP" set-up, the arbitration process we have here at the current time.

I would like to support Mr Sampson in this private member's bill. I think it will bring needed protection for consumers in Ontario.

The Acting Speaker: Further debate?

Mr Gilles Bisson (Timmins-James Bay): Mr Speaker, thank you. I was expecting somebody else to get up.

A couple of things: I want to say up front that as a member I support generally where you're trying to go with this particular legislation, Mr Sampson. I agree that it would give consumers—I wouldn't say a tool; it would give consumers the kind of power they need to get manufacturers and dealers to honour their warranties. I believe that if a manufacturer or a dealer knows that if they don't fix a serious defect in a car on three occasions the remedy is that they've got to give the person another car, I think there would be a fair amount of haste and attention paid to the complaint the consumer may have, to try to get the problem fixed.

I would imagine dealers and manufacturers will see this as a bit of a heavy-handed approach. I'm sure if I talk

to my good friends, like Urgel Gravel, Rick Chenier and others, and Mr Maciulli and Bob Stewart and all the dealers up in the Timmins-Kapuskasing area, they probably would say to me, "This is a little bit heavy-handed."

I think we should at least allow this bill to go to committee. If it passes third reading—I think the jury is still out on that, but I'm prepared to give it passage at second reading under the condition that we can get this bill into committee. I don't think we have to have extensive hearings. I don't think we need to get hearings that last any more than a couple of days, but it's important that before we actually take a vote at third reading, I want to hear some of the consumer groups and the manufacturing and dealer groups come before us to talk about what this means.

I think there are a couple of pitfalls in what you're proposing. The concept is a good one, but there are a couple of pitfalls. What do you do if you have a consumer who tends to be more stringent on what they deem to be a problem? I'm trying to put that as tactfully as I can. For example, I was talking to one dealer in my riding—actually, I don't want to use the dealer's name; it wouldn't be fair. I happened to walk in there one day for something and there was a particular customer giving this guy a hard time. This dealer had done pretty well everything he could to fix the problem. I didn't say anything; I just took a look at the car as I was going out, and the scratch that was supposed to be there didn't exist. It was just something that somebody kept on saying, "It's there. I can see it." What do you do in those kinds of cases where there is just no satisfying the consumer? The dealer truly has done everything he or she can do and there's actually not a problem, but you've got a problem perceived by the consumer that hasn't been addressed and all of a sudden the person says, "Well, time to trade in my car. Give me a new one." We need to think about how we enshrine that into law.

There has to be protection for the consumer, to make sure the problem is fixed, but the law can't be just biased toward the consumer, because some dealers could get hurt by that. I, like you, agree there are a lot of good dealers out there, and often I find the problem isn't so much the dealer, it's the manufacturer. What the manufacturer says is, "Warranty work is paid at a lesser rate than your shop would get for doing work that's outside the warranty," and it's a bit of a problem for the dealer. Sometimes warranty work is not as lucrative as the regular service work they do within their service departments and sometimes the dealer ends up having to eat work being done on a car that has nothing to do with them. It wasn't them who designed the car, it wasn't them who built it, it wasn't them who created the defect. The manufacturer sometimes doesn't take the amount of responsibility that I think they should to fairly compensate the dealer for spending the time with the consumer who has the problem. So we need to deal with that.

I'm a little bit cautious in my support. I don't want to see this as something that's going to be really harmful to

dealers, because I think most dealers out there are doing the work. I just say, again, it's not a bad concept to say that.

Some of the issues I think we're going to have to deal with at committee—Mr Sampson has suggested there be a \$1,000 number. If you have a serious defect or something that's a safety concern and it costs at least \$1,000, if the dealer didn't deal with the problem on three occasions, you would be able to demand a new car. Is that a sufficient threshold? For example, with a new vehicle today, you can have a problem, let's say, with your power window system and it can cost more than 1,000 bucks to get this thing fixed, because of the components you have to put into the car. Nowadays, a lot of the components are much more expensive. In the way the cars are designed, it takes much more labour to take the old component out and put the new component in. Is \$1,000 a fair reflection of how this legislation would kick in?

The bigger question becomes, what kind of defects do you allow people to exchange cars on? For example, I wouldn't have a problem in saying, "I bought a brand new car and the transmission never worked right and they never fixed it." That's a major component, and there's an argument to be made that if the transmission hasn't been fixed on the third occasion, you would be given a new car. More than likely, that transmission is going to break after it's out of warranty and you could be faced with paying thousands of dollars to fix what is a very serious defect in the car. But what do you do on the \$1,000 number if it's something that is not as critical; for example, something to do with the air conditioning system? The air conditioning system could be more than 1,000 bucks to fix, and a person is going to get a brand new car versus a six-month-old car or a year-old car, depending on the warranty, because the air conditioner doesn't work? Those kinds of issues are a little bit sticky to work with.

1030

But I come to this debate as all other members do. The member came here in good conscience as an honourable member to bring forward an issue for debate. That's what we're doing here this morning. I'm just saying, I'm prepared to give you second reading to get it into committee, but I want you to know now, depending on what we do in committee, I probably wouldn't support this bill as is at third reading. In fact, I won't, because I think it is problematic to go to third reading the that it is.

I just used those as examples. It makes sense if you've got a major drivetrain problem, a major engine problem, a transmission problem, an electronics problem, as far as wiring harnesses and stuff like that—yeah, it makes some sense then to say, "OK, the dealer has not been able to resolve the problem; the manufacturer has been unable to respond to the dealer's request to get the problem fixed." I think in those cases you allow the trade of the vehicle to happen, which brings up another issue that I want to bring up in a minute. But on some of the smaller stuff that could be more than \$1,000, I think it's a bit unfair to the dealers and the manufacturers to be caught in the

position of having to exchange a car whose air conditioning system doesn't work. You know, it's cheaper to just replace the whole air conditioning system than it is a car overall, or the power lock system or something that is not as critical for the overall maintenance over the longer term.

The other issue that we need to think about when we go to committee is, once the car is exchanged—let's say there is a major defect and the car is exchanged. That car is then going to go off for sale somewhere else. I take it we contemplate that that car will then be viewed as a second-hand car, and I can't believe that we would extend this legislation to the second-hand car.

I see you nodding no. I'm glad to see that, because then you knew where I was going. This thing would be just like flying an airplane, when you end up in a spiral dive and can't pull it out. Eventually this thing would crash to the ground and there's not much you could do about it. So I'm glad to see that's not the case.

But I do think there are a couple of things that we need to think about regarding the second vehicle. It probably would be a good idea, Mr Sampson, if we were to put an amendment to the legislation at committee that says, "If a car is returned under the provisions of this legislation, the car that's been brought in for exchange be at least flagged as a car that had warranty defect problems to whoever the new owner is." Even on a second-hand car, as you well know, a lot of people will go in and buy one- and two-year-old cars and say, "I don't care if I have a car that's brand new and smells as if it just came from the manufacturer. I can save \$4,000, \$5,000 or \$6,000 by buying a one-year-old car that has 12,000 or 15,000 miles on it from a rental agency. Some people, as you know in your own riding, exchange their cars every year or two.

All I think we need to do is make a friendly amendment to your legislation—and that's why it needs to go to committee—saying that once the car is exchanged and then fixed or whatever by the dealer and put back up for resale value, not only that dealer but any registered salesperson in the car industry who sells it has to indicate that that car was brought in under exchange by way of this legislation, because otherwise an unsuspecting consumer could end up buying the very problem for which this legislation was enacted. So I think it would be only fair that we do that.

The reason I say we have to be very specific in the legislation vis-à-vis that particular provision is that it applies to all dealers, because what will end up happening is, if a car is brought for exchange—let's say Mr Bradley comes in and buys a brand new Cadillac, as he does every six months. I had a ride in Alvin Curling's Caddy the other day, and I thought to myself, "Boy, maybe I should become a Liberal. Wow. Imagine that. A Caddy."

Mr Michael Bryant (St Paul's): You own an airplane.

Mr Bisson: You know, this poor member from Timmins-James Bay drives an old 1995 Ford Ranger—I've got to redo the paint on it; I've got a 1971 Chevy

4x4 with my plow, not even diesel; and I see Liberal members running around with beautiful Cadillacs. I thought, "God, I should have been a Liberal. Geez, it would've been so much easier."

Just joking.

Mr Bryant: You have a pension.

Mr Bisson: I wish I had a pension. That's another story. But I digress, having some fun.

Members, be serious. All of us have cars of some type or other. But that was kind of fun to think about.

Mr Dominic Agostino (Hamilton East): Gilles has a million-dollar pension.

Mr Bisson: My pension was a million dollars?

Mr Bryant: Yes. You heard it.

Mr Agostino: With money like that you could buy yourself a new plane.

Mr Bisson: Another plane? I could have two? A twin?

Mr Agostino: Yeah, you could have two planes.

Mr Bisson: Oh, wow. That would be cool. Anyway, I was just making the point—

Mr Bryant: Then you're a Tory.

Mr Bisson: But I'd be a Tory if I had a twin—exactly.

To go back to Mr Bradley, I just make the point, as I was saying, that we need an amendment. Boy, did I ever digress that time. Let's focus on this legislation. We need an amendment that basically says, "Let's protect the unsuspecting second buyer so the second buyer doesn't get caught with the warranty problems of the person who traded in the car. If he or she decides to buy the car, the person does so knowing full well there were warranty problems with this car, and that's the reason it is being resold."

I'm saying that we have to make sure the legislation is drafted so that no matter where that car goes back for sale in Ontario, it has to be tagged. As we well know, Mr Bradley comes in and buys a brand new car and has his car traded on the third occurrence. The car dealership in St Catharines then says, "I'm going to trade that car to a dealer in Brampton or Timmins," and somebody up there buys the car. So it may not be the dealer himself or herself who made the exchange who will be the seller of the second-hand car. We have to make that amendment so that where any dealer within the province of Ontario or car salesperson basically goes for resale on the car, that the particular provision can happen.

Like I say, it's not a bad idea. I'm sure—I was talking to Mr Sampson—Phil Edmonston, from Montreal, probably likes this kind of legislation, along with some other people. I would see it as a good tool that people could use in order to make sure that warranty work is done. Provided that we make those particular amendments, I think that would be pretty good legislation, and I'd be prepared to support it.

Again, I want to say that as is, I will not support this legislation at third reading. I only want to allow it to go to committee so that we can make friendly amendments. Once we deal with the amendment on the second owner and deal with what is a threshold for trade-in, and we

hear from both consumers and dealers, then we'll take a look at third reading.

The Acting Speaker: Further debate? The member for Mississauga south.

Mr Sampson: I asked my colleagues to give me a little bit more time so I could respond in full, as opposed to the two minutes on the back end that we would normally get, to the issues that have been raised by some of my colleagues.

I'm open to reasonable amendments to this bill, as I think any other member bringing forward a private member's bill in this House would be. In fact, last session I had a bill that dealt with regulating the auto repair business. Those are the people you take your vehicles to when you unfortunately get involved in an accident and need to get them fixed. The bill fundamentally proposed a regulatory framework with the assistance of colleagues, frankly, from all sides of the House, from all three parties actually. We were able to better that bill and bring it back to this House for third reading, which it eventually did get before the end of December last year. So I'm prepared to accept suggestions for amendments from anybody in this House, anybody viewing today or anybody who happens to pick up the coverage of this issue in this debate today.

There was one discussion about how this fits with CAMVAP, which is the Canadian Motor Vehicle Arbitration Plan, a plan set up by not all, but almost all, if you will, of the auto manufacturers selling vehicles in Ontario. I think the only car company that's not a member of CAMVAP is BMW. All the other ones are members. I think that this particular bill could work in tandem with CAMVAP to provide consumers all the options available, whether that be an arbitration plan, the courts or both, or whatever, to be able to deal with their defects.

I go back to the decision that was rendered in a case in Wisconsin. The judge, I think, made a rather simple conclusion when he rendered his decision. He said that lemon laws, rather, "seek to provide an incentive to that manufacturer to promptly return those unfortunate consumers back to where they thought they were when they first purchased" their vehicle." This gets to a point that Mr Bisson raised.

Interjection.

Mr Sampson: Yes. I don't think we need a lemon law to deal with three bad repairs to an ashtray in a car. The bill actually says, "The deficiency mentioned in paragraph 1 constitutes a substantial impairment to the use, value or safety of the motor vehicle or would cost more than \$1,000 dollars to rectify."

1040

I'm not quite sure that I agree with the member who said, "Look, if the air conditioning has broken three times, that's not a serious repair." I think it is. I don't think anybody buys a vehicle with air conditioning in it these days and expects that after three times it should still be broken. Having said that, I don't think the manufacturers should be required to give you a new car if they've not been able to fix a design defect in the ashtray

of the car. Somewhere there needs to be a process, and I would agree with the member, that helps to determine whether or not the defect is indeed a safety one, whether indeed the provisions of a lemon law should apply.

That's where I think there could be some very interesting co-operative relationships between CAMVAP and this particular legislation. A panel that arbitrated, for instance, on whether or not the defect should then apply to the law would be helpful. Although, frankly, all of that would still be in the hands of the judges and lawyers who help take things like this lemon law and a customer's complaint through the courts to get a decision rendered.

I don't think I've said this enough, so I'll repeat it a couple of times because it is important: I believe we produce good-quality cars in this province. In fact, I drive a North American car that has been around for some time. It's not quite of the capacity of the member from Niagara's sporty vehicle, but it does get me back and forth every once in a while. I'm not even sure I could keep up with you on a highway; I think I can only get to 100 kilometres per hour on mine. I'm not too sure if you could do more on yours or not, I say to the member from Niagara.

We do produce good vehicles in this country and this province, and I think this law will actually help consumers, dealers and manufacturers deal with the very difficult situation that arises when you have put down a lot of money and walk out of that dealership with a brand new car. You get behind the wheel, you turn the key, you drive away—the smell of a new car is there for months, if not sometimes years—you're excited about it. You get home and three days later something starts to go wrong. I don't think it's unreasonable for a consumer to expect that for the money that you put down you should get something that meets your expectations.

There are, I would argue along with Mr Bisson, groups of consumers who have higher levels of expectations than others as it relates to the quality of the vehicle they expect the day they pull off the lot. That probably exists. Perhaps an arbitration system would help determine whether or not we had an overexcited consumer or a justified consumer, but there needs to be some process that helps people deal with the frustration, the cost, the inconvenience of having to deal with a vehicle that was brand new the day they took it off the lot and shortly thereafter started to show defects that popped up either because of design flaws or some manufacturing flaw or a combination of both. There really isn't one now, other than the CAMVAP system, which is a program set up by the manufacturers themselves.

This particular bill does give that extra footing, extra tool, extra ability to the consumer to go and try to get some recourse for the significant amount of money they've spent on the vehicle purchase.

I will say to the members opposite that I am looking forward to some further input from consumer groups, dealer groups and the manufacturers; I've met with the manufacturers as well. I'm looking forward to hearing from CAMVAP, whom I've met with as well on this

matter. They contacted me after I tabled my bill last session and were concerned with its impact. I indicated to them that they shouldn't be, that this was not intended to take away their ability to market their program.

I think consumers who are watching today, those who are following this through the extensive media, who are now following this subject, will want to know that there is currently a plan that they can use. It's called CAMVAP, the Canadian Motor Vehicle Arbitration Plan. It's accessible if you have the World Wide Web at your fingertips; you can get it at CAMVAP.ca. If you have a problem with a vehicle now, dial up that Web site and see if this arbitration plan can help you. The bill we're debating today, unfortunately, can't help you right now. With the indulgence of the House, perhaps, over a period of time, it might be there to help you. But to those who have vehicle problems, may I suggest that they get in touch with CAMVAP to see if that plan can help.

I think the arbitration system is good. In a number of cases, to clog up the court systems with small tort claims around this particular bill probably wouldn't be helpful if an arbitration system could provide a fair solution at a reasonable cost. That's why I say I think a lemon bill and an arbitration plan can work together, and they do, in fact, in many jurisdictions south of the border, including California, which is where this particular bill got a lot of its design components from.

Viewers who are watching today and those who are following this debate will know that this government has committed in its throne speech to take a very serious look at a lemon bill that applies to more than just vehicles. Why should it be that you take home your fridge or your expensive stereo or your brand new TV, pull it out of the box, find it doesn't work and then be subjected to, "Send it back to manufacturer X," and six months later you might get it repaired? Why is that fair?

Mr Peter Kormos (Niagara Centre): What we need is a lemon law for cable television—those thieves.

Mr Sampson: The member opposite is suggesting there should be a lemon law for members of his party. I'm not sure what he meant by that.

Consumers spend a lot of money on consumer products, and I think they expect these things to work when they get them home. It's not unusual to say that, and I don't think it's unusual to expect that. It's certainly what I expect if I ever take something home: a TV, a fridge or a new car. I expect that I've put good money down on something and I want to see it work. I think consumers are entitled to have legislative backing, an additional tool, a little bit of support to go to manufacturers and say, "Look, I bought this in good faith and I need you deal with me in good faith and make sure that whatever I end up owning is exactly what I wanted to buy at the time."

I encourage members opposite to work with me. I'm happy to hear that some of them have said that already in the debate. I'm prepared to have a full and open discussion in committee about amendments to this bill. I look forward to working with them to make it a reality in the province of Ontario and this country.

The Acting Speaker: Further debate?

Mr James J. Bradley (St Catharines): I intend to support this bill, although I do have some of the concerns that some of my colleagues have mentioned. That's why I think sending bills of this kind to committee for amendments is very helpful. Unfortunately, when we get government bills and we go to committee, overwhelmingly the opposition amendments that are placed are rejected. The whip of the committee on the government side has been given marching orders from the Premier's office on what shall and what shall not pass as amendments. With a private member's bill, we hope that would be different, so I look forward to that.

I thought at first when we mentioned automobiles that the member was going to bring forward a bill on automobile insurance, because those of us who have constituency offices—and that's everyone in this Legislature—know that people have been calling our constituency offices about huge increases in premium rates for car insurance, and indeed for other kinds of insurance. It may be that this member or another member at some time in the future will bring forward a bill that deals with those situations.

For instance, we have senior citizens particularly, and others, who have houses that have old oil tanks. They have to have an inspection and sometimes a tank removed. There's a tremendous cost to that. If they don't do it, they don't get insured. We have charitable organizations out there now that have to cancel events almost, or pay a lot more money to have an event, because either they can't get insurance or the insurance rate is extremely high.

1050

There are a number of those kinds of issues that are important in the field of consumer relations. We have the price of gasoline. No one has figured out yet what the price-of-gasoline rationale is on the part of the big oil companies. One thing I do know is when I looked at the end of last year, their profits were at an all-time high. The Republicans in the United States said, "You know, the real problem is the gas tax. It's all the tax." Yes, there is tax on gasoline, but it wasn't the tax that was going up; it was the oil companies using an excuse—any excuse they could find—to jack the price of gasoline way up. They're starting to make their way down now. We're supposed to be pleased now when we see it at 61 cents or 62 cents. We're supposed to cheer. A few years back we would have said that was gouging. That's another consumer issue that could be brought forward.

The price of utilities is very high. Natural gas prices are up for consumers, and they call our constituency offices about those and the rationale for them. The cost of hydroelectric power is a bizarre situation we're in at the present time. There are home renovation schemes and scams that people are confronted with, I would say—driveway paving and those kinds of things.

We do need protection for consumers. This bill does offer some protection, and I think it is deserving of further consideration and perhaps amendment and overall support.

We have to look at warranties and what is hidden in warranties, what is really covered in warranties. I hope the member's bill, when it's proclaimed, is proclaimed only a few weeks down the line. His colleague Raminder Gill had a bill he brought before the House which was an emergency bill because of a situation confronting limousine drivers around the airport and other taxis in the province. Now we find out that bill is not to be proclaimed and put into effect for another six months. So it got him to what looked like the election and now we find out that bill is not moving forward. So I hope this member tries to persuade his colleagues to move his bill forward after it goes to committee.

I've always purchased North American cars. There was a slogan they had for a number of years called, "Buy the car your neighbour helped to build." Living in St Catharines, we have a major General Motors operation and other operations—the Hayes company; Dana Corp, it's now called; we have TRW in St Catharines—all dealing with auto parts. It's an important industry. Our industry has done very well because we have a high-quality product that we produce. Those who supply General Motors, Ford, Chrysler and others also produce a good product. There are many small plants out there that are working very hard to improve quality. So we have seen over the years an improvement in the quality of vehicles out there.

New car dealerships, I think, are trying hard in many cases to satisfy their customers with good service. This bill speaks to situations that are exceptions, however. I think that's quite all right to speak to those exceptions.

As I say, I've been pleased with any vehicle that I've bought. I have used Chevrolets over the years. My first car was a Chevrolet. It was a good vehicle. Other North American companies make good vehicles, but there are problems that do arise. The threshold of \$1,000 may prove to be a problem. The member for Timmins-James Bay raised a couple of reasonable issues to deal with.

What about the resale of that vehicle? Let's say the company takes it back. If the company takes it back, does it get sold to somebody else and is the same defect there? I think it's important, as my colleague for Timmins-James Bay said, to make sure every dealer in Ontario is in the position of giving information that, "This is in fact a second-hand car, a used vehicle, and here's what the defect was," before selling it as a brand new vehicle or a relatively new vehicle without any defects. So that I think has to—

Mr Bisson: Jim, they'll call it a demonstrator.

Mr Bradley: Yes. He mentions they would call it a demonstrator, for instance.

I think we recognize that the kind of complaints this bill is to deal with are not frivolous complaints. We do not want to see a dealership stuck with what we would call frivolous complaints, because they try to address many of the problems that might be out there. Consumer protection is always important, and I mentioned many areas where we need consumer protection. I think there are a couple minutes left for the New Democrats. I'll

leave it to my colleague the member for Niagara Centre to deal with the cable television industry, because he always likes to deal with that particular industry. I won't move into that; I'll leave that for him this morning.

Let us look at a number of these issues. As I say, the one that's looming out there, as far as I can see, is insurance: automobile insurance, house insurance. Business people are telling me now—I've talked to a person in the tent business. That person said, "I'm in the tent business. I gave quotes to people down the line for weddings and other occasions, and then I was told by my insurance company that I have a huge hike in my premiums. As a result, I'm probably going to lose on the rental of the tents to several of these organizations."

There are many consumer issues out there to deal with. This is one of them. I intend in principle to support this legislation on second reading. I think there's a need for more scrutiny. Some of the right wingers in the government may see this and may put the kibosh on it. I hope not, but I did see one of the right wingers come into the House at this time, and he's been very successful recently in changing government policy.

Mr Kormos: As has been indicated, New Democrats support this bill in principle. We're eager to see it go to committee. Indeed, July and August might be ideal months for the committee to travel across the province and listen to public input into this bill. I'm more than eager to join the author of this bill throughout July and August, travelling around this province, listening to consumers.

I was hoping that this, as a lemon law bill, was directed at the huge rip-offs that are imposed every day by cable companies in this province.

Folks listen, please. Cancel your cable now. You get a crappy signal; you get outages; you're paying outrageous prices; you're being scammed on the packages of programming. I've had rabbit ears down where I live for the last few years. I haven't paid a cent, and quite frankly I've got a better-quality picture than I ever did with cable. Cable is a rip-off.

I've just signed up with a satellite dish. At least you've got two, maybe in some areas three, choices. I'm getting a cheaper, lower-cost package—cheaper than cable.

Mr Bradley: Is it legal?

Mr Kormos: It's perfectly legal—a far better quality signal and more control over the programming. I don't have to take the junk programming that the cable loads you up with. How many home shopping channels do you need? Cancel cable. Go rabbit ears, go antenna—zero cost. If you want to pay money, go satellite—less expensive than cable, better quality signal, more control over packaging.

You know, I don't have a problem with this legislation, but then again, I don't have a problem, because I buy my cars from a unionized dealership down in Welland, David Chev-Olds. CAW members do the repair work. I trust them. They have proven themselves reliable and trustworthy. The goal for every consumer should be

to go out there and buy North American. Don't buy European stuff or Japanese stuff; buy North American. Go to a good dealer.

The Acting Speaker: The member for Mississauga Centre has two minutes.

Mr Sampson: Before I get too much along, I want to welcome the boys and girls from Cobden public school who are here watching the debate today. I know that they'll be interested in this particular subject, because sometime not too far down the road, they will be potential owners and buyers of vehicles. They will want to know that what they're getting is a good-quality car and what they've spent a lot of their money on is a worthwhile investment.

On the resale item, before I get along too far, I actually agree with the two members who spoke about resale. This province is implementing a branding program that will deal with salvaged vehicles. There's no reason we couldn't implement a program that would say that this particular vehicle was repurchased under a lemon-law-warranty program and unless substantially repaired would carry that brand. I think that would be a fair and reasonable amendment, and I look forward to hearing that from the committee members as we come forward.

I think I want to close by referring to—

Mr Bisson: First of all, read the note.

Mr Sampson: No. It's from Brennan. It will take some time to read.

I want to conclude by saying that what really got me on to this was a message I received from one of the individuals who wrote me after I first tabled this bill. Here's their comment—I'm not going to mention any names, but I'm sure if they're watching today or reading this, they will recognize it: "At first, all I wanted to do was give up. In this day and age, who has the time to deal with something as time-consuming as a car with a definite problem with no suitable solution?"

That actually is a comment that many of the people who wrote to me would recognize, and I think this bill does provide the solution that consumers are looking for.

The Acting Speaker: This completes the time allocated for ballot item number 9. I will place the question to dispose of this ballot item at 12 o'clock noon.

1100

INQUIRY INTO
POLICE INVESTIGATIONS
OF SEXUAL ABUSE AGAINST MINORS
IN THE CORNWALL AREA ACT, 2003
LOI DE 2003 PRÉVOYANT UNE ENQUÊTE
SUR LES ENQUÊTES POLICIÈRES
RELATIVES AUX PLAINTES DE MAUVAIS
TRAITEMENTS D'ORDRE SEXUEL
INFLIGÉS À DES MINEURS
DANS LA RÉGION DE CORNWALL

Mr Guzzo moved second reading of the following bill:

Bill 45, An Act to establish a commission to inquire into the investigations by police forces of complaints of

sexual abuse against minors in the Cornwall area / Projet de loi 45, Loi visant à créer une commission chargée d'enquêter sur les enquêtes menées par des corps de police sur les plaintes de mauvais traitements d'ordre sexuel infligés à des mineurs dans la région de Cornwall.

The Acting Speaker (Mr Michael A. Brown): The member has up to 10 minutes for his presentation.

Mr Garry J. Guzzo (Ottawa West-Nepean): On April 30 this year, in this chamber, the Lieutenant Governor of this province, the Queen's representative, read our speech from the throne. I wish at this time to quote from pages 16 and 17 of that speech. He said:

"Your government believes that children, victims and other vulnerable people deserve special protection under the law. Those who would seek to harm the innocent deserve the strongest possible punishment"—not protection; punishment.

"That's why your government will fight child abuse, including increasing the front-line resources dedicated to fighting child pornography. It will also provide additional resources to rescue children from sexual exploitation, strengthen its high-risk offender strategy and try child exploitation cases in special courts as developed with the judiciary."

Twenty-three days later, the platform of this party was released, on the Friday morning of a long weekend, pray tell. You may not have heard of it, or a lot of people may not have heard of it, but I'd like to quote from it, because it picks up on the throne speech. It says on page 45:

"Protecting Our Children

"We will provide a special level of protection for children, the most vulnerable members of our society, from predators and other criminals, including:

"More than doubling the front-line resources for fighting child pornography

"Creating special courts for child exploitation cases, and expanding our system of child friendly court facilities across Ontario

"Targeting crown resources to cases involving sex crimes against children in order to help get them to trial faster

"Fighting the threat of the sex trade to children and minors by strengthening"—our present legislation

"Vigorously prosecuting employers who hire persons under 18 in the adult entertainment and sex trades

"Creating safe houses for children whom we rescue from the sex trade (funded in part by the proceeds of crime ...

"Insisting that anyone convicted of any crime involving sexual exploitation of children serve their full sentence without chance for early release."

Accepting the throne speech and the policy as drafted, I suggest to you that anyone running for this party, if there is an election called in the very near future or within the next 12 months, could not in good conscience vote against this bill.

We're dealing here with a very serious matter. It's the third time that I've brought this bill before this House. It's the root of the existence of this government.

No one here is suing or looking for money. It kind of compares to Ipperwash on that basis. It is simply an opportunity to have the truth come out.

There have been cases in the past in the Cornwall area and elsewhere here in Ontario with regard to claims for payment. There were 11 settlements that I know about in the Cornwall area, all with a confidentiality clause protecting the information from coming out.

It's very important for people to understand that this is not an attack on the Catholic Church. My friend Mr Cleary, the member for Cornwall, is a practising Roman Catholic, and he supports this bill. I myself am a practising Roman Catholic. But we are embarrassed, like a number of other people, by the \$290 million that has been paid out in recent years in the United States. It's not just the money that has been paid out by the church; it's the evidence of Cardinal Law in Boston and his former assistant, Bishop Daly, now in New York. I read the depositions on certain cases in that jurisdiction of both of these men, and I have to say to you that somebody is committing perjury. It's a very embarrassing situation.

I read the depositions of Bishop Flores in Texas, where he denied his own signature 17 times in 400 pages. Over 200 times, in 400 pages, he answered, "I don't recall," notwithstanding the evidence of his own signature. As one prosecuting attorney in Dallas said to me, "It was more like an insider trader caught with his hand in the cookie jar than a prince of the Church." Not much of that has been reported or has come forward in the press here in Canada.

I want to read to you a quote from a priest who pleaded guilty in Massachusetts in April of last year. He said, "What they," the church, "were protecting is the notion that the church is a perfect society. If the archdiocese really wanted to protect its other priests from scandal, they would have gotten those of us who abused children out of there much earlier."

That's a very, very ringing truism, and I suggest to you that it applies to this government: if we really wanted to protect children, we'd have gotten around to this a lot earlier.

I've provided, in the last two bills, volumes of evidence with regard to what has gone on. Today I have included and handed out a copy of the brochure that the Coalition for Action on Child Sexual Abuse in Cornwall has circulated. They have 20 questions. I'm not going to deal with those now because I want to touch on some of the new evidence I have circulated with my bill this time around. But I say to you that if you really didn't want an inquiry that was going to dig out the truth, you might at least sit down and answer these questions; you might sit down and give these people a truthful answer to these 20 questions.

With regard to the new evidence—some of it is historic. But I wanted to read, if I could, from a document that has come to my attention. It has not been reported in the Ottawa Citizen or the Toronto Star, and it certainly has not been reported in the Standard Freeholder in Cornwall. It's about another lawsuit in the United States.

It's not a question of a person who, after 30 years, has a recall of abuse; somebody looking for a large sum of money as a result of something that happened years ago. It's a lawsuit that was commenced in California by the diocese of San Bernardino, and the defendant is the diocese of Boston; one prince of the church suing another prince of the church. It claims that it's unprecedented. The suit against the Boston diocese was filed in April this year, and it alleges that the church officials in Boston allowed this Father Shanley to transfer to California through a series of "misrepresentations and suppression of information," and that "not disclosing Father Shanley's well-known sexual predations, dating back at least three decades and known for three decades in the Boston diocese, constituted active misconduct and negligence."

What the bishop in San Bernardino is saying is, "You sent him here, and we took him in good faith. We're getting sued, and now our insurance company wants us to sue you to get your insurance company to pay, not ours." A pleasant situation.

1110

But it wasn't the first place that the Boston dioceses had sent Father Shanley. Father Shanley was an advocate of man-boy sex. He preached it, and they knew about it. He had a group that he associated with. He was sent to other places. He had associates at other places. They traded like hockey players in the National Hockey League, where the bishop is acting like a general manager: "You send me your two worst offenders and I'll send you mine. Get them out of here"—interesting theory, interesting practice. And where did some of these people go? Well, Father Shanley had been in New York as well as California. He also came to Canada. He didn't come to Toronto. We were safe in Ottawa. His associates went to New Brunswick, Quebec and Ontario. It's interesting that they would show up in eastern Ontario.

I draw the attention of the House to the documentation. I have included therein a copy of some of the old evidence. I will deal with it at a subsequent time this morning. I asked them in particular to refer to the court documentation, the draft minutes of settlement that were filed in Ottawa in the Superior Court of Justice action, and I'll try and deal with it at a later time as well.

The Acting Speaker: Further debate?

Mr John C. Cleary (Stormont-Dundas-Charlottenburgh): I rise in the House today with mixed emotions. I'm please to support Mr Guzzo's bill, but I am also disappointed that this bill and its variations have not yet received the full support of the Legislature. I am sad and disappointed that this has not happened, for the victims and their families, who have suffered for years and who continue to suffer because of our collective inability to bring the truth forward.

Over the past 30 years, as an elected representative of Ontario, I have never seen an issue that has divided a community as much as this has. People are hurting. The issue is not going to die. I know that until it's dealt with, it will not die. Many in our community feel very strongly that the passage of the bill would bring the truth to light and finally allow the community to heal. It is for this

reason that I feel compelled to support Mr Guzzo's attempts to see the development of a public inquiry.

Although the background and history of this case have been presented in the House before, I believe it deserves repeating, and I would ask all members to listen very carefully.

In the early 1990s, an investigation into the sexual abuse of minors began in our area after the police services board received several complaints. I remember them all well. The Cornwall police department underwent a review of their procedure and found nothing irregular about their investigations into the charges of sexual abuse perpetrated against minors during the course of the preceding 25 years. As a result, no formal charges were laid and the case was deemed closed.

Evidently, this internal review did not satisfy the public, and continued disapproval forced a subsequent review by the Ontario Province Police. The OPP investigation was completed in December 1994, and the results of that investigation mirrored the previous one. The investigation cited no conclusive evidence to lay formal charges. Nevertheless, citizens' groups continued to feel that justice was not being served, and they took it upon themselves to undergo an investigation. As a result of the evidence they found, Project Truth was established and 117 charges were subsequently laid against 15 individuals. One hundred and nine of these charges were alleged to have happened before 1994.

To state that something was amiss in the investigations of the Cornwall police department and the OPP is seemingly self-evident, given the charges laid against 15 individuals. If implemented, the bill before us will help us to understand why both police departments failed in their investigations to draw out the truth of sexual abuse perpetrated against minors.

I want to take this opportunity to stress that this is not a vendetta. As I stated before, the primary purpose of this bill is to establish a commission of inquiry into the investigations undertaken by the police forces into allegations of sexual abuse against minors in our area. The bill concerns itself with the police investigations into claims of sexual abuse. The inquiry will not determine whether individuals are innocent or guilty of perpetrating sexual abuse against minors.

It is for this reason that I believe it inappropriate to implicate individuals in this Legislature. I believe that some individuals have been wrongly named as participating in these horrendous activities, and it is not our job as elected representatives to drag the names and reputations of these individuals through the mud. Questions of guilt and innocence must be dealt with before the courts, not the Legislature.

Certainly there is evidence that suggests there was a pedophile ring operating in our area. During a Project Truth trial, the defendant admitted that while he had never abused, he knew a ring was operating in eastern Ontario. A public inquiry would serve to find out why, if this ring was operating in the community, the police were not able to find the evidence until Project Truth was launched in the late 1990s.

Previous bills pertaining to the Cornwall area situation introduced by the member from Ottawa West-Nepean have been blocked by members who maintain an inquiry will impair proper court proceedings. I quote, for example, the Attorney General at the time, the Honourable Jim Flaherty: "It would be inappropriate for us as the government to take action that would potentially interfere or prejudice or in some way jeopardize criminal prosecutions arising out of very serious events that are alleged to have taken place in the Cornwall area over the course of some years."

I want to assure the honourable members of the House that this couldn't be further from the truth. Take, for example, the precedent of Walkerton, where independent inquiries were conducted at the same time as criminal investigations and proceedings were underway. The creation of this commission of inquiry can be tailored so that it doesn't in any way unduly prejudice any criminal investigations. These are all arguments that have been made in the past by the member from Ottawa West-Nepean, and as a judge he is much better suited than I am to make these statements.

In closing, I want to thank the member across the way for spearheading this inquiry. I want to thank him for his honesty and commitment to this file. The work he has done has been unparalleled, and I want to assure him that he has not gone unnoticed in my riding for the non-partisan way he has handled this case.

1120

The bill is an important to recovery in our community. It is time the community is given the facts and begins to heal old wounds.

I have to talk about the 12,000 people in my community who presented 12,000 names on the petition. These constituents were from my riding and from Prescott-Russell.

All the issues that were dealt with on this particular incident—the public inquiry, the police investigation—were handled through my Cornwall office at the request of victims and constituents.

Some victims came from other provinces so that I could hear what they had to say. Some of the ones who have been named told me they were not guilty. They shook my hand and looked me in the eye. In my opinion, they are innocent. This is the reason why I say we should have a public inquiry, because when you see a grown man come into your office with his wife or a family member with tears in his eyes, there's a problem there.

I do want to thank the member for bringing this before the Legislature again.

Mr David Christopherson (Hamilton West): I rise again, as I have on a number of occasions, as a result of Mr Guzzo bringing forward bills and resolutions time and time again. I'm glad that I'm here again, because I don't know whether we're going to get another chance to deal with this issue in this place during the time of this Parliament.

I think any objective observer who's watching and listening to the discussion has got to be at least somewhat moved by the fact that this is originating from the gov-

ernment's own benches. So the last thing in the world that this is is any kind of political ploy. The fact that the honourable member who's raising this, Mr Guzzo, is a former judge adds that much more weight to the merit of the arguments, as does the fact that the Liberal member in the area, Mr Cleary, is supportive today and has been, I believe—correct me if I'm wrong—supportive all along the way to get this dealt with. And it's his community as much as Mr Guzzo's.

How do I fit into this? Why do I feel so close to this? Part of the time frame involved here was during my watch. I was the civilian head, the public person accountable for the OPP during some of the time that's here. If there's anything wrong there, I want to say very clearly once again, as a former Solicitor General, that I want it to come out.

Now, does that mean I may have been found remiss or derelict in my duties? I don't know. I hope not. I don't think so. But was there something I did that I shouldn't have, or, more importantly, something I didn't do that I should have? I don't know, but I'm not afraid to have that come out.

The process has worked to the extent that this has not gone away, and if at the end of the day, whenever that is, it turns out that there was good reason for us to continually debate this issue, then the system does work. But part of that system is for the government to recognize that there are points along the way where debates in this House cannot be ignored.

You've got the government's own member who lives in the area, a former judge, continuously rising in his place and saying, "There's something wrong here. Something has to be done, and I'm calling on my government to do it."

Again, you've got the Liberal opposition member for the area, notwithstanding some concerns he has raised, pointing out that this is not a vendetta from his point of view and that there are innocent names to be cleared as much as there are other facts to be found out.

I'm rising as a member of the third party, and I believe I'm speaking for my caucus when I say that we support this. My House leader is indicating that's the case. Certainly as an individual parliamentarian responsible in part for the time that's here, I want this to be done. That's the only way we can make the justice system work. Yes, elected officials have a responsibility to back the system. If the Attorney General and the Solicitor General of the day aren't supporting the justice system and the processes we have, we don't have a justice system.

The flip side of that responsibility is that when something is wrong—and make no mistake: justice systems are created by people; people make mistakes. There are complicated systems; systems fail. Information gets played with, facts get twisted, people lie. Sometimes innocent people get hurt. For all those reasons, part of the system needs to be that when we reach a certain trigger—and I grant you, this is not necessarily part of the normal justice system appeal process. You don't normally go from the courts to the floor of the Legislature. But I

maintain that part of the system has got to be that when you've got something like you have here today, with Mr Guzzo, Mr Cleary, myself and, I'm willing to bet, a number of other members who are going to rise in their place and support this also, when we reach that point in this political process and in this imperfect justice system, notwithstanding the fact, and I want to go on the record as saying this, that we have arguably one of the best justice systems, if not the best, in the world, I can't for the life of me understand how the current Solicitor General, Attorney General and Premier can continue to ignore this issue.

This speaks to some of the values that each of us as members and as parents hold as close and dear to our hearts as you can find. We're talking about the potential abuse of our children. Yet again, there's no politics being played here. I challenge any member to stand up and point a finger, and be clear who you're talking about, at anyone who is playing politics with this issue. That's a hard argument to make in this case today, and what's a harder argument to make is to deny the next step.

I suspect Mr Guzzo would be prepared to consider any alternative that the government might come to him with, if at the end of the day he and Mr Cleary and others felt it was going to bring to light the issues they think are still being kept in the dark. I want to emphasize again that I don't know whether anybody has done anything wrong with intent or whether this is just a miscarriage of justice. I don't know, but neither does anybody else, and that's the point.

The government cannot in good conscience continue to ignore this issue. Our justice and policing systems only work when the public has faith in them. Part of that process, again, is where we are today. This cannot be ignored. It's only going to get worse. It festers. We hear the members from the area setting aside their partisan politics on the brink of an election, probably within a few months. They are coming forward and saying, "Help us remove this stain, this question, that hangs over our community." Come on, there are a lot of people who speak of this. We all hear it. We hear a lot of things. Most of it's not true. But in this case there are enough questions and enough evidence that something needs to be done.

1130

This really is the court of last appeal in this case. If the system itself, through its appeal procedure and investigative processes, hasn't reached a conclusion that satisfies the questions at hand and the ministers of the day refuse, including the first minister, Premier Eves, as his predecessor Premier Harris refused, to step in, then I can appreciate the frustration of Mr Guzzo, who I'm sure doesn't really want to stand up and have this kind of discussion about his own cabinet colleagues, again, on the ramp-up to an election. I don't think he cherishes that, but he's doing the one thing he can do as a local member, and that is to wait for your opportunity, and when you have that opportunity, seize it, and that's what he's doing.

Now we're seeing the kind of support we've seen so far. We have another roughly half hour to go on the clock. I'll be very shocked if anybody stands up and makes a case that we ought not to do this. For the people affected, for the communities affected, for the reputation of those communities and of those individuals, we have to get to the bottom of this. It's not going to happen by itself, and it's not going to go away.

That's why I feel so strongly about this, because I've been there. I have enough concern as a former Solicitor General to stand up and put my reputation on the line, both now and in terms of the time that I was in office, to put all of that on the line, and what I want to know is, why isn't everybody else who had some responsibilities during the time frames involved prepared to do the same thing? There is no adequate answer, not when you consider how many years we've been dealing with this.

The people of eastern Ontario deserve better from their government. They're entitled to have their issue treated with the respect and severity it deserves. Make no mistake about it: if this were happening in downtown Toronto, I think we'd have a whole different approach to this. But somehow, because it's far away from Toronto, it's eastern Ontario—I don't know; is that part of it?

Interjection.

Mr Christopherson: I hear one of the members from the area saying, "I hope not." I agree with him. I hope not, and I suspect that's not the case. I don't think it's a matter of geography. But when you don't have answers from the people who are in positions to answer questions and give reasons, you have to reach out for some rationale, because the only thing left after that gets into some really dicey motivations. I think the government owes it to the respect of this place and to the respect of the members who have spoken, especially those who represent the area, to come in here right now: the Attorney General, the Solicitor General, at the very least the parliamentary assistants to those two ministers or the parliamentary assistant to the Premier, or, best yet, the Premier himself. But somebody should walk in here in the next 20 minutes and either say, "Yes, this government supports the pursuit of truth," or give some damned good reasons why not.

Silence is unacceptable. If I were more learned, I'm sure I could reach for quotes from times gone by about what it says about individuals who don't do anything. Dante comes to mind. This is as serious—I'm not going to go over the top and say it's the most serious, but I'm going to say to you that this is as serious an issue as we can deal with, during this time in particular, during private members' public business.

I want to conclude my remarks by again being very clear that this caucus, the NDP caucus and myself as a former Solicitor General, support this. We want the inquiry. We want the truth. I say to my colleagues, if we want the public to continue to support our police and our justice system when they go wrong, we're the ones that have to step in. Human nature is going to take place. All through systems—and you know what I'm talking

about—when people get frightened that they've made a mistake or they're going to be found out or that they may have had a part, even if it wasn't anything criminal, just somebody didn't do their job the way it should have been done; whatever. There are a whole lot of things that kick in along the way, and if we accept the fact that they aren't perfect systems, they aren't perfect people who run those systems—with all due respect, judges aren't perfect. They're no more perfect than cabinet members and MPPs and everybody else.

But the public has a right, if we're going to maintain the reputation of the kind of justice system we're proud of, that when something goes wrong, we've got to step forward and put the light of truth on it. We have to, because if we don't, it's the slippery slope into a society that is unacceptable to all of us. If we don't rise to those responsibilities, if we don't stand here as Mr Guzzo has done and Mr Cleary has done—and I can't tell you how proud I am of them as fellow parliamentarians, to put it all on the line and say, "This has to be looked at." If we're not prepared to do that, who's going to do it? Where's the other place? Where are the other people? Who can make this happen? Who can correct this wrong? Or at the very least, who can find a process that will let us see where there were wrongs and fix them? That is equally important.

I hope that Mr Guzzo gets the unanimous support he deserves, and I hope the government listens, because it's the right thing to do for the people and communities that are affected.

Mr Marcel Beaubien (Lambton-Kent-Middlesex): It's a pleasure to rise this morning to speak on this issue. I'm not going to refer to the Cornwall issue, because I'm certainly no expert. I don't feel I have the information to comment properly, but I want to make general comments with regard to child abuse, whether it be physical or sexual abuse. As my colleague Mr Guzzo mentioned, it's a very serious matter, and Mr Cleary mentioned that he speaks to it with mixed emotions. It is certainly a very serious matter. How do you speak on this subject matter? Personally I find it abhorrent that anyone, whether that person is in a position of responsibility or wherever that person happens to be, would take advantage of a young person, because once an adult takes advantage of a young person, I think you're robbing that young individual of their future. I think you mark them for life.

There's no doubt that there's too much of it going on in the world. We look at the newspaper. I think the Sun has been conducting a survey or articles in the past week. I refer to the May 27 issue. It says, "More than one million child abuse images were found secured in a steel bunker in the basement of a luxurious North York home in February 2000."

It goes to show that it's not only the poor or the medium-income but people in high places, people who have the financial wherewithal, people who are certainly in responsible positions. The article goes on, "Adult sexual interest in children is far more widespread than what we had acknowledged prior to the Internet."

There's no doubt, with the advent of the Internet, that the proliferation of child pornography has certainly gone much further than we had expected. When we talk about pornography, I think we talk about abuse. Like I said, it's difficult because you talk with mixed emotions. As a parent, I've seen my three children grow up into adults. I would hate to see somebody in a responsible position, whether it's a priest, a judge, a lawyer, an uncle, a teacher, whatever, take advantage of that young person. I don't know how I would have reacted as a parent to see my children abused by someone. I don't think I would have taken very kindly to that. As responsible citizens, whether we live in Ontario or anywhere in the world, I think we have to put ourselves in that situation. What right have we got to take advantage of young people? We don't have that right. It's not a God-given right. It's not a socially given right.

1140

Je veux faire des commentaires en français. Notre responsabilité est vraiment de protéger les enfants. C'est leur droit d'être protégé. C'est vraiment incroyable et j'ai beaucoup de difficulté; c'est impossible de comprendre comment une personne dans une position responsable peut prendre avantage d'un jeune enfant aujourd'hui.

I'm sure that my colleagues Mr Guzzo and Mr Cleary have looked with trepidation into the situation in Cornwall. I'm sure they've considered the subject matter. I know there are names that have been mentioned in the newspaper, in the Legislature. Like I said, it's not my role to do this, because I do not have the information, but I agree with my colleague Mr Christopherson when he said that we have to do the right thing as parliamentarians. If the system is failing our children, who is going to protect the children in this province? It is our role to make sure that whatever happens, whether it's in Cornwall, Petrolia, Grand Bend, Hamilton or anywhere in the province, we protect our young people.

There is one thing I would certainly urge the federal government to do. We've taken the responsibility of having a registry for child abusers in Ontario, and I think we have to do that at the federal level. The federal government saw fit to spend \$1 billion to have guns registered in this country. I think it's about time we started looking at where our priorities are. I think we would have been in a much better position spending \$1 billion toward trying to control child abuse in this province and in this country than spending it on gun control. I think it's much more important that we protect the young people of this province and this country.

Mr Ernie Parsons (Prince Edward-Hastings): This, regrettably, is the third time this bill has come before the House and it should have been resolved the first time. As a long-serving CAS board member, as a foster parent with my family for some 16 years, we have worked with quite a number of children who have been sexually abused.

It is difficult for me to find anything that is worse than the sexual abuse of a child, but it is also horrible for an individual who is maliciously and falsely accused of

sexual abuse. Both parties suffer greatly. I don't know all the facts in this case—I don't believe any members here know all the facts—but indeed as the years pass, as we continue to debate it, we lose the facts, we lose the information, making it more difficult. This is a bill that, deep in their hearts, every member in this Legislature should not hesitate for one second to support.

There are obviously questions. In my involvement with the child welfare system we have heard rumours for years about the Cornwall area. Rumours are horrible, vicious things that need to be stopped, but they can be stopped only with the presentation of the facts.

I would reverse the discussion we've had over the years here and say to all the members, why not hold an inquiry? Give me a valid reason for not holding it. We have a large number of alleged victims who have come forward, we have individuals who have come forward and gone to Mr Cleary and professed their innocence, but still the rumours exist. It simply can't be cost. If this government has \$400 million for advertisements, they have the money to hold an inquiry.

We have heard from the government side the need for the federal government to have a sexual abuse registry. That registry does not work if the province does not do its work, hold an inquiry and obtain convictions if convictions should be obtained. The federal registry will not register innocent individuals. There has to be a conviction, and that responsibility lies with the province of Ontario.

Why else can it not be held? I can't think of a reason. If there are victims out there, they need closure and healing. The young people we have fostered have had their lives changed forever. They have become an adult at the age of five or six and they know information they should never have to know. The abuse is an act they will never, ever forget until their dying day. It has altered the very fabric of their life. So if there have been actions, then have the inquiry and be able to lay that to rest and allow them to move on with counselling.

Children must be protected. The experience I have garnered from my reading and discussion with social workers is that if an individual offends against a child, the odds are extremely high they will reoffend. If there are indeed offenders who have escaped the justice system, this inquiry must be held. I know without a doubt there is not one member in this House who would not be deeply disturbed if they knew that as a result of this inaction there were future offences taking place, destroying our young people's lives.

The inquiry must be held to determine if in fact there are offenders, and justice must be done. We in this Legislature have the ultimate responsibility to protect our children. This role of MPP is not a power role; it does not give us the power to be particularly important in the province. It makes us servants of the people of Ontario, who very clearly have said to their members in their community, "We want this matter laid to rest. We want guilt, if there is, determined; we want innocence, if there is, determined."

We are here as a voice of the people in our community and the voice of the people in Ontario. We have heard now for four years the voice of the people in Ontario saying, "We want justice and we want to protect our children."

I urge every member to forget partisan politics and think about the young people of Cornwall who need protection, think about the people of Cornwall who want justice and think about the victims to allow them to move on and be able to develop the opportunities they need, because at this point they are not getting the supports they need as victims.

Mr R. Gary Stewart (Peterborough): Let me first compliment the member from Ottawa West-Nepean for bringing forward this bill again.

I usually start off with a comment or two saying it's a pleasure to speak to the bill. This is not a pleasure. I feel it's an obligation on my part to speak to this bill, and I believe my conscience also dictates that I speak to this bill.

This bill is about, to a degree, the condition of our society these days. It's about truth. It's about getting to the bottom of what really happened over the last 10 or 15 years in the Cornwall area. It's about getting answers that are long overdue.

Sexual abuse of minors, I believe, is becoming a blight on our society and we don't seem to be able to rectify it, nor do we seem to be able to solve the problem. Sexual abuse of minors should not be tolerated in this country, in our society. This bill is about making sure, through extensive investigation, re-looking at evidence, looking at the circumstances surrounding the various instances, revisiting all the evidence, justice prevailed or not. I want to make sure there has not been a blind eye turned to any investigation of this type. This is not about a criticism of it. It's about making sure that we know what really happened down there and making sure that it does not happen again. As I mentioned, sexual abuse, in my mind, is intolerable. If a public inquiry into this situation stops one more incident of sexual abuse in this province or this country, then maybe it was worthwhile.

1150

I'm very fortunate that, first of all, I have three kids. Secondly, I have eight grandchildren. Four of them are young ladies and four are young gentlemen, and two of them happened to be in my house last Sunday. The last two are twin boys. Maybe Jim can relate a bit to this. Twins or triplets are interesting, and these two young gentlemen are interesting. They are coming on three years old and they are an absolute delight.

Mr Frank Mazzilli (London-Fanshawe): Really?

Mr Stewart: Yes, they are. They take after their mother and their grandmother, not their father and their grandfather.

Mr Rob Sampson (Mississauga Centre): And you can thank the Lord for that.

Mr Stewart: Absolutely. That's right.

Mr Guzzo asked me to speak to this bill last week. I happened to be watching these two kids playing around

on the rug on Sunday and I thought to myself, "What would you do if you knew that anybody was abusing those two kids?" I shudder to think what I might do if I knew that somebody was abusing those two kids or the grandkids I have of the other sex. Maybe some people in the public will say, "He sounds like he's a very bad man." Well, maybe I am. But look in the mirror and look at your grandkids and say, "What would I do if I knew somebody was sexually abusing them?" You know that the experience those kids would have to go through all their life would be twice as bad if those who committed the crime, or the sexual abuse, were not prosecuted.

I am extremely supportive of this bill. I think this type of inquiry has to be done, should be done and it is the responsibility of our government to look into it.

When you come to vote on this bill, think about Cornwall, think about the other Cornwalls in this great country and think about the possibility that there could be other Cornwalls in the future. This is happening every day in our society. It's happening in our schools. It's happening in our spiritual communities. It's happening on the streets. It's happening in the homes. I would suggest to you that we'd better find out all the facts in this particular case. If there are those who committed a crime, then they should be prosecuted to give the victims some sort of closure.

As I mentioned, there are many questions that have come up during these past many numbers of years, questions like, why did the Catholic church violate its own protocol by paying \$32,000 in hush money to a former altar boy who complained about being sexually abused by a priest? I don't care whether it's a priest or who it is; if it's sexual abuse of a minor, it is wrong. Why did the Cornwall police drop an investigation into a charge of child sexual abuse by a priest after the church's \$32,000 payoff? There are questions that should be answered. Why did the second OPP investigation find 15 people to charge when the first OPP investigation found no one to charge? I think there are many, many unanswered questions, and we have to do this type of inquiry to answer them for the victims, for the people of Cornwall and for other Ontarians, and just maybe, we can bring closure to this type of thing on behalf of the victims of Cornwall.

The Acting Speaker: Further debate?

Mr Guzzo: I'd like to thank my colleagues for their comments, particularly in light of the last couple of issues raised by my colleague for Peterborough. I've distributed the pamphlet that the coalition from Cornwall has distributed. It has 20 questions thereon. If you don't want an inquiry, if you've got some reason that there shouldn't be an inquiry, for God's sake, surely we should sit down and give answers to these questions. Surely it's time.

When this matter was raised in Bill 48 and Bill 103, the argument was of course that we can't do it, notwithstanding what happened at the Westray mine when they carried it on at the same time. "We can't do it. It's going to interfere with criminal prosecutions." Well, guess what? It's been five and half years since Krever on

tainted blood, and we finally got around to laying some charges—no impairment there. We may not have charged all the people, all the higher-ups, but it hasn't impaired it. And in Walkerton, have we laid charges as result of an inquiry that went forth? Of course. So the arguments that have been put forward in the past have been dispelled and properly so.

When I stood in this place on Bill 48 and Bill 103, I made a statement that this was either the most incompetent police investigation that has been reviewed by the member for Cornwall—where the Cornwall police said there was nothing there; they reviewed themselves. They called in the Ottawa police, a six-month commitment, and after six days the Ottawa police said, “No, we're not going to touch it. We haven't the time.”

Then the OPP does an investigation and says there's nothing amiss. They can't find anybody. They issue a press release on Christmas Eve. Then, when the citizens do their homework and get the evidence for them and deliver it to two ministries of this government, we go back to Project Truth and 120 charges are laid against 15 people.

I made the statement at that time that it had to be the most incompetent police situation I've seen in the Commonwealth, or there was a cover-up. Let me make it pointedly clear: I stand here today and I make no allegation of incompetence. This has been a cover-up. We're dealing with corruption, and if we don't want to face it, if we haven't got the backbone, then we have to live by it.

I started this in a very professional manner. I wrote to my Premier in confidence. I waited five months and didn't get a reply, and I rewrote to him in confidence. I was stonewalled, and then I was lied to. You read the document that I have forwarded to you, the story in the April 1 Ottawa Sun comment. It's attached to the letter signed by Inspector Hall. You will see therein what I am talking about. I have mentioned on other occasions the fact that Inspector Hall's letter is dated 67 weeks after the two ministries received the documentation. I leave it to you, and I thank you for your assistance.

The Acting Speaker: This completes the time allocated for debate on ballot item 10.

MOTOR VEHICLE MANUFACTURER'S
WARRANTY ACT, 2003

LOI DE 2003

SUR LA GARANTIE DES FABRICANTS
DE VÉHICULES AUTOMOBILES

The Acting Speaker (Mr Michael A. Brown): We will now deal with ballot item 9.

Mr Sampson has moved second reading of Bill 40, An Act respecting warranties offered by manufacturers of motor vehicles. Is it the pleasure of the House that the motion carry? Carried.

Pursuant to standing order 96, this bill will be referred to the committee of the whole House.

The member for Mississauga Centre.

Mr Rob Sampson (Mississauga Centre): I just wanted to see whether you were awake, Speaker. I'd rather the bill be referred to the finance committee.

The Acting Speaker: Mr Sampson has asked that the bill be referred to the standing committee on finance. Agreed? Agreed.

INQUIRY INTO
POLICE INVESTIGATIONS
OF SEXUAL ABUSE AGAINST MINORS
IN THE CORNWALL AREA ACT, 2003
LOI DE 2003 PRÉVOYANT UNE ENQUÊTE
SUR LES ENQUÊTES POLICIÈRES
RELATIVES AUX PLAINTES DE MAUVAIS
TRAITEMENTS D'ORDRE SEXUEL
INFLIGÉS À DES MINEURS
DANS LA RÉGION DE CORNWALL

The Acting Speaker (Mr Michael A. Brown): We will now deal with ballot item number 10.

Mr Guzzo has moved second reading of Bill 45, An Act to establish a commission to inquire into the investigations by police forces of complaints of sexual abuse against minors in the Cornwall area.

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 ayes have it.

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

The division bells rang from 1200 to 1205.

The Acting Speaker: All those in favour will please stand and remain standing until their name is called.

Ayes

Agostino, Dominic	Crozier, Bruce	Miller, Norm
Arnott, Ted	Dombrowsky, Leona	Munro, Julia
Baird, John R.	Duncan, Dwight	Murdoch, Bill
Barrett, Toby	Gilchrist, Steve	O'Toole, John
Beaubien, Marcel	Gill, Raminder	Parsons, Ernie
Bisson, Gilles	Guzzo, Garry J.	Patten, Richard
Bountrogianni, Marie	Hastings, John	Phillips, Gerry
Boyer, Claudette	Kells, Morley	Prue, Michael
Bradley, James J.	Kennedy, Gerard	Pupatello, Sandra
Bryant, Michael	Kormos, Peter	Ruprecht, Tony
Caplan, David	Lalonde, Jean-Marc	Sampson, Rob
Christopherson, David	Levac, David	Sergio, Mario
Clark, Brad	Martin, Tony	Smitherman, George
Cleary, John C.	Martiniuk, Gerry	Stewart, R. Gary
Colle, Mike	McDonald, AL	Wood, Bob
Cordiano, Joseph	McMeekin, Ted	

The Acting Speaker: All those opposed will please stand and remain standing until their name is called.

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 47; the nays are 0.

The Acting Speaker: I declare the motion carried.

Mr Garry J. Guzzo (Ottawa West-Nepean): Mr Speaker, I'd like to ask for unanimous consent to have the bill ordered for third reading.

The Acting Speaker: Agreed? Agreed.

It being past 12 of the clock, this House stands adjourned until 1:30 of the clock this afternoon.

The House adjourned from 1208 to 1330.

MEMBERS' STATEMENTS

CHILD PROTECTION SERVICES

Mr Dominic Agostino (Hamilton East): I rise today to speak of a tragedy that occurred in Hamilton. On September 29, 1997, 14-month-old baby Maliek was beaten to death and died in Hamilton General Hospital. Previous injuries to this baby included a broken left thigh bone, at which time he lost so much blood before being treated that he needed a blood transfusion before surgery, severe bruises and scrapes to his body. At the time of his death, the baby was in a coma and had a cast from hip to toe on the left side of his body, was covered in old and new bruises, and had scrapes on his face, a fresh cut on his upper lip and three skull fractures. Throughout his short life, he was admitted to hospitals in Hamilton and Brantford. The children's aid societies in Hamilton and Brantford had been involved. It was only eight days after the children's aid society approved his release that this baby was murdered. His father was convicted of second-degree murder.

I stand here today to ask the solicitor general to call a public inquiry into the child protection system in Ontario. The Hamilton children's aid society has also urged him to do the same.

This type of tragedy today in Ontario is unacceptable, unexplainable and cannot be allowed to be repeated. Hospitals were involved and children's aid societies were involved, yet somehow this 14-month-old, innocent, cute, chubby little child died a death that none of us could ever imagine anyone should go through. What he suffered in the 14 months of his life, most people, fortunately, don't ever suffer in their whole life.

I stand here today and urge the solicitor general to call an inquest into the child protection system in Ontario and how it let this young, innocent child down.

SUPERBUILD

Mrs Julia Munro (York North): I rise today to make an announcement that our government has invested \$268,000 through SuperBuild to build a new arena on Georgina Island in my riding to benefit the Chippewa community. It was a pleasure for me to present the cheque to Chief Bill McCue and Councillor Brett Mooney.

This SuperBuild investment will help provide an important gathering place where families can enjoy access to a variety of recreational activities for the community. Chief McCue was pleased that the new arena will provide a much-needed community facility and will improve the quality of life for Georgina Island residents.

The Ontario SuperBuild program recognizes that investments in sports and recreational infrastructure make an important contribution to Ontario's quality of life.

The residents of the town of East Gwillimbury have also benefited from SuperBuild's investment to rehabilitate and redesign the 22-acre Anchor Park to maximize use for both family and sports recreation activities. Building community facilities means that families can come together to participate in recreational activities. This is fundamental to the strength and health of our communities.

GAY PRIDE WEEK

Mr George Smitherman (Toronto Centre-Rosedale): I want to stand before the House and encourage all members of the Ontario Legislature to mark June 23 to 29 on their calendars, because it's the annual Gay Pride events in the city of Toronto. Everybody will know that Gay Pride is one of the signature events in the city of Toronto. Bookended with Caribana, it marks one of the most important kickoffs of the summer season in our city.

We also know from media reports that the organizers of Gay Pride are experiencing some concerns around their ability to stage the event as they always have because of revenue declines. I want to say that this event, which occurs annually, attracts hundreds of thousands of people and contributes more than \$76 million in economic impact to the city of Toronto.

I've been working very hard with Minister Coburn, the Minister of Tourism, and other officials in the Ontario government and other levels of government to ensure the support that is required to make sure this signature event for the city of Toronto is staged as it always has been, to ensure that we put our best face forward, and to make sure we send a message to the world that Toronto is not being impacted and that people are coming out and supporting signature events in our city.

I think it's important this year for all of us who live in Toronto and who want to celebrate our city that we send the clearest possible message by supporting Gay PrideWeek. I would like to extend an invitation to any of those people who have looked in on this event from home to come down to Yonge Street on June 29 and experience one of the most extraordinary events to take place in our city over the course of a year.

EDUCATION LABOUR DISPUTE

Ms Marilyn Mushinski (Scarborough Centre): I rise to express my utter astonishment at the refusal of the Liberals across the way to support the government bill to return Toronto's Catholic students back to the classrooms, where they belong. They should be ashamed of themselves. They spin and weave to avoid supporting the return to the classrooms that is being demanded by

parents, who rightly fear their children's school year could be put in jeopardy.

We on this side of the House believe that parents and teachers want their students back in the classroom. We believe in putting students first. That's why Premier Eves introduced Bill 28, the back-to-school bill.

I've yet to hear a rational explanation as to why Liberals oppose this bill. I wish they would come clean so that parents could hear their questionable logic. Surely they are not against teachers filling out report cards with comments and grades—obviously they are; otherwise, they'd support our bill. Nor can they possibly be against teachers administering tests. Similarly, they must support teachers being able to meet with parents and maintaining co-operative education placements, as well as participating in graduation events—but obviously they don't, because they're not supporting this bill.

These are normal responsibilities of teachers, and I can't believe that Liberals believe otherwise. I wish they'd come clean and clearly explain why they won't support the parents who wish an early return to school. Or is it that Liberals are so afraid of teachers' union bosses that they are unable to proceed with what is right for our kids?

GOVERNMENT ADVERTISING

Mr James J. Bradley (St Catharines): The deluge of taxpayer-paid advertising by the Eves Conservatives, the gang that was elected promising to eliminate wasteful spending by government, continues unabated, even with the need for funding for an unexpected health crisis increasing daily.

For several months, the Conservative government of Ernie Eves has used hard-earned taxpayers' dollars to engage in the most blatant self-congratulatory, partisan advertising blitz on television and radio, in newspapers and magazines, in glossy pamphlets delivered to every household in Ontario, and on huge, newly erected highway signs.

The Chair of Management Board recently admitted that the Harris-Eves advertising spending has now topped \$400 million. But it is not the total figure that is a source of anger in the population; it is the clearly partisan nature of the ads. This abuse of public office and of Ontario taxpayers has become so outrageous that it has prompted the Canadian Taxpayers Federation and even those who benefit financially from this government largesse, media outlets themselves, to point a critical finger at this unwarranted, unethical and hypocritical practice.

The Eves Conservatives should repay the taxpayers of this province for this transgression and halt what amounts to cheating in the electoral process.

The government should immediately enact the bill presented to the Ontario Legislature by Liberal leader Dalton McGuinty, which would once and for all time end this abuse by placing in the hands of the independent Provincial Auditor the authority to reject any advertising deemed to be of a self-congratulatory, partisan nature.

1340

SCHOOL CLOSURES

Mr David Christopherson (Hamilton West): I rise today to add my voice to that of my colleagues from Hamilton East, Hamilton Mountain, and Ancaster-Dundas-Flamborough-Aldershot who have raised the issue, as we have for some time, about school closures in the city of Hamilton. We've now got another round of closures that we're looking at. Once again, it's ripping the community apart. This time it's not any one particular part of the city; it's the east end, it's downtown Hamilton, it's also in Dundas. It covers the entire city. I can tell you there is great concern and worry on the part of parents.

I want to bring forward three reasons why this government has an obligation, in my opinion, to put a moratorium on school closures. The first one is, of course, the Rozanski report. If you had funded totally the recommendations of the Rozanski report, we believe there's a good chance it wouldn't be necessary to close these inner-city schools. You've underfunded by over \$1 billion, and that is a key issue.

Secondly, there's an election coming soon, and I've got to hope things could only get better and there would be more money available. It may be too late if we've already closed these schools—another reason to wait.

The last one is that the person making the decision is not an elected representative; he's an appointee. What did he say yesterday? He said, "Our focus as an organization is not the quality of life in a community, but the quality of education in the classroom." Well, let me tell you that for our trustees the quality of life in the community is just as important as what happens in that classroom, and they ought not be separated. Only elected trustees are going to adequately deal with that issue.

WORLD CATHOLIC EDUCATION DAY

Mr Bob Wood (London West): Today, May 29, 2003, is World Catholic Education Day. Throughout Ontario, students in Catholic schools are celebrating learning in their Catholic faith. We can be proud of the government's commitment to funding Ontario's Catholic schools. It was a Conservative government that extended full funding to Catholic education under former Premier Bill Davis. The Ernie Eves government continues the proud tradition of supporting Ontario's Catholic school system.

Students in Catholic schools across Ontario celebrate today their ability to learn in their faith and learn the values espoused in the system. Catholics in Ontario and across Canada will join Catholics around the world in celebration of World Catholic Education Day. This day is an opportunity for Catholic schools to celebrate their mission while joining the world in an expression of faith.

In Canada, Catholic schools educate almost one million students, and of those, 600,000 are educated in

Ontario's Catholic school system. Students in Ontario's Catholic education system reflect the world mosaic of cultures that internationally are celebrating World Catholic Education Day today.

Each year, Ontario's Catholic schools celebrate Catholic education during Catholic Education Week, which was held this year from April 28 to May 2.

I know all members of the House will join with me in acknowledging World Catholic Education Day on behalf of the students, families and teachers in Ontario's Catholic Education System.

EDUCATION TAX CREDIT

Mrs Marie Bountrogianni (Hamilton Mountain): You just can't trust Ernie Eves. In 2001, Ernie Eves said the private school tax credit was ludicrous. Ernie declared, "These tax credits should be available only to parents whose children are in schools that teach the curriculum set out by the Ministry of Education."

Ernie said, "A party that worked for seven years to develop core curriculum values shouldn't abandon those values if your child happens to be in the private education system."

Ernie even said, "Are you in favour of a school that doesn't teach any basic curriculum and teaches hatred?"

Those are Ernie Eves's words from the fall of 2001.

Of course, as with all things Ernie Eves says, his position quickly changed. Within a few months, Ernie Eves was saying he "had no expectation that a public school curriculum should be an essential part of an independent school education system."

What did Jim Flaherty have to say about that? He said, "I think it was a flip-flop." You can't trust Ernie Eves, and Jim Flaherty agrees.

Of course, Ernie Eves isn't the only Conservative to change his position on the private school tax credit. Mike Harris once said it would take \$700 million out of public schools. Janet Ecker said it would undermine public education.

The public has a choice: they can choose five more years of the Harris-Eves Tories tearing our schools down or Dalton McGuinty's Liberals building them up. They can choose between the best public education for all our kids or private education for those who have the money and can afford to pay. They can choose change. They can choose a responsible government like the Dalton McGuinty government. They will trust them.

CHILDREN'S GOLF PROGRAM

Mr Bart Maves (Niagara Falls): I rise today to inform the House of a wonderful announcement made in Niagara on Tuesday. Former Premier Mike Harris, who is now the chairman of Ontario's Promise, joined the Niagara Parks Commission, the Boys and Girls Club of Niagara, and myself to announce a program for Niagara's kids. The Boys and Girls Club will supervise 72 underprivileged kids in the Niagara region who will be able to

attend the Niagara Parks Commission's Legends on the Niagara famed golf academy. The 72 kids will get three lessons donated by the teaching staff at Legends on the Niagara. At the end of those three lessons over the summer they will get an opportunity to play in Niagara Parks Commission's Oak Hall golf course.

The program fulfills some of Ontario's Promise's principles; for instance, providing a safe place to play and learn and ensuring an adult who cares in their lives. I want to thank Cathy Sherk, Tony Evershed, Geoff Law and the teaching staff at Legends on the Niagara, who will be the lead pros teaching the kids. I want to thank Niagara Parks Commission chair Brian Merrett and the commissioners, who agreed to this program. Thanks also to Joanne Hett and her staff at the Boys and Girls Club, as well as the board who will oversee the program, which is great news for kids who would otherwise not get such an opportunity. I know the 10 kids who were there to open the program on Tuesday had a great day, and they're very much looking forward to it.

VISITORS

The Speaker (Hon Gary Carr): Just before we continue we have with us, in the members' gallery east, a member of the Legislative Assembly in Alberta, Brent Rathgeber. He's the member for Edmonton-Calder constituency. Please welcome our colleague from Alberta.

INTRODUCTION OF BILLS

MANDATORY RETIREMENT ELIMINATION ACT, 2003

LOI DE 2003 ABOLISSANT LA RETRAITE OBLIGATOIRE

Mr DeFaria moved first reading of the following bill:

Bill 68, An Act to amend the provisions of certain Acts respecting the age of retirement / Projet de loi 68, Loi modifiant les dispositions de certaines lois concernant l'âge de la retraite.

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

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

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

The division bells rang from 1348 to 1353.

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

Ayes

Agostino, Dominic
Arnott, Ted
Baird, John R.
Barrett, Toby
Beaubien, Marcel

Elliott, Brenda
Flaherty, Jim
Galt, Doug
Gilchrist, Steve
Gill, Raminder

Murdoch, Bill
Mushinski, Marilyn
Newman, Dan
O'Toole, John
Ouellette, Jerry J.

Bountrogianni, Marie	Hardeman, Ernie	Parsons, Ernie
Boyer, Claudette	Hastings, John	Phillips, Gerry
Bradley, James J.	Hudak, Tim	Pupatello, Sandra
Bryant, Michael	Jackson, Cameron	Runciman, Robert W.
Caplan, David	Johns, Helen	Ruprecht, Tony
Clark, Brad	Kells, Morley	Sampson, Rob
Clement, Tony	Klees, Frank	Sergio, Mario
Coburn, Brian	Lalonde, Jean-Marc	Smitherman, George
Colle, Mike	Levac, David	Stewart, R. Gary
Conway, Sean G.	Martiniuk, Gerry	Stockwell, Chris
Cordiano, Joseph	Maves, Bart	Tsubouchi, David H.
Cunningham, Dianne	Mazzilli, Frank	Turnbull, David
DeFaria, Carl	McDonald, AL	Wilson, Jim
Dombrowsky, Leona	McMeekin, Ted	Witmer, Elizabeth
Duncan, Dwight	Miller, Norm	Wood, Bob
Dunlop, Garfield	Molinari, Tina R.	Young, David
Ecker, Janet	Munro, Julia	

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

Nays

Bisson, Gilles	Kormos, Peter	Martin, Tony
Christopherson, David	Marchese, Rosario	Prue, Michael
Hampton, Howard	Martel, Shelley	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 65; the nays are 8.

The Speaker: I declare the motion carried.

The minister for a short statement?

Hon Carl DeFaria (Minister of Citizenship, minister responsible for seniors): I will defer my statement to ministers' statements.

ASSESSMENT AMENDMENT ACT (IMPROVEMENTS FOR SENIORS AND THE DISABLED), 2003

LOI DE 2003 MODIFIANT LA LOI SUR L'ÉVALUATION FONCIÈRE (AMÉLIORATIONS À L'INTENTION DES PERSONNES ÂGÉES OU AYANT UNE INCAPACITÉ)

Mr Christopherson moved first reading of the following bill:

Bill 69, An Act to amend the Assessment Act to more fairly permit exemptions from assessment to benefit senior citizens and disabled persons / Projet de loi 69, Loi modifiant la Loi sur l'évaluation foncière pour rendre l'exemption d'impôt plus équitable à l'égard des personnes âgées ou ayant une incapacité.

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

The member for a short statement?

Mr David Christopherson (Hamilton West): I thank the Legislature for the vote. This would be, I believe, the third or fourth time I've introduced this bill.

I want to thank Reg Michor for his ongoing assistance in drafting the bill. Reg has worked tirelessly advocating on behalf of seniors and those with physical disabilities who want to stay in their own homes with their families.

This bill amends the Assessment Act to extend the exemption from taxation for certain features of homes built or renovated to benefit elderly or disabled residents. I would call on the government to please pass this bill in the interest of fairness to seniors and those with disabilities.

REMOVAL OF OCCUPATIONAL BARRIERS ACT, 2003

LOI DE 2003 SUR L'ÉLIMINATION DES OBSTACLES PROFESSIONNELS

Mr Ruprecht moved first reading of the following bill:

Bill 70, An Act to remove barriers to the practice of occupations, professions and trades in Ontario for persons with appropriate qualifications obtained outside Ontario / Projet de loi 70, Loi visant à éliminer les obstacles à l'exercice de professions et de métiers en Ontario par quiconque a obtenu ailleurs les qualités professionnelles appropriées.

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

The member for a short statement?

Mr Tony Ruprecht (Davenport): I would first like to thank the members for unanimously approving this bill that has been introduced twice before.

This bill will ensure that those who are qualified will have a fair chance to contribute to the development of our country. The bill requires that occupational bodies in considering applications for approval to practise in an occupation do not discriminate against applicants on the basis that they have obtained their occupational qualifications elsewhere.

Information about the process for applying for occupational approval is to be made accessible to everyone within and outside of Ontario. The only basis for deciding whether an applicant is competent to practise the occupation in Ontario is to be the performance capacity of the applicant.

1400

MOTIONS

PRIVATE MEMBERS' PUBLIC BUSINESS

Hon John R. Baird (Minister of Energy, Minister responsible for francophone affairs): I seek unanimous consent to put forward a motion without notice regarding private members' public business.

The Speaker (Hon Gary Carr): Agreed? Agreed.

Hon Mr Baird: I move that notwithstanding standing order 96(d), the following changes be made to the ballot list for private members' public business:

Mr Kennedy and Mr Phillips exchange places in order of precedence such that Mr Kennedy assumes ballot item number 42 and Mr Phillips assumes ballot item number 12; and

I move that notwithstanding standing order 96(g), notice for ballot items numbers 12 and 16 be waived.

Interjection: Dispense.

The Speaker: Dispense? Dispensed. Is it the pleasure of the House that the motion carry? Carried.

STATEMENTS BY THE MINISTRY AND RESPONSES

SECURITIES ACT REVIEW

Hon Janet Ecker (Minister of Finance): It is my pleasure to table a report today entitled the Five-Year Review Committee Final Report—Reviewing the Securities Act. Ontario's Securities Act, as amended in 1995, requires that an advisory committee be appointed every five years to review the act, regulations and legislative needs of the Ontario Security Commission. Today's report is the first five-year review.

I would like to thank the members of the committee, and particularly its chair, Mr Purdy Crawford, QC, for their tireless work in reviewing Ontario's securities legislation. I'd like to welcome Mr Crawford, in the gallery, and thank him for the work he has done.

The committee conducted many consultations over the past two years and reviewed innumerable written submissions covering very important and significant issues. They provided many recommendations to the government to improve securities regulation and investor confidence. These recommendations will help us move forward in our continuing efforts to protect Ontario consumers and investors, and to protect the integrity of our markets.

Up-to-date securities laws play a critical role in making sure that we have fair, effective and efficient capital markets. Our government is committed to maintaining timely and effective securities laws to protect investors and to create further growth and new jobs.

We have already taken significant steps to do this. Based on the committee's advice and the interim report that they released last spring, we passed legislation last fall to increase penalties for wrongdoing and improve accountability. The provisions now in effect include maximum court fines for general offences, which have been raised from \$1 million to \$5 million, and maximum prison terms, which have been increased to five years less a day from two years.

There are new rule-making powers for the OSC to ensure that audit committees of the boards of directors of public companies play an appropriate role in ensuring the integrity of those financial statements. There are new powers for the OSC to impose fines for securities violations and to order offenders to give up their ill-gotten gains. There are stronger powers for the OSC to review the information that public companies disclose to investors. These provisions were proclaimed on April 7 this year.

Last fall we also passed legislation that will give broader rights for secondary investors to sue companies that make misleading or untrue statements or who fail to give full and timely information to investors, and these will be proclaimed later this year.

I am pleased to say that the steps we have taken to date were based on the committee's recommendations. These initiatives were analyzed in some detail by the committee, and they have been very supportive of the steps that we have taken. As well, the OSC is going to be moving forward to publish for comment proposed rules regarding executive certification of financial statements and the responsibility of audit committees for public companies.

Taken together, these measures make Ontario's system the toughest in Canada to protect our investors.

Today's report contains recommendations that will guide the government in the next steps required to make sure our securities legislation is effective and up to date. I'd like to provide the members of the House with some brief highlights from the report that we've tabled.

One of the key themes in the committee's report is that securities regulation in Canada must be sensitive to the unique nature of our capital markets in this country and the participants in it. The committee also supports a single national securities regulator and recommends continuing work to harmonize securities regulation across Canada. This is a position that our government supports, and we are working with our provincial colleagues to take further steps in this direction.

There are other matters that are identified in the report. They recommend that the government and the OSC review the current structure of the OSC because its dual role as a regulator and adjudicator may create perceptions of conflict. They recommend that we review the extent and scope of the OSC's rule-making authority and that we look at providing additional powers to various securities self-regulatory organizations.

It recommends further remedies to protect investors and new penalties for securities law violators. It addresses the issues of corporate governance such as the composition, functioning and responsibilities of boards of directors and also asks for a new, independent governance body for mutual funds.

As mentioned in the report, they deal with the need for a national securities regulator and more harmonized national securities regulation. For a securities market the size of Canada, having 13 separate regulators simply does not make sense.

We have heard from regulators, industry representatives, legal practitioners and investors that further steps must be taken to reduce the barriers faced by issuers and registrants that wish to access markets in more than one jurisdiction in Canada.

We are working with the governments of British Columbia, Alberta, Saskatchewan, Manitoba and Quebec to improve the current regulatory structure in Canada. We also look forward to working with the federal Wise Persons' Committee in an effort to develop effective securities regulations across Canada.

Our goal is to have a practical, provincially led, national system of securities regulation that will help ensure healthy capital markets, to benefit the economy, the people of Ontario and certainly the rest of Canada.

Because of the importance of the issues raised in this report, I am announcing today that the government will strike a select committee of the Legislative Assembly, with participation by all three parties, to review the report, conduct further consultations and report back to the government this fall. We intend to respond promptly to the recommendations of the committee and to the input they receive from the public and from the financial community.

Our government will continue to work to protect consumers and strengthen the securities regulatory system. Again, I'd like to thank the many members of the committee for their tireless work on this, and also the many organizations and individuals who have provided submissions and advice to the committee.

MANDATORY RETIREMENT RETRAITE OBLIGATOIRE

Hon Carl DeFaria (Minister of Citizenship, minister responsible for seniors): Today marks a very proud day for me personally, for our government and, more important, for the 1.5 million seniors who live in this province. Our government believes that all Ontarians should enjoy equal opportunity and the freedom to participate fully in the life of their communities. Our government believes that equality of opportunity must also extend to the workplace.

It is for this reason that I'm proud to introduce the Mandatory Retirement Elimination Act, 2003. At the heart of our proposed legislation is the recognition that Ontario seniors are valued contributors to our society. The introduction of this bill is particularly fitting, as June is Seniors' Month in Ontario, a time to celebrate the many contributions seniors make to our province and our way of life, and to discuss our government's steps to improve the quality of life for all seniors across this province.

Our government is acting on several fronts. We are making record investments in long-term care; we have committed to increase funding for the long-term-care system by \$100 million annually. Funding will be directed to improving nursing and personal care. We are committed to ensuring that Ontario's long-term-care services continue to meet the needs of our growing and aging population now and in the years to come.

1410

We have introduced legislation that, if passed, would reimburse eligible seniors a portion of the residential property tax they pay on their principal residence through a new Ontario home property tax relief for seniors program.

Seniors are challenging society's assumptions about aging and are breaking new ground. Today's proposed

legislation represents a major step forward in strengthening Ontario's human rights protections for all citizens, regardless of age. The proposed Mandatory Retirement Elimination Act, 2003, would amend the Ontario Human Rights Code to protect workers aged 65 and over from discrimination in employment on the basis of age, and would eliminate mandatory retirement. Our Human Rights Code plays a vital role in protecting the rights of all Ontarians. Today's legislation would, if passed by this Legislature, strengthen that protection and extend the right to choose to work to all Ontarians.

The proposed bill would also amend the Audit Act, the Elections Act, the Health Protection and Promotion Act, the Ombudsman Act and the Public Service Act so that they will no longer set out a mandatory age of retirement. If passed, the bill would come into effect on January 1, 2005. However, mandatory retirement provisions in collective agreements that are in effect on the date of introduction of this bill, May 29, 2003, would remain in force until the collective agreement expires.

Our proposed legislation is in line with other Canadian jurisdictions such as Manitoba, Quebec, Yukon, Northwest Territories, Alberta and PEI. I am certain that you will see similar action to propose the end of age-based retirement policies become the norm in other jurisdictions in years to come. The time is right. Demographic and labour market trends in Canada all point to a dramatic increase in the number of seniors. People today are living longer, healthier and more productive and active lives. Statistics also point to skilled worker shortages in certain sectors in the coming years. Public attitudes no longer support age-based criteria in employment. We believe that seniors should have the right to continue to contribute to the economy if they so choose.

Since 1995, our government has always supported policies and services that promote dignity, independence and quality of life for our seniors. We have worked to ensure that they are able to contribute fully in their communities. This proposed legislation builds on the ongoing commitment of our government to ensure that seniors live with dignity and respect. This proposed legislation is simply the right thing to do. It is fair. It puts the choice to work into the hands of individuals, not governments or employers.

Ce projet de loi proposé est la bonne mesure à prendre. C'est équitable. Il laisse le choix qui fonctionne dans les mains des individus et non pas dans celles des gouvernements ou des employeurs.

For the vast majority of workers, these proposed amendments may not affect their decisions on retirement at all. For some, however, they would remove an unfair barrier to their freedom of choice. Individuals may simply want to remain active in their chosen careers. For many seniors, employment is fundamental to their sense of dignity and self worth. Others may face economic hardship if they are forced to retire and live on a fixed income. Forcing people into retirement when they reach 65 runs counter to our government's fundamental beliefs in equality for all Ontarians. It robs our economy of

skilled workers, and it denies seniors the opportunity to continue contributing to our economy.

We believe that Ontario's seniors have earned the right to decide whether they want to continue working beyond age 65, and I ask all members of this House to join me in supporting this historic legislation.

The Speaker (Hon Gary Carr): Statements by ministries? Seeing none, responses?

Mr Gerry Phillips (Scarborough-Agincourt): I wanted to respond to the Minister of Citizenship's remarks on mandatory retirement, just simply to tell the public that they should be aware that my colleague Mr Mike Colle from Eglinton-Lawrence has had this piece of legislation before the House on two separate occasions. To the public who listened to the government saying, "We have a fundamental belief in this," Mr Colle tried twice to get a piece of legislation passed here in the House. But what's changed? Well, there's an election coming. So the government has decided they are going to do their polling and find a way to pick some of the ideas that people like Mr Colle have had and put them into their platform.

If you believed so strongly in this for so long, how could it be that on the very eve of an election, you suddenly find that this is a fundamentally important piece of legislation for the government? I would say to the people of Ontario, we have seen this act before.

This is a government that in 1999 promised two tax cuts that they still have not delivered—still haven't delivered, broke that promise.

I remember in 1995, the seniors in my area actually believed the government when they said, "We believe the new Fair Share health care levy, based on the ability to pay, meets the test of fairness and the requirements of the Canada Health Act while protecting the fundamental integrity of our health care system. Under this plan, there will be no new user fees." What happened? Months after that, they introduced, against the seniors of this province, brand new user fees. And what do we have coming from the government now? They are going to eliminate the Fair Share health levy.

So two things they promised: they said the funding of health care would be through the Fair Share health levy, and they are going to eliminate that. They said that was the fair way to fund health care—eliminating a major part of it. They said no new user fees; right after the 1995 election, new user fees.

The seniors in my area are angry. The 15% increase in the fees for their long-term-care facilities—the long-term-care facilities in my area are desperate for funding. All the members of the Legislature here have had pleas from them. But what do we find? The government has decided that Frank Stronach needs a \$30,000-a-year gift from the government—that's what he's going to get on the property tax credit, \$30,000 a year—while seniors in my area are desperate for help in long-term-care facilities.

So the announcement today, a copy of my colleague's proposal, is nothing more than electioneering.

SECURITIES ACT REVIEW

Mr George Smitherman (Toronto Centre-Rosedale):

On behalf of the Liberal caucus and my leader, Dalton McGuinty, I'm pleased to comment on the statement by the Minister of Finance and to add my own thanks to Purdy Crawford and the committee that worked so hard for the citizens of Ontario. Purdy Crawford brings to his work a distinguished reputation, and we've had extraordinary benefit from his help.

I must say that when we saw that the Minister of Finance would be making a statement today, we did hope that statement might be about the situation plaguing insurance in this province, where 19.2% is the average rate of increase that has been approved for people who are lucky enough to get insurance. It has become a matter of luck in this province that auto insurance is available to them. So we're looking for some action from that government that likes to talk about what it's doing.

In addition to applauding the work of the committee, we agree that it's important to restore investor confidence in this province. But I find it interesting that in applauding the need for a national securities regulator, this Minister of Finance likes to forget that Ernie Eves, when he was the Minister of Finance, delayed progress on such an issue in 1995 and in 1996. That is his legacy from his time as Minister of Finance. Our party is clearly on the record in favour of that.

1420

When this select committee meets, we want to look very hard at the extent to which the Ontario Securities Commission has the enforcement tools and the resources it requires to make sure the things that are in regulations are in fact acted upon. We want to make sure, at that select committee, that the consumer investors' voice, not just the institutional investors' voice, is heard, because for too many Ontarians, freedom 55 has turned into freedom 75. We agree it's important to have capital markets that work, but we want to make sure those consumer investors have their opportunity to talk about their stories.

I'll close where I started: this government has failed the test of providing adequate and affordable auto insurance in this province. This minister has yet to act on that, and we'd like to hear from her before it's too late.

Mr Howard Hampton (Kenora-Rainy River): First to the Minister of Finance and the five-year review of the Securities Act: I read the interim report from Mr Crawford's committee and one of the things the interim report called for was greater supervision and accountability where stock trades are not based on an initial prospectus but are based upon quarterly or annual reports. The minister stood before the Legislature about a year ago, introduced Bill 198 and said that stronger regulation would be there. But what do we find happened a few short months later? The minister quietly withdrew those regulations giving greater protection to investors and insisting on greater accountability in terms of the financial documents that corporations put out quarterly or at the end of the year.

The minister talks about protecting investors while she goes about weakening her own legislation, frankly defying some of the things the very review put forward. So I say to the minister, this is an unusual song and dance. The latest exposition of your behaviour shows that in fact you're prepared to undermine some of our securities protections.

MANDATORY RETIREMENT

Mr Howard Hampton (Kenora-Rainy River): I want to move now to mandatory retirement. I note the announcement about mandatory retirement was made in a nursing home. I suppose what the government is saying is that those seniors who are in the nursing home should now go out and find a job. That seems to be the implication. We know that at this time the federal financial services commission head tells us there are all kinds of pension funds that are in financial trouble. The agenda for this time should be to better protect people's pensions to allow more people to have a pension so that people can retire.

But what is this government doing? This government goes to a nursing home and says to the seniors there that they should go out and find a job. People in Ontario aren't interested in working longer and harder for less. What they want is immediate investing in their pensions. What they want is portability of their pensions. What they want is more possibilities for multi-employer pension plans. What they want is inflation protection for their pension plans. What they want is better regulatory supervision by the Financial Services Commission of Ontario, such as the kind of regulatory supervision that the retirees of the co-op trustee pension plan didn't receive.

This is not the agenda. The agenda of people is not to work longer and harder for less; the agenda is for people to have a decent pension. That's what we should be looking forward to. That's why this legislation is headed in entirely the wrong direction.

Ms Shelley Martel (Nickel Belt): I want to respond to the comments the minister made regarding long-term care. Last July the government attempted to increase the fees for residents of long-term care facilities by 15% in a single year. That was outrageous. Then the government tried to spread the pain over three years by having that increase of 15% over three years.

The announcement the government made today is just as outrageous because the government does nothing to deal with the huge fee hike it imposed upon seniors last year. That was a fee hike of \$3.02 every day—day in, day out—a 6.75% increase in their rent. The rent hike would not have been allowed in the private rental market, because it was so far above the guideline.

The government has announced today that seniors' fee hikes for next year and the balance of this year will only be at the rate of inflation, but the government has not announced that it will roll back the huge fee hike that it imposed on seniors last year. The government should be

announcing today that the fee hike from last year beginning September 2002, which is still in effect today, will only be at the rate of inflation and that the government will compensate seniors for every cent they pay above the rate of inflation. That's what the government should have been announcing today.

This is a government that also announced there would be 2,400 new personal care aides and nurses working in long-term-care facilities. Do you know that at the public accounts session in February, when I asked the government how many new nurses and personal care aides there were, the government responded, "We are about to do a comprehensive review to determine exactly how the \$100 million was spent." They had no clue how many nurses and personal care aides had been hired.

That's how this government treats seniors. It's appalling. It's shameful.

FRANK DREA

Mr Steve Gilchrist (Scarborough East): On a point of order, Mr Speaker: I rise to seek unanimous consent for each party to take up to five minutes to recognize the passing of a former MPP, the Honourable Frank Drea.

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

Mr Gilchrist: It's certainly an honour, but a sad one at that, to rise here again today to make a few comments about a former colleague and a very good friend, James Francis "Frank" Drea.

Many of the members will certainly know—in fact, six of the members still in this Legislature served with Frank when he was the MPP from Scarborough Centre, elected four times and served here with great distinction from 1971 to 1985.

Frank passed away on January 16, at age 69, of pneumonia. He leaves behind his wife Jeanne, and three grown children: Catherine, Denise and Kevin. To them, and I'm sure on behalf of all my colleagues on both sides of the House, I extend the heartfelt condolences of all the members of this assembly.

Before becoming an MPP, Frank worked as a quite legendary journalist for the Toronto Telegram from 1955 to 1963. He rose to fame, in part, through coverage of the 1961 strike of the Italian workers in the building trades. This very bitter strike shut down the construction of just about everything in Toronto for weeks. For his remarkable efforts, Frank was awarded the Heywood Brown crusading journalism award in the United States, the first time the award was ever granted to a non-American, as well as winning a national newspaper award here in Canada.

He went on to work for the Steelworkers as a public relations director—both of them, he always claimed, shared a mutual hatred of Communism—and won them many victories.

Frank then returned to the Telegram to launch a column called "Action Line" that championed consumer interest. It was really one of the first of its kind anywhere

in Canada, and became one of the most popular advocacy forums anywhere in the country. Frank typically received over 1,000 letters a week. Quite frankly, the secret of his success was that he truly cared about those for whom he had to act as champion—people who couldn't fight for themselves.

He brought that same attitude into his political career when he was elected in 1971. At the time, Frank was also the president of the Canadian Society of Professional Journalists. But in 1974, he received his first extra appointment over and above being an MPP, when he was made the parliamentary assistant to the Minister of Consumer and Commercial Relations.

After winning another election, Bill Davis appointed him as the Minister of Correctional Services on September 21, 1977. While he was a minister, he helped initiate major reforms in Ontario's prison system. He returned to the Consumer and Commercial Relations portfolio a year later as minister. This portfolio allowed Frank to help modernize the insurance industry, as well as a number of other projects.

In 1981, following another electoral success, he was appointed Minister of Community and Social Services, a position he loved dearly and held for almost four years. As Minister of Comsoc, Frank worked tirelessly to improve the rights and access for persons with disabilities. He also made the ministry more accessible to the public. He said one time, "This is the community ministry. Our people have to be part of the community. I want staff to be out in the community in the normal fashion." He made every effort to make sure that people with disabilities had a place, not just in the operation of government but in all aspects of society.

1430

Frank was very comfortable with his image as a fighter for the underdog. Behind that gruff facade and that very hard-nosed attitude—in fact, on the night of his first election, he described himself as a hard-nosed SOB—was a heart filled with compassion for the less fortunate and, quite frankly, a steel-trap mind.

He once held a debate in this Legislature with Patrick Lawlor, one of the members from the NDP, but he held it in Latin, much to the consternation of Hansard, who apparently struggled for quite some time to keep up with what they thought was fractured French.

In 1985, Frank did not seek re-election and was appointed by the Liberal Premier, David Peterson, to be the chairman of the Ontario Racing Commission, a position he held until 1994. What could have been more fitting? Not only was it, I am told, an easy task for the Premier to make that appointment, given Frank's extraordinary record and great capabilities, but it was more than anecdotal to suggest that you would most likely see Frank not just in the trademark overcoat and fedora, but also with the racing form sticking out of one of his pockets, in his years as an MPP.

It should be said that just prior to being appointed Minister of Correctional Services, Frank Drea made it known to the public that he recognized he had a failing

and that he was going to stop drinking. I think it was very typical of Frank's approach to the responsibilities that came with the job he took here at Queen's Park. He made it known in a very public fashion that he was going to stop drinking to set an example for the prisoners and the jail employees he had to visit. Said Frank, "As long as I am minister here, I won't take another drink. I can hardly expect people to be in a rehabilitation program" to make a sacrifice "without a minister who is willing to make a sacrifice, can I?"

That was Frank: someone who, warts and all, was prepared to do whatever it took to fight for the issues in whatever portfolio he served, to fight for his constituents. I have to tell you that right up to the very end, he was considered with great respect and love.

My final chance to see Frank was at our riding association's annual meeting late last fall where he and Jeanne made an appearance. I must say that it had been some time since Frank had made a public appearance. He had been ailing for a number of years. He looked great. He was engaged throughout the whole event and took an active part. It really, really was the highlight of that meeting for all the members of the local riding association to see Frank and to have a chance to have one last chat with him.

He will be missed. He was a mentor, a friend and, I think, a great role model, and someone who has left an indelible mark on this province. We are all in his debt, as we are to those who, like Frank, have served with great distinction in this chamber over the years and have now left us. There's no doubt that Frank Drea truly earned his reputation as "the people's minister."

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): On behalf of the Liberal caucus, I'm pleased and saddened in a way to join the tribute to the late Frank Drea.

In quite a good column, Eric Dowd, the dean of the legislative press gallery, wrote a few weeks ago that Frank represented the kind of character we don't see much around here any more. It is, quite frankly, an interesting question as to whether or not a guy like Frank Drea could (a) get nominated and (b) get elected in this, our very antiseptic age.

As Mr Dowd observed, Frank applied his trade here with other characters like Shulman, Sopha and Sargent. They were quite the parade of angels, I must say.

Mr Gilchrist has observed that there was a time—I'm trying to remember if I was here that night when Pat Lawlor and Frank Drea engaged in a public debate in Latin; I don't doubt that it happened. I knew those two characters well, and I can tell you that they could engage in debates in Latin, English and other things. It may have been the Irish in the two of them.

By the way, the Minister of Finance sits quietly, and to be fair to her, she could probably tell a more complete story about Frank Drea than I could ever tell, because I remember meeting young Janet Ecker in those—

Hon Janet Ecker (Minister of Finance): You wouldn't want me to talk about your skeletons, Sean.

Mr Conway: No, listen, I remember Janet travelling with Frank in those early years, keeping him organized, which was not an easy task. In fact, I think in one of the obituary articles someone unnamed at, I think, the Ministry of Consumer and Commercial Relations said, "Ah, Larry Grossman was better organized to be sure, but Frank, ah, Frank, he was better loved."

Frank was an interesting character. As the previous speaker indicated, he was a journalist; he was a press agent for, I think, the Steelworkers; he was at the Telegram, running "Action Line"; and he liked the ponies. In fact, Janet, my lasting image of Frank Drea will always be that jacket. Remember that tweed jacket that Frank wore season in and season out, and you'd see Frank coming to the House, barrelling down the corridor, just outside the chamber door, with that tweed jacket, a scowl on his face, kind of stooped, exceeding the speed limit and the racing form sticking out of one of those pockets. That's my image of Frank.

Frank was a complicated character, I think it was Warren Gerard in the Star article who said he was a man of fire and fallibility, and it is certainly true. Frank fought his demons and in the end succeeded.

Frank did some really interesting things. He banned movies he hadn't seen; the Tin Drum was the movie in question, I think. He was kind of a minister of public morals. I guess it was the Jesuit training. He was going to ban that movie and he hadn't seen it.

Those inmates were in for a surprise. It was margarine, not butter. It was the cheaper tea, not the good coffee. It was weekend snow shovelling, not an easy time watching—

Interjection: Apple juice, not orange juice

Mr Conway: Apple juice, not orange juice. Those were big and important decisions. I want to say to the backbench and the second ministerial tier that those were the days you could go to corrections and make a name for yourself. Frank was in the news. In fact there are some great pictures. Frank went to the cabinet in September 1977, I think. It wasn't very long after you'd see the pictures of Frank standing at the Don Jail hanging on to something.

The other side of Frank Drea, to be fair, Janet, was that in those first few months I think Frank invited the press on New Year's Eve, 1978, to a New Year's Eve party at the Don Jail, because he, Frank Drea, was going to put pay to the gallows at the Don Jail. That was the other side of Frank. Frank was about as un- and anti-bureaucratic as it was possible to be.

I remember one night, Frank—up just behind where Mr Stewart is now sitting—made a famous speech about the need for Supreme Court reform. I remember Bill Davis and, I think, Roy McMurtry joined the debate and were trying to figure out how to slow Frank down. It was quite a speech. Frank wasn't always the whip's best friend.

I was thinking, he was 38 when he was elected and 52 when he retired in 1985. I remember the day David Peterson came to cabinet and said, "Have I got a good

idea for you, my colleagues." I think Frank Miller had appointed him to the municipal board and Petersen had decided on a lateral transfer to the racing commission, where Frank served with distinction and endless and apparent joy for nine years.

Mr John Hastings (Etobicoke North): He had a horse named after him, too.

Mr Conway: He had a horse named after him—I'm not surprised.

Someone once said that history is the record of the encounter of character and circumstance. Frank Drea was one hell of an interesting character in often most interesting circumstances. He leaves quite a colourful legacy to his wife and to his family. We extend our condolences.

1440

Mr Peter Kormos (Niagara Centre): New Democrats join others in this Legislature in paying tribute to Frank Drea and expressing sympathies and condolences to his wife and children, extended family and what I'm sure are hundreds of friends that Drea acquired over the course of many years of being out there in the public.

My first contact with him, I suppose, was back around 1961, when I was a nine-year-old delivering the Toronto Telegram on my paper route down in Welland. I never met Mr Drea until many years later, in the early 1990s, when he was the chair of the Ontario Racing Commission, an appointment that's been referred to that was made in 1985.

I called my predecessor and good friend Mel Swart, who of course served here in this Legislature with Frank Drea. I said, "Mel, what can you tell me about Frank Drea that I can include in these comments today?" Mel said, "Well, Peter, you know he was a hard-assed son of a bitch." I said, "Mel, are you sure?" And I'm sure he said, "You'd better believe it, but I don't think you'd better say that, nor should you say I said it." I said, "Well, Mel, I'm not only going to say it but I'm going to tell people you said it." Quite frankly, Frank Drea referred to himself as a hard-nosed son of a bitch and indeed attributed his first electoral success to that characteristic—perhaps not that quality, but certainly that characteristic.

Reference has been made to Frank Drea taking the pledge, getting on the wagon, no longer indulging. I don't know whether that pledge was made before or after he spoke to a group of Toronto co-op owners believing that they were Niagara grape farmers, which is yet one of the other anecdotal reports of a professional life that was undoubtedly very much on the edge, gutsy—brazen sometimes; no two ways about it.

He was an award-winning journalist who found himself working for the United Steelworkers of America up in Sudbury. Shelley Martel was too young at the time to have any recollection. She was just newly born. I was afraid to ask Elie what his recollection was of Frank Drea working for the Steelworkers for fear that I would have the similar obligation to Elie to report what he said as I felt toward Mel in terms of reporting what Mel's recollections were. The columns and the news covered his

political life and indeed his ongoing public service from 1985 in Welland to the 1990s as chair of the racing commission.

I should mention that when I did finally meet him, as chair of the racing commission, he was of course in his senior years. His hearing had gone, as it does for so many seniors. I recall him wearing a hearing aid, but he had this uncanny ability—and my meeting with him lasted an hour, an hour and a half—that I've witnessed in some others in similar circumstances, to not hear a thing he wasn't interested in hearing, but even the slightest whisper from a corner of the room that involved something that captured his attention would immediately be heard, I'm sure in the largest and loudest of volumes.

He was a truly colourful character, somebody who, when the Telegram folded, didn't go off and join the Toronto Sun. He got himself elected and joined the Legislature. Outstanding amongst the many goals he had was prison reform, and that's a long-time tradition of bold and leading-edge politicians here. Reference has been made to the debate, purportedly in Latin, between Mr Drea and Mr Lawlor. I knew Mr Lawlor much better than I knew Mr Drea. I know Mr Drea by reputation; I knew Mr Lawlor more directly. I'm sure that those who heard the debate believed it was in Latin. But knowing both of those people, one by reputation and one very personally, I suspect it simply may have been the time of day and the after-effects of an engaging dinner.

New Democrats mourn, and join others in mourning, the loss of Frank Drea as a former MPP, an Ontarian and a personality with much colour, a tough-guy image but described as well as having a warm and big heart.

The Speaker: I thank the members and will ensure that their comments go to the family.

ORAL QUESTIONS

SARS

Ms Sandra Pupatello (Windsor West): My question is for the Minister of Health. On March 26, the Premier declared SARS a provincial emergency under the emergency planning act. As you know, that declaration gave the province the power to direct and control local governments, facilities and equipment to ensure necessary services are provided. At the time, you said that doing so was necessary to protect the health, safety and welfare of Ontario residents. Premier Eves lifted that emergency on May 18. Minister, given the latest outbreak, why have you not moved the province to the highest state of alert?

Hon Tony Clement (Minister of Health and Long-Term Care): I thank the member for the question and I can report to her that a number of the aspects of the infrastructure that one found in the provincial operations centre have been reactivated. Dr Young, for instance, is involved on a daily basis with our review of the situation.

Indeed, a lot of the infrastructure that he and I and Dr D'Cunha—all three of us and in fact the people of Ontario—relied upon has been activated over the past week.

There are a couple of things that are different this time around. First, we did not have directives and protocols in place at the time, but we do have them in place now. Second, this Legislature had not passed Bill 1 at the time, and we have passed it now. That certainly gives us, we believe, enough room to do the right thing and ensure the people of Ontario are protected.

Ms Pupatello: We have a copy now of your “new normal” directives. You probably have a copy as well, and I'm sure you know what they say. They say that hospitals that don't currently have SARS aren't required to screen visitors, staff or even potential patients for SARS until after they are admitted. On page 6, “Visitors entering the facilities are expected to have self-screened based on signage posted at the hospital.” It goes on to say, “Staff, patient and visitor screening is not required except as stated below.”

Minister, the “new normal” is now becoming just a slogan. As far as screening for SARS at hospitals is concerned, you've implemented the old status quo. Why have you let your guard down in this regard?

Hon Mr Clement: The honourable member should know that is not the case. There has been a constant stream of conversation and directives since the most recent flare-up has occurred, over and above the “new normal” directives, so what she is suggesting is not accurate.

Ms Pupatello: We have the dates of the directives listed, and we have a list of all the directives as they've been issued from your office.

When Ernie Eves dropped the medical emergency, the provincial operations centre, which was the centre for quarterbacking the province's SARS effort, was directed to scale back their efforts. They were, for example, no longer monitoring patient transfers. One of the health professionals we spoke with this morning, one who had been working with the provincial operations centre, said that it wasn't just scaled down, it was all but shut down. Their function was turned over to the Ministry of Health.

Who directed the provincial operations centre to scale back their work on SARS? Is it now up and operational again, and if it isn't, what will it take for it to be up and operational again?

Hon Mr Clement: There is a minor granule of truth in your question, but the truth is that all those operations you speak of were moved to the Finch Avenue site of the Ministry of Health. They still exist. They still are tracking in the health care system. That has been powered up, of course, since the knowledge of the new outbreak has occurred. It would be wrong to suggest there is no provincial coordination. It would be wrong to suggest we have powered down. It would be wrong to suggest we don't have the best and the brightest minds in the province working on the situation. So I hope that gives you some comfort.

The Speaker (Hon Gary Carr): New question?

Ms Pupatello: On April 29—that would be well after the first outbreak of SARS—Ernie Eves promised, “Six mobile rapid-response teams will be created to deal with outbreaks of SARS.” We’re presuming that means other outbreaks, not the first one. What is the status of those mobile rapid-response teams, and how are they helping us deal with these latest outbreaks?

Hon Mr Clement: The teams exist, and pursuant to the determination of both the local medical officers of health and also of course through the provincial medical officer of health, they can be used on an as-necessary basis.

Ms Pupatello: It’s interesting that we cannot find anyone to tell us anything about these mobile rapid-response teams. No one knows where they are or what they are doing, if they in fact exist. They were announced on April 29 by the Premier, and so far we can’t find them. You called this a priority. You said it would be done and it hasn’t.

1450

Let me read from the press release of exactly one month ago: “A priority is to reinforce the public health care system to continue the battle against SARS. The province will immediately expand staffing in public health surveillance, epidemiology and laboratory areas. Six mobile rapid-response teams will be created to deal with outbreaks of SARS.” Not only did you scale back the provincial operations centre, you’ve got hospitals now that don’t screen for SARS. And after all that, you didn’t keep your promise to communities for the rapid-response teams. When are we going to get our act together and get this thing under control?

Hon Mr Clement: Let me correct the honourable member again. I did indicate that we do have the infrastructure in place, including many of the aspects of the POC that she was so concerned about in her initial question. I do wish to inform her again that the SWAT teams do exist and that they were put into use. We were having a discussion with the director of infectious disease control in the city of Toronto, where she indicated to us that they were being put to use in various aspects of Toronto’s challenges. The fact of the matter is, the honourable member is wrong in her insinuations.

Ms Pupatello: We don’t have to tell you or this House how dangerous a disease SARS is. It will take a co-operative effort of all three levels of government. Minister, you know full well that this House has been more than co-operative. We’ve assisted in the quick passage of legislation to deal with SARS. From the beginning, we’ve worked with you to push the federal government for assistance as well. What we need to do our jobs is information, and that is information that is becoming extremely difficult to obtain.

Back in April, James Young travelled to Washington to answer questions from a US Senate committee. We think that perhaps we should have that same opportunity. Will you agree right now in this House to make these individuals, Dr James Young and Dr Colin D’Cunha, available to a committee of this House in this next week,

available to members of this House to ask very pertinent and detailed questions about the status of our battle against SARS?

Hon Mr Clement: Let me answer that in two parts. First of all, I’m glad the honourable member raised the issue of how her party and her leader wants to help us make sure that the federal government gives its responsibility. I have a letter addressed to the Prime Minister that could be signed by Dalton McGuinty, asking the Prime Minister to help us deal with the SARS situation. If a page could come over here, I would like Mr McGuinty to sign this letter. Please make sure he signs the letter.

I would like to quote from Mr McGuinty this morning at CFRB where he said, “I don’t think there’s a lot to be gained in finger-pointing in terms of what happened with the second outbreak.” I agree with Dalton McGuinty. Why don’t you?

Ms Pupatello: On a point of order, Mr Speaker: It’s very important that you know that my leader sent a letter a month and a half ago.

The Speaker: I’m afraid we can’t get into that debate.

ELECTRICITY SUPPLY

Mr Howard Hampton (Kenora-Rainy River): My question is for the Minister of Energy.

Interjections.

The Speaker (Hon Gary Carr): Order. The leader of the third party has the floor.

Mr Hampton: Today, the independent market operator confirmed once again that southern Ontario faces a real risk of electricity brownouts and blackouts this summer. Clearly, your hydro privatization and deregulation scheme isn’t working. Despite your repeated promises, Pickering A generating station won’t be generating any electricity until at least August. The Bruce station—

Interjections.

The Speaker: Sorry to interrupt. If I get up again I’m throwing people out. Sorry for the interruption, but I want it to be quiet for him. I hate to interrupt him like that but I had to do it. Sorry about that.

Mr Hampton: The Bruce is also delayed, and because of deregulation, it means that if there’s a hydroelectricity shortage the price goes through the roof and so do people’s hydroelectricity bills. Minister, will you end hydro privatization and deregulation and will you adopt an energy efficiency strategy that brings some stability to Ontario’s hydro supply.

Hon John R. Baird (Minister of Energy, Minister responsible for francophone affairs): I read with great interest the update that the independent market operator provided to the province of Ontario. It was not today, it was last week, if the member opposite had seen it. I don’t think his conclusions with respect to the contents of the report are fair or accurate, which is not something uncommon for this member.

Let’s look at the president and chief executive officer of the independent market operator, Dave Goulding, and what he said in recent months: “Had the market not

opened in May 2002, I believe the supply situation over the summer months would have been worse.”

Mr Hampton: Well, you should read the report from the IMO, because not only do they say that you're going to be lucky to get these generating stations by later on in the summer, they say there's some risk that they might not even come back then. Instead of admitting how wrong your privatization and deregulation scheme has been, what are you going to try to do? You're going to try to cover it up by putting dirty diesel generators in people's neighbourhoods.

Minister, you have choices. California implemented—after they went down the deregulation road, and it blew up in their face—an electricity efficiency strategy. They were able to save, during their peak summer months, a substantial amount of electricity. Why won't you do that instead of operating dirty diesel generators in people's neighbourhoods?

Hon Mr Baird: The Minister of Health pointed out some of the fallacy in the questions that the member opposite gave this House yesterday, and I'll do the same today.

It is not the case. He's going around spreading things which are not, in fact, the truth. I would indicate to him in the strongest of terms—

The Speaker: I'm afraid the minister is going to have to withdraw that, please.

Hon Mr Baird: I withdraw that, Mr Speaker. I said that what he's saying is not true. I'm not saying that he's deliberately doing it.

The member opposite is going around saying that we'll be putting dirty diesel generators in residential neighbourhoods when he knows that is not the case.

Mr Hampton: If they were natural gas generators, as this minister claims, we would see some natural gas pipe being laid. We'd see some gas metering equipment being put in. That's not happening anywhere, so it's very clear, by default, that it's dirty diesel generation, and you, Minister, after all your flip-flops and denials, should stop trying to fool people. That's what it comes down to.

But you've got options. You could bring in the 2020 plan that California utilized to lower their electricity demand during the peak summer. You could bring in a Home Green Up plan. You could bring in a plan with low-interest loans to replace those older refrigerators that use 900 kilowatt hours of electricity each year with newer refrigerators that use 200 kilowatt hours of electricity each year. All of those are practical solutions. Will you do those things rather than forcing dirty diesel generators on to residential neighbourhoods.

Hon Mr Baird: The member opposite held a press conference in this place some time in the past week lauding California as an example for Ontario, saying that we had only had about 3,200 appliances purchased under our appliance tax rebate initiative. That of course was proven to be wrong; it was 45,000.

We're introducing a number of measures to encourage more green power. I can tell the member opposite that since last summer, we have a lot of new green power

that's come on line. Since last summer, 800 megawatts at Bruce B is back on line. We've got a new commercial wind farm in Kincardine. We've got a new clean natural gas plant in TransAlta. We'll have substantial nuclear capacity coming on line beginning next month.

The member opposite wants to raise the debate with respect to diesel power generators. Would he be willing to bet me a month's salary that we wouldn't have an diesel generators in the province?

Mr Hampton: With your record, Minister, any time.

Hon Mr Baird: On a point of order, Mr Speaker: I would like to say to the leader of the third party that the bet's on.

1500

DISEASE REPORTING

Mr Howard Hampton (Kenora-Rainy River): My question to the Minister of Health—I want to review the definition game.

I want to review with you that the World Health Organization says you've been playing with the number of SARS cases in Ontario. But I want to go back to nine months ago, when West Nile was starting to cause illness in Ontario.

On August 30 last year, your government announced the first three probable cases of West Nile, but in the days leading up to that announcement, Dr Neil Rau was pleading with you to admit that there were many more West Nile cases. He warned you that you were under-reporting the number of West Nile cases. You didn't heed his warnings. People went on suspecting they were all right. Later that summer, many people became ill and some people died.

Now we fast-forward to the last few days, and what do we find? The World Health Organization says that once again you're playing with definitions and classifications and under-reporting the number of cases of SARS. Why would you do that, Minister?

Hon Tony Clement (Minister of Health and Long-Term Care): Mr Speaker, I don't know what he's talking about. The fact of the matter is, we report according to Health Canada standards, and if Health Canada wants to have a definitional discussion with WHO, it's their right and capacity to do so.

I want to assure you and, through you, the people of Ontario that whether you're a probable case of SARS or a suspected case of SARS, we treat you the same way, which is in fact at the highest clinical expertise to make sure that if you're sick, you get better.

Mr Hampton: Minister, when the WHO has to phone officials in Ontario and say to them, and when Dr Donald Low says very publicly, that the effect of your game of semantics and definitions is to under-report the number of cases of SARS, I think you've got a serious problem. And do you know what? I think the people of Ontario know you've got a serious problem.

What's worse, this is exactly what you did with West Nile. A recent study from the Canadian Medical Associa-

tion Journal shows that while you were telling people, "Oh, we've only got so many cases of West Nile," in fact there were many, many more cases and a lot of people died.

Why, after the episode you went through with West Nile last summer of under-reporting the number of cases, when medical experts told you you were under-reporting them, are you engaged in the same game of under-reporting through semantics and definitions now?

Hon Mr Clement: Again, let me put it on record. We will use whatever definition Health Canada and the WHO arrive at. WHO has told us, and told me directly—I don't know when was the last time you talked to an official at WHO, but I've talked to them directly this week. They said they admire Ontario's transparency, they admire our competency in sending them data real-time, and they wanted to thank us for it. That was Dr Heymann, who is in charge of infectious disease control for the World Health Organization.

As for the West Nile virus, I can only say to the honourable member that as soon as we had information and as soon as it went through the double-testing protocol, which was the protocol of Health Canada when it came to West Nile virus, we posted it on our Internet site. Everyone else knew that. Why didn't you?

EDUCATION LABOUR DISPUTE

Mr Gerard Kennedy (Parkdale-High Park): I have a question for the Minister of Education. Here in the gallery are Murielle Boudreau, a parent with two of her children, Olivia and Sophie, who are 12 and eight; Joanne Kular with Eric and Laura, who are 11 and nine; and Ruth Poulin with her children, Rebecca and Christopher.

Minister, they're here because they know there is nothing in your bill concerning the Toronto Catholic lockout of them and thousands of others that will benefit them, frankly, distinct from our bill or the proposal the teachers made yesterday to send everything to arbitration and put the kids back in school immediately. They know you have the power to have kids back in school immediately and yet you refuse to do so. You would rather make these kids and thousands of others hostage to your political agenda that will damage learning conditions and teacher relations.

I want to ask you on behalf of them, will you change your position, will you stop disrupting their lives, and will you agree to help have kids go back to school immediately? Will you do that, Minister?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): The member opposite continues to be mistaken. The only people who are holding up the return of the students to the classroom are the Liberals and the NDP, who refuse to pass our legislation.

Mr Kennedy: It is exceedingly disrespectful for the minister, in the face of these parents—and I challenge her now to produce here in this House, outside of this House, in any place, one benefit for these children, one benefit

from perpetuating your bill and not passing our peaceful solution or encouraging the board to take things to arbitration. Minister, there are no benefits. There are no benefits for these kids. It is 690,000 days you have cost the kids in the Catholic board in Toronto, for your political agenda. You've run expensive ads. You brought in a bill with a poisoned pill in it. You have done things that no government has dared to do with the education of children.

Minister, you deserve to give all these kids an explanation. You cannot claim one benefit for these kids. Minister, I want to ask you again, why are you against a peaceful solution to put these kids back in the classrooms tomorrow?

Hon Mrs Witmer: We have a lot of concern for the students and for the parents; in fact, we believe that these students and these parents are entitled to receive report cards with marks, with comments. What do you have against them getting those? We care about meetings with parents. We care about co-op placements. We care about graduation activities. Unfortunately, the members opposite have demonstrated they don't really care for the kids.

I would ask for unanimous consent right now to pass the bill.

The Speaker (Hon Gary Carr): The minister has asked for unanimous consent. Is there unanimous consent? I'm afraid I heard a no.

SEX OFFENDERS

Ms Marilyn Mushinski (Scarborough Centre): I stand here in the House today as Toronto continues to mourn the loss of a child. Holly Jones was abducted from her neighbourhood and her precious life was cut off far too short.

My question is for the Minister of Public Safety and Security. What is this government doing when it comes to protecting Ontario's citizens from sex offenders?

Hon Robert W. Runciman (Minister of Public Safety and Security): I want to thank my colleague for her question and to offer, I'm sure on behalf of all members of the assembly, our sincerest condolences to Holly's family and friends.

The people of Ontario have the right to be protected from sexual predators. The Ontario Sex Offender Registry provides police services with a valuable tool to investigate not only sexual offences but other unspeakable crimes. To date, the registry is comprised of 16 officers and has an annual budget of \$4 million. I am encouraged by the fact the registry has a compliance rate of over 92%.

We're proud to be the first jurisdiction in Canada to take action against the serious threat of sex offenders, but we cannot be the only jurisdiction. For the past two years, we have repeatedly called on the federal government to implement a national sex offender registry that would provide a seamless system Canada-wide. A national sex offender registry, without the changes that would reflect the components of the Ontario registry,

would not be helpful, and we encourage the federal government—

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

Ms Mushinski: Thank you for that response, Minister. You and I both know that we've had some serious discussions, and surely more can be done. I believe it's clear that Ontario has taken this matter very seriously. We have passed the laws to reinforce people's intolerance for sexual predators.

Minister, I would ask that you inform this House of what more we can do as a government to protect our children.

Hon Mr Runciman: I think what we can do as an assembly, let alone as a government, is to send a clear, unified message that the protection of children in this country should be a priority for the national Liberal government. That is certainly not the case to date when we see their priority being the decriminalization of marijuana.

We need a national sex offender registry. I don't think there's any question about that. If you take a look at the sex offender registry legislation that's currently in committee at the federal level—we have the head of the registry in Ontario appearing before that committee today—it's difficult to believe: as just one component of this, they are missing personal identifiers. There are all sorts of omissions from this legislation that will make it virtually useless in terms of assisting police services across this province.

In terms of protecting children, we can see an expansion of the DNA legislation, which is sorely needed. It's hard to believe, but under the federal legislation you have to be a repeat offender to qualify for a DNA sample.

The Speaker: The minister's time is up.

1510

ELECTRICITY SUPPLY

Mr Michael Bryant (St Paul's): This question is for the Minister of Energy, and it is about this latest IMO report. I find the findings of the IMO to be quite serious.

The hydro levels are going to be compromised, not just because of the season but because the rivers are lower than usual. There is going to be a reduction in nuclear production because of the changes to the weather, yes, but even lower than usual. We also know that even though at Pickering A the first reactor was supposed to be up and running over three years and \$2.5 billion ago, it's still not up and running. All this, and the IMO says there will be a reduction in available resources. I would have thought this was pretty serious.

The minister's response is to enter into a wager with Mr Hampton over what might happen over the summer. It's time for this government to stop rolling the dice when it comes to the future of Ontario's electricity and tell us whether or not, as a province, we need to prepare ourselves for brownouts and blackouts over the course of the summer months.

Hon John R. Baird (Minister of Energy, Minister responsible for francophone affairs): Like the member opposite, I take the report of the independent market operator tremendously seriously. I don't share his characterization of the content of the report. The IMO speaks not of a reduction of the electricity we had last summer, but rather of an increase. We'll have more than 800 megawatts of clean fuel available from Bruce B that wasn't available last summer. That's 800 megawatts more than that's available today. We have the first commercial wind farm in Ontario, producing enough electricity for 3,000 homes. That is available today and wasn't available last summer. We have 500 megawatts at Sarnia through the clean natural gas TransAlta facility. As early as next month, we'll have 750 megawatts of clean electricity being generated at Kincardine, in addition to the substantial increases we expect to see in July.

Mr Bryant: Would you seriously have us believe that we don't have a supply problem in the province? Is that what you're saying?

Interjection.

Mr Bryant: I hear "yes" from the government benches, and I can't wait to hear what the Minister of Energy has to say.

Pickering A was supposed to be up and running not just in July—and it's not going to be fully operational in July—and not just at the end of this quarter; it was three years ago that we were supposed to be getting this power, and we still haven't. So your assurances as to when this is going to happen are really cold comfort to everybody. The fact you're wagering over it gives me some trouble under the circumstances, when the gamble to date has been one that has been paid for by Ontario taxpayers.

It was just last March that you said we have in the province of Ontario "an oversupply of electricity." Is it really your position that we have an oversupply of electricity in Ontario?

Hon Mr Baird: I find the member opposite's use of that quote to be rather offensive. If he looks at the context in which I made it, I was speaking with respect to—

Interjections.

Hon Mr Baird: The members might want to listen.

What I was speaking of was the time of use. We have a huge overcapacity 12 hours a day and on the weekends. If we can take some measures to shift the load, as has been done with many industrial and corporate users, if we can go to time-of-use meters, we could make better use of the electricity we have available. So the quote he uses is not accurate and the member opposite knows that.

I said in the substantive part of my earlier answer that I consider the IMO's report very important, and the concerns they address with respect to supply. I am very pleased there's a substantial amount of new power on-line that wasn't available last summer, and we're all working very hard to ensure that any new electricity—clean, non-emission electricity—is brought safely to the people of the province of Ontario.

MANDATORY RETIREMENT

Mr Steve Gilchrist (Scarborough East): My question is for the Minister of Citizenship. The recent throne speech outlined our government's proposal to eliminate mandatory retirement in Ontario at age 65. Today we followed through on our promise, and I know you introduced the Mandatory Retirement Elimination Act, 2003, a piece of legislation that represents a major step forward in strengthening Ontario's human rights protection for all seniors.

Minister, I wonder if you could elaborate on why you've introduced this bill at this time.

Hon Carl DeFaria (Minister of Citizenship, minister responsible for seniors): I thank my colleague for the question. Ontario is a long-standing leader in the protection of human rights and opportunities. Our government has listened to the Ontario Human Rights Commission and recognized that the time has come to strengthen the Ontario Human Rights Code to better protect older workers.

Second, Ontario needs to retain skilled workers to strengthen our economy. The number of skilled workers is not keeping pace with key growth sectors. Older workers can help meet these demands by staying active in the labour market. Our government is looking at eliminating mandatory retirement now because we believe it promotes fairness, personal choice and the dignity of older persons. It's the right thing to do. The freedom to choose should belong to everyone, regardless of age. Older workers make significant contributions to this province, and we believe—

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

Mr Gilchrist: Thank you, Minister, for those extra details. There certainly has been a lot of interest about this aspect of the throne speech since it was first announced. I think most members in this House—certainly some of them are already over age 65 and many of the rest of us have parents over that age. So there's no argument that there are vast numbers of people who are directly affected by what's in this bill.

Minister, when or if this bill is passed, subject to the Legislature, what will it mean for the people of the province of Ontario?

Hon Mr DeFaria: As I said, it is the right thing to do. It is the fair thing to do. Retirement should be all about choice. We have recognized the need for choice in deciding whether or not to continue working past 65. This bill would put choice back into the hands of individuals. They should be able to choose when to retire based on their own circumstances, goals and interests. Our government believes that, with people living longer and healthier lives, it is unfair to insist that they retire at age 65. Forcing retirement at age 65 can create financial hardship for certain groups, including parents who earlier in their lives decided to stay home to raise their children. As well, many, as recent immigrants, may not have had an opportunity to contribute to their pension plan. It's a

real shame that some in opposition have voted against this bill—

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

CHILD CARE

Ms Shelley Martel (Nickel Belt): I have a question to the Minister of Community, Family and Children's Services. In June the city of Toronto is going to be forced to cut another 500 subsidized child care spaces. This is a direct result of your inadequate funding of high quality child care. Your government is supposed to pick up 80% of the cost of Toronto's subsidized child care spaces. But your government has capped the contribution, leaving the city of Toronto \$32 million short to pay for these spaces. Last year this cap cost Toronto families 1,600 subsidized spaces. This year your government is cutting 200 Ontario Works spaces in Toronto, and the cap will cost another 500 subsidized child care spaces.

Minister, to date you have received over \$468 million from the federal government for early childhood development initiatives. Why don't you use some of this federal money to save these 500 spaces?

Hon Brenda Elliott (Minister of Community, Family and Children's Services): I find it interesting to receive a question from the opposition that starts out talking about child care and ends up talking about early childhood development. What I have said time and time again—and the members from the third party don't seem to understand this—is that there's more, much more to early childhood development than just child care.

Having said that, this government understands that good child care is important to the people of Ontario. That's why we invest \$700 million in two programs in direct help to parents with their child care needs through our budget and \$200 million in direct assistance to low- and middle-income families in a program to assist them.

1520

We know that child care is important. That's why, when the federal Liberals came forward with a national child care plan after many, many years of empty promises, Ontario worked with them and with other provinces and territories and agreed to sign on. We'll receive \$9.65 million this year, and when it comes, it will represent just over 1% of what we're presently spending.

The Speaker (Hon Gary Carr): I'm afraid the minister's time is up.

Ms Martel: Minister, the reason I link high-quality regulated child care with early childhood development is because Dr Fraser Mustard and the Honourable Margaret McCain have told you in two reports that early childhood development requires high-quality child care, and if you would read those two reports, even you would understand that.

Look, the problem is that because of your inadequate funding, the city of Toronto is going to lose 500 child care spaces. The city of Toronto already has 15,000 families on a waiting list for child care. Your inadequate funding is going to make that situation even worse.

Why don't you look at our public power plan, which talks about \$10-a-day child care in regulated spaces and the creation of 20,000 new spaces in non-profit centres? Minister, why don't you do the right thing? Invest in our plan, save those spaces and build new subsidized spaces here in the city of Toronto?

Hon Mrs Elliott: Let's be very clear. The Eves government understands that affordable quality child care is very important to the people of Ontario. We understand that good child care is essential to our economic growth. But the big difference between the Liberals and the NDP across the way and the Conservative government is that our government believes parents are in the right position to make the best choices for their children. We believe it is the right thing to fund a number of options to offer to parents to make sure they can choose the kind of quality child care that suits their families and their needs. We recognize that different families have different needs, so that's why we believe a one-size-fits-all child care policy does not work.

Now I want to return to the beginning of the question when the member opposite asked me about child care in Toronto. I just happened to notice an ad in the Toronto paper sponsored by Toronto Children's Services. The title is, "Are You Eligible for a Child Care Subsidy? You Just Might be Surprised." There's a number here to call. Obviously, if child care is in such short supply—

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

FINANCIAL SERVICES COMMISSION OF ONTARIO

Mr Ernie Parsons (Prince Edward-Hastings): My question is to the Minister of Finance. I believe she's hiding back there. It's OK.

The Speaker (Hon Gary Carr): She's right here. Continue.

Hon David H. Tsubouchi (Chair of the Management Board of Cabinet, Minister of Culture): On a point of order, Mr Speaker: It's improper for the member to refer to a minister as hiding someplace. That was very improper when he could clearly see her.

The Speaker: If you're going to say these things, it's very difficult to keep it—members are in and out. I ask all members to think before they say things.

I'm going to give you a little bit of leeway on the time, but you're going to have to be quick because you've wasted a lot of time.

Mr Parsons: Thank you, Speaker. I withdraw that.

Minister, you're responsible for the financial activity and well-being of provincially chartered insurance companies. Pilot Insurance is the largest insurance company that is provincially chartered and regulated by the Financial Services Commission of Ontario.

It has just come to light that, beginning in 1997, Pilot inappropriately transferred money from its prior-years claim reserves and recorded the money as income. I believe that Enron perfected this type of accounting. The

money and property transferred is approximately \$195 million.

The law requires that this money be held in trust to satisfy pending claims. This puts both policyholders and shareholders at risk. It appears that Pilot has been able to replace this money, which perhaps partially explains the massive insurance increases consumers are experiencing.

This mishandling of funds was never discovered by the financial services commission, for which you are responsible. I find it interesting that they never made public the inappropriate actions by Pilot Insurance.

Minister, you and your government are clearly not doing your job to protect our citizens from the insurance companies. I ask you now what you will do to ensure that every insurance policyholder—

The Speaker: I'm afraid the member's time is up. Minister?

Hon Janet Ecker (Minister of Finance): The regulator is indeed on this case. If inappropriate steps have been taken, there are penalties for that, and we will ensure that they are implemented.

Mr Parsons: You're also only too aware that the Participating Co-operatives of Ontario Trusteed Pension Plan is in dire straits. Senior citizens who faithfully contributed to the plan are now seeing their pensions cut in half and are literally trying to live on several hundred dollars a month. The plan is in trouble because the assets are now only 53% of the amount needed to sustain it. Here again, the Financial Services Commission of Ontario had the responsibility of monitoring the health of the pension plan. The loss in assets did not happen overnight, but they sat back and watched. Where were they? Where was the financial services commission? Minister, I ask you what you'll do now to ensure that every pension plan member in Ontario can have confidence that their retirement income is safe.

Hon Mrs Ecker: Again the honourable member is wrong in his facts. The financial regulator has indeed been on the case with the co-op pension. They had been working with the board when it was clear that because of the reporting requirements that in are the law, there were problems in the plan. The board was attempting to resolve that. It is the board's decision. They said they wanted to wind it up. We are working with both the pensioners and the board to see what can be done for these pensioners. For example, approximately half of the pensioners are going to be covered in another plan. There are many steps that we are taking to ensure that those pensioners indeed receive what they can get.

I think that having secure pensions is something we all hope to have. The plan under which the co-op worked was put in place to actually expand pension benefits for many, many workers who wouldn't ordinarily have had them. We have put in place strong rules. There are strong reporting requirements. There are also reporting requirements for employers to top up the defined pension plans.

I think the regulator has been on the case and will continue to be on the case to ensure that pensioners get what they deserve.

WEST NILE VIRUS

Mr AL McDonald (Nipissing): I'd like to direct my question to the Minister of Health. As you are aware, many people are feeling uneasy about the presence of West Nile virus across the province. For several weeks now, tension has been building about the potential dangers of this disease and what can be done to contain it. In fact, many of my constituents in Nipissing have expressed concerns to me about what we're doing to protect them from the West Nile virus. I know that you've been working with our public health officials to develop a plan to minimize the risks posed by this virus. In fact, I understand that the Premier recently made a significant announcement. Could you please ease the minds of my constituents and all Ontarians by explaining the significance of this announcement?

Hon Tony Clement (Minister of Health and Long-Term Care): I'd like to thank the honourable member for his question and of course assure him that this government is taking the necessary steps to protect the public from the West Nile virus.

A key part of Premier Eves's announcement is that we're committing \$20 million this year to pay for 100% of the larviciding costs and 50% of the costs of application. That's the kind of leadership we're showing and that the Premier is showing. This brings our West Nile virus spending to combat the disease to \$33 million this year in total, which is part of our commitment to spend \$100 million over the next five years.

The member should know that the Pest Management Regulatory Agency of Health Canada tests and registers all larvicides used across the country, as does our own Ministry of the Environment. Applicators are required to be trained and licensed by the MOE, and all communities must receive notice from their local public health units before pellets are dropped. In fact, I was happy to receive a letter from the association of municipalities supporting our announcement.

Mr McDonald: I'm happy to hear that you've received support for this great announcement. I want to ensure that the people of Nipissing know about the rest of the comprehensive plan that we've laid out for dealing with this disease. Provincial standards for larviciding is only one of the initiatives to fight West Nile, and I understand that we've unveiled our made-in-Ontario lab, which you just announced this month. Could you elaborate on the details of this made-in-Ontario solution to expanding laboratory testing, and could you also describe some of our other forward-moving steps to combat the West Nile virus in Ontario?

Hon Mr Clement: I will try to accommodate the honourable member in the minute that I have. Certainly, earlier this month I did announce that testing for West Nile virus can now be done right here in Ontario. Over the last few months, Ontario's Central Public Health Laboratory has expanded its capacity so that waiting times are significantly reduced on the testing. We'll have a quick turnaround of three days now, and this means that

health care professionals will have the information they need very quickly for their patients.

1530

This is part of our seven-point plan for the West Nile virus attack. We launched our public education campaign and sent brochures to every household in Ontario. Our new early warning system will better track human cases. Local public health units are already in the field tracking infected birds. A study is almost done to determine how many people were exposed to West Nile virus last year, and research continues to be done to combat the disease in our midst.

That is the kind of leadership that this government is showing. Our seven-point plan is state-of-the-art and is the best in Canada, and we are doing everything we can to ensure that people have the best protection possible against the West Nile virus.

INSURANCE RATES

Mr Mike Colle (Eglinton-Lawrence): My question is to the Minister of Finance. There is a horrible problem in this province with skyrocketing insurance rates. Homeowners, small businesses, charitable organizations and drivers are being forced to pay unbelievable premiums. In fact, they are held to ransom by insurance companies across the province.

Homeowners are being told they have to make major improvements to their homes or their insurance will be cut off. Small business owners are facing massive increases in their liability insurance for no apparent reason, even though they haven't had a claim in 20 years. In my own riding, one small business is facing a 400% increase in liability insurance. Drivers with otherwise good records are facing cancellation or massive increases. Seniors' discounts are being eliminated without reason and their insurance rates are doubling.

These skyrocketing manoeuvres and increases are unprecedented in this province. People are asking, "Why do we, the citizens of Ontario, the consumers, have to pay for the stock market losses of multi-million dollar insurance companies?"

Why is your minister sitting on his hands, doing nothing to stop these—

The Speaker (Hon Gary Carr): I'm afraid the member's time is up. Minister?

Hon Janet Ecker (Minister of Finance): As you know, the insurance industry in all sectors is under considerable pressure around the world. All we have to do is look at some of the crises and acts of destruction that have occurred to know some of the reasons for that.

That's one of the reasons the regulator has been working very closely with insurance companies, first of all, to make sure that nothing inappropriate is occurring, that appropriate rules are being observed. In auto insurance, for example, we've had considerable consultations with consumers and with all of those involved in the auto insurance area, including health practitioners and those who advocate on behalf of auto victims. We are putting

in place changes which will help moderate those increases and ensure that consumers have the information they need to make appropriate choices when they're shopping around for the best consumer rates.

Mr Colle: Madam Minister, you're just making the same excuses these insurance companies are making. There is no way of defending the cancellation of insurance on people who are trying to buy a home or complete a deal. That's what is going on. People are told to rewrite their whole house or they won't have insurance. Seniors' insurance premiums are doubling. How can you stand there and say this is acceptable? Your job is to protect Ontario citizens, not to give excuses like 9/11 for their gouging of citizens in Ontario.

Stand up again and tell us why the citizens of Ontario have to basically pay on their backs the gambling losses that these insurance companies had on the stock market. How do you justify the insurance companies gouging these Ontario consumers?

Hon Mrs Ecker: If the honourable member really knew something about the insurance industry, he would know that around the world there are challenges for those who are seeking to buy insurance in any number of sectors. It is certainly not something that is limited to here in Ontario. He's quite right: consumers are experiencing significant increases in many areas. That is why the regulator has increased its diligence to ensure that rules are being observed.

Secondly, we've been working with the auto insurance industry, with consumers and with those who advocate on behalf of consumers to put in place changes that will help on the auto insurance side to give consumers more choices, better access to treatment, faster access to treatment, expanded rights to sue. All of those are important benefits for consumers as we seek to make sure that consumers here in Ontario can continue to be covered by insurance.

SMALL BUSINESS

Mr Bart Maves (Niagara Falls): My question is for the Associate Minister of Enterprise, Opportunity and Innovation. This government has demonstrated a strong commitment to small business and entrepreneurship. In fact, small business and the entrepreneurs of Ontario have helped us to create over 1.1 million net new jobs since 1995, a record envied around the world. One of the cornerstones of this government's commitment to the small business sector is the funding of the province's small business enterprise centres. Could the minister take a moment to tell the members of the House about some of the important functions and features of these centres?

Hon David Turnbull (Associate Minister of Enterprise, Opportunity and Innovation): I thank the member from Niagara Falls for this important question. The Eves government recognizes that small businesses are the engine of economic growth in this province. In fact, they're critical to ensuring that prosperity continues in this province.

Ontario's small business enterprise centres help meet the needs of small businesses. We have a total of 44 locations to meet the needs of small businesses. These are 34 enterprise centres and 10 self-help offices. They provide information, one-on-one consulting, workshops, seminars and on-line training. They also provide access to the latest technology for research and planning. Last year we spent some \$3 million on these centres, and our plans for this year include the conversion of five additional centres to enterprise centres, 15 to 20 bridges to better business events, and continuation of the young entrepreneurs strategy.

Mr Maves: Minister, you mentioned at the end of your response that a critical part of our small business strategy is the young entrepreneurs strategy, for which you and I no longer qualify. However, I feel this program is of great benefit to the young people of our province. I know the strategy encompasses a number of individual programs aimed at mentoring and providing financial support to enterprising youth. Could you detail some of the components of this critical new initiative for the members of the House?

Hon Mr Turnbull: Our government's young entrepreneurs strategy instills the entrepreneurial spirit in youth. They highlight career benefits and they demonstrate entrepreneurship as a desirable career path; in fact, you could say a critical career path. They provide financial assistance to enterprising young people. The My Company program provides business training and low-interest loans up to \$15,000. The Summer Company provides mentoring, hands-on training and awards up to \$3,000.

Our government's young entrepreneurs strategy fosters entrepreneurial initiative. It encourages young people to harness ambition and pursue their dreams. These are critical elements in building this economy.

GO TRANSIT

Mr Rosario Marchese (Trinity-Spadina): My question is to the Minister of Transportation. Last March you asked the GO Transit board to delay a decision to cancel the reduced fare they offer to students. The students said, at least in that instance, that you did the right thing. But now the students are worried the proposal is coming back. Getting rid of the student fare could cost students from Oshawa as much as \$86 a month. Minister, are you willing to call the GO Transit chair, Gordon Chong, and tell him to keep the student fare in place?

Hon Frank Klees (Minister of Transportation): I thank the member for his question. As the member knows well, I directed GO Transit to hold off on the implementation of that policy. I did so requesting at the time that they consult with stakeholders and that they take a second look at this issue. I have an undertaking from the GO Transit board that they in fact will do that and are doing that. I expect to hear from them when those consultations are complete.

1540

At the end of the day, what's important is that there are competitive rates, that in fact the rates are set in such a way that we encourage ridership, particularly by the student population. That was my direction to the board, and I expect that in fact will have a favourable response. We'll wait to see what happens.

The Speaker (Hon Gary Carr): Supplementary, the member for Beaches-East York.

Mr Michael Prue (Beaches-East York): Minister, what you did last March was right, and one could not argue with what you're saying here today. But the GO Transit bureaucrats have written reports and have suggested that the student rates are going to go up by as much as \$86. This would be a huge tax on the students who live in the 905 and who must commute to schools within the 905 and into Toronto. We believe that students should be getting a preferential rate, as you once said yourself. We believe that GO should be funded so it doesn't have to look for sources of revenue from people who cannot afford to pay for it. We have suggested that ourselves in our own election documents. We have said as much. That needs to be done. What is your plan to make sure that these students will not have to pay increased rates to get to school?

Hon Mr Klees: As I said, and I'll repeat this, the reason I gave instruction to the GO Transit board not to introduce that rate increase as it was proposed is that I wanted them to take a second look at that. We believe it's extremely important that we make ridership affordable not only to students but across the board.

On the same count, the GO Transit board and their bureaucrats who are submitting their financial reports have a responsibility to be financially responsible as well. So what we're trying to do is find that balance. That's what I would say to you is our responsibility, and that is what we'll achieve together in co-operation.

Those bureaucrats have a responsibility. They've submitted a proposal. I'm sure the board will look at it and at the end of the day they'll make what is a fair and reasonable decision.

GOVERNMENT ASSETS

Mr Gerry Phillips (Scarborough-Agincourt): My question is to the Minister of Finance. The need for this was heightened yesterday when we heard that there is about \$850 million of SARS spending required; there's another \$700 million in cuts required in the budget. We demand to know what you are planning to sell to raise the \$2.2 billion as a result of asset sales. You have said that you are going to raise that by commercializing government enterprises.

We've got the major assets of the province of Ontario here to try to get some idea of where you're going to get the \$2.2 billion. The major income of these enterprises happens to be with the LCBO. I'll ask you directly, Minister: is the LCBO on the block as the way you're going to raise the \$2.2 billion?

Hon Janet Ecker (Minister of Finance): As the honourable member will well know, that particular line in the budget has had different kinds of levels in it. Many times there are other sales and rentals that happen in the normal course of things in a government. That number has varied from year to year, so that is not unusual.

We have set out quite clearly, as we have before and again this year, what public assets the government owns and maintains on behalf of taxpayers. We review that and we ask: can they be better managed in some other fashion? Is it something the government needs to do? Is it something the private sector can do? We make decisions around that. As he well knows, there were assets reviewed last year. Some were changed; we divested ourselves of some; some we are retaining in public control. That is no different than it'll be this year.

Mr Phillips: The public should be aware that the line does vary. The day the last provincial election was called, the government sold the 407. The 407 users have gotten ripped off every single day since then. That's why we are raising this and that's why we are so insistent that you owe the people of the province an answer. You have balanced the books by saying you're going to sell \$2.2 billion in assets. The last time you did this was the 407 rip-off. The public has an entire right to know what you are going to sell. Again, we say to you today, Minister: \$850 million for SARS yesterday; another \$750 million you've said you're going to cut out of the budget. Where are you going to get the \$2.2 billion? Come clean with the people of Ontario today. We do not want another 407 rip-off on behalf of the taxpayers of Ontario.

Hon Mrs Ecker: First of all, and I know the Liberals may disagree with this, but there are \$500 million of new highway construction; for example, in Durham region and out to the west. That simply would not have occurred without the involvement of the private sector. It was a commitment this government made to extend the 407. We have indeed done that. We believe that highway is needed across the top of Durham region. We are taking steps to do that.

Unlike the Liberals, we understand that sometimes the government doesn't have to do everything. There are things that the private sector can do better; there are things that the government can do better. Every year we review assets to see if changes are required, and if changes are required, the Liberals will be the first to know because we will be announcing it publicly.

Mr Dwight Duncan (Windsor-St Clair): On a point of order, Mr Speaker: I seek unanimous consent to give second and third readings to Bill 61, An Act to promote stability and good will in Toronto Catholic Elementary Schools. By doing this, we'll get the kids in the Catholic schools of Toronto back to school tomorrow.

The Speaker (Hon Gary Carr): Is there unanimous consent? I'm afraid I heard some noes.

BUSINESS OF THE HOUSE

Hon John R. Baird (Minister of Energy, Minister responsible for francophone affairs): On behalf of my

good friend and colleague and my leader in the House, Chris Stockwell, I have the business of the House. Pursuant to standing order 55, I have a statement of business of the House for next week.

On Monday afternoon, we will debate Bill 28. On Monday evening, we will begin debate on Bill 43.

On Tuesday afternoon, we will debate the budget motion again. On Tuesday evening, we will continue debate on Bill 28.

On Wednesday afternoon, we will debate a Liberal opposition day. I have House duty on Wednesday, so I'm quite pleased about that.

Thursday morning, during private members' public business, we will discuss ballot item 11, standing in the name of Mr Christopherson; and ballot item 12, standing in the name of Mr Phillips. Thursday afternoon's debate will be on Bill 43.

PETITIONS

AUDIOLOGY SERVICES

Mr James J. Bradley (St Catharines): I have a petition to the Legislative Assembly. The title they have on it is "Listen: Our Hearing is Important!"

"Whereas services delisted by the Harris-Eves government now exceed \$100 million in total;

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

"Whereas the Harris-Eves government policy will virtually eliminate access to publicly funded audiology assessments across vast regions of Ontario;

"Whereas this new Harris-Eves government policy is virtually impossible to implement in underserved areas across Ontario;

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

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

I affix my signature as I am in complete agreement with this petition.

MEDICAL REVIEW COMMITTEE

Mr Peter Kormos (Niagara Centre): "To the Legislative Assembly of Ontario:

"Whereas the OHIP schedule of benefits is often unclear about its definitions of good medical practice, causing problems for patients and their physicians;

"The medical review committee of the College of Physicians and Surgeons has been aggressively clawing back payments to hard-working, conscientious doctors

and thereby exacerbating physician shortages in the province;

"We, the undersigned, request the Minister of Health to suspend further reviews by the medical review committee pending a negotiated agreement of an unambiguous schedule of benefits with representatives of affected practising physicians."

It's signed by hundreds, including myself.

COMMUNITY CARE

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): "To the Legislative Assembly of Ontario:

"Whereas the eastern Ontario branch of the Victorian Order of Nurses has been providing care in this community since 1897;

"Whereas community care will suffer by the closure of the eastern Ontario branch of the VON;

"Whereas community care in Napanee, Northbrook, Sharbot Lake and Cloyne will be drastically affected by the closure of the eastern Ontario branch of the VON;

"We, the undersigned, implore the Minister of Health and Long-Term Care to recommend to the Ontario government that the necessary funds be provided to the community care access centre to ensure that the VON are able to maintain their community nursing programs."

I will affix my signature to this petition because I am in full agreement.

1550

ALUMINUM SMELTER

Mr James J. Bradley (St Catharines): I have a petition that reads as follows:

"To the Legislative Assembly of Ontario:

"Regarding cleanup of the abandoned smelter site in Georgina:

"Whereas the abandoned aluminum smelter located on Warden Avenue in the town of Georgina has been deemed to have heavy metals exceeding the Ministry of the Environment guidelines; and

"Whereas the site is adjacent to a wetland that leads into the Maskinonge River feeding into Lake Simcoe;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the Ministry of the Environment to conduct a full environmental assessment of this site followed by a cleanup of the full smelter site."

CHILDREN'S MENTAL HEALTH SERVICES

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

"To the Minister of Health and Long-Term Care and the Lieutenant Governor in Council:

"We, the undersigned, urge you in the public interest, under the Public Hospitals Act, the Canada Health Act and Charter of Rights and Freedoms, to the following

decisions to improve the accessibility to mental health services in the Niagara region:

“(1) Locate the proposed children’s mental health beds in the Niagara region;

“(2) Support the services tabled as needed in the Luke family petition.”

It’s signed by hundreds, and I’ve affixed my signature as well.

COMMUNITY CARE

The Acting Speaker (Mr David Christopherson): Further petitions? The member for Lennox-Hastings-Frontenac—I think I just butchered that. I’m sorry.

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): You got them all: Hastings-Frontenac-Lennox and Addington.

To the Legislative Assembly of Ontario:

“Whereas well-managed and adequately funded home health care is a growing need in our community; and

“Whereas the provincial government has frozen community care access centre budgets, which has meant dramatic cuts to service agency funding and services to vulnerable citizens, as well as shortened visits by front-line workers; and

“Whereas these dramatic cuts, combined with the increased complexity of care for those who do qualify for home care, has led to an impossible cost burden to home care agencies; and

“Whereas the wages and benefits received by home care workers employed by home care agencies are well below the wages and benefits of workers doing comparable jobs in institutional settings; and

“Whereas front-line staff are also required to subsidize the home care program in our community by being responsible for paying for their own gas and for vehicle maintenance; and

“Whereas other CCACs and CCAC-funded agencies across the province compensate their staff between 29 cents and 42.7 cents per kilometre; and

“Whereas CCAC-funded agency staff in our own community are paid 26 cents a kilometre, with driving time considered ‘hours worked’;

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

“To act now to increase funding to the CCAC of Kingston, Frontenac, Lennox and Addington in order for it to adequately fund service agencies so they can fairly compensate front-line workers.”

I will affix my signature to this petition because I am in full agreement.

COMPETITIVE ELECTRICITY MARKET

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

“Whereas the Harris government’s plan to privatize and deregulate Ontario’s electricity system will lead to higher rates because private owners will sell more power

to US customers whose rates are typically 50% higher than Ontario’s; and

“Whereas selling coal plants like Nanticoke to the private sector will lead to more pollution because the private owners will run the plants at full capacity to earn a profit; and

“Whereas electricity deregulation in California has led to sky-high rates and blackouts; and

“Whereas Ontario needs a system of public power that will ensure rate stability, environmental protection and secure access to power;

“Therefore be it resolved that the undersigned call on the government to scrap electricity deregulation and privatization and bring in a system of accountable public power. The first priority for such a public power system must be incentives for energy conservation and green power. Electricity rates and major energy projects must be subject to full public hearings and binding rulings by a public regulator instead of leaving energy rates to private profit.”

It’s signed by thousands. I have affixed my signature as well.

TUITION FEES

Mr James J. Bradley (St Catharines): I have a petition. It reads as follows:

“Petition: Freeze Tuition Fees

“To the Legislative Assembly of Ontario

“From: Scarborough campus students’ council, University of Toronto

“Whereas average tuition fees in Ontario are the second-highest in Canada; and

“Whereas average undergraduate tuition fees in Ontario have more than doubled in the past 10 years; and

“Whereas tuition fees for deregulated programs have, in certain cases, doubled and tripled; and

“Whereas Statistics Canada has documented a link between increasing tuition fees and diminishing access to post-secondary education; and

“Whereas four other provincial governments have taken a leadership role by freezing and reducing tuition fees;

“Therefore, we, the undersigned, petition the Legislative Assembly of Ontario to:

“Freeze tuition fees for all programs at their current levels, and

“Take steps to reduce the tuition fees of all graduate programs, post-diploma programs and professional programs for which tuition fees have been deregulated since 1998.”

I affix my signature. I’m in complete agreement.

WATER EXTRACTION

Mr Ted Arnott (Waterloo-Wellington): I have a petition to the Legislative Assembly of Ontario and it reads as follows:

“Whereas taking water for sale purposes is now recognized by Parliament as a great concern to Ontario residents; and

“Whereas the township of Centre Wellington has commissioned a comprehensive groundwater management study, funded by MOE grant, recently completed but not yet fully assessed; undertaken development of two additional wells to service current demand and modest future development in these major urban centres; implemented strict conservation bylaws for domestic usage, and begun water metering for all usage (commencing in 2003) in these same major urban centres; has not yet evaluated impacts on more than 2,000 private wells lying outside the major urban areas which may be susceptible to pumping of both municipal and other private wells; and

“Whereas the Ministry of the Environment is currently considering an application under section 34 of the Ontario Water Resources Act, for a permit to take a daily volume of 1,091,040 litres from a site in Centre Wellington township, a volume nearly equivalent to the daily consumption of the former village of Elora (more or less 3,000 of the 21,000 inhabitants of the township);

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

“(1) Freeze all current applications for permits to take water for commercial (sale) purposes, subject to review of legislation correlating provincial responsibility with municipal responsibility for usage of these resources, considering both local requirements and those of private commercial interests;

“(2) Expedite revision of current legislation governing these valuable water resources so that constituents have some substantial protection from the influence, on local groundwater supply, of pumping wells for the commercial sale of water;

“(3) Instruct the Ministry of the Environment to institute more comprehensive testing to establish the area of influence on groundwater supplies before issuing a permit to take water for pumping large volumes of water from a well adjacent to other wells; and

“(4) Clarify the meaning of the water-taking and transfer regulation introduced in 1999, which purports to prohibit the transfer of water from Ontario’s major water basins.”

I have affixed my signature to this petition as per the rules of the House.

RIVER ACCESS

Mr Dominic Agostino (Hamilton East): I present this petition on behalf of my colleague David Ramsay from Timiskaming-Cochrane.

“We, the undersigned, would ask you to reopen access to the Montreal River at the south end of the bridge at the Lower Notch hydro dam. We have had access to the river by this launch since the dam was completed and find the barring of this road to be unlawful and inconsiderate to many anglers who frequent this area. With the installation of a locked gate at the above-mentioned point,

fishermen are forced to travel over four miles and navigate rough terrain and steep hills that threaten one’s safety when pulling a trailer in order to launch their vessels. Accidents will happen, people will be hurt and ... traffic jams will ensue.

“We have used and respected this launch since the completion of this dam. All we ask is that you respect our right to access this river without threat of injury or damage to our vehicles and vessels.”

I’ve signed my name to the petition.

ABORTION

Mr Ted Arnott (Waterloo-Wellington): I have a petition to the Legislative Assembly of Ontario in Parliament assembled and it reads as follows:

“We, the undersigned citizens of Ontario, draw the attention of the House to the following:

“That Ontarians are being asked to consider alternate forms of health care delivery due to escalating costs; and

“That 65% of Ontarians surveyed in October 2002 objected to the public funding of abortion on demand and that almost all abortions are done for ‘socioeconomic reasons’ in Canada; and

“That the Canada Health Act imposes no duty on provinces to fund any services other than those which are medically necessary; and

“That there are no legal impediments preventing provinces from de-insuring abortion;

“Therefore, your petitioners call upon the Parliament of Ontario to enact legislation which will de-insure induced abortion.”

It’s signed by a number of my constituents. As per the rules of the House, I’ve affixed my signature to the top of it as well.

1600

ORDERS OF THE DAY

BACK TO SCHOOL
(TORONTO CATHOLIC ELEMENTARY)
AND EDUCATION AND PROVINCIAL
SCHOOLS NEGOTIATIONS
AMENDMENT ACT, 2003 /

LOI DE 2003 PRÉVOYANT LE RETOUR
À L’ÉCOLE (SECTEUR ÉLÉMENTAIRE DU
CONSEIL CATHOLIQUE DE TORONTO)
ET MODIFIANT LA LOI SUR
L’ÉDUCATION ET LA LOI SUR
LA NÉGOCIATION COLLECTIVE DANS
LES ÉCOLES PROVINCIALES

Resuming the debate adjourned on May 28, 2003, on the motion for second reading of Bill 28, An Act to resolve a labour dispute between the Ontario English Catholic Teachers’ Association and the Toronto Catholic District School Board and to amend the Education Act

and the Provincial Schools Negotiations Act / Projet de loi 28, Loi visant à régler le conflit de travail opposant l'Association des enseignantes et des enseignants catholiques anglo-ontariens et le conseil scolaire de district appelé Toronto Catholic District School Board et modifiant la Loi sur l'éducation et la Loi sur la négociation collective dans les écoles provinciales.

The Acting Speaker (Mr David Christopherson): It is my understanding that the member who had the floor when this was last debated is not in the House. Therefore, the debate will now revert over to the official opposition. The floor is open for debate, and I look for a member of the official opposition.

Hon Jim Flaherty (Minister of Enterprise, Opportunity and Innovation): On a point of order, Mr Speaker: I'm sure my fellow members of the House will understand if I introduce a constituent of mine who is here in the members' gallery today. Rebecca Gordon is not only an active parent but is concerned about our school issues. She's brought with her a letter signed by about 70 grade 4 students asking that the teachers' strikes and work-to-rule which we've endured in Durham region no longer interrupt their educations.

The Acting Speaker: Thank you. Welcome. I'm not sure how in order that is, but I sense that the members on the other side appreciated the moment to gather. Therefore, we will revert back to me calling for speakers from the official opposition.

I now recognize the member for Hamilton East.

Mr Dominic Agostino (Hamilton East): I'm pleased today to rise to speak on the bill presented by this government that is intended to settle the dispute here in the city of Toronto. If you look at the bill that is in front of us, what we have is clearly a political document intended to double as an attempt by this government to somehow end the lockout.

Understand that it's not a strike; understand that the Toronto Catholic District School Board intentionally made the decision to lock out the teachers and keep those students out of school. This was not a strike determined by the teachers. The teachers have been out there every day. They've been willing to go to the classroom. They've been outside their schools waiting for the doors to be unlocked. It has been through what I believe to be the combined efforts of this government and the school board that these kids have been out of school. Some 69,000 students have been out of school not because the teachers have wanted them to be out of school, but because this government, in cahoots with the school board, has decided to use this as a political tool in a political agenda.

One must question the coincidence of the timing; one must question the interesting timing of this. At the same time that the Toronto Catholic District School Board decided that they were going to lock out the teachers and that this government decided to bring in legislation to end this lockout and force teachers to perform extracurricular activities—surprise, surprise—Tory ads ran on TV, paid for by the PC Party of Ontario, talking about banning

teachers' strikes. Maybe it's a coincidence. Maybe Ontarians should believe that by some magic coincidence we have a situation where the three incidents just happened at the same time. I would suggest that there's a lot more to it than that. I would suggest that it was a deliberate attempt by the school board and this government to work together to somehow fulfill a political agenda of banning teachers' strikes. Let's remember that this is the agenda that has been outlined in the platform unveiled by the Tory government.

Applause.

Mr Agostino: I give Mr Flaherty credit. He's applauding, and although I may disagree with the issue, I certainly respect the fact that Mr Flaherty was true to his word in the leadership debate, was honest with people of Ontario, and said, "Here's how I feel. I feel teachers' strikes should be banned." I respect that integrity. I may not agree with the content, but I certainly respect the integrity he has shown.

The Premier was adamantly against this. We recall back in 1982, when he was a backbench member representing the constituents of Parry Sound, where he worked hard to resolve a dispute and said, "We're not in a dictatorship. We live in a democracy. You can't ban. You should not trample on people's rights, and you should not ban the right to strike."

Also the same Ernie Eves in the leadership debate was very critical of Mr Flaherty's position. He was very critical, nasty, attacked Mr Flaherty mercilessly, pounded him at every opportunity, was against the idea Mr Flaherty had proposed to ban teachers' strikes. It was Mr Eves who said it would cost an additional \$700 million. That was Ernie Eves then, compared to Ernie Eves now.

I'm sure Mr Flaherty is glad that the Premier has finally seen the light, that the agenda of Mr Flaherty has been implemented and that the agenda of the Premier has gone to the back burner. But unlike Premier Eves, I am not in favour of taking \$700 million out of the classroom and putting it into teachers' salaries. That's what Ernie Eves wants to do. It was his own admission that it would cost \$700 million more to ban teachers' strikes in Ontario.

What do we believe? Do we believe the Ernie Eves of 1982 where he said it was undemocratic banning teachers' strikes? Do we believe the Ernie Eves of the leadership debate where he said that it was wrong, to paraphrase, that you can't legislate respect; you must earn it? Do we believe the Ernie Eves who said it was a bad idea because it would cost \$700 million more? Or do we believe the Ernie Eves of today who all of a sudden has now embraced the agenda of Mr Flaherty and those 45% of the supporters he got in a very successful, in my view, leadership race? Which Ernie Eves is going to show up tomorrow? Will it be the Ernie Eves of last year, of the year before, of 1982, or the new Ernie Eves who now believes teachers' strikes aren't acceptable?

When you look at this particular situation, this government could, in one day, have brought in a very simple, clean bill that would have simply ended the lockout. But

no, that wasn't good enough, because this was not about getting the kids back into the classrooms; this was about political gamesmanship; this was about implementing an election platform. They have not called the election. They've got their platform out there. They have lots of opportunities to go to the people of Ontario. We believe they should have gone to the people of Ontario months ago, but Ernie Eves has not found the intestinal fortitude yet to face the people.

Let's understand that this man has now been Premier for 15 months, and he's only been Premier as a result of roughly—

Interjection: Eighteen months.

Mr Agostino: Eighteen months, and only with the support of—overall it's 18,000 Tory members, and probably half of that, 9,000 to 10,000 card-carrying Tories. That's what has given this man the mandate to be Premier of Ontario. I believe this is the longest-serving, non-elected Premier we have had in this province.

Interjection.

Mr Agostino: He has not been elected by the people of Ontario to be Premier. He has abused his mandate. He has run out of time in his mandate. He is in the fourth year of his mandate. Ernie Eves does not have, in my view, the authority to continue governing the province of Ontario. But he'll keep delaying, because now it's an attempt to desperately cling to power at all cost. He will say anything, he will do anything to cling to power.

This bill is another phoney attempt at pretending he's trying to govern. If he was sincere about getting those kids back to school, this could have been done a week ago. All he had to do was bring in a clean bill that would have said simply, "End the lockout." But no, he went a step further. With Ernie Eves in his new-found tough guy image, it's, "Pick on teachers because we're down in the polls." With this new image of his, with his new bravado that he has found in taking on the teachers, and in a sense taking on the students, he has said, "No, we're going to make extra-curricular activities mandatory. We're now going to force those teachers to coach football or basketball or teach drama or music programs or plays," things that teachers have voluntarily done. Speaker, as you, and any of us who have experienced being involved in extra-curricular activities know, none of our teachers have been forced to do that.

What I remember through school, as all of us do, is not the classroom lessons, not your math, your English, your geography, your science, but the experience and interaction and involvement and commitment of your teachers, what they did beyond the call of duty.

1610

Hon Mr Flaherty: You loved school.

Mr Agostino: I loved school. It was a great experience and I spent the best 10 years of my life in high school.

It was that extra work that teachers did on their own, where they coached you in football or in your drama class or on the soccer field. Those teachers weren't forced to do that. They weren't legislated to do that. OK, I didn't do drama, I didn't do arts. I did sports.

Mr George Smitherman (Toronto Centre-Rosedale): You excel at drama.

Mr Agostino: The story of my life.

Those teachers did it because they wanted to do it. But this government is now saying to the teachers in this board and in every other board across Ontario, "With the passing of the legislation, you will now be forced to do this. It's no longer something you do because you want to do it, because you want to help your students. It's something we are going to force you to do." That is wrong. I agree with Ernie Eves: that is undemocratic. It is not a dictatorship that we live in—although some days I wonder, with this government.

This bill is not about getting those 69,000 students back to school. This bill is a backdoor attempt to implement an election strategy, an election platform for an election that they have not had the courage to call yet. I say to the government, if you're serious, remove the second part of the bill.

My colleague from Parkdale-High Park, Gerard Kennedy, introduced a bill that was a clean, very simple bill that would have the kids back in the class tomorrow morning. We asked for unanimous consent today, as we have a number of other times, and the government has blocked us every single time. If this government were seriously interested in getting these kids back to school, they would have supported Gerard Kennedy's bill—very simple, very clean, ends the lockout, doesn't force teachers to do extracurricular activities if they chose not to. But they're not interested in that, they're interested in playing politics with this issue.

This has been the history and the agenda of this government since 1995. They have gone to war with teachers right from day one.

Hon Mr Flaherty: Unions.

Mr Agostino: My colleague Mr Flaherty again says, "Unions," trying to set up somehow this big, ugly monster that represents teachers, this ugly monster that they like to paint as a union. I never quite pictured teachers to be the most radical workers in this province. I don't quite picture teachers storming the barricades or causing riots. I don't quite see teachers as the most radical workers we have in the province of Ontario.

Somehow, this government paints them to be these undemocratic—the leadership of the unions, whether the government likes it or not, gets elected as democratically as this government got elected last time. Once they get elected, they speak for their members, and they have the right and the responsibility to do that. But they somehow paint the union leaders—hang on: union bosses; they like that because it sounds like a much tougher, sort of American teamster type of word, the vision that they want to put out for people. It's those code words, those buzzwords that they like to use.

Frankly, teachers got into teaching because they wanted to be in the classroom. They're not in there because they want to be on the picket lines; they're not in here because they want to go to war with government. But understand: there has been more time lost due to

disruptions in the classrooms in the last eight years than there has been in the previous two governments combined. Why? Is it a coincidence? Is it a coincidence that in 1995 the then Minister of Education said, "We have to create a crisis. We have to break the system down, destroy it, so that we can build it up in our own image of what the education system is going to be"? Is it a coincidence that they have continued to go after teachers?

Remember the ads? I think we all remember those wonderful ads, where, again, attacking teachers for extracurricular activities and not putting in enough time, they ran this clock with this extra twenty minutes. How demeaning, how insulting to the profession, to these teachers that work very hard, that put in extra time, that put in time on weekends, at tournaments, at events with their kids. How demeaning and insulting to them to do this stupid ad with the twenty minutes.

Why was that done? Was that done to bring harmony into the system? Was that done to make peace with the teachers? Or was that done to somehow improve education? Can someone on that side of the House tell me how running those silly clock ads, those "20-minute" ads suggesting that teachers are lazy and overpaid and need to be punished, helps classroom education? Maybe someone can explain that.

It was just another blatant attack on teachers and, indirectly, an attack on students, because you only get the best out of the students by getting the best out of the teachers. If you're going to demean and demoralize and attack the individuals who are to deliver that education—the teachers—how do you expect that to improve the system?

They have systematically cut funding for textbooks; they've cut funding for computers. Our classrooms are in disarray in regard to physical structure. I brought this example to the Legislature last year: one of the schools in my riding had to move the desks every time it rained and place buckets where those desks were because the school board could not afford to fix the roof. Computer rooms had to be shut down because it was leaking. Exposed wires in classrooms, paint that was peeling—that's not unusual. It's in my riding, and I'm sure it's probably in many other ridings across this province, because this government decided that investing in tax cuts for the largest corporation in this province was a bigger priority than investing in education.

Then they continued their attack on public education by bringing in legislation that would give a tax credit to private schools—again, I say to you, something that Premier Eves, when running for the Tory leadership, thought was a bad idea. He thought it was a bad idea. He said we could not afford it. He said they could not meet the curriculum standards. Again, I give Mr Flaherty credit: another part of his agenda was implemented by Ernie Eves, the same agenda that Premier Eves fought against and went after Mr Flaherty for talking about during the leadership campaign—that same agenda of the private school tax credit. Again, Mr Flaherty, with all due

respect to him, believed in it and still believes in it. He's always stood by that belief. I can't say the same thing about the Premier because the Premier's all over the map on it. He thought it was a bad idea. He went on and on. He attacked Mr Flaherty. It was ugly. It was so tough to take sometimes watching that.

Hon Mr Flaherty: I used to be six foot two.

Mr Agostino: Exactly. You shrunk him by about eight inches during the whole time that this went around.

Here's Mr Flaherty, someone that truly believed in the cause, being dismissed and ridiculed by Mr Eves during the leadership campaign simply for the sake of getting some votes. I felt bad that the now-Premier mercilessly attacked Mr Flaherty for his ideas on a private school tax credit. But what does Ernie Eves do now that he's Premier? He embraces it: "It's a wonderful idea. We're bringing it in"—\$500 million taken out of public education for private schools.

I remember former Premier Mike Harris saying very clearly how bad an idea it was, and saying it wasn't a priority—couldn't do it. Now wrote Finance Minister Ecker a letter saying, "No, it would take money out of the public education system. It would be detrimental to public education in Ontario." Now she's the finance minister implementing this legislation.

Where is this party? Where is this government? What do they stand for when it comes to education? They're just all over the map. I always say to people, look, if you don't like Ernie Eves's position today, just wait a week; then it'll change and you'll be happy. What does he stand for when it comes to public education? I really don't know. I really don't understand it.

As we get closer to an election, hopefully sooner rather than later, I think Ontarians, when it comes to public education, are going to have a clear choice. They're going to be able to choose between a wishy-washy government led by Ernie Eves that changes its mind every two weeks on public education, that one day is in favour of tax credits, the next day is opposed, that one day is in favour of teacher strikes, the next day is opposed. They've got a real choice.

Our leader, Dalton McGuinty, has laid out a platform that is real, credible and fundamentally true to his beliefs when it comes to public education. We're going to make sure we have smaller classrooms. We're not going to put an average; we're going to guarantee classrooms of 20 from JK to grade 3.

We're going to ensure that students learn to the age of 18. We don't think in this day and age of technology and global economy that it's acceptable for kids to quit in grade 9. We're going to ensure that kids stay in a learning environment till the age of 18.

We're going to give support to schools that are doing well, and we're going to use those skills and expertise in other schools that need their help.

We're going to guarantee minimum test results within the term of our government. That will be a guarantee. No government has ever done that in the history of this province. We're going to bring the standards up, and 75% of those students are going to meet those standards.

1620

These are real commitments rooted in a real belief that public education is important and public education is valuable.

Most importantly, we're going to treat teachers with respect and dignity. We may disagree—we're not always going to agree with the teachers—but dignity and respect will be at the top of the agenda when dealing with teachers in this province. We're going to treat them as the committed, dedicated professionals they are. We're going to make sure that they feel wanted, that they understand they're important, that they understand that the young minds in front of them are the future of this province and this country. We're going to make sure that teachers understand that their government believes that, that their government is not just there to attack them and to use them as political pawns every time they're down in the polls, every time they need to get a lift somehow: "Let's target teachers. Let's just tell people that teachers are lazy, overpaid, underworked and we should go after them." That is wrong. That is unacceptable. That is immoral today in a society where education is so important and public education is so important.

As we get closer to this legislation being finally voted upon, I ask this government again to reconsider what they're doing. If you're really serious about getting the kids back in the classroom, do the right thing. Withdraw the second part of that bill and make it a clean bill. Just simply have the teachers go back to the classroom. Don't force them to do extracurricular activities; don't force them to do things that they have done in the past simply because you want to legislate them back and look like a tough guy.

They can pass my colleague Gerard Kennedy's bill, which would get the teachers and the kids back in the classroom tomorrow morning. But that's not what they're concerned about. It's a political agenda here. It's an agenda of attack against teachers; it's an agenda of trying to score cheap political points; it's an agenda that frankly, when it comes to the Premier, is not based on any principle and values. It's an agenda simply of political stunts, of a political platform at the expense of 69,000 kids, and that is wrong. I can tell you, under a Dalton McGuinty government that would not happen. Under a Dalton McGuinty government the kids will always come first, not political stunts, not political cheap points, not political polls.

As I wrap up, I say to my colleague Mr Flaherty, as I mentioned a number of times today, although I disagree with many of his positions on teaching, I certainly admire the principles he's espoused on that and the fact that he has some conviction. I'd ask him not to burn himself out too quickly during the election campaign because he's going to be really busy in the leadership race afterwards. I wouldn't want him to tire out.

We're going to vote against this bill the way it is today. We hope they come to their senses and withdraw this and support our bill.

The Acting Speaker: Members now have up to two minutes to make comment or ask questions.

Mr Peter Kormos (Niagara Centre): I've only got two minutes now, but in a few more minutes I'm going to have my 20-minute time slot to talk to this bill. You'd better know and you should be concerned about the fact that I've just been served with notice of a time allocation motion on this bill. We haven't even finished but a few hours, a handful of hours, of debate around this bill that puts teachers not just in Toronto but across this province under direct attack yet again, and the government moves time allocation. What that means is that if this time allocation motion passes, and I suspect it will and that'll be done Monday afternoon, on completion of second reading there will be not even a minute of further debate, that the vote shall be put immediately, that there will be no deferral of the vote and that then it will immediately be put for third reading with no debate, none whatsoever. So not only does this government attack and condemn teachers; this government attacks and condemns parliamentary process and shows its disdain once again, disdain tantamount to contempt. Its contempt for teachers is clear; its contempt for this Legislature is even clearer.

Time allocation: New Democrats are not going to be a party to teacher bashing, to beating up on teachers. We're not going to be a party to this government rewriting the rules. Let's face it: the issue isn't the teachers' right to strike. This isn't a strike; it's a lockout. It's not the teachers' right to strike that's a problem; it's this government that's a problem and their funding formula that's a problem and, quite frankly, the incredibly high level of collaboration we've seen between this government and the Toronto Catholic board, together, that's a problem.

The Acting Speaker: Further questions and comments? The Minister of Enterprise, Opportunity and Innovation.

Hon Mr Flaherty: What a great name. It describes what the ministry is doing.

I have just two minutes to speak about this important issue. I listened carefully to the argument being advanced by the member for Hamilton East. I respect teachers, as he does. I respect his comments with respect to excellence in the teaching profession—not only the teachers who have taught our children, but the teachers who taught me. It has been a great experience to have our children taught as they have been, and taught as well as they have been. The principal of their school is wonderful. All of those things are true.

The difficulty is this: we have union leaders who are dictating the way the education system shall be run. That's the problem. They speak for some teachers; sure they do. But they don't speak for the teachers they have to fine, which they do, who want to perform extracurricular activities. The basketball coach teaches a couple of basketball practices after a work-to-rule campaign has started and they fine the teacher. What's that about? What kind of organization is that? What kind of belief do those union leaders have in service to students and parents? Why do we run four public school systems in the province of Ontario? Not for the teachers' unions, but for the parents and the children.

Rebecca Gordon from Whitby is in the gallery today. She brings with her the voice of 70 grade 4 students in my area, in the town of Whitby, who suffered work to rule, who had these things taken away from them by union leaders in Toronto dictating to Durham region, dictating to the teachers there what they could do or not do in serving students and serving families. Our school system is about parents and children. It isn't about union leaders dictating the way our schools will be run.

School testing and teacher testing are important. They've fought us on every one of those points. Thank goodness we're making the progress we are.

Mr Michael Bryant (St Paul's): The minister is just dead wrong. He knows that this is a situation of a lockout. This is not a situation of the union doing anything to precipitate a labour action. This is a lockout, and the minister knows it.

He also knows, because he's an expert at it, that this is a result of eight long years of efforts to create chaos. The very last stake that was going to be driven into our public education system and our separate school system was going to be this threat that the minister put forth to somehow end all labour actions and create illegal strikes to create even more chaos in the province of Ontario.

It was dismissed by the present Premier as wrong, and the response from Minister Flaherty was that Ernie Eves was a pale pink imitation of Dalton McGuinty. A year later, it turns out that Ernie is a pale pink imitation of Jim Flaherty. It turns out that the Premier of Ontario has turned out to be even more of a ditherer and waffler than the Honourable Jim Flaherty could ever have imagined. I don't think even he could have imagined that the Premier of Ontario would have taken Minister Flaherty's most outrageous ideas, which he referred to as most outrageous, and turned them into his own platform. It's unbelievable. This desperate action of a Premier who has lost the courage to go to the people, who has no mandate from the people and who must call an election, is truly going to be one of the very many last acts of the Premier, Ernie Eves.

I can tell you that the people of St Paul's are not buying this. They aren't buying what Minister Flaherty is saying. They're not buying this line. They want the kids to go back to school. Let's get the kids back to school.

1630

Mr Michael Prue (Beaches-East York): Two minutes hardly gives me time to say what I need to say on this, but I will tell you that the teachers are one of the finest groups we have in this entire province. I have nothing but the highest respect for them and nothing but the highest respect for their democratically elected unions. Those unions are democratic. Every year or two years the members must have a vote, which can't be put off because the president wants to put it off for a couple of months until the polls are better, but they have to be held exactly—

Hon Mr Flaherty: We don't need your union bosses in Toronto.

Mr Prue: Yes, I'm hearing all your anti-union rhetoric. I've heard it, we've all heard it and no one's

buying it. They have to hold their elections in a democratic way and cannot put them off until the polls are better, something the Premier seems very wont to do.

They do not try, and have never tried, to hold the children of this province hostage the way that this government has. What has happened is nothing short of disgraceful. There are 69,000 children who cannot go to school in the city of Toronto, 69,000 children who want to go back to school, 69,000 groups of parents who want them to go back to school and thousands of teachers who were out here in front of the Legislature demanding to go back to school. The reality is, this is not a strike perpetrated by any union, group or teachers. This is a lockout of a board that is following the Conservative dictates of the Premier and Mr Flaherty, who is all too willing to stand up there with petitions from some kids—I do not pass any umbrage on them; they were only in grade 4 or 5—who could not conceivably know what the petition is they're signing; who could not conceivably understand the difference between a lockout and a strike; who could not conceivably understand the right-wing rhetoric of Mr Flaherty and the Conservatives.

The Acting Speaker: That's four already. I now give the member for Hamilton East up to two minutes to respond.

Mr Agostino: I want to thank the members for Niagara Centre, Whitby-Ajax, St Paul's and Beaches-East York.

When you listen to the member for Whitby-Ajax, you would think that the teachers' federation is somehow being run by the late Jimmy Hoffa. The language that is being used is quite interesting.

Interjection.

Mr Agostino: No, the old one. They haven't found the body yet.

Today they brought in closure, another example of democracy, Ernie Eves-style. The member for Whitby-Ajax says, "It's these union bosses that are causing this problem." But I ask the member why, during the previous 10 to 15 years before this government came into power, were there fewer disruptions in the classroom than there have been in the last eight years? Is it a sheer coincidence? There were the same union leaders at that point, and there were fewer disruptions in 15 years than there have been in eight years. So you ask yourself, what has caused those disruptions in the classroom? Is it this government's agenda, its attack on teachers?

I say to the government, if you're serious and if you're really interested in getting those 69,000 kids back into the classroom, don't bring in closure, don't drag this debate on; simply give unanimous consent to the bill from my colleague Gerard Kennedy that would end the lockout. It would get the teachers back in the classroom where they want to be tomorrow morning. It would eliminate any other provision of the work-to-rule aspect, and then it would allow an arbitration process to take place. It's a process that has worked. It doesn't impose any new changes, as the government bill does—it tries to bring in their election agenda.

As I said before, the Ernie Eves government is not interested in getting the kids back in the classroom. They're using this Legislature, through the back door, to implement a platform and an agenda that they have not yet had to encourage to go to the people of Ontario with. But as soon as they go, the people of Ontario will speak very clearly against the agenda of this government.

The Acting Speaker: Further debate?

Mr Kormos: If there's an opportunity, I know Mr Prue, the member for Beaches-East York, very much wants to participate in this debate. But he, along with so many other members of this Legislature, is going to be denied that opportunity, because the government served notice of a closure motion.

Let's put this in context to understand exactly what's happening. And I want you, Speaker, and other folks who are watching to get a pen or a pencil, because I'm going to give you some phone numbers in just a couple of minutes. They're going to be incredibly important phone numbers. So get a pen or a pencil and a piece of paper, because we're going to talk about some phone numbers that folks might be interested in dialling if they really want to go to the source of the problem here.

Let's understand very clearly: this is a lockout. Not a single Toronto Catholic teacher wanted to be anywhere other than in the classroom teaching, which is where they were—every single one of them, to the final one—they were in the classroom. It was the Toronto Catholic board that slammed the doors shut in the faces of the teachers and those students. The board shut the doors. Every single Catholic teacher in Toronto was in the classroom teaching, caring for the kids, as they care for them not just in Toronto but across this province, and it was the board of education that shut the door on them. This isn't a strike.

Interjection.

Mr Kormos: Thank you kindly, Lucas. Where are you from—Woodstock? Lucas, page from Woodstock, just got some library research for me.

The board locked out these teachers. The board sent these students home. The board told the teachers that they couldn't come back to the classroom. Make no mistake about it: Toronto's Catholic teachers have been trying to negotiate. They've come to the board time after time with offer after offer. And it's not just a matter of the board not accepting the offers, but the board hasn't wanted to resume negotiations.

Just recently, we saw the membership of OECTA and their negotiating team go to the board with a proposal under section 40. The teachers go to the board and say, "Look, you've locked us out. We, the teachers, want to be back in the classroom. Therefore, let's utilize section 40 and voluntarily enter arbitration." The teachers proposed that. The board turned them down once again.

The board said it needed this legislation. The board said that the arbitration process the teachers were proposing would have resulted in unaffordable costs. The board either got some very bad advice, in which case they should fire some of their \$1,000-a-day consultants

who gave them that advice, or in fact the board has been maliciously distorting the facts, because this government, back in 1996, changed the arbitration formula under the Education Act significantly.

Since 1996, voluntary arbitration, the kind of arbitration that Catholic teachers in this city proposed to the board—because, let me tell you, the teachers have been far more interested in ending this lockout than the board has been. The teachers of Toronto have been far more interested in ending this lockout than this government has been. The teachers have been far more interested in getting those kids back into the classroom than Ernie Eves and his Minister of Education have been. Their efforts have been rebuffed every step of the way, by this government and by Toronto's Catholic board.

What a crock for the board to suggest that somehow it would result in inordinate costs for them to enter into voluntary arbitration. This government, in 1996, changed the schema. It made it quite clear, in law, that in making a decision or award, the arbitrator shall take into consideration all factors it considers relevant, including the following one: the employer's ability to pay in light of its fiscal situation.

1640

An arbitrator, as proposed by Toronto's Catholic teachers, would have to take into consideration the ability of a board to pay, amongst other things. It also, though, requires the arbitrator to take into consideration the employer's ability to attract and retain qualified employees.

You see, this is one of the fundamental concerns by the Catholic teachers in the course of these negotiations. What Catholic teachers have been trying to tell you is that because of the huge disparity between Toronto Catholic teachers' salaries, amongst other things, and teachers' salaries in the public board and in neighbouring communities, if there isn't a fair adjustment—all they're asking for is fairness—in those salaries, the Catholic board in Toronto is not going to be able to either attract or retain teachers.

Look, this government has had teachers under attack for eight years now. Lie, cheat and steal—no matter which way they've had to do it, they've done it to vilify and condemn teachers and other workers in the educational community, and they have. This government has treated teachers and other educational workers, yes, with contempt, just the same way it treated this Legislature with contempt when this government held its bogus budget in Frank Stronach's auto parts factory rather than here in this Legislative Assembly.

I'll be quite candid. New Democrats believe in the fundamental right of any worker to withdraw their labour. We believe that's fundamental in a democratic society. The only places I know where workers can't withdraw their labour are in dictatorships. In Fascist countries workers can't withdraw their labour, in countries where trade union organizations are oh, but a sham.

New Democrats: yes, we believe in the fundamental right of workers to withdraw their labour. But let's make something else perfectly clear: teachers have demon-

strated over the course of decades and generations that they are loath to engage in work stoppages. Look, I've met over the course of my lifetime, I'm sure, thousands of teachers, like others, as a kid, as I was going through school, and now and in any number of circumstances, talking to teachers in their classrooms and in their schools, out at the market square and at any number of community events and, yes, during the course of working around issues like this lockout of teachers by the Toronto board. I haven't met a teacher whose first and primary motive for teaching hasn't been to teach kids and to make their lives better and to make sure they're the best-trained young people this province has ever witnessed.

I meet teachers weekly who spend hundreds of dollars out of their own pockets, literally out of their own pockets, to supply their classrooms with teaching supplies, from the earliest grades—yes, and I've been in those classrooms, the little kids, the really little ones, where teachers are literally going to the stationery store and buying construction paper, crayons and other things like that to bring into the classroom—all the way through to the most senior levels of secondary school, where teachers are out of pocket.

The problem isn't teachers; the problem is this government, the Conservatives, and their defunding of education and their attack on teachers and other educational workers.

I told you I was going to give you some phone numbers. You see, the real problem here of course isn't the teachers; it's Ernie Eves and his Conservatives and it's the Toronto Catholic school board. Folks should be concerned about what's happening to teachers by virtue of the board continuing to lock them out and by virtue of their kids not being in the classroom being taught by those teachers who want to be teaching them.

Let me just focus on, let's say, two members of the Toronto Catholic school board. There's a trustee on that board called Angela Kennedy. I'm told that Angela Kennedy was the trustee who moved the motion that locked out the teachers. Don't forget: that's when there were still negotiations going on. It was Angela Kennedy who locked out the teachers by virtue of her motion.

"Who is this woman Angela Kennedy?" you say. I think she's a Conservative. Why do I think that? Because this same Angela Kennedy happens to be the Conservative candidate in the upcoming provincial election in the riding of Beaches-East York. I think she's a well-connected Tory, because who was among her nominators? Listen carefully, friends, because you'll recognize this name too: one Mr Paul Christie. One Mr Paul Christie, Tory hack flak, is the guy who was marched into the Toronto public board to undermine the democratic role of democratically elected trustees. He's being greased, he's being pieced off fantastically. This guy Paul Christie is making, Mr Colle tells me—repeat it again.

Mr Mike Colle (Eglinton-Lawrence): One hundred and eighty-five thousand.

Mr Kormos: One hundred and eighty-five grand a year; \$185,000 a year—Mr Paul Christie, who was

marched into the public board in Toronto to seize it, to trample over the role of elected trustees because the government didn't like what the trustees were doing, didn't like what the people's elected representatives were doing. So they march in Paul Christie, Tory hack flak, who was also the campaign manager for one Chris Stockwell during Stockwell's leadership bid in which he achieved less than 1%, I think, of the vote support—

Mr Colle: Christie should have been fired.

Mr Kormos: No, look: in most polls you've got a margin of error of 2% to 3%. If Stockwell only got 1% of the leadership votes, he could have gotten none. Do you understand what I mean? Or he could have owed some. Think about it. I mean, 1%. I know there are bikers who walk around with "One Percenter" tattooed on their shoulders. Stockwell should have "One Percenter" tattooed on his shoulder. He's not here. He's going to come running back. Wait until Monday. He's going to be alarmed and he's going to be outraged. If only he could feign sincerity as effectively as he feigns outrage, his career would be made.

You've got one Paul Christie, intimate, tight—we're talking pillow talk here—with the Conservative establishment in Ontario, tight with Angela Kennedy—clear-cut Conservative. Talk about clear-cutting, yes; she's just mowing down teachers left and right, the person who moves the motion to lock out the teachers. By the way, if you want to talk to Ms Kennedy, feel free to do so. Ask Ms Angela Kennedy whether she's getting marching orders from this government, because I'm not about to make that statement. You can draw that inference. The telephone number, Ms Kennedy—work number, please, because I don't want folks bothering Ms Kennedy at home; her conscience is going to bother her enough: 416-512-3406. That number again: 416-512-3406. Angela Kennedy, über-Tory, clearly not serving the interests of her own constituents, clearly not serving the interests of teachers, clearly not serving the interests of students—she locked the teachers out; she sent the students home. She was part of the body that made the decision not to participate in the teachers' proposal to voluntarily undergo an arbitration process, one that would have returned teachers back to school this morning—not Monday, not Tuesday; today. It's not the opposition that's keeping teachers out of the school. It's not the opposition that's keeping students out of the classroom; it's the Tory government and the Toronto Catholic board.

1650

Call Ms Kennedy at 416-512-3406 and ask her why she doesn't want kids to get their education. Ask her why she locked teachers out of their classrooms. Ask Ms Kennedy why she's serving partisan interests rather than the interests of her community: parents, teachers and students.

While you're at it, you might as well go to the top dog. This board has a chair. I've seen him on television. I've seen him try to slam the teachers and make suggestions about the teachers' negotiating style, all of which, in my view, were grossly incorrect. They've got a guy called

Joe Carnevale. He happens to be the chair of the Toronto District Catholic School Board—Joe Carnevale. This is where this gets messier, because I've seen some of things—maybe Mr Carnevale, the chair of the board, was misquoted. Maybe day after day he was misquoted, but you've got Joe Carnevale not being particularly, oh, supportive of the proposition of getting the teachers back.

Ms Kennedy is a clear-cut Conservative. No two ways about it she's the Conservative candidate. One can suspect that her home and her office are plastered with pictures and statuary of Ernie Eves and Jim Flaherty. She has little Harris buttons, like those Chairman Mao badges people used to wear back in the 1960s. Instead of the little red book, it's the blue book. One of her partners in crime is a fellow called Joe Carnevale, who is no Tory. This guy Carnevale is a Liberal.

Mr Ted Arnott (Waterloo-Wellington): What?

Mr Kormos: I don't know. I suppose that if you're the president of the York South-Weston federal Liberal riding association, I presume you're a Liberal. I suppose that if you're the executive vice-president for the York South-Weston provincial Liberal Party riding association, I presume you're a Liberal. And if you're the Toronto regional director for the Liberal Party of Canada, well, if the first two functions and roles didn't support the inference that this guy is a Liberal, surely being the Toronto regional director of the Liberal Party of Canada allows one to conclude, not inappropriately, that he's a Liberal.

As I've often observed, one of the nice things about being a Liberal is that you don't always have to be a liberal. I mean, inherent in being a Liberal is that you don't always have to be a liberal. We've witnessed that time and time again.

But you see, Joe Carnevale—I should give you his phone number so you can give him a call. Joe Carnevale is the chair of the Catholic board. Ask Joe Carnevale, the chair, why he's locking out teachers and keeping kids out of school. His number is 416-512-3403. That number once again: 416-512-3403. After you call Angela Kennedy, Tory board member, and tear a strip off her, call Joe Carnevale and tear a strip off him. Find out why they are locking teachers out of schools here in the city of Toronto.

The Speaker (Hon Gary Carr): Questions and comments?

Mr Colle: It's certainly a hard act to follow the outspoken, passionate member from Niagara Centre. I think he has highlighted something very important here. What is really tragic about the lockout of the children of the Catholic schools in Toronto is that this government could have easily ended it with the stroke of a pen. Instead, they put forth a bill which dealt not only with the lockout, but also dealt with the teacher situations and the problems across Ontario. Therefore, they knew that the bill would not pass quickly. They did it on purpose. It was so blatant and transparent. Such cynicism is really a hallmark of the Ernie Eves-Mike Harris government. They are willing to prolong the lockout and put families,

children into hard situations where families have to pay for child care and scramble to get places for their children. The children are missing out on school.

This government could have quickly ended this lock-out. Instead, as my colleague from the New Democratic side has said, they have joined together with a group of trustees, sadly enough, with the separate school board—as they now call it, the Catholic school board—to keep these 69,000 children out of class. It is just unconscionable what this government has done, all to listen to the directions of their campaign manager, Guy Giorno, so they could find ways of bashing teachers, bashing public education, bashing Catholic education. It's a shameful thing that they're doing to the children of Toronto.

Mr AL McDonald (Nipissing): It's my pleasure to rise and join the debate here on Thursday, late in the afternoon. Let's say it: we're missing the point here. At some point, somebody has to stand up for the children and the parents in the province of Ontario. Really, isn't that what education is all about, educating our children?

I've heard from many teachers in my riding, and I've heard the stories where their bags are searched when they're leaving school, just in case they might be bringing something home. That's wrong. This is a free world. You know what? There might be those teachers that want to withdraw their services. That's fine, but to demand that the teachers that really want to help the students, that want to coach basketball or volleyball, or go to the graduation, or speak to the parents or write the report cards—somebody has to stand up for them. Somebody has to stand up and give children a voice.

Let's face it: these children want to be at school. Each day that they lose they'll never recover. That's our future. Our future is our children. What are we telling them? Are we playing politics here? I think that's what it's all about. There was a bill introduced a week and a half ago, and then all of a sudden I heard the Liberals stand up and say that now they're going to put their bill forward. They're not going to support ours they want us to support theirs.

The bill that was introduced was clean on this side. It basically asked the other parties to agree. You know what? The students would be back in. They've taken a stance, they've politicized it. I want to stand up for the hard-working teachers, the parents and the children of this province.

Mr Bart Maves (Niagara Falls): I just want to concur with my colleague from Nipissing, the great riding encompassing North Bay. I know that they have a great festival there every summer, and I hope to be able to take that in this year. I hope many people across the province don't put off those vacation plans this year and they come to Niagara, they go North Bay and they come to Toronto to celebrate what's going to be a great summer.

We want the kids in the separate school system in Toronto to have a great summer. It's going to be tough for them to have a great summer if they lose their school year. We're getting close to that time of the year—May 29 today, May 30 tomorrow. June and the end of the school year are fast approaching. We need to get our

teachers back to work. We need to end the lockout. We need to get the teachers back in the classroom. We need them to make sure they're administering all the tests they need to administer. They need to be meeting parents, they need to be doing report cards—all the things that are essential parts of a teacher's job.

If we could just move on and get by political differences—the Liberals may have made promises for the upcoming election to different teachers' unions. I think that seems to be the sticking point for them, and I wish they would just get beyond it. This is a very simple exercise. Pass this legislation and we'll end the lockout; we'll have mediation-arbitration. Wrap up the dispute between the two parties while the students are back in class finishing and getting their year.

1700

Mr Prue: It is always a pleasure to comment on the speeches of my friend the member from Niagara Centre. He comes into this place with a great deal of passion, and I will tell you that when he speaks, we listen. Not only is he entertaining, but he is passionate and he is willing to say exactly what is happening.

What he said is true. What is happening is that this particular Catholic school board in Toronto is being held hostage and being aided and abetted by the government of this province. It is no coincidence, as he so forthrightly points out, that the government comes in with its plan, the same night the Catholic school board adopts the plan, and a day or two later the person who puts forward that plan is nominated by Paul Christie to be a candidate for the Conservatives in the election. I think if people who are watching this look and understand, this is precisely what is happening here. This is not, as some of the members opposite will say, about getting kids back to school. Of course that's involved, but what you are doing is attempting to manipulate public opinion when public opinion is clearly against what you have done in the school system. You are attempting to castigate teachers. You are attempting to hold children as hostages to your bill.

Your bill is not a clean bill, with the greatest of respect. Your bill has tied to it conditions that you know the teachers cannot and will not accept, not the Catholic school board and not the rest of the teachers of this province. If you were truly interested in the children, you would order them back without those conditions. But I will clearly tell you that you have your own agenda, you are running your own agenda, and you are having members of the Catholic school board run it on your behalf.

Mr Kormos: The government bill is far from a clean bill. Mind you, it doesn't have the orangutan clause, as observers have come to refer to the arbitrator selection. Remember how we called it the Guy Giorno clause here? Well, lawyers out there call it the orangutan clause.

You see, what happened is that this government recently got beat up a little bit in the Superior Court of this country, which made it quite clear that this government didn't know spit from Shinola when it came to arbitration, that this government had twisted and dis-

torted arbitration principles: long-time, centuries-old arbitration principles. If you read the recent decision, the CUPE/SEIU judgment, you'll find that once again this government did not fare well in court. Its track record in the courtrooms of this province has been rather dismal.

But I tell you, this does contain a province-wide impact that will curtail the right of teachers to determine what are voluntary activities being engaged in by teachers. We know it; it's clear. You have packaged this together. You have tried to exploit the lockout. I believe this government has been party to the actual lockout, that this government has dabbled in the affairs of the Catholic board and used some of its partisan colleagues to achieve this government's ends, and that there's been collaboration as well with Liberals on that board. I consider that a despicable sort of thing.

This bill is filthy. This bill is obscene. This bill is a dangerous precedent. You guys think you're tough? You want to take on teachers? I'll tell you what. Call an election and campaign on your attack on teachers. Call an election. Defer this bill. Tell the board to smarten up and stop playing games and to enter into voluntary arbitration with Toronto teachers, just like Toronto teachers have offered to, and call an election. You want to beat up on teachers? You'll be in the battle of your lifetime.

The Speaker: The member for Niagara Falls in further debate.

Mr Maves: It's a pleasure to rise to speak to Bill 28, an act that wants to end the lockout and the labour dispute between the Toronto separate school board and the Toronto separate school teachers, one dispute that has 69,000 children out of the classroom still today.

I want to try to get right to the crux of the matter. What has happened in the province of Ontario over the years, in all parties—Liberal, NDP; doesn't matter who is in office—when there is a strike or a lockout a certain amount of time goes by as the two parties try to resolve the dispute. And after a certain amount of time the Education Relations Commission comes forward to the government and says, "The kids are in danger of losing their year," and upon that notification, into the Legislature the government comes and introduces a bill which is back-to-work legislation. The NDP passed that back-to-work legislation a couple of times when they were in office as the government, the Liberals have done that and the Conservative government has done that. It's a standard process. Usually the Education Relations Commission waits about a month, or getting close to a month, before they say, "Legislate them back to work." They go back to work, mediation or arbitration is set up to resolve the dispute, and that's how these disputes have been handled in the past in Ontario.

A very similar process happened here. We knew that the year was going to be in jeopardy. There was this lockout with the separate board, and, as I said in my early comments, it is May 29 right now. We're getting close to June and the end of the year, so we couldn't wait much longer. We introduced a bill.

Over the past little while, what we've been hearing, for me personally, anecdotally, were people doing work-

to-rule campaigns across the province where teachers were being told, "We don't want you to mark report cards. That's a voluntary activity," the unions said. "We don't want you to do that. We don't want you to participate in things like graduation exercises. Those are voluntary activities, and as part of our work-to-rule campaign, we don't want you to do that." We heard anecdotally that union members were checking teachers' bags as they were leaving school to see if indeed they were bringing home report cards, and they would tell them they can't do that; they're in violation of a union edict. This is kind of shocking. The member from North Bay mentioned that.

In this bill—and this is what the dispute is; this is why the two parties opposite have decided not to give their consent. We've asked for unanimous consent every day since this bill was introduced, probably at least five times, and the parties opposite won't give it. In this bill we have said, "Look, you're going to go back to work; there's going to be a mediation-arbitration process." There are also five things that we have said, in this bill and the regulation attached to it, that are principal to doing the work of a teacher; five things that are essential to their jobs. What are those five things?

First of all, they have to administer tests. I think anyone who's a teacher, anyone who knows anything about the education system, would say, "You can't really be a teacher and you can't teach your kids and evaluate your kids without administering tests." So we've said you can't say, "We're going to go back to work. We're going to collect our paycheque because we're going to stand in front of a class from 9 to 3, but we're not going to administer any tests because that's not part of our job." We said, "That's not right; it is part of your job. It's obviously part of your job."

Secondly, we said "report cards." Teachers unions have said, "Report cards aren't part of our job." How can that not be part of your job? I think every single Ontario citizen would stand up and say that teachers marking report cards and filling out report cards for kids is part of their jobs. I know the teachers I have talked to all believe it's part of their job. In fact, it's a difficult part of their job; it's a time-consuming part of their job. When we've had to speak to teachers before, they've gone to great pains to tell us they don't just teach 9 to 3, that's not just their job, that things like report cards are a big part of their job. I agree with them: it is a fundamental part of the job of being a teacher.

What other things have we said teachers should have to do and they can't say they're not going to do as part of a work-to-rule campaign? Graduation exercises. They all get sort of attached to their kids at the end of the year; we all know that. Why they wouldn't want to participate in graduation exercises is beyond me. In fact, I think just about every teacher does want to help their kids with their graduation exercises at the end of the year, but sometimes they're told by their union that they cannot participate or help organize them because the union deems them to be extracurricular activities. We're saying in this bill and the attached regulations that that's not the case.

1710

We're also requiring them to transfer marks and to work with their students, for instance, in co-op placements. The kids can't do that themselves, and co-op is now a growing part of children's education in Ontario, an important part. If a teacher all of a sudden decides, "That's not part of my job as a teacher," and the union says, "Don't do that," how is a kid ever going to get his own co-op placement?

The last thing they say, "We're not going to do any more, we refuse to do it, not part of our job," about is parent-teacher meetings. Teachers will tell you themselves that they view parent-teacher meetings as a fundamental part of their job.

So we've said, "Here are five things." We want to legislate them back to work. We're going to legislate a mediation-arbitration process, one that the NDP and the member for Niagara Centre just stood up and said was a good process in the bill, so we know they're not opposed to that process. We know they're not opposed to the process of legislating them back to work because they've done it themselves, the NDP and the Liberals, when they were in government. They've even voted in favour of back-to-work legislation when we were in government. We've had, I believe, all-party agreement. It's these five things, and all of a sudden the Liberal Party of Ontario is taking the stand that they do not believe these five fundamental things are part of a teacher's job.

They do not believe that report cards, filling out report cards for kids, is a fundamental part of a teacher's job. I think if you asked Ontarians, or teachers in Ontario, they would all believe that that indeed is a fundamental part of the job. Administering tests to kids: the Liberal Party of Ontario has taken the position that administering tests is not part of a teacher's job, that they should be able to go to work, 9 to 3, stand in front of a classroom but not do report cards or administer tests, because it's not part of their job. We disagree with that.

The Liberal Party of Ontario is saying that teachers should not take part in graduation exercises. We disagree with that. That is something that teachers should be doing.

Transfer of marks and helping kids with co-op placements: again, we believe it's a fundamental part of what teachers could and should be doing. The Liberal Party of Ontario is opposed to that.

Parent-teacher meetings: the Liberal Party of Ontario, by blocking this bill, by keeping the kids in Toronto out of the classroom, is saying that one of the reasons they want to do that is that they do not believe that parent-teacher meetings are part of a teacher's job. They believe that's an extracurricular activity and we think that's incorrect. We think that is a fundamental part of a teacher's job.

So that's the rub. That's why, if everyone at home is saying, "Wow, we don't understand what's going on. If all three parties have passed back-to-work legislation before, what's the problem now?" it comes down to these five fundamental things. We have sat here and said to the

Liberals day after day, "Which of the five do you think they should do and which of the five do you think they shouldn't do? Just tell us. Is it that you don't think teachers should do report cards? If that's the case, then say it." None of them have actually said the words, "We're opposed to teachers doing those five things." But they continue to block the bill because of the clauses in the bill that allow us to do that.

I have agreed to divide my 20 minutes' time with the member from Waterloo-Wellington. By the look of the bill that was introduced, hopefully it will be Waterloo-Wellington-Kitchener in the near future. Since I'm splitting my time with him, I'm going to turn over the floor to the member now.

Mr Arnott: As we all know, and as even the members across the aisle are no doubt aware, the Toronto Catholic District School Board has locked out its elementary schoolteachers due to the inability of both sides to reach a mutually acceptable collective agreement. This situation needs to be resolved.

Bill 28 is legislation that, if passed, would allow teachers to go back into their classrooms. It is legislation that encourages teachers and the board to get back to the bargaining table. The Premier of Ontario has introduced this bill to protect our students' education and to get them back into the classroom, which is where they belong. Our children's education is a top priority, not only for the government but for all Ontarians. That is why we have taken this decisive action to ensure these students are able to complete their studies without the threat of a school-year disruption because of strikes, lockouts or so-called work-to-rule campaigns.

We believe we have listened to requests from parents and teachers alike. We have responded with proposed legislation that ensures teachers do things like completing report cards, participating in graduation ceremonies and parent meetings, administering EQAO testing, and maintaining co-op placements, all of which should be done.

This bill, if passed, would put 69,000 students back to school. It would stop the lockout, prevent work-to-rule campaigns from happening within that school board, and allow the school board and the union to work together to solve their differences and to solve this problem.

This bill would put students first, because as we should all agree, a lost day of instruction is a lost opportunity for success.

Unlike the opposition, our government believes that strikes, lockouts and work-to-rule campaigns in schools, even for one day, have a detrimental and deleterious effect on students, their parents and the general community.

Let's get the students of the Toronto Catholic board back in school, while the board and the union work to resolve their differences without impacting students in their classrooms. Let's put the interests of students ahead of disputes between adults.

The government has provided sufficient money—\$680 million—to school boards to allow for two 3% increases to teachers' salary benchmarks for the years 2002-03 and

2003-04. We have done our part. Now we expect the boards and the teachers' federations to do theirs.

We have heard from parents, students and teachers. They all feel powerless in these kinds of struggles. Surely no one in this House would say that this situation we're currently facing is a satisfactory one.

Parents want to know their children are getting the best education available. They want to see report cards and they want to see results. They want to know their kids are in a safe, stable learning environment. They want to be assured that if their children need extra help, it will be available to them. They want and expect to see their hard-earned tax dollars paying for their children's education, not for an ongoing power struggle between school boards and teachers' federations.

I'm told there are a lot of parents in Toronto who are losing sleep these days because of this dispute. They are scrambling to find daytime supervision for their children, and some are being forced to take time off work to do it themselves. And for what? So that unions and school boards can squabble over dollars and cents, while their children sit at home watching television? Parents are seeing their children's futures at risk with this ongoing labour dispute.

Parents want teachers back in the classroom, where they belong. They want teachers to provide the instruction their children need, the instruction their children deserve.

The vast majority of teachers want to return to the classroom too. They do not want to be locked out; I firmly believe that. They want to be in the classrooms with their students. They want to be doing what they are trained to do and what they are best at, and that is teaching.

In a study that was released today, the Ontario College of Teachers found that over 86% of first-year teachers feel they are making a difference in the lives of their students, and I am certain they are. These teachers do not want to be on strike or take actions they know are detrimental to the education and safety of their students. They don't want to be locked out either. They want to return to the classroom.

Our proposed legislation allows for this. It will return teachers to the classroom, while their union is still able to seek an agreement with the school board. It just makes sense.

Unfortunately, both parties involved in this labour dispute are playing a high-stakes game of poker, but no matter who wins, you can be sure the students will be the losers.

We simply can't allow these students to continue to be used as pawns in this ongoing labour dispute. Action must be taken. That is why we continue to call on all members of this House to come together for a speedy resolution of this unfortunate situation. We call on all members to support this legislation and to put the needs of students above all others.

The time for classroom disruption is over. Our continued goal is to ensure students receive the education

they deserve without the threat of school year disruptions because of strikes, lockouts and so-called work-to-rule campaigns.

1720

Our students' education is a top priority of the government. That is why we've continued to invest in the education system. This next school year we'll invest \$15.3 billion, which will increase to \$16.2 billion for the 2005-06 school year. We've also introduced Ontario students to a new and more rigorous curriculum and province-wide standardized testing to better prepare them to compete in today's global economy.

The government continues to demonstrate its commitment to education by trying to legislate a fair and amicable end to this ongoing labour dispute. I implore all members of this House to join us in this commitment to education and act to pass this legislation, Bill 28. Let's get those 69,000 children back into the classroom where they belong.

Mr Speaker, I seek unanimous consent to immediately put the question on both second and third readings of this bill at this time.

The Speaker: Is there unanimous consent? I'm afraid I heard some noes.

Questions and comments?

Mr Gerry Phillips (Scarborough-Agincourt): I'd like to respond to the member from Niagara. Let's recognize what has happened here. This Legislature has dealt with back-to-work legislation for teachers many times. There is a standard piece of legislation that could be introduced. The government, for its own political agenda, chose to introduce a different piece of legislation designed to inflame the situation. It is part of their platform, launched the exact same day the lockout started.

If you want to talk about politics, this is crass politics. What could have been done: the government could have chosen to introduce a straightforward piece of legislation that would have had every student back last week. But no, for their political agenda they decided that they would inflame the situation, that they would deliberately include in this legislation things we've never seen in legislation before, designed to prolong this dispute and to try to score political points. There is not a teacher in this province who does not want to go back to work and have those students back. But the government has chosen, for its own political gain, to inflame this situation.

I think it's tragic. I think it's unfortunate that rather than simply bring forward legislation all three parties have dealt with before, Mr Eves and his re-election group, I gather, have decided they're going to try to make this an election issue. They are once again doing what they said they would do: create a crisis. "Let's create a crisis." This is the Snobelen approach: you create a crisis yourself and then say, "There's only one solution." The public is not going to be fooled on this. I find it unfortunate that, tragically, we've got 69,000 students hostage to this political manoeuvring.

Mr Prue: I listened to the members from Niagara Falls and Waterloo-Wellington and—

Mr Kormos: Why?

Mr Prue: I don't know why. I guess because I was waiting for the last sentence where they tried again to sneak this bill through.

I listened with some awe, actually, because they keep repeating the same thing over and over. This is not about sending the kids back to school. It's about the five tests the teachers are going to have to meet in order for them to go back to work.

I would remind the members opposite that this is a lockout and not a strike. You are attempting to put the wounded party—that is, the teachers—back into the classroom with conditions, these same teachers who want to go back to the classroom, and you are completely ignoring the group that locked them out.

Where are your five conditions for the Toronto Catholic District School Board? Where are the conditions you are putting for that dysfunctional group that has locked out the teachers? Why aren't you telling the Catholic school board that as a condition of letting the teachers back to what they do, they have to bargain fairly? Why aren't you telling them they have to treat the teachers with respect? Why aren't you telling them they have to, for the first time in their mandate, listen to what the parents and students are telling them? You are including none of that in your back-to-school legislation. You are taking the teachers as a group and vilifying them because they happen to be members of a union, because they happen to stand up for their rights. You are not doing what you should be doing. If you are insisting upon conditions, put those conditions on the Catholic board. Put the conditions on the ones who have forced all of this. Or perhaps you don't want to do that because they are doing exactly what you have asked them to do. They are creating a crisis so that you, in the fullness of the debate within this House, can get to your own political agenda, something you won't do to the people themselves.

Mr McDonald: As I sit here and listen to the debate, let's face it, there are great teachers out there. I can remember a lot of good teachers at Widdifield high school in North Bay who were really committed to their students. I still hear from these great teachers who teach in North Bay and Mattawa. Let's face it: there are good teachers. There are great teachers.

What we're talking about here is the teachers' union leaders. Just go back a couple months, when the Minister of Education was going to speak at their convention. It was only a couple of them who started pushing and shoving her. Here's a bunch of males pushing and shoving a female Minister of Education. They put bags on their faces so they couldn't be identified. The teachers' union said, "We'll get to the bottom of it." Have we heard anything? We haven't heard anything.

Let's get to the bottom of this. The teachers want to teach, they want to help the students, they want to participate in extracurricular activities. They want to teach hockey, football, volleyball; they want to go to the graduations; and I would say almost all of them want to

write report cards. It's a few of the teachers' union leaders who are forcing the hard-working teachers who just want to help the kids. They're there for the kids. What they're trying to do is say we're against the teachers. This side of the House isn't against the teachers. We want to support the teachers. We have an issue with the teachers' union leaders who are forcing these teachers not to provide the services they want to provide to help the students in Ontario. Let's not play politics here. That's what you're playing. You're playing politics with the parents, the children and the teachers who want to help.

Mr Bryant: Unbelievable, just unbelievable, and I mean that. There is nothing that I've heard this afternoon from the government side that is believable to the public of Ontario. They are not being economical with the truth. There is just absolutely no truth in what I have heard this afternoon. Nothing.

The truth is, the government of Ontario set up an educational system such that they could starve the board. The board would be starved, then the board would negotiate with the union and there would be an agreement that there wasn't enough money, that the cupboard was bare because Queen's Park had put forth a one-size-fits-all, broken funding formula for the purpose of creating chaos.

And what happens next? In this case, the board, in a moment of extraordinary collusive coincidence, decides that it's going to end this particular negotiation right around the time that the Tory commercials start running. What an extraordinary coincidence. Lo and behold, it is fulfilling the perfect agenda of desperation. It is desperate. When I go to the doors and get phone calls and e-mails from people, they say, "I can't believe how desperate this government has gotten." They so desperately want to hang on to power and win the election. I don't know why they want to win the election, because they have absolutely no agenda. They can't decide what their agenda is. A year ago it was a brokerage agenda from Ernie Eves, and now it's the Jim Flaherty approach to politics. Ernie Eves has turned out to be first a pale pink imitation of Dalton McGuinty, now a pale pink imitation of Jim Flaherty. Nobody in this province believes a word of what it's saying.

1730

The Speaker: Response?

Mr Maves: Folks at home in Toronto should call the member for St Paul's, who just sat down. They should call him and tell him, "Look, this bill was introduced May 21. My kids should have been back in school May 22. What are you doing?" They should call Mr Phillips from Scarborough-Agincourt and say, "This bill was introduced May 21. My kids should have been back in school May 22. What are you doing?" They should call Mr Prue and tell him the same thing.

Mr Prue in his comments said that the member for Waterloo-Wellington and I attacked the teachers. It's nothing of the sort. Go back and read Hansard. Not one of us attacked teachers at all. Not one of us called it a

strike at all. It's a labour impasse. It's a lockout. We know that right now. It's a labour impasse. It's affecting the kids. So we brought in the legislation to get the kids back in the classroom.

Mr Kormos has already agreed that the mediation-arbitration process set out in the bill is a good one. So vote for the bill.

What we continually ask is, which one of the five things—teachers doing report cards, teachers administering tests, teachers taking part in graduation exercises, teachers helping kids transferring marks and helping with co-op placements, and teachers doing parent-teacher meetings—do you believe are not essential to a teacher doing their job? You haven't told us yet. Since May 21 you haven't told us. So we're astonished by this. Everybody knows that those five items are all part and parcel of any teacher's job. Every teacher knows that.

We continue to put the question because we continue to be astonished and teachers continue to be astonished and Toronto parents continue to be astonished that the Liberals and the NDP will not give consent and get these kids back in the classroom.

The Speaker: Further debate?

Mr Smitherman: I want to say at the outset that I'll be sharing my time with the distinguished member for York South-Weston.

I also want to say at the beginning that I want to call attention to someone who's in the east members' gallery, and that's Rebecca Gordon. Rebecca Gordon has become well known to a lot of MPPs because she's a prolific sender of e-mails, and this week has made her presence felt by being here for part of this debate. I have a lot of respect for the positions she holds and the passion with which she expresses her views on behalf of her kids and others. She and I have a fundamental disagreement, and it's in a sense the same fundamental disagreement that I have with this government. While we would acknowledge, all of us, I think, that circumstances, including work-to-rule, are not ideal circumstances, I'm of the opinion that the time the kids were getting in the classrooms of the Toronto Catholic District School Board was time that was important, and that a lockout of teachers on work to rule is a worse circumstance than the work to rule itself.

I find it interesting that when the minister of security—Cowboy Bob, I like to call him—the member for Leeds-Grenville, was asked in scrums outside this House earlier today, "Why is it a tolerable circumstance to have work to rule in the Toronto police service while it's not tolerable to have those sorts of circumstances going on in our classrooms?" he had no answer. He did not address that. I think he didn't do that because the fact of the matter is that so far, at least in terms of any of the Tory platform which motivates this initiative that is before us now, this lockout of teachers that prevents them from teaching our kids in the classrooms—we haven't yet seen from the government a wedge that would work for them with respect to police.

Have no doubt about it: what we've seen in the last few months is the takeover of the head of the Premier by

the Premier-in-waiting, the real Premier, Jim Flaherty. Jim Flaherty is demonstrating that you can lose and yet still have all of the power. Because Jim Flaherty, the Minister of Enterprise, Opportunity and Innovation—I'm not sure I got that in the right order—has become the government's idea factory. We sometimes like to talk about widgets, but he's become—

Hon Janet Ecker (Minister of Finance): That's Tony.

Mr Smitherman: We certainly know it's not you, Madam Minister.

He's become the wedge factory. Jim Flaherty, if nothing else, has the capacity to pop up a bunch of right-wing wedges. What we've seen as a result of that is that on the same day, the very same day, that this political party, which sometimes masquerades as a government, brought out their platform, they also worked with their friends at the Toronto District Catholic School Board to shut down the opportunities to be taught by teachers. As a result, 69,000 kids have found themselves in a situation where the classroom education that they were getting while teachers were on work-to-rule was ripped away from them by a school board working in cahoots with this government. This is a lockout and not a strike. The members opposite want people to forget that. They also want people to turn a blind eye to the very convenient link of the Toronto District Catholic School Board's initiative to lock the teachers out of the classroom and prevent those 69,000 kids from being taught, an extraordinarily convenient link to the fact that this is also a platform pledge of the government brought forward by the real Premier, Jim Flaherty.

I was there on February 12, 2002, at the London Convention Centre when the Tory leadership candidates, then in debate, all ganged up on Jim Flaherty. Poor Jim Flaherty. That was my birthday. I remember the night well. It snowed a little but it wasn't anything compared to the havoc that came down on Jim Flaherty's head by the combined mass of all those other prominent participants in the Tory leadership debate. On a rare point of unanimity among the challengers to Jim Flaherty, they came back and said with the wise voice of the former Treasurer, Ernie Eves, that ending the right to strike would cost the treasury of Ontario—get this—an additional \$700 million a year. But when 500 people of the right persuasion say in a public opinion poll that a policy is attractive to them, then every ounce of principle that candidates might have held before that seems to be eviscerated rather early.

John Snobelen, the former Minister of Education, said that he was going to go out and create a crisis in education. This government likes to say sometimes that they're just doing what they said they'd do. On that score, I'd have to agree with them. I think that the astonishing figure to memorize, for people listening in at home, is that under this government, under the Harris-Eves government, four times the rate of classroom disruption has occurred than under any other government in the history of the province of Ontario. Ontario's kids

have been put in a circumstance where they haven't been able to be taught at four times the rate of any other government in the history of the province. If a more damning fact exists, the extent to which these guys have created a crisis in public education in this province, I do not know of it.

So today, as I stand here as the elected voice for the kids who go to St Paul, St Michael and Our Lady of Perpetual Help, I say that I'm sorry. I'm sorry that as a public official I have been unable to do everything possible to date to keep you in the classroom. But I offer you a sign of hope as well, and that is that there are different attitudes in Ontario than the one that has been the prevailing attitude with respect to education for the last eight years.

I recently spent an hour and a half on a Friday afternoon at Rosedale Heights School of the Arts, where I talked to 80 or 90 kids, most of them about to leave that school, about their high school experience. The former Minister of Education, whose fingerprints are all over that, is here and I'm sure she'll want to heckle back at me. But unlike my high school experience, which was one of the most extraordinarily great periods in my life, these young people—in a failure of public policy led by this government, led by Ernie Eves and by Mike Harris, and by the Minister of Finance who was once a Minister of Education—been deprived of being able to look back on their high school careers with pride and with satisfaction because too many of them have become too hardened to the realities of being in the middle of a phoney war that was brought on by a government that set out a goal of creating a crisis in education.

1740

There's an opportunity every single day around here for political leadership, and on this point I'm awfully proud of the fact that while Ernie Eves was looking for an opportunity to manipulate this issue in his political favour, my leader, Dalton McGuinty, was on the phone to both sides in this debate.

Interjection.

Mr Smitherman: Oh, the member for Northumberland has awakened for one of his rare entrées into the debate. But the fact of the matter is that when political leadership is required, it should be delivered. In this case, it wasn't. There are other options. Those are options that are available now, just as they were available last week, and that is to bring a quick end to this lockout, to get those teachers back in the classroom and to give those 69,000 schoolchildren an opportunity to learn and to close out their school year in the hopes that their summer is not so tainted by the memory of what they have been put through.

I stand here as a person, as a member of provincial Parliament, who's enormously proud of the role that public education has played in creating the kind of society in downtown Toronto and across this province that makes me proud to be a Canadian. But I stand here as well feeling awfully diminished by having had to bear witness to this kind of phoney war that has taken 69,000

children, many of them my constituents, and relegated them to watching reruns on television instead of being given the advantage every single day of learning in the classroom. Before this government helped to manipulate that lockout, that's exactly what they were doing, and they will always bear that responsibility.

The Speaker: Further debate?

Mr Joseph Cordiano (York South-Weston): I want to inject something into this debate with regard to the views that might be held by parents, and by the children most of all. My kids are affected by this; they're at home. My wife is a teacher as well, and she's affected by this, not only as a teacher but a parent. But let me just say this: most parents must be shaking their heads with incredulity that this situation has been brought about simply because of politics, a desperate sort of act on the part of a government that really appears to be acting in desperation, looking and seeking an agenda which they do not have. Of course they're saying, "A pox on all of you." They're saying this because, time and again, this has been the ground for wars to take place, the kinds of political battles that have taken place throughout the years, that have been largely fought repeatedly on the education front. We get nowhere with it.

The fact of the matter is, this is a phoney war. It's a contrived war. Sections of the bill have been added to the Education Act that are controversial. Teachers have been performing these duties for many years. They don't need the government to tell them that they must perform these duties. They're part and parcel of being a teacher: filling out report cards, co-operating and assisting in the administration of—of course the EQAO tests are new, but they've done these sorts of things throughout their entire careers and for hundreds of years. Many of these things teachers have done because it's part of what they do; it's their duty, their being teachers. That's what they do.

At the end of the day, this dispute is contrived because really and truly, no one has talked about the fact that there is an inequity in the funding, particularly with Toronto boards, that has existed for some time. The Toronto boards were burdened with additional responsibilities: English as a second language, higher needs for special education. These were all requirements that took additional resources on the part of these boards.

The Toronto District Catholic School Board found itself without the money to play catch-up with respect to salaries with other GTA boards. As a result, their teachers find themselves getting behind the eight ball. They're not on the same level playing field as other GTA boards. This government, because of its per-pupil funding formula, has institutionalized that inequity and they've fallen behind. So the 6% that was given to the Toronto District Catholic School Board, along with every other board, is simply going to institutionalize the gap that was already there. It's going to continue. It won't be solved.

The board is playing a hard-line game, with the government. It's been playing up to the government, enabling the government to come forward with this despicable

agenda that will continue to inflame the situation between the board and teachers. It does nothing whatsoever to resolve the dispute. If we wanted to solve this dispute, we would have passed legislation that didn't contain these controversial measures. By the way, I say to people out there, we have not been sitting at night. We have not had night sittings. Let there be no doubt that it proves one thing: this government had no intention of quickly passing its own legislation. If they wanted to do that, we could have had two sessional days in one and we could have been sitting and debating this bill at night. They chose not to do that. There's another agenda at work here. It's a hidden agenda.

This is a Premier who said when he was first elected as Premier—by his own party, of course, not in an election campaign, chosen to be the leader of his party and thus the Premier of this province—that he was very much against the kind of acrimony we're seeing now with teachers. God knows where it's going to end up with other public sector workers. This is the kind of cynicism the public takes to heart. This is a Premier who said, "I'm going to govern differently. I'm going to do it differently. I'm going to bring parties together." Shades of Bill Davis, perhaps. This is a Premier I thought would do things differently by leaving behind the acrimony and the battles with teachers that took place with the previous Harris government. You haven't shown the respect that was required for teachers and nurses, and, by the way, for all public sector workers. This is what was injected: a Premier who said, "I'm going to do things differently. I'm going to broker consensus. I'm going to bring people together." What did he do? He jettisoned that idea completely because it wasn't working. His numbers were low in the polls. His numbers are so low he's afraid to call an election right now. That's the only reason. Do not be deceived. We would be having an election today and be on the campaign trail if this government's polling numbers were better and they had a chance to win the next election.

So out of desperation, this trumped-up election platform—which Jim Flaherty is proud of because I'm sure there's nothing in this platform that contradicts anything he said in his leadership campaign. At least he was straightforward and had a sense of purpose behind what he was doing, unlike the present Premier, who's all over the road map. He can't figure out from one day to the next. He's confusing his backbenchers from one day to the next. They're confused. I talk to them all the time.

Mr Kormos: They've been that way from day one.

Mr Cordiano: Well, they're more confused now than ever before, let's put it that way.

At the end of the day, this was a contrivance on the part of the government designed to ensure that we would be debating this bill at greater length, with no intention to pass it quickly, no intention to do what previous governments did, which was to end lockouts and strikes immediately, acting in the interests of children, acting in the interests of their school year—no intention to do that whatsoever.

The inequities that were there in terms of funding for the Toronto District Catholic School Board will continue to be institutionalized into the future as a result of what will be passed here eventually. That won't be resolved and teachers will continue to have, and rightfully so, some arguments to make with respect to the inequities that exist in their pay scales and in the responsibilities they have. The funding formula that this government imposed will see to that. In a very dictatorial fashion they have decided that teachers will do these things with regard to the five elements that are now contained in the Education Act that were not there before. They, from on high, will impose these requirements on teachers.

1750

Teachers have willingly undertaken these assignments in the past and probably will continue to do so in the future on a voluntary basis. They don't need to be told by a dictatorial government that they have to do this. It creates a continuing acrimonious situation in our schools, something we wanted to get away from, something we believed that this Premier wanted to get away from, something that hasn't happened as a result of a very cynical political agenda designed to divide people.

Once again we have wars taking place on the education front. Once again the children are held hostage. Once again they're victimized by this government. This is the way it is unfolding for the kids of this province, particularly for those children who are at home right now.

It doesn't hold any of us in high regard, because we should not inject partisan politics into this decision. It shouldn't be there, it shouldn't be present in this bill; it should be a back-to-work piece of legislation that is clean, that doesn't contain these controversial measures, and then you would see our support for a bill like that, one which we proposed anyway.

The Speaker: Questions and comments?

Hon Doug Galt (Minister without Portfolio): I was listening with considerable interest to the member from Toronto Centre-Rosedale and the member from York South-Weston commenting, and obviously they do not understand the problem. They're trying to make it as if it was a partisan-type problem, issue.

What has been going on, and maybe I can help clarify it for them: they've been there for work-to-rule, and finally the board got tired of this work-to-rule and locked them out. This is rather different than in previous situations, so why would a government pass a bill to have them go back to work to be doing the same thing they were already doing? That's what they're standing up and suggesting. I don't understand it. I don't follow their logic. I don't follow their reasoning. Why wouldn't a government put in there some other things, that they can't go back to work-to-rule? If they're going to go back to the classroom, they have to go back and do the full job, not just the work-to-rule that was going on before. So it makes perfect sense to me that the bill is written the way it has been written.

I'm really wondering what these two members will do as we move into the election. Will they be supporting the

Dalton McGuinty who came forward with a private member's bill to get rid of teachers' strikes or will they be following the Dalton McGuinty manipulated by the union and the position that he now has? I'm curious to see which Dalton McGuinty the Liberals will be following.

Hon Tim Hudak (Minister of Consumer and Business Services): Flip-flop.

Hon Mr Galt: That would be typical of a Liberal. You're absolutely right, Minister of Consumer and Business Services. He understands the flip-flop of the Liberals and just how they go about dealing with this. They'll try and follow both Dalton McGuintys, the one who wanted to eliminate teachers' strikes and now the one who is opposed to it.

Mr Kormos: It comes as no great surprise that the Conservatives don't understand, because I understand, you see, that the Conservatives don't like collective bargaining, Conservatives don't like teachers and Conservatives don't like publicly funded education. Why, they've gutted the funding of public education in this province. They've demonstrated a stronger commitment to private schools than to public education. They've shown disdain and contempt for teachers. But here we are with a remarkable course of events. This Legislature has a choice of back-to-work legislation from the Conservatives or back-to-work legislation written by the Liberals. My goodness, who's left to defend free collective bargaining? We knew that the Conservatives were fans of back-to-work, but now we discover the Liberals present, under the name of their education critic, a piece of back-to-work legislation.

This isn't designed to coerce the board into treating its teachers fairly in the course of negotiations. New Democrats say no: teachers deserve far better than what either the Conservatives or the Liberals offer them. Teachers deserve the right to freely bargain, to negotiate, without the threat of lockout, reinforced by a government that has worked in collusion, in collaboration with a board that has shown itself to be downright corrupt in its collusion with this government and the pursuit of this government's agenda, as this government purports to lay out the first stone in the foundation of its across-the-board denial of teachers and their right to freely collectively bargain.

We know what's next. We know that this government is also contemplating the abolition of school boards—no two ways about it. It doesn't surprise—

Applause.

Mr Kormos: Mr Flaherty applauds. I knew that's where he was. But we're going to fight it. We'll fight it till the end; we'll fight it till we win.

Mr O'Toole: I listened attentively to the member from York South-Weston on Bill 28. I've listened also to our Minister of Education, Elizabeth Witmer, and know her passion to have good relationships with the teachers and their professional association.

But I think the battle line has been drawn for some time. I think it's clear that the teachers' unions basically don't like this government and they have an agenda of their own. In fact, when I was a trustee many years ago

they had an agenda there. The member for York South-Weston would know that it was an issue in the 1980s as well, when you were government and they basically took you out as government.

The battle still goes on. In fact, one of the teachers brought this to my attention. This teacher had this in their staff mailbox. It was obviously put there by OECTA, the Ontario English Catholic Teachers' Association. I hate to use a prop, but it's shameful that in our schools they have politicized it for our children. At the end of the day I would say to you, Joe, that I understand that you're caught on this, because I appreciate some of the things you do. But even the chair of the Toronto separate school board, the Toronto Catholic board, who is clearly a Liberal, puts children first. In fact, I think he's vice-president of your riding association. That's fair, but I think he's doing the right thing. I'm just asking you to do the right thing by putting the children first.

I think that all the things in Bill 28 are natural, normal expectations of parents and students and I really believe that your government, the Liberal government under Dalton McGuinty, has opposed every opportunity. Even today our Minister of Education asked for unanimous consent to pass the bill, which would have put our children first and would have put our children back in the classroom for June to enjoy the last month of their school, and potentially the grade 8 students the last year for that particular experience.

I'm disappointed at the Liberals, again, that they put the unions before the students.

The Speaker: The member for Beaches-East York.

Mr Prue: I wasn't sure with the time left that I still had two minutes, but I'm glad that I do.

I listened to the two speakers, from Rosedale and from York South-Weston, and I've also heard some of the comments, particularly from the government members, and I wish to commend the two initial speakers because of what they brought home about the schools in their particular ridings. It made me stop to think about the Catholic schools in Beaches-East York, of which there are a few and dwindling in number. We had 10 and we'll have seven at the beginning of the school year. Three of the 10 will be closed by this very board, and you're attempting to talk about the great job they're doing and they in fact are doing your job for you—the same board that took two meetings in which to close down those schools; the same board where one of the members walked out and the parents had to go to court in order to have a fair hearing in front of their own trustees; the same board that doesn't listen to the parents; the same board that doesn't listen to the students; the same board that doesn't listen at all except to do what they want to do.

It made me stop to think about those days, when I went there to talk on behalf of the parents and the teachers and the students, to see 12 people, some of whom listened but the majority of whom did not.

I listened as well to what the chief government whip had to say. That was a struggle the teachers undertook for some three days before they were locked out: three days when they were trying to drive home the strength of their position by taking a stand. Every single school board in this province, every single group of teachers, in unions or not in unions, has used the same tactics and they have not been locked out. Why is it that the Toronto Catholic District School Board did it the day you came out with your agenda?

The Speaker: The member for York South-Weston.

Mr Cordiano: Let's be clear: if this were about getting the kids back in school, if that were the government's genuine first priority—let's say that everyone here agrees the kids ought to be back in school—then why wouldn't you introduce a bill that did not contain part II? Why would you not have had a bill like all previous governments brought about, a standard kind of back-to-work legislation that you knew very well would be supported by at least the Liberal Party? You knew that very well.

I understand where the New Democrats are coming from, and I respect that.

I knew where Jim Flaherty was coming from when he proposed his agenda when he ran for the leadership of your party. He was very clear and very straightforward about where he intended to take this province.

You can't say that about your present leader, the Premier. You have no idea where he's coming from. He's playing partisan politics at the worst possible time for the kids of this province. They are being affected by this. It's probably the best time for him to try to assert himself in a partisan way, because his numbers are so low. But let's not make any mistake; let's not kid ourselves. This was a cynical ploy on the part of this government to inject politics yet again into the arena of education. There's no mistaking that, not for one moment, because you thought it would be a vote-getter.

I don't think the public is buying it, because they're fed up with every single one of us who wants to play cheap partisan politics with kids and their education. They're fed up. They've had enough over the years. This is just another cynical ploy. You're not going to get away with this one, because it's too cynical.

The Speaker: It being actually a little past 6 of the clock, this House stands adjourned until 1:30 on Monday.

The House adjourned at 1803.

OTHER BUSINESS

Visitors	
The Speaker.....	719
Frank Drea	
Mr Gilchrist.....	724
Mr Conway.....	725
Mr Kormos.....	726
Business of the House	
Mr Baird.....	736

TABLE DES MATIÈRES

Jeudi 29 mai 2003

AFFAIRES D'INTÉRÊT PUBLIC ÉMANANT DES DÉPUTÉS		
Loi de 2003 sur la garantie des fabricants de véhicules automobiles, projet de loi 40, M. Sampson		
Adoptée.....	716	
Loi de 2003 prévoyant une enquête sur les enquêtes policières relatives aux plaintes de mauvais traitements d'ordre sexuel infligés à des mineurs dans la région de Cornwall, projet de loi 45, M. Guzzo		
Adoptée.....	716	
PREMIÈRE LECTURE		
Loi de 2003 abolissant la retraite obligatoire, projet de loi 68, M. DeFaria		
Adoptée.....	719	
Loi de 2003 modifiant la Loi sur l'évaluation foncière (améliorations à l'intention des personnes âgées ou ayant une incapacité), projet de loi 69, M. Christopherson		
Adoptée.....	720	
		Loi de 2003 sur l'élimination des obstacles professionnels, projet de loi 70, M. Ruprecht
		Adoptée.....
		721
		DÉCLARATIONS MINISTÉRIELLES ET RÉPONSES
		Retraite obligatoire
		M. DeFaria.....
		722
		DEUXIÈME LECTURE
		Loi de 2003 prévoyant le retour à l'école (secteur élémentaire du conseil catholique de Toronto) et modifiant la Loi sur l'éducation et la Loi sur la négociation collective dans les écoles provinciales, projet de loi 28, M. Eves
		Débat présumé ajourné.....
		756

CONTENTS

Thursday 29 May 2003

PRIVATE MEMBERS' PUBLIC BUSINESS			
Motor Vehicle Manufacturer's Warrant Act, 2003, Bill 40, Mr Sampson			
Mr Sampson.....	701, 706, 709		
Mr Phillips.....	702		
Mr Miller.....	703		
Mr Bisson.....	703		
Mr Bradley.....	707		
Mr Kormos.....	708		
Agreed to.....	716		
Inquiry into Police Investigations of Complaints of Sexual Abuse Against Minors in the Cornwall Area Act, 2003, Bill 45, Mr Guzzo			
Mr Guzzo.....	709, 715		
Mr Cleary.....	710		
Mr Christopherson.....	711		
Mr Beaubien.....	713		
Mr Parsons.....	714		
Mr Stewart.....	715		
Agreed to.....	716		
MEMBERS' STATEMENTS			
Child protection services			
Mr Agostino.....	717		
SuperBuild			
Mrs Munro.....	717		
Gay Pride Week			
Mr Smitherman.....	717		
Education labour dispute			
Ms Mushinski.....	717		
Government advertising			
Mr Bradley.....	718		
School closures			
Mr Christopherson.....	718		
World Catholic Education Day			
Mr Wood.....	718		
Education tax credit			
Mrs Bountrogianni.....	719		
Children's golf program			
Mr Maves.....	719		
FIRST READINGS			
Mandatory Retirement Elimination Act, 2003, Bill 68, Mr DeFaria			
Agreed to.....	719		
Assessment Amendment Act (Improvements for Seniors and the Disabled), 2003, Bill 69, Mr Christopherson			
Agreed to.....	720		
Mr Christopherson.....	720		
Removal of Occupational Barriers Act, 2003, Bill 70, Mr Ruprecht			
Agreed to.....	720		
Mr Ruprecht.....	720		
MOTIONS			
Private members' public business			
Mr Baird.....	720		
Agreed to.....	721		
STATEMENTS BY THE MINISTRY AND RESPONSES			
Securities Act review			
Mrs Ecker.....	721		
Mr Smitherman.....	723		
Mr Hampton.....	723		
Mandatory retirement			
Mr DeFaria.....	722		
Mr Phillips.....	723		
Mr Hampton.....	724		
Ms Martel.....	724		
ORAL QUESTIONS			
SARS			
Ms Pupatello.....	727		
Mr Clement.....	727		
Electricity supply			
Mr Hampton.....	728		
Mr Baird.....	728, 731		
Mr Bryant.....	731		
Disease reporting			
Mr Hampton.....	729		
Mr Clement.....	729		
Education labour dispute			
Mr Kennedy.....	730		
Mrs Witmer.....	730		
Sex offenders			
Ms Mushinski.....	730		
Mr Runciman.....	730		
Mandatory retirement			
Mr Gilchrist.....	732		
Mr DeFaria.....	732		
Child care			
Ms Martel.....	732		
Mrs Elliott.....	732		
Financial Services Commission of Ontario			
Mr Parsons.....	733		
Mrs Ecker.....	733		
West Nile virus			
Mr McDonald.....	734		
Mr Clement.....	734		
Insurance rates			
Mr Colle.....	734		
Mrs Ecker.....	734		
Small business			
Mr Maves.....	735		
Mr Turnbull.....	735		
GO Transit			
Mr Marchese.....	735		
Mr Klees.....	735		
Mr Prue.....	736		
Government assets			
Mr Phillips.....	736		
Mrs Ecker.....	736		
PETITIONS			
Audiology services			
Mr Bradley.....	737		
Medical review committee			
Mr Kormos.....	737		
Community care			
Mrs Dombrowsky.....	737, 738		
Aluminum smelter			
Mr Bradley.....	737		
Children's mental health services			
Mr Kormos.....	737		
Competitive electricity market			
Mr Kormos.....	738		
Tuition fees			
Mr Bradley.....	738		
Water extraction			
Mr Arnott.....	738		
River access			
Mr Agostino.....	739		
Abortion			
Mr Arnott.....	739		
SECOND READINGS			
Back To School (Toronto Catholic Elementary) and Education and Provincial Schools Negotiations Amendment Act, 2003, Bill 28, Mr Eves			
Mr Agostino.....	740, 744		
Mr Kormos.....	743, 745, 748, 755		
Mr Flaherty.....	743		
Mr Bryant.....	744, 752		
Mr Prue.....	744, 748, 751, 756		
Mr Colle.....	747		
Mr McDonald.....	747, 751		
Mr Maves.....	747, 748, 752		
Mr Arnott.....	750		
Mr Phillips.....	751		
Mr Smitherman.....	752		
Mr Cordiano.....	754, 756		
Mr Galt.....	755		
Mr O'Toole.....	755		
Debate deemed adjourned.....	756		

Continued overleaf