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of Ontario
Second Session, 38th Parliament

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**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Wednesday 7 June 2006

Mercredi 7 juin 2006

Speaker
Honourable Michael A. Brown

Président
L'honorable Michael A. Brown

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 7 June 2006

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 7 juin 2006

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

CANADIAN AGRICULTURAL INCOME STABILIZATION PROGRAM

Mr. Toby Barrett (Haldimand–Norfolk–Brant): I'd like to welcome the Ontario Cattlemen's Association to Queen's Park for their famous beef barbecue. They were kind enough to give me some "I love Canadian beef" stickers, which I'll proudly place on my parade tractor this summer.

The cattlemen provide us a great service and the best beef in the world, but they do have a beef with the provincial government. Like most farmers, the cattlemen are concerned about this government's failure to show leadership on reforming the CAIS program. The federal government has taken the lead on CAIS, adopting changes to inventory valuation, changes cattlemen have been requesting for some time. But when it comes to the provincial government, cattlemen are saying, "Where's the beef?"

They're telling me that if the province matches federal changes to CAIS, it will be a tremendous benefit to cattle farmers in Ontario. If Minister Dombrowsky follows Minister Strahl's leadership on reforming CAIS, it would help the cattlemen to be more competitive vis-à-vis other Canadian jurisdictions.

Years after BSE crippled the industry, the cattlemen are still facing hardship. In addition to their lost equity, the border remains closed to cattle over the age of 30 months. The US border remains closed to breeding stock. There's a problem, obviously, getting animals down to Mexico, for example.

I call on all MPPs to continue talking about the closed border, and I call on Minister Dombrowsky to beef up her commitment to our Ontario cattlemen.

CHARITY SOCCER MATCH

Mr. Kevin Daniel Flynn (Oakville): I rise in the House today to inform all members of the Legislature of a wonderful event that's going to take place on Sunday, June 25, at 6 o'clock. The Universal Youth Foundation is hosting a charity soccer match between the Canadian women's national soccer team and the Italian women's team. The match will take place at Etobicoke's centennial

stadium. It's sure to be an exciting day, and it's in support of a great cause.

The Universal Youth Foundation does extremely important work in providing educational assistance to some of the world's most disadvantaged children and youth. This June 25 soccer match provides an opportunity to raise funds for this great cause. This organization trains teachers and builds infrastructure, providing opportunities to learn that otherwise just would not exist. It isn't simply about building schools but about building opportunity for children to succeed and become leaders in their own communities.

This is an example of how we can all think globally and act locally.

I'm proud to note that three young women from my own riding of Oakville will be suiting up for the Canadian national team and supporting this great cause: Kara Lang, Amanda Cicchini and Diana Matheson.

I'd like to invite all members to come out and cheer on June 25 for the women's national soccer team as they play the Italian women's national soccer team for a wonderful cause.

HYDRO IN ONTARIO

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke): Today marks the 100th anniversary of what many people still refer to as Ontario Hydro. As a result of the power commission act passed a month earlier by the Conservative government of Premier James P. Whitney, the Hydro-Electric Power Commission of Ontario was created, with Adam Beck as its chairman. Beck, who served as chairman until his death in 1925, was a strong advocate for publicly owned electrical generation and transmission.

The first bulk transmission line built from Niagara Falls was completed in 1910 and switched on during a ceremony in Berlin, which is now Kitchener. In 1914, Beck was knighted by King George V for services rendered to the Commonwealth of Canada.

Beck was instrumental in developing the 450-megawatt Queenston-Chippewa power station at Niagara. At that time, this was the largest power station in the world. In 1950, the station was renamed Sir Adam Beck 1 in his honour. In the late 1940s and 1950s, the hydroelectric power corporation developed the potential of the St. Lawrence, in conjunction with American power authorities, during the development of the St. Lawrence Seaway. They also developed stations on the upper Ottawa River. In 1948, Hydro changed and standardized

the frequency of its electrical systems at 60 cycles, ensuring compatibility with neighbouring power systems and overcoming the major obstacle to expansion of its network.

There have been tremendous advancements and developments over the last 100 years as Hydro has been fulfilling its mandate to bring power to the people. To all those who have served, thank you.

Let us hope that the decisions made today are the right ones, dictated by commitment and not politics, ensuring that the lights will remain on in Ontario.

EDUCATION FUNDING

Mr. Rosario Marchese (Trinity–Spadina): People for Education came to Queen’s Park this afternoon to give a report card on a list of “incompletes” by the Minister of Education. One of them has to do with the Good Places to Learn, phase 2. The government claims it has spent \$75 million for further school renewal and capital needs, and I want to simply say to you that the government has not even spent the \$75 million of the \$270 million it promised. In fact, they’ve spent less than \$20 million, based on a report the minister gave me in response to a question from estimates.

They talk about the alternative diploma. On October 14, 2005, the Premier and the Minister of Education announced that the province would create an alternative diploma in order to turn around the dropout rate. Instead, in November 2005 the Minister of Education introduced a specialist high-skills major to allow students to complete a minimum bundle of courses in specific high-skills areas—arts, business, info technology etc. It doesn’t deal with those dropout kids.

1340

Keeping schools open—the fair funding model for rural schools: They promised this in 2005. It’s 2006 and we’ve still got nothing.

A new funding formula for transportation: We’ve been waiting since 2004 and we still don’t have one. This is not a good track record.

CHILD CARE

Mr. Khalil Ramal (London–Fanshawe): I want to commend the city of London for recently approving an initiative that will see 346 new child care spaces created at no cost to London taxpayers. This funding is being approved by the provincial government under its Best Start program and by the commitment made by the previous federal Liberal government.

The creation of the new child care spaces will help shorten the waiting lists faced by parents in London and will provide affordable, accessible and quality child care for their young children. I am glad that the city of London and the McGuinty government understand that the first few years of a child’s life set the foundation for lifelong learning.

Unfortunately, the current federal government has refused to honour the early learning and child care agreement signed by the provinces and the previous federal government. This will result in the federal government taking away \$1.4 billion intended for child care spaces over the next five years. This negatively impacts the ability of the provinces to provide quality and affordable child care spaces needed by families.

I hope the federal Conservative government will recognize the importance of quality child care in this province, and I urge them to honour that agreement so that children in this province can get the best start possible.

ONTARIO PROVINCIAL POLICE

Mr. Robert W. Runciman (Leeds–Grenville): As someone who served as critic of the Ministry of the Solicitor General for many years and as minister for almost six, I’ve had the opportunity to work very closely with members of the OPP, from the commissioner level to the front line. I have enormous respect for the men and women of the OPP who serve us so well, and I’m truly distressed to witness the challenges currently confronting them at Caledonia and the fallout for their reputation and morale.

The OPP finds itself in a no-win situation. The residents of Caledonia and Haldimand are upset with them for what they see as their failure to enforce the rule of law and their humiliating retreat following a politically correct raid on the occupied property. The OPP’s challenge, operating in a McGuinty Liberal environment, is that they cannot, in any way, shape or form, count on the support of this government. They’re constantly looking over their shoulders.

This was driven home yesterday when the minister responsible for policing blamed OPP officers for driving into the occupied property Sunday night and implicitly endorsed the concept of a no-go zone for the OPP.

These are difficult times for an outstanding police service, and the responsibility for that lies squarely at the doorstep of the McGuinty Liberal government.

SYNCHRONIZED SWIMMING

Mr. Bob Delaney (Mississauga West): Canadians have traditionally excelled in synchronized swimming. Set to music, our Canadian young women display their athletic skill, endurance, muscle control, poise and rhythm in the pool. They are judged on the degree of difficulty of the manoeuvres, pool area coverage, and the quality of execution of the routine.

Samantha Wymes is a 14-year-old Mississauga West resident. In April Samantha was the youngest synchronized swimmer to qualify for Team Ontario, and already has eight years’ experience in synchro.

Samantha will represent Ontario at the Canada Winter Games in February 2007 in the Yukon. She recently returned from the third Synchro Peru Aquatica Cup in

Lima, Peru, where she won a bronze medal in duet, a silver in figures and a gold medal in team for Canada. She beat out competitors from all over South America plus three separate teams from the United States.

Samantha will compete at the Espoir National Championships at the Etobicoke Olympium in June and hopes to qualify for Canada's national 13 to 15 team, which will compete in Mexico this summer.

Samantha is living proof of why synchro and competitive swimmers, divers and water polo players need our regional councils to work together and build a 50-meter pool to serve Peel and Halton region.

We hope Samantha hears O Canada played often when she competes internationally. On behalf of the Legislative Assembly, I wish her continued success in the sport of synchronized swimming. We're all proud of her.

RESEARCH AND INNOVATION

Mr. David Oraziotti (Sault Ste. Marie): I rise in the House today to congratulate Katie Pietrzakowski, of my riding of Sault Ste. Marie, and to comment on our government's investments in promoting research and higher education.

Katie is a member of Team Sci-Tech Ontario and took home a bronze medal at the Canada Wide Science Fair recently in Quebec. Sci-Tech Ontario took home 12 gold medals, 12 silver medals, 22 bronze and the EnCana best in fair award. Katie qualified for the national competition by winning the Algoma Rotary Regional Science Fair, one of 30 fairs held across the province.

Support for young scientists is just one of the ways our government is ensuring that Ontario has a well-educated, highly skilled, productive workforce. We have created the Ministry of Research and Innovation and committed \$1.4 billion over five years to allow Ontario's scientific and technical communities to reach new heights and compete on the global stage. We're investing \$6.2 billion in post-secondary education in Ontario, the largest investment in over 40 years.

Last week, the Minister of Training, Colleges and Universities and I had the privilege of participating in the opening of the inaugural northern health conference at Algoma University. This conference brought together medical researchers from across northern Ontario to find solutions to the unique health challenges facing northerners. It is largely the result of our \$95-million investment to create the new Northern Ontario School of Medicine, the first medical school to be opened in Canada in more than 30 years.

We've begun the important task of providing facilities and resources that allow individuals like Katie, northern medical researchers and others the chance to offer the guidance, vision and creativity that will lead to new innovations and a stronger economy.

CARDIAC CARE

Mr. Bill Mauro (Thunder Bay–Atikokan): I am pleased to announce that our government is improving

access to cardiac services in northwestern Ontario. Last weekend, Minister of Health George Smitherman announced in Thunder Bay that the introduction of a stand-alone angioplasty unit is in the works for Thunder Bay Regional Health Sciences Centre. This announcement will trigger the beginning of a process. Thunder Bay Regional will now develop a plan for the implementation of this service at our hospital to meet the requirements of the Ministry of Health for the provision of this very specialized service.

I can report that everyone present at the event—from hospital board chairman Ron Nelson, representing the board of directors, to Dr. Frank Nigro, representing staff, including nurses and hospital administrators, as well as community members—was extremely excited by the announcement. I must mention as well the local advocacy group, Mended Hearts, which first brought this issue to my attention almost three years ago.

This announcement, while being first and foremost a health care announcement, will also be an economic generator for the community. When fully operational, it will mean an approximate \$18-million to \$20-million annual expenditure within our community.

All those in attendance were very excited to get started on a capital campaign for the community portion of the announcement. Our government has made a significant move forward in terms of health care provision for northwestern Ontario. Whenever possible, one of the best things we can do is provide those services closer to home. Three hundred to 500 people who are now shipped out of Thunder Bay to other jurisdictions on an annual basis will eventually be able to receive this specialized service closer to home, with family and friends at their side.

We have made a major move forward, and I'd love to thank the Minister of Health for coming to Thunder Bay to make this announcement.

WEARING OF PINS

Mr. John Wilkinson (Perth–Middlesex): On a point of order, Mr. Speaker: Given the fact that our friends from the Ontario Cattlemen's Association are here and fed almost all the members and our staff with a wonderful beef lunch, I ask for unanimous consent to wear the cattlemen's pin today in the House.

The Speaker (Hon. Michael A. Brown): Agreed? Agreed.

REPORTS BY COMMITTEES

COMITÉ PERMANENT DE LA POLITIQUE SOCIALE STANDING COMMITTEE ON SOCIAL POLICY

M. Shafiq Qaadri (Etobicoke–Nord): Monsieur le Président, je demande la permission de déposer un

rapport du comité permanent de la politique sociale et je propose son adoption.

Mr. Speaker, I beg leave to present a report from the standing committee on social policy and move its adoption.

The Clerk-at-the-Table (Ms. Lisa Freedman): Your committee begs to report the following bill, as amended:

Projet de loi 102, Loi modifiant la Loi sur l'interchangeabilité des médicaments et les honoraires de préparation et la Loi sur le régime de médicaments de l'Ontario / Bill 102, An Act to amend the Drug Interchangeability and Dispensing Fee Act and the Ontario Drug Benefit Act.

The Speaker (Hon. Michael A. Brown): Shall the report be received and adopted?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the ayes have it.

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

The division bells rang from 1349 to 1359.

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

Ayes

| | | |
|------------------------|---------------------|---------------------|
| Arthurs, Wayne | Di Cocco, Caroline | Pupatello, Sandra |
| Balkissoon, Bas | Dombrowsky, Leona | Qaadri, Shafiq |
| Bartolucci, Rick | Duncan, Dwight | Ramal, Khalil |
| Bentley, Christopher | Fonseca, Peter | Ramsay, David |
| Berardinetti, Lorenzo | Gerretsen, John | Rinaldi, Lou |
| Bountrogianni, Marie | Hoy, Pat | Ruprecht, Tony |
| Bradley, James J. | Jeffrey, Linda | Sandals, Liz |
| Broten, Laurel C. | Kwinter, Monte | Sergio, Mario |
| Brownell, Jim | Lalonde, Jean-Marc | Smith, Monique |
| Bryant, Michael | Mauro, Bill | Smitherman, George |
| Cansfield, Donna H. | McGuinty, Dalton | Sorbara, Gregory S. |
| Caplan, David | McMeekin, Ted | Takhar, Harinder S. |
| Chambers, Mary Anne V. | Meilleur, Madeleine | Van Bommel, Maria |
| Colle, Mike | Mitchell, Carol | Watson, Jim |
| Cordiano, Joseph | Mossop, Jennifer F. | Wilkinson, John |
| Craiton, Kim | Oraziotti, David | Wong, Tony C. |
| Crozier, Bruce | Peters, Steve | Wynne, Kathleen O. |
| Delaney, Bob | Phillips, Gerry | Zimmer, David |

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

Nays

| | | |
|--------------------|-------------------|-------------------|
| Arnott, Ted | Klees, Frank | O'Toole, John |
| Barrett, Toby | Kormos, Peter | Prue, Michael |
| Bisson, Gilles | MacLeod, Lisa | Scott, Laurie |
| Chudleigh, Ted | Marchese, Rosario | Tabuns, Peter |
| Elliott, Christine | Martel, Shelley | Tory, John |
| Hardeman, Ernie | Martiniuk, Gerry | Wilson, Jim |
| Horwath, Andrea | Miller, Norm | Witmer, Elizabeth |
| Hudak, Tim | Munro, Julia | Yakabuski, John |

The Clerk of the Assembly (Mr. Claude L. DesRosiers): The ayes are 54; the nays are 24.

The Speaker: I declare the report to be received and adopted.

Pursuant to the order of the House dated Tuesday, May 9, 2006, the bill is ordered for third reading.

STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

Ms. Andrea Horwath (Hamilton East): I beg leave to present a report from the standing committee on regulations and private bills and move its adoption.

The Clerk-at-the-Table (Ms. Lisa Freedman): Your committee begs to report the following bills without amendment:

Bill Pr18, An Act respecting Ronald McDonald House (Hamilton);

Bill Pr26, An Act respecting Talpiot College.

The Speaker (Hon. Michael A. Brown): Shall the report be received and adopted? Agreed? Agreed.

STANDING COMMITTEE ON GOVERNMENT AGENCIES

The Speaker (Hon. Michael A. Brown): I beg to inform the House that today the Clerk has received a report on intended appointments dated June 7, 2006, of the standing committee on government agencies. Pursuant to standing order 106(e)9, the report is deemed to be adopted by the House.

INTRODUCTION OF BILLS

STREET RACING ACT, 2006

LOI DE 2006 SUR LES COURSES DE RUE

Mr. Klees moved first reading of the following bill:

Bill 122, An Act to enhance safety on Ontario's roads and to empower police officers to shut down street racing / Projet de loi 122, Loi visant à accroître la sécurité sur les routes de l'Ontario et à habiliter les agents de police à mettre fin aux courses de rue.

The Speaker (Hon. Michael A. Brown): Is it the pleasure of the House that the motion carry? Carried.

The member may wish to make a brief statement.

Mr. Frank Klees (Oak Ridges): I'm introducing this bill in memory of my constituents Rob and Lisa Manchester and in honour of their 7-year-old daughter, Katie Marie Manchester, who was orphaned when her parents' car was hit by a Honda Civic reportedly speeding in excess of 140 kilometres per hour. Street racing was the cause of that tragedy according to reports. On behalf of all members, I extend our condolences to the Manchester family, their relatives and their friends.

Street racing is an illegal and dangerous activity, jeopardizing the lives of innocent people. In the last six years, there have been 33 deaths due to street racing in the greater Toronto area alone. Excessive speed continues to be the leading contributing factor in fatal collisions and illegal street racing is reaching epidemic proportions.

The purpose of this bill is to empower front-line police officers to issue on-the-spot licence suspensions and

vehicle impoundments to drivers they have reason to believe were involved in street racing. The bill also bans the connection of aftermarket nitrous oxide fuel systems in vehicles on all public streets and highways, and provides for fines of up to \$2,000 and jail terms of up to six months for convictions.

We can't legislate responsibility but we can ensure that there are serious consequences for anyone who is willing to put innocent lives at risk. Street racing is a serious threat and our front-line police officers need the authority to deal with this issue. We can't bring back lives of victims, but we can and must send the message through our actions as legislators that street racing is illegal, dangerous and unacceptable in Ontario.

MOTIONS

COMMITTEE SITTINGS

Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader): I believe we have unanimous consent to move a motion without notice regarding the standing committee on finance and economic affairs.

The Speaker (Hon. Michael A. Brown): Mr. Bradley is asking unanimous consent to move a motion without notice regarding the standing committee on finance and economic affairs. Agreed? Agreed.

Hon. Mr. Bradley: I move that the standing committee on finance and economic affairs be authorized to meet after routine proceedings on Monday, June 12, 2006, for clause-by-clause consideration of Bill 117, An Act to amend the Income Tax Act to provide for an Ontario home electricity payment.

The Speaker: Mr. Bradley has moved that the standing committee on finance and economic affairs be authorized to meet after routine proceedings on Monday, June 12, 2006, for clause-by-clause consideration of Bill 117, An Act to amend the Income Tax Act to provide for an Ontario home electricity payment.

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

VISITORS

The Speaker (Hon. Michael A. Brown): I want members to help me welcome a group in the Speaker's gallery. We have with us a group, the president of which is Derwyn Shea, a former parliamentarian. I ask everyone to welcome our friends here today.

Mr. Gilles Bisson (Timmins-James Bay): Mr. Speaker, on a point of order: I'm sure members would want to know that we have visitors here from Tobago and New York City, or Sears, especially to see question period, and they're looking forward to the entertainment that will ensue.

Hon. John Gerretsen (Minister of Municipal Affairs and Housing): Mr. Speaker, on a point of order: In the same light, we have a delegation from Kingston today that's here to watch democracy in action. They're sitting right in the west lobby.

1410

ORAL QUESTIONS

NATIVE LAND DISPUTE

Mr. John Tory (Leader of the Opposition): Mr. Speaker, I'm not sure if it will qualify as entertainment or democracy in action, but I have a question for the Premier. Premier, two days ago, this House voted in favour of our motion on your handling of the Caledonia situation and called for a public inquiry to take place at the appropriate time so that we as decision-makers could gain a better understanding of what has gone wrong there and how we might prevent it from happening again in the future, as well as an examination of the land claims process and any helpful advice that independent investigator might offer as to how that could work better as well.

During the last election campaign, you made a lot of statements and several promises to voters about making this place work better and about respecting the Legislature and its members. Will you live up to your promises and make the commitment to hold, at the appropriate time, a public inquiry so that we can all know what has gone on at Caledonia, get some advice with respect to the land claims process and respect the will of the members of this House? Will you do that?

Hon. Dalton McGuinty (Premier, Minister of Research and Innovation): I'm pleased to take the question. The leader of the official opposition will undoubtedly know that I had the opportunity to speak to this just yesterday when I described this ploy on the part of Conservatives as being nothing more than mischief-making.

In truth, what the opposition objects to, in terms of the approach we have brought, is that we have refused to direct police in any of their activities or any type of engagement with the First Nations. We will continue to bring forward the same kind of approach that we have brought to date. We will be thoughtful, we will be responsible, we will be patient, and we will persevere.

Mr. Tory: During the time of the election campaign and during the time before that, I suspect you would not have described, for example, any of your many calls for public inquiries of various kinds as being mischievous.

What we did in this case was simply take the responsibilities that we have as the official opposition in this Legislature and duly file a motion, which was then duly debated and voted upon in this House. The motion was voted on and passed. You can describe that as mischievous; I actually thought that was parliamentary democracy. The only mischievous thing—and I would

describe it, as well, as unfortunate—is that only seven members of the Liberal Party were in the Legislature for the debate and for the vote. I think that lack of attendance by itself indicates the degree to which you don't take this issue seriously.

Will you not respect the Legislature and a vote of the Legislature and agree to ask an independent investigator, at the appropriate time, to look into what happened at Caledonia and how we can learn from it? Why won't you do that?

Hon. Mr. McGuinty: I'm going to recommend to the Leader of the Opposition that he take a look at today's Hamilton Spectator, in particular the editorial found on page A17. The title of the editorial is "Political Theatre of the Absurd." In describing the motion, the Hamilton Spectator describes it as "self-serving political opportunism in an extremely delicate situation." It goes on to say, "To suggest, as Tory has, that a public inquiry be launched before the standoff is resolved is simply silly." I completely agree.

Mr. Tory: And I would feel just the slightest bit sensitive about that if that in fact was what I had asked for, but if you go back and look at the press releases from when we asked for the inquiry in the first instance, they all clearly say, as I've repeated today, that you should commit to launching the inquiry at the appropriate time.

We've asked for it so that people down there will know—from all corners, in all parts of that community, and indeed people across the province—that at the appropriate time, you are willing, as you suggested so often in the past, and that you are willing out of respect for this Legislature, which had a debate and had a vote, to agree to an independent investigation of this matter so that we might learn from it and find ways we might improve the land claims process and our handling of these kinds of disputes.

My question is very simple. Rather than reading me that clipping which is based on a false premise as to when I asked for the inquiry, why will you not agree to that kind of independent inquiry? What is it you're afraid of? Is it that it's going to expose your own lack of leadership—

The Speaker (Hon. Michael A. Brown): The question has been asked. Premier?

Hon. Mr. McGuinty: Again, I think it's important for us to be very direct in terms of what it is we're talking about here. The leader of the official opposition is critical—there's no hiding that—of the approach we've brought to dealing with the affair at Caledonia. He's critical because what he wants us to do is to send in the police. We refuse to do that. At least Mr. Barrett has been very forthright in this regard. He has said, and I quote again, "It puts our OPP in a very bad situation. They're getting obviously no sense of direction or leadership from this government. There's got to be some kind of direction for the OPP." I couldn't more strongly disagree. I think Ontarians again have a good opportunity for a study in contrasts here. They would send in the police. They would have the police engage in some kind of

action. We choose to negotiate. We choose to take the time to ensure we have a resolution which is peaceful.

The Speaker: New question. The Leader of the Opposition.

Mr. Tory: My question again is for the Premier. And I should say that at no time ever have I said that you should send the police in or instruct the police to go in—ever. What I have said—

Interjections.

The Speaker: Order. Minister of Agriculture, member for Halton, the Attorney General, come to order. The government House leader will come to order. Leader of the Opposition.

Mr. Tory: What I have said is that a very good start, if you want to talk about sending somebody in, would be to send yourself down there; for a single member of your government to go down there and listen to a single citizen who would tell you about what is going on with the fabric of that community.

Now, yesterday you referred to the Caledonia standoff as being one "without incident." I just want to clarify that you don't consider the following to be incidents: barricades and tire fires seen for miles; OPP officers wrestling with protesters; an electricity blackout involving more than 9,000 people and all kinds of businesses; numerous brawls; a security guard's car being burned to the ground; paved roads being dug up by heavy machinery; two OPP officers reportedly being held against their will for making a wrong turn. Why don't you take this opportunity to explain to the people of Ontario how you can describe this security crisis as being something that's happened without incident.

Hon. Mr. McGuinty: Let me remind the leader of the official opposition of what we've done in Caledonia so far by working with the community, with the Six Nations, with the federal government. First of all, we appointed David Peterson to work through some of the immediate issues. The members opposite will know that we've helped to negotiate the opening of the Argyle Street blockade. He will know that we've secured the federal participation with the appointment of Barbara McDougall as the federal representative and we've appointed Jane Stewart as our provincial representative, so that together we can work through the broader Haldimand tract land claims issue. We have helped calm tensions and build trust by placing a moratorium on the development of Douglas Creek Estates while discussions continue. And just recently, Minister Cordiano was in the community to help the local community with a \$500,000 emergency assistance program for local businesses. We've been there, and we will stay there with the community to ensure that we can resolve this peacefully.

Mr. Tory: I have a slight advantage over the Premier in that I have been there and listened to what the people have to say down there. I've been there not once, not twice, but three times. Three times I've been there to listen to people, and I have listened to them describe, from the first time to the third time, how much the social fabric of this community has been torn; how much they

regret what has happened by allowing this situation to escalate; how much has happened to tear asunder relationships that have developed over decades between people who live there from the First Nations part of the community and from other parts of the community.

I say to you again and I ask you one more time, instead of offering some real leadership and actually showing somebody's face down there to communicate with these people, to show some caring on the part of a single minister of the government, up to and including, I would suggest, yourself, you've chosen to downplay this, to describe this as without incident and so on.

Why won't you acknowledge the severity of this situation and agree at the appropriate time to an independent investigation of what happened here, and an independent investigation of how land claims get to this point so we can stop it from happening ever again? Why won't you do that?

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Hon. Mr. McGuinty: The leader of the official opposition is intent on inflaming this situation. He uses different language, but the basis for his criticism of our government and the approach we brought to Caledonia is that he's saying over and over again between the lines that it's time for us to send in the police. He says we can't allow the situation to go on any longer and it's time for us to send in the police.

At least Mr. Barrett is very forthright in this regard. He has said specifically that we should be sending in the police. I understand that that's the approach they would take. We have a decidedly different approach. It takes time and perseverance. It takes our acting responsibly in a way that will cultivate a basic foundation of goodwill and trust. They want us to send in the police; we will not do that.

Mr. Tory: I think it is a complete disgrace and beneath the office that you hold as Premier of this province to suggest that by coming in here and doing the job the Leader of the Opposition is appointed to do, to ask questions about your handling of this affair and to ask you nothing more than something you asked many times of the governments you questioned, namely to appoint an independent investigator at the appropriate time to look into this—for you to describe that as “inflaming this situation” I think is irresponsible in the extreme.

Interjections.

Mr. Tory: I would ask you—

Interjections.

The Speaker: I can wait. The Minister of Health Promotion, come to order. The member for Burlington will come to order. The Minister of Finance will come to order. The member for Halton will come to order.

I need to be able to hear the questions that are put by members in this place and to hear the responses. About 10 seconds.

Mr. Tory: I would urge the Premier to read the speech that I gave in the Legislature in respect of the motion that was debated on Monday, because I tried my best to be balanced and responsible about the need for an

independent investigation to look into better ways to handle land claims and better ways to handle these kinds of situations. I simply ask you, why won't you agree to that kind of independent investigation? To ask for it is not to inflame the situation.

Hon. Mr. McGuinty: If the leader of the official opposition, as he claims, has a sincere interest in helping us to diffuse existing circumstances, if he's interested in helping us to lower the temperature, if he's actually interested in helping us to deal with the situation as it obtains at the present, if he has a genuine interest in helping us to find a way out of this in a way that will ensure that nobody's safety is compromised, then I'm all ears. But I have yet to hear a single valuable, constructive proposal that would help us deal with this issue today.

Interjections.

The Speaker: Order.

Hon. Sandra Pupatello (Minister of Education, minister responsible for women's issues): I want to hear from the cowboy in your caucus.

The Speaker: Minister of Education.

Interjections.

The Speaker: Order. The Minister of Health will come to order.

This is the final warning to the Minister of Education.

Interjections.

The Speaker: I can wait.

New question. The leader of the third party.

Mr. Howard Hampton (Kenora–Rainy River): My question is for the Premier. Premier, the leadership of First Nations across Ontario is so frustrated with your failure of leadership at Caledonia that the Ontario regional chief wrote to you recently and said, “This is a land rights issue and no forum exists in Ontario to resolve land rights issues in a timely manner.” He then goes on to say, “Ontario can take a proactive role which can ultimately help.” He then suggests how a land rights forum could function.

Premier, Regional Chief Toulouse is suggesting a positive initiative on how the Caledonia conflict could have been avoided and future land rights issues could be proactively addressed. Why has your government failed to heed the advice of Regional Chief Toulouse?

Hon. Mr. McGuinty: I was pleased to receive the constructive proposal from Chief Toulouse. It's part of an ongoing engagement we have with him and so many other leaders in our First Nations communities, but at present we find ourselves in circumstances which demand immediate action, so we have elicited the support of the federal government, and in particular Barbara McDougall, together with Jane Stewart, our provincial representative. We're sitting down and working through the larger, broader land claim issues. That group will meet again tomorrow.

I can say that Chief Toulouse has put forward a constructive proposal, and we look forward to considering that on a go-forward basis, but at the present time we are sitting down and working with the federal government and working our way through these very important issues.

Mr. Hampton: Premier, Regional Chief Toulouse doesn't see it that way. He says to you, "I must remind you that the issue at Caledonia began with a simple occupation of a parcel of land to prevent development." He says, "This is a situation which could be repeated over and over again due to continued encroachments on First Nations lands and the absence of a process to address First Nations land rights issues."

He then goes on to say that your own negotiators are confused. He says, "However, the mandates of the provincial negotiators remain unclear. Recently I became aware that an apparent agreement reached at the negotiating table was not honoured by provincial parties."

It doesn't sound, Premier, as if your government is heeding Regional Chief Toulouse's advice or that you're acting with honour and honesty at the table. What do you say to that?

Hon. Mr. McGuinty: Again, I appreciate Chief Toulouse's advice in this regard. We're getting advice from a host of people around the province, and there are a number of interpretations, of course, associated with the different actions carried out by different people. But I can tell you that we bring a tremendous amount of goodwill and commitment to resolving this matter in a peaceful way.

In addition to the major land claims table, Speaker, in addition to the \$500,000 by way of emergency assistance for local business announced recently by Minister Cordiano, we've also provided \$100,000 to set up an interim relief program for the developer and the builders involved on the site.

I can say that we're now fast-tracking discussions with the developers involved so that we can find some way to deal with the land. Again, it's a complicated matter. We'll bring everything that we possibly can to bear to deal with this in a positive, constructive way that culminates in a peaceful solution.

Mr. Hampton: Premier, you were the one who promised "a new era of good relations with Ontario First Nations." Regional Chief Toulouse is trying to provide some positive solutions and suggestions, but what he's seeing from your government is issue evasion and confusion.

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Consider this: Your government knew for a year that there was a land rights issue here, but you did not engage in serious discussion. Then, after the protest begins, you start some discussion, but while discussion is happening, in go the OPP. Here, just the other day, the Leader of the Opposition put forward a proposal for an inquiry. Your own members don't oppose it, so it passes the Legislature, and now you say you oppose that. What we see is confusion.

Premier, Chief Toulouse wants to be proactive and provide solutions. He says if you don't do that, this can repeat itself. When are you going to take Chief Toulouse's advice and set up—

The Speaker: The question has been asked.

Hon. Mr. McGuinty: I'll say for the third time, we welcome Chief Toulouse's positive, constructive advice

and we look forward to finding a way to address that on a go-forward basis. But at the present time, we find ourselves caught up in a difficult situation. We have already established a table. I spoke with Prime Minister Harper on the weekend about that. We are both committed to doing everything we possibly can to work together to resolve this in a peaceful way. We're providing ongoing assistance to the community. We've done what we can to this point in time to bring down the barricades. I think that kind of issue is now going to be transferred to the main table.

We're going to work with the developer involved. We will continue to work with the community. We will do everything we possibly can to resolve this in a way that is based on, that is founded on, goodwill and trust and a determination to resolve this peacefully.

ENVIRONMENTAL PROTECTION

Mr. Howard Hampton (Kenora–Rainy River): A question for the Premier: Working families across Ontario want to be sure that your \$40-billion nuclear mega scheme is subjected to a tough, thoughtful, transparent provincial environmental assessment. Yesterday, you refused to make that commitment. Since then we've learned that Theresa McClenaghan, a key adviser to the environment minister, co-authored a legal opinion that says your government must conduct a proper provincial environmental assessment of your plans for \$40 billion in new nuclear plants.

Premier, is the McGuinty government going to listen to your own advisers and their legal opinion, or are you going to ram through your nuclear power scheme without a proper Ontario environmental assessment?

Hon. Dalton McGuinty (Premier, Minister of Research and Innovation): To the Minister of the Environment.

Hon. Laurel C. Broten (Minister of the Environment): Let's be clear. The federal government is required to undergo a full environmental assessment for each new nuclear facility that is built. That's the law. The province would actively participate in each federal EA of any new nuclear plant to ensure that Ontario's environment is adequately protected and that the health of citizens and the public interest in our province are protected. In addition, any new plant would be subjected to my ministry's approvals processes for water-taking and waste water discharges, regardless of the fuel source of that facility. I can assure Ontarians that the environment, human health and public interest would be protected by those processes.

Mr. Hampton: Let's be clear. This is what the Minister of the Environment's own adviser says in her legal opinion: "The forthcoming integrated power system plan is a public sector 'plan' to which Ontario's Environmental Assessment Act applies. The application of the EA Act is mandatory since there are no declaration orders or regulations which exempt the integrated power system plan from Environmental Assessment Act coverage."

My question to the Premier and to the Minister of the Environment remains the same: Are you going to obey the laws of Ontario and subject your \$40-billion nuclear mega scheme to an Ontario environmental assessment, or are you going to try to water down the Environmental Assessment Act and avoid an environmental assessment of your \$40-billion nuclear mega scheme? Which is it going to be?

Hon. Ms. Broten: I can say that I'm very proud I hired Theresa McClenaghan, a great lawyer, away from the Canadian Environmental Law Association, where she was acting for a client when she issued an opinion. Maybe the leader of the third party doesn't understand that an opinion could be offered with respect to the entire IPSP. That decision has yet to be made. A formal request has been made to subject the IPSP to an individual EA. As minister responsible, I have not made that decision, that determination, because it's important to note that the IPSP has yet to be finalized or released.

Theresa McClenaghan is now recused from all energy work. She's a water expert in the Ministry of the Environment and is working very hard to ensure that we have the Clean Water Act and that that moves forward.

But it's absolutely critical to understand that the environmental assessment reforms we brought forward most recently have absolutely nothing to do with what you are trying to link them to.

Mr. Hampton: We will see in due time about your watering down of the Environmental Assessment Act. I simply say to the McGuinty government again, it is your position that you will conduct environmental assessments into Ontario-built roads, Ontario-built hydro dams, Ontario-built landfills. Your own legal adviser, Minister of the Environment, says you must subject the \$40-billion McGuinty nuclear mega scheme to a full Ontario environmental assessment. Are you going to do that? Are you going to follow the legal opinion of your legal adviser, or is the McGuinty government going to try to weasel out of an environmental assessment and push its nuclear mega scheme through in the middle of the night? Which is it going to be?

Hon. Ms. Broten: I'll say it again: It is the law that any new nuclear facility would be the subject of a full federal EA. That's the law of the land. That's the law we will abide by. We will participate with the federal government in that EA. We will be active participants, ensuring that Ontarians' health and safety is protected. We have additional approvals processes that would be required. That's the rubric we operate under. That's the framework. We will be meeting our obligations to ensure that Ontarians are protected as we build any new source of power in this province.

NATIVE LAND CLAIMS

Mr. John Tory (Leader of the Opposition): My question is for the Premier. The Premier asked a moment ago if there were a couple of constructive ideas for the things that might be done in respect of Caledonia. I'll

start with a letter that your minister received on August 18, 2005, from Chief David General. It specifically suggested, "We also invite you and members of your staff to travel to our community to tour the area and meet with our community members to better understand the challenges we currently face." The letter was all about this Douglas estates land development. So that's one suggestion. Why don't you ask your minister to go down there—or maybe yourself—and actually have the meeting that Chief General asked about in August 2005? We might not be having this discussion if that had been done.

The second one is to follow along with what Regional Chief Angus Toulouse said that the leader of the New Democratic Party asked about. He said in the letter that we have to focus "on ways and means to address First Nations land rights issues in Ontario." Why isn't an independent investigation of the land claims process such as I have suggested in this House, which could look at other matters as well—why doesn't that answer—

The Speaker (Hon. Michael A. Brown): The question has been asked.

Hon. Dalton McGuinty (Premier, Minister of Research and Innovation): To the minister responsible for aboriginal affairs.

Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs): Upon receipt of Chief David General's letter on August 5 of last year, I had several meetings with the chief and many of his council members. We had reconfirmed a structure called the exploration that we had been working on; in fact, we had expedited that exploration of the land claims and the accounting claims issues there.

If you speak to David General, he was very satisfied with the progress. What had happened was that some in the community—you have to remember that this duly elected chief and council only have the support of about 10% to 12% of the population of the Six Nations—didn't accept the progress that was being made, became impatient, and especially when they saw the model home being constructed, the Douglas Creek Estates home, they went out and acted out their frustration. We continue to work with all the leaders in the Six Nations because, as the Leader of the Opposition must know, there's more than one leadership there.

Mr. Tory: My question is to the Premier, but assuming I'll hear from the minister, we got the letter a year ago suggesting that there be an on-site visit, to come down and visit. We have the suggestion in the letter from Ontario Chief Toulouse that we have a process put in place to examine the land claims process.

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I ask you, because maybe you'll have a different answer as to those two things being suggested, what is wrong with committing today to having an independent investigation at the appropriate time of these things—an independent "examination" is a better word—by someone of repute who can look at these things, both the land claims process as we suggested in our motion and the situation as it has now unfolded at Caledonia, at the

appropriate time? Can you tell me why that's a bad idea, why the Premier rejects it? Well, I won't assume you reject it, because you're a reasonable man. Can you give me your answer as to why this is categorized as inflaming the situation and mischievous when in fact it is actually a constructive suggestion to allow us to get to the bottom of how we can make things better?

Hon. Mr. Ramsay: I've said to the Leader of the Opposition that we're spending all of our time trying to resolve this issue right now. That's what we're doing, day and night, and everybody in government is trying to do this.

I'd like to comment on Grand Chief Angus Toulouse's suggestion, because it is a good idea. While we sit here in government, that's not to say we always have the best possible solutions to everything. We know every day we can always do a better job and we're always interested in new ideas and constructive ideas. We look to your caucus for that, and to the leader of the third party to do that, and Chief Angus Toulouse, who I work with very well.

You have to appreciate, though, that this is the most unique accounting land claim situation in the whole country. It's not a straightforward claim like the others are, where we have straightforward procedures. In fact, we have about 65 of these ongoing in Ontario. Some are scheduled to be resolved in 2012, like the Algonquin one which involves the city of Ottawa. They're very complex. They're all scheduled. But this one's very different. It's an accounting claim based on a grant from a crown of 250 years ago.

EDUCATION FUNDING

Mr. Rosario Marchese (Trinity-Spadina): To the Minister of Education: Parents from across Ontario are tired of watching their schools languish and their children suffer while you pretend everything is wonderful in our schools.

Today, the parents' group People for Education came to Queen's Park to grade your performance as minister, and they've given you an incomplete, because while you promised to address the crises our students face—and you're very good at making promises—we haven't seen any action. You promised education grants with an updated funding formula by the end of May. It's now June. Where are they?

Hon. Sandra Pupatello (Minister of Education, minister responsible for women's issues): I think it's fair to say that some things are really worth waiting for. I will tell this member opposite that we have been working diligently. In fact, I have spent eight weeks now on this job. In these last eight weeks, I am very proud of both the ministry's staff as well as my own, and my caucus colleagues who have given me tremendous support so that we can listen well to our partners in delivering education.

In the words of the now Minister of Energy, let me just say this about education: Everything that's supposed to be up is up and everything that's supposed to be down is down. Graduation rates are going up, literacy and

numeracy rates are going up, and we're very proud of that record.

Mr. Marchese: I say to the minister, the students and their parents are tired of empty promises from the McGuinty Liberals. Empty promises won't stop the 64 schools in Toronto from closing. Empty promises won't put English-as-a-second-language teachers in the hundreds of classrooms where they're needed. Empty promises won't fix the leaky roofs or chase the vermin out of the hallways.

You promised a new and improved funding formula by the end of May. As of June 7, 2006, the grants have not been delivered, which marks the latest date for the grants in the last nine years. Schools cannot plan properly. When can they expect the grants, Minister?

Hon. Ms. Pupatello: I know; end of May. It's June 7 today. Give me a break. That's all I've got to say to the member opposite.

What I am telling you is that since 1998, several years through a Conservative government, we suffered with a very difficult formula. I will tell you that this member in particular—I believe he was also education critic at that time—offers no helpful suggestions on how to resolve our issues.

I am, on the other hand, relying on some very tremendous support in my caucus for some very significant changes that are coming to our formula. I will say to the leaders in education across this province that \$2 billion of investment is significant and it is historic. It is the most kind of support that we have had in this short a time period, that we have seen, since Upper and Lower Canada were joined to form Ontario.

So let me say this: In this new grant round we are going to have support for lower class sizes from JK to 3, more support for student success. We are going to see support for literacy and numeracy to go way up like we expect them to.

MONTFORT HOSPITAL

HÔPITAL MONTFORT

Mr. Richard Patten (Ottawa Centre): That's going to be a tough act to follow.

My question is for the Minister of Public Infrastructure Renewal. As a former president and CEO of the Children's Hospital of Eastern Ontario Foundation, I've experienced a tremendous enthusiasm and concern and interest and support for the health care system in the region. So I want to ask the minister today about the efforts around the Montfort Hospital, which is arguably well known throughout the province—well known for its quality of service, well known because the Harris government tried to close it and was not able to do so.

I was happy last July to see the Premier announce our government's commitment to fund this project, and even happier when last Monday he was there for the groundbreaking program. I would like to ask the minister what this particular project means for the area, and how the

government has managed to be able to invoke such a huge amount of capital in our health care system.

Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader): The Montfort Hospital was under an execution order from our former Tory government and is one of the over 100 hospital projects to begin construction under ReNew Ontario, our government's five-year, \$30-billion infrastructure investment plan.

The province is going to provide the lion's share of the funding; we estimate some \$185 million. What that's going to mean is that when the hospital is completed some time in 2009, we will double the size of the hospital to more than 700,000 square feet, including two new wings and a renovation to the existing facilities to expand intensive care, maternal newborn, mental health, ambulatory care and emergency services. When the work is done, the hospital will house 417 beds: 289 for in-patient, 128 for long-term care.

Large hospital projects like the Montfort are being funded under AFP, alternative finance procurement. This is an innovative new tool that allows a board like the Montfort Hospital to retain full public ownership—

The Speaker (Hon. Michael A. Brown): Thank you. Supplementary.

M. Jean-Marc Lalonde (Glengarry–Prescott–Russell): Madame la ministre déléguée aux Affaires francophones, nous venons d'entendre des chiffres très intéressants de la part de notre collègue. Le nouveau Montfort va doubler sa superficie. Il pourra ainsi accommoder plus de patients et accorder plus de soins. C'est une excellente nouvelle pour cet hôpital, qui a connu un passé précaire sous l'ancien gouvernement. C'est aussi une excellente nouvelle pour les gens de ma circonscription, qui comprend au-delà de 30 % de sa clientèle. Il dessert non seulement les francophones, mais toutes les communautés.

Madame la ministre, en plus d'améliorer de façon significative l'accès des familles aux soins de santé, que représente cet investissement pour l'avenir de l'Hôpital Montfort?

L'hon. M. Caplan: Merci pour votre question. Madame la ministre for francophone affairs.

L'hon. Madeleine Meilleur (ministre des Services sociaux et communautaires, ministre déléguée aux Affaires francophones): En effet, j'étais bien heureuse lundi dernier d'être à Ottawa à l'Hôpital Montfort avec le premier ministre pour la première pelletée de terre. On sait que le nouveau Montfort est très important pour la communauté francophone. Alors, je pense que c'est une évidence que l'Hôpital Montfort est un symbole pour la communauté francophone ontarienne.

J'irais même plus loin. Pour moi, l'histoire de Montfort reflète en quelque sorte la progression de la francophonie en Ontario. Vous savez que la survie et l'avenir de Montfort ont été acquis grâce aux efforts et à la détermination de la communauté francophone, et je voudrais rendre hommage aujourd'hui parce que vous savez que l'Hôpital Montfort est mon « alma mater ».

J'ai fait mon cours d'infirmière là et j'y ai travaillé pendant 14 ans. Je voudrais rendre hommage aux employés de l'Hôpital Montfort, aux infirmières, aux médecins qui y travaillent, et surtout à M^{me} Gisèle Lalonde, qui a dirigé—

The Speaker (Hon. Michael A. Brown): Thank you. New question.

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ONTARIO PROVINCIAL POLICE

Mr. John Tory (Leader of the Opposition): My question again is to the Premier. It was reported this week that two OPP officers involved in the Caledonia incident had their cruiser surrounded and were subsequently detained for a period of time after making, as your minister described it yesterday, a “wrong turn.” Can you explain the concept of the OPP taking a “wrong turn” anywhere within the boundaries of the province of Ontario, within their mandate to carry out the law and protect all of Ontario and all Ontario citizens? I don't think it's a concept most people in Ontario are familiar with.

Hon. Dalton McGuinty (Premier, Minister of Research and Innovation): The Minister of Community Safety and Correctional Services.

Hon. Monte Kwinter (Minister of Community Safety and Correctional Services): I thank the Leader of the Opposition for the question. The first thing I want to do is to commend the OPP for the incredible job they've done.

To answer your question directly, we're in a situation right now that is highly charged. You have raised the issue about the difficulties that are there. It is a very serious situation, and the slightest miscue can in fact set this thing really at a higher level than it is right now.

These two officers were brought into the area from another area. There was an understanding that nothing would be done to accelerate the tensions that were in that community, because a movement may be misinterpreted. They made a wrong turn. People on the other side, members of the First Nations, thought that somehow or other something was happening that wasn't, and that is what created this particular situation.

Mr. Tory: It's what we're here to do, which is to ask questions, because when you talk about that and say there's some sort of an understanding, then when it comes to the understanding the people of Ontario would have, I believe—that the OPP have a responsibility, a mandate, that they're charged with the responsibility of looking after all of the people of Ontario in all parts of Ontario—they would want to know what is the understanding here about wrong turns and no-go zones. Are there any other understandings anywhere else with anybody else in Ontario? It's not just about this situation and First Nations people; it's about the very fact there could be and would be understandings as to where the OPP would go.

What happens if there's a 911 call that comes in from somebody in that area? How does this understanding work vis-à-vis that? That is why it's important to ask these questions here, to have a discussion here, and indeed to have an independent investigation of this. So I ask you, will you share with us what is the understanding, who is it with and how many other understandings of this kind exist with respect to what the OPP do and where in the province of Ontario?

Hon. Mr. Kwinter: The primary understanding is that public safety is paramount. That is what the understanding is. Every situation is unique. Surely even you would recognize that this is a unique situation. This is a situation where, given the circumstances, this is what is being done. That doesn't mean that this will now be transferred to any other situation in Ontario. Every situation is dealt with on a case-by-case basis, and the proper response is tailored to make sure that public safety is maintained, and that is paramount.

DOMESTIC VIOLENCE

Ms. Andrea Horwath (Hamilton East): My question is for the minister responsible for women's issues. Minister, today women from across the province came here to plead for your government's help. Too many women are forced to choose between hunger and violence. They are trapped in abusive relationships and can't afford to break free because of your McGuinty broken promises. Will you stop the clawback of the national child benefit and increase social assistance rates in Ontario like you promised, to help women and children escape a life of poverty and violence?

Hon. Sandra Pupatello (Minister of Education, minister responsible for women's issues): I will be happy in the supplementary to turn this question over to the Minister for Community and Social Services, responsible for social services.

But let me just say that about three years ago we received a report, which I believe was started under the former government, by outside groups who created a report called *Walking on Eggshells*. It spoke about the difficulty women face when they come from abusive situations and into the welfare system, and what we needed to do in order to change that. Since that time, we have launched significant training across the government, but especially in the Ministry of Community and Social Services, so that we better understand how we need to treat women who are coming from very dire straits. But even our funding, through our domestic violence action plan, has addressed in so many ways, across 13 different ministers who sit on this panel, to be sure that our whole government is focused on bettering services for women when they need them and where. I think this member has to acknowledge, it is a—

The Speaker (Hon. Michael A. Brown): Thank you. Supplementary.

Ms. Horwath: Back to the minister responsible for women's issues, because the poverty of children is a

women's issue and the poverty of women is a women's issue. So, Minister, notwithstanding the fact that these same women's groups say that your domestic violence action plan has been an abject failure in this province, Ontario is miles and miles behind on this particular file. In fact, in Alberta, you may want to know, a woman leaving a violent relationship can find immediate and real financial help 24 hours a day, 7 days a week. The Alberta fund covers transportation, accommodation, the setting up of a new household, food, clothing and other basic needs for women. Women receive financial help to pay for phone, legal advice, extended health coverage for their children, even relocation costs if they have to move out of their community to escape the threat of violence.

If Ralph Klein's Alberta can get it right, why can't Dalton McGuinty's Ontario?

Hon. Ms. Pupatello: I am happy to turn this over to the Minister of Community and Social Services.

Hon. Madeleine Meilleur (Minister of Community and Social Services, minister responsible for francophone affairs): First all, let me say that I appreciate this organization's commitment to help women who are in need across Ontario. I share their commitment. This government is serious about addressing the needs of Ontario's most vulnerable. Violence against women is unacceptable. We will do what we can to help these women in situations of violence. What we have done so far, first of all, is we have raised welfare twice—not once, but twice—a 5% raise, and this never happened before.

Interruption.

The Speaker: Clear the west gallery.

Interjections.

The Speaker: Order. Minister of Community and Social Services.

Hon. Madeleine Meilleur: Again, this government has raised the social assistance rate by 5%. Also, what we have done is we have increased minimum wage twice already, and we will increase it a third time in 2007.

The question that was asked about the national child care benefit supplement: We are permanently flowing through the 2004, 2005 and 2006 increases. We know there is more to do and we will continue to support those in situations of violence.

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FEDERAL AGRICULTURE FUNDING

Mr. John Wilkinson (Perth-Middlesex): My question is for the Minister of Agriculture, Food and Rural Affairs. On Friday, May 26, I met with members of the Perth County Federation of Agriculture regarding our government's commitment to a long-term, sustainable agricultural funding formula. While we have asked for a multi-year funding arrangement on behalf of Ontario farm groups, the federal government's \$900-million budget announcement is a one-time payment. Weeks after the federal budget, we still do not know how the federal program will work, how much it will cost, whether it will support those sectors that Ontario farm groups have said

need the most support or what Ontario's share will be. Minister, can you report to the House on your efforts to find out exactly what the federal government is doing?

Hon. Leona Dombrowsky (Minister of Agriculture, Food and Rural Affairs): I thank the honourable member, who obviously works very hard on behalf of the agriculture community in his riding. I will say that the day of the federal budget I spoke with the federal Minister of Agriculture and asked to meet with him, and I followed up that request with two letters.

I'm happy to report that on Monday of this week I met with Minister Strahl. It was an opportunity for me to stress with the minister—because we have no details. Like members of the farm community in Ontario, like the producers I've spoken to you, I indicated to him that we're very disappointed that they did not commit to a multi-year strategy. But I also made it very clear—and we have no details, and he really didn't have any for me on Monday—that Ontario is looking for its fair share of those dollars for Ontario farmers.

The second point I made with the federal minister was that we wanted those dollars to flow to farmers as quickly as possible. The third point I made was that we wanted to—

The Speaker (Hon. Michael A. Brown): Thank you. Supplementary?

Mr. Wilkinson: Minister, I'm glad to hear that you and our government are pursuing the federal government for a fair deal for Ontario's farmers. Farmers in my riding of Perth–Middlesex need a multi-year funding arrangement in order to ensure that Ontario's agricultural sector remains productive, sustainable and strong. They'll be disappointed to hear that we have not been able to secure a multi-year funding formula with our federal partners. We know that the federal government has yet to identify how much money is available or how that money will be allocated.

Today, we have representatives from the farming community visiting the chamber, specifically the Ontario Cattlemen's Association. That's why it's important to ask today, when the federal government clearly outlines their plan for Ontario farmers, will the province of Ontario participate?

Hon. Mrs. Dombrowsky: We were very happy to see the members of the Ontario Cattlemen's Association here. I was able to be at the reception and happy to see so many members of this Legislature there.

I want to say to the people of Ontario, with respect to the announcement that was made by the federal government, we are committed to participating in the program, but we want to make sure that the dollars that are coming to our farmers in Ontario—that we're getting our fair share, that it's going to be distributed in a timely way and that it's going to address all of the complex needs that there are in that industry. In fact, I offered to the federal minister that we would be prepared to share with him any of the resources we have to assist them in making sure the dollars they've committed get to farmers in a timely way.

NATIVE LAND DISPUTE

Mr. John O'Toole (Durham): My question is to the Minister of Transportation. Minister, as you know, Caledonia and the Six Nations have experienced traffic chaos over the last 100 days. The former Minister of Transportation was AWOL, so to speak, on this issue, unable to communicate what the Ministry of Transportation was doing to properly route traffic in and around Caledonia and the Six Nations.

Now, due to the McGuinty government's absence of communications, there is rampant speculation about the barricades: When they are coming down, what was offered to get Argyle Street opened and whether Argyle Street could be re-blocked, as we've seen in past weeks.

Minister, my question is quite simple: What progress, if any, has been made to facilitate the movement of traffic on Highway 6 north from Caledonia to destinations south of Caledonia on Lake Erie's shoreline?

Hon. Donna H. Cansfield (Minister of Transportation): Thank you very much for the question. To the honourable member, it's my understanding—and I may in fact refer part of this question to the minister responsible for aboriginal affairs—that the Ontario Provincial Police are involved in re-routing traffic on Highway 6 and have that situation under control.

If there are additional requests you were looking at, maybe you could give me some other information and I could follow through with you later. But it is my understanding that the Ontario Provincial Police have the situation under control and that the detour route is Highway 6.

The Speaker: Supplementary, the member for Haldimand–Norfolk–Brant.

Mr. Toby Barrett (Haldimand–Norfolk–Brant): Minister, it's my understanding that you've made no progress. The OPP is rerouting traffic off Highway 6 and through downtown Caledonia. I can attest that that's a disaster.

I quote from an e-mail: "The traffic situation in Caledonia is increasingly intolerable, likely due to the large number of vehicles coming through town instead of using the bypass."

Another reads: "With Argyle open and the bypass closed you now have all traffic routed through town, which is causing unbelievable traffic jams... It is actually worse for us now that only one barricade is down." Minister, you would know this if you would come down to Caledonia—or the previous minister or any of your colleagues.

My question: Minister, will you finally be straight with people in Caledonia? Specifically, will you provide us with an update on the negotiations to open up that provincial Highway 6 bypass?

Hon. Mrs. Cansfield: I'd refer the question to the minister of aboriginal affairs.

Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs): Tomorrow, the long-term working group with Barbara McDougall

and Jane Stewart reconvene with Grand Chief Allen McNaughton. We now see that there's a transition from the short-term discussion to the long-term table because it has been very apparent, as I've said, as of the last few days that the federal government now has the tools of land claim resolution that we think it's going to take to even solve the short-term solution here. That is going on tomorrow. Those discussions now are merging at that table. We're hoping for a very positive outcome.

HEPATITIS C

Ms. Shelley Martel (Nickel Belt): I have a question for the Minister of Health. Minister, the government of Ontario recently paid for ads on hepatitis C that appeared in subway stations and on bus shelters. They read, "Share your works and you could share hepatitis C and HIV." "Share your straw and you could share hepatitis C." "Share your steroids and you could share hepatitis C." Two of the other ads featured individuals who got hepatitis C from a tattoo and the other from drug use.

There were no ads reflecting the tragic reality that thousands of Ontarians got hepatitis C—through no fault of their own—through tainted blood. The clear impression left was that those who have hepatitis C or those who get it, get it because they use drugs, tattoos or share needles.

Minister, can you tell this House who authorized the ads, and why did they reflect so badly on victims of hepatitis C?

Hon. George Smitherman (Minister of Health and Long-Term Care): There's a very different perspective than the one offered by the honourable member with respect to the issue of finding all of those in our society who have acquired hepatitis C by any means.

The work that was done by the previous government on hepatitis C was found by hepatitis C advocates themselves to have left those who are street-involved and the like outside of the scope of trying to find them, with a view towards getting them tested, enhance their treatment and pay them any resource that is appropriate. This was a recommendation that came to our government from the hepatitis C task force which I struck, which has been chaired by John Playter.

I'm the one who authorized them. I'm very, very proud of them because, for once, as relates to hepatitis C, we're seeking to address the reality that many of those, street-involved and others, are in need of all of the help that the health care system can provide. Many people—advocates for hepatitis C sufferers—on the front lines felt like they had not been captured in earlier efforts. Accordingly, I accepted their advice and am proud to stand by these ads.

Ms. Martel: If I might, the first individual who brought his concern to me about these ads was Mr. Ernie Zivny from Sudbury, who is a hepatitis C victim from tainted blood, who sits on a subcommittee of the hepatitis C task force. It's very clear that these ads were not shared with all the members of the committee or the subcommittee.

Let me give you another note from someone else who wrote to me about this, who said: "Can you please view these posters that the government of Ontario are using depicting hepatitis C as only a drug virus, that you can only contact hepatitis C through drugs or tattoos.... Why are they showing this? Why are they not showing where it first came from—tainted blood transfusions? Are we being depicted as drug users so we do not get the public support for compensation or for anything? We are laced with the stigma as a result of these posters. Even my own daughters asked me if I was a past drug user and if this is how I got my hepatitis C."

Minister, these ads undermine people who got hepatitis C through the tainted blood system. Why did you authorize this?

1510

Hon. Mr. Smitherman: The honourable member, with the rationale she advances, seeks of us to operate with amnesia, as if the broad, widespread knowledge does not exist from the actions, as an example, of the Krever commission with respect to the circumstances associated with how many Canadians were the recipients of tainted blood product. This is extraordinarily well known and has been very proactively addressed.

We continue to have 60 people a month who make application to the Ontario fund for additional resources. But from all the advice that came along when all those hepatitis C groups were put together, those who were involved with hepatitis C sufferers on the front lines, people who were experienced with respect to marginalized populations, said that hepatitis C strategic planning in Ontario had not included those. There's a tremendous risk of enhanced infection related to those populations because they have not been tested and are not necessarily aware of their status. Accordingly, it is an appropriate public health response, in the circumstance, to move forward. But our sympathy is with all of those, no matter how they contracted—

The Speaker (Hon. Michael A. Brown): Thank you, Minister. New question.

FOOD SAFETY

Mr. Pat Hoy (Chatham-Kent Essex): I have a question for the Minister of Health and Long-Term Care. Recently, at the Art in the Park festival in Windsor, the public health unit inspected the food to be served at the event and subsequently destroyed one of the vendors' products. I know that safety is very important, but this group has been preparing sandwiches for this event for 20 years without incident.

It seems to me that the health unit acted very aggressively without proper cause. Please tell me that the actions of this particular public health unit are not the norm and that we are not putting undue pressure on organizations that wish to sell food to raise funds for charity.

Hon. George Smitherman (Minister of Health and Long-Term Care): I want to say to the women who

were working as Friends of Willstead that today on radio in Windsor I indicated that I'm going to make a personal contribution to support the work they've been doing, in recognition that across Ontario community comes together, and one of the things they often come together around is the idea that everybody brings a little something, that there is a contribution of community resource for a wide variety of community fundraising events. I've characterized as offensive, and in a variety of other ways, the circumstances related to the actions of that health unit, and I stand by those remarks.

We have had a regulation on the books since 1990. Health units have chosen to move forward with various forms of enforcement. I want to let members know that cabinet has approved an alteration to the regulation, and a communication will be coming forward as that goes into effect on June 15. At the heart of it, public health units will not be spending their time enforcing the idea of the risks of egg salad sandwiches, but rather helping people to be better informed—

The Speaker (Hon. Michael A. Brown): Thank you. Supplementary?

Mr. Hoy: It's indeed good to hear that the unique needs of community events are being recognized and that this inappropriate behaviour will cease.

Public health units, however, play an important role in our communities, and their talents should be put to better use. If public health units are no longer investigating church suppers and community events, does this mean they will have no involvement in the food being prepared there, and will the public lose out as a result of this?

Hon. Mr. Smitherman: Obviously our public health units are taking seriously the responsibilities associated with the problems that food can present—a little too seriously, I think we would all agree, or far too seriously in the case of the circumstances that are before us.

With respect to farmers' markets, we will exempt farmers' markets from the regulation that had public health officials treating them the same as restaurants and grocery stores. As relates to church suppers, we're going to adopt the policies that have been used on wild game suppers, which is to give advice to all the people who are there that the food has not been inspected, and that the notion of the awareness we have of risks with consuming a variety of products—the common sense associated with that, developed over a period of decades—ought to suffice.

We will move the energy of public health units to proactive communication—to assisting people in highlighting risks—and seriously curtail enforcement activities that undermine the work of our public health units.

NATIVE LAND DISPUTE

Mr. Tim Hudak (Erie–Lincoln): In the absence of the Premier, I will ask the Acting Premier if he would stand in his place and apologize to the people of Caledonia, Six Nations and area for the bizarre and in-

sensitive remarks of the Premier yesterday that the 99 days of Caledonia have proceeded without incident?

Hon. George Smitherman (Minister of Health and Long-Term Care): Quite the contrary. I have the privilege today of standing, proud to support all the remarks of our Premier on this issue. We represent a government that takes a decidedly different approach than you do. We have witnessed from a variety of members opposite, and most especially the local member, a desire to send in the police, to get involved in the actual operational nature of police service. Rather, we continue to support the leadership of our colleague the minister of aboriginal affairs, who has dedicated himself, over a long period of time, to resolving this in a fashion that at the heart of it preserves our belief in human beings. This is our goal, and this is how we will continue to put all of our energy forward.

PETITIONS

LONG-TERM CARE

Mr. Ted Arnott (Waterloo–Wellington): I have a petition to the Ontario Legislature that reads as follows:

“We, the undersigned, who are members of family councils, residents' councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007).”

It's signed by 518 people who are supporters of the Chateau Gardens long-term-care centre in Elmira. Of course, this petition has my support, and I've affixed my signature as well.

AUTISM SERVICES

Ms. Shelley Martel (Nickel Belt): I have petitions sent to me by Michelle Dewar of Ottawa, and they read as follows:

“Whereas the incidence of autism spectrum disorders has dramatically increased in recent years and Ontario's schools lack the required resources to accommodate this growing number of pupils; and

“Whereas children with ASDs are capable of academic success when they have appropriate support; and

“Whereas under the Education Act of Ontario, children with ASDs are legally entitled to receive appropriate special education programs and services; and

“Whereas many ASD pupils are denied their education rights and are suffering academically, socially and emotionally because of a lack of resources available to assist them with their disability-related needs; and

“Whereas the resources required to accommodate ASD pupils may include (but are not limited to) edu-

cational assessments; educational assistants; specialized personnel such as behavioural therapists, speech and language pathologists, and occupational therapists; specialized programs and curriculum (including social skills and life skills); transitional programs; and assistive technology;

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

"(1) Increase funding for special education, and ensure that this funding reaches ASD pupils to meet their disability-related learning needs;

"(2) Develop educational best practices and pilot projects for educating children with ASDs so that every student with ASD across Ontario has access to the best possible programs and services."

I agree with the petitioners, and I have affixed my signature to this.

TRADE DEVELOPMENT

Mr. Bob Delaney (Mississauga West): I have a petition to the Ontario Legislative Assembly, sent to me by a number of members of the Canadian Auto Workers in Brampton, and I thank them for that. It reads as follows:

"Whereas more than 260,000 Ontarians make their living and support their families through their careers in the auto industry in Ontario, which has become the pre-eminent manufacturer of motor vehicles in North America; and

"Whereas Canada imports more than 130,000 vehicles annually from the Republic of Korea, which imports virtually no vehicles or parts from Canada and does none of its manufacturing or assembly in Ontario or in any other Canadian jurisdiction, even though Canadian auto workers make the best-quality, most cost-effective vehicles in the world; and

"Whereas the government of Canada aims for a free trade agreement that would include the Republic of Korea in 2006, does not address the structural trade imbalance in the auto sector, and includes no measures to require Korea to reduce tariff and non-tariff barriers to Canadian-made vehicles, auto parts and other value-added services or components;

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

"That the government of Ontario insist that the government of Canada either cease free trade discussions with the Republic of Korea or make any proposed agreement contingent on fair and equal access by each country to the other's domestic markets in manufactured products such as motor vehicles and in value-added services, and ensure that Korea commits to manufacturing vehicles in Canada if Korea proposes to continue to sell vehicles in Canada."

It makes perfect sense. I support it, I'll sign it and I'll ask page Hartford to carry it.

1520

FISH STOCKING PROGRAM

Mr. Jerry J. Ouellette (Oshawa): I have a petition to the Legislative Assembly of Ontario.

"Whereas the Ministry of Natural Resources' provincial fish hatchery program annually stocks over 10 million fish into over 1,200 water bodies within the province of Ontario; and

"Whereas provincial fish hatcheries contain unique genetic strains of indigenous fish species; and

"Whereas recreational fishing is a multi-billion dollar industry and a huge contributor to tourism and the economy throughout the province of Ontario; and

"Whereas the world-class Great Lakes salmon fishery, as well as many local fisheries throughout the province, are dependent on the Ministry of Natural Resources' fish stocking program;

"Therefore be it resolved that we, the undersigned, respectfully petition the government of Ontario and the Minister of Natural Resources to refrain from any cutbacks or cancellations to this provincially significant program."

I affix my name in full support.

CHILD CARE

Ms. Shelley Martel (Nickel Belt): I have a petition that's been sent to me from Larch Street Kids, a great daycare in Sudbury. It reads as follows:

"Whereas hard-working Ontario families need affordable, accessible, licensed and regulated quality child care for their young children;

"Whereas child care is under threat in Ontario with the possible cancellation of funding agreements with the provinces for child care by the federal Conservative government under Stephen Harper and the failure of the McGuinty Liberal government to put the additional provincial investments into child care, as promised in the 2003 Ontario election campaign;

"Whereas Ontario needs a strong, made-in-Ontario, not-for-profit child care system with or without federal dollars;

"Whereas the province of Quebec is much more able to provide and preserve child care in the face of cancelled federal funding because it has a significant, strong and sustained base of provincial government funding;

"Therefore we, the undersigned, petition the government of Ontario to immediately begin investing the \$300 million to create child care spaces for 330,000 children as promised in the 2003 election campaign."

I agree with the petitioners and I have affixed my signature to this.

The Deputy Speaker (Mr. Bruce Crozier): The member for York West—the member for Davenport. The member for York West wasn't standing.

Mr. Mario Sergio (York West): I'm going to give that to the member from Davenport.

The Deputy Speaker: The member for Davenport.

GO TRANSIT TUNNEL

Mr. Tony Ruprecht (Davenport): Mr. Speaker, I would gladly give him my time, but the member is giving it to me. Thank you very much.

I keep getting a petition about the dilapidated bridge on St. Clair Avenue West. The petition is addressed to the Parliament of Ontario and the minister of infrastructure services. It reads as follows:

“Whereas GO Transit is presently planning to tunnel an area just south of St. Clair Avenue West and west of Old Weston Road, making it easier for GO trains to pass a major rail crossing;

“Whereas TTC is presently planning a TTC right-of-way along all of St. Clair Avenue West, including the bottleneck caused by the dilapidated St. Clair Avenue ... bridge;

“Whereas this bridge ... will be: (1) too narrow for the planned TTC right-of-way, since it will leave only one lane for traffic; (2) it is not safe for pedestrians.... It’s dark and slopes on both east and west sides creating high banks for 300 metres; and (3) it creates a divide, a no man’s land, between Old Weston Road and Keele Street. (This was acceptable when the area consisted entirely of slaughterhouses, but now the area has 900 new homes);

“Therefore we, the undersigned, demand that GO Transit extend the tunnel beyond St. Clair Avenue West so that trains will pass under St. Clair Avenue West, thus eliminating this eyesore of a bridge with its high banks and blank walls. Instead it will create a dynamic, revitalized community enhanced by a beautiful continuous cityscape with easy traffic flow.”

Since I agree with this petition, I’m delighted to sign my name to it.

HIGHWAY 26

Mr. Jim Wilson (Simcoe–Grey): “To the Legislative Assembly of Ontario:

“Whereas the redevelopment of Highway 26 was approved by MPP Jim Wilson and the previous PC government in 2000; and

“Whereas a number of horrific fatalities and accidents have occurred on the old stretch of Highway 26; and

“Whereas the redevelopment of Highway 26 is critical to economic development and job creation in Simcoe–Grey;

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

“That the Liberal government stop the delay of the Highway 26 redevelopment and act immediately to ensure that the project is finished on schedule, to improve safety for area residents and provide economic development opportunities and job creation in Simcoe–Grey.”

Of course I agree with that petition and I’ve signed it.

TRADE DEVELOPMENT

Mr. Kuldip Kular (Bramalea–Gore–Malton–Springdale): I have a petition from the auto workers from Brampton. It says:

“Whereas more than 260,000 Ontarians make their living and support their families through their careers in the auto industry in Ontario, which has become the pre-eminent manufacturer of motor vehicles in North America; and

“Whereas Canada imports more than 130,000 vehicles annually from the Republic of Korea, which imports virtually no vehicles or parts from Canada and does none of its manufacturing or assembly in Ontario or in any other Canadian jurisdiction, even though Canadian auto workers make the best-quality, most cost-effective vehicles in the world; and

“Whereas the government of Canada aims for a free trade agreement that would include the Republic of Korea in 2006, does not address the structural trade imbalance in the auto sector, and includes no measures to require Korea to reduce tariff and non-tariff barriers to Canadian-made vehicles, auto parts and other value-added services or components;

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

“That the government of Ontario insist that the government of Canada either cease free trade discussions with the Republic of Korea or make any proposed agreement contingent on fair and equal access by each country to the other’s domestic markets in manufactured products such as motor vehicles and in value-added services, and ensure that Korea commits to manufacturing vehicles in Canada if Korea proposes to continue to sell vehicles in Canada.”

I agree with the auto workers and I put my signature on it as well.

SERVICES FOR THE DEVELOPMENTALLY DISABLED

Mr. John O’Toole (Durham): It’s my pleasure to present a petition on behalf of my constituents in the riding of Durham.

“Whereas, without appropriate support, people who have an intellectual disability are often unable to participate effectively in community life and are deprived of the benefits of society enjoyed by other citizens; and

“Whereas quality supports are dependent on the ability to attract and retain qualified workers; and

“Whereas the salaries of workers who provide community-based supports and services are up to 25% less than salaries paid to those doing the same work in other government-operated services and other sectors;

“We, the undersigned, petition the Legislative Assembly of Ontario to address, as a priority, funding to community agencies in the developmental services sector to address critical underfunding of staff salaries and ensure that people who have an intellectual disability

continue to receive quality supports and services that they require in order to live meaningful lives within their community.”

I'm pleased to sign this petition and support it, and I present it to Nolan.

CREDIT UNIONS AND CAISSES POPULAIRES

Ms. Shelley Martel (Nickel Belt): I have petitions that have been sent to me by David Lepage of Northridge Savings and Credit Union Ltd. in Sudbury and they read as follows:

“To the Legislative Assembly of Ontario:

“Whereas there is an urgent need to amend the Credit Union and Caisses Populaires Act, 1994; and

“Whereas the 2004 budget acknowledged that Ontario's laws need to ensure an environment that enables credit unions to take advantage of strategies to strengthen their national presence and to take account of changes made by other jurisdictions; and

“Whereas the government committed in the 2004 budget to review the Credit Unions and Caisses Populaires Act, 1994, with an intent to introduce amendments to this act and others as necessary by the ending of fiscal 2005-06 or earlier, if needed; and

“Whereas Ontario's credit union and caisses populaires system provides essential financial services and advice to approximately 1.6 million people in the province and operate in about 40 communities where they are the only financial institution; and

“Whereas insurance professionals are competing directly with credit unions and caisses populaires on wealth management and personal loans;

“We, the undersigned, respectfully petition the Parliament of Ontario as follows:

“That the government of Ontario immediately fulfill its budget commitment and amend the Credit Union and Caisses Populaires Act, 1994, to provide credit unions with:

(a) “A level playing field with other Canadian jurisdictions, such as British Columbia and Quebec, by allowing Ontario credit unions to enter the business of selling insurance;

(b) “A level playing field with federally regulated financial institutions to allow credit unions and caisses populaires to own part or all of an insurance brokerage as a subsidiary;

(c) “A level playing field with the insurance industry by allowing fully licensed and accredited insurance retail professionals who are separate and distinct from other credit union staff to retail insurance on behalf of a credit union;” and

(d) “An amended act that provides the necessary flexibility and provides the credit union and caisses populaires system with the necessary tools to compete in the constantly changing financial services marketplace.”

I have affixed my signature to this. I agree with the petitioners.

1530

LABOUR UNIONS

Mr. Lorenzo Berardinetti (Scarborough Southwest): I have a petition. It's addressed to the Legislative Assembly of Ontario, and it reads as follows:

“Whereas the rights of workers should always play an important role in the workplace;

“Whereas labour unions help promote and foster workers' rights and ensure that they get the best possible benefits when it comes to the work they do;

“Whereas the McGuinty government has always been a champion for the worker and continues to promote workers' rights through other means by increasing the minimum wage and amending the Employment Standards Act to allow for a more harmonious and just working environment for workers;

“We, the undersigned, support these efforts and encourage the McGuinty government to continue on the course of its revolutionary initiatives to enhance workers' rights and encourage the McGuinty government to make it easier for workers in other sectors of the economy to unionize.”

I support this petition, affix my signature to it, and give it to page Gregory, who is with me here today.

FREDERICK BANTING HOMESTEAD

Mr. Jim Wilson (Simcoe–Grey): I want to thank Dr. R.W. Banting of Niagara Falls for sending me this petition.

“To the Legislative Assembly of Ontario:

“Whereas Sir Frederick Banting was the man who discovered insulin and was Canada's first Nobel Prize recipient; and

“Whereas this great Canadian's original homestead, located in the town of New Tecumseth, is deteriorating and in danger of destruction because of the inaction of the Ontario Historical Society; and

“Whereas the town of New Tecumseth, under the leadership of Mayor Mike MacEachern and former Mayor Larry Keogh, has been unsuccessful in reaching an agreement with the Ontario Historical Society to use part of the land to educate the public about the historical significance of the work of Sir Frederick Banting;

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

“That the Minister of Culture and the Liberal government step in to ensure that the Banting homestead is kept in good repair and preserved for generations to come.”

I agree with that petition and have signed it.

ORDERS OF THE DAY

EMERGENCY MANAGEMENT STATUTE LAW AMENDMENT ACT, 2006

LOI DE 2006 MODIFIANT DES LOIS EN CE QUI A TRAIT À LA GESTION DES SITUATIONS D'URGENCE

Mr. Kwinter moved third reading of the following bill:

Bill 56, An Act to amend the Emergency Management Act, the Employment Standards Act, 2000 and the Workplace Safety and Insurance Act, 1997 / Projet de loi 56, Loi modifiant la Loi sur la gestion des situations d'urgence, la Loi de 2000 sur les normes d'emploi et la Loi de 1997 sur la sécurité professionnelle et l'assurance contre les accidents du travail.

The Deputy Speaker (Mr. Bruce Crozier): Mr. Kwinter, the floor is yours.

Hon. Monte Kwinter (Minister of Community Safety and Correctional Services): I will be sharing my time with my parliamentary assistant for community safety, the member—

Mr. Ted Chudleigh (Halton): On a point of order, Mr. Speaker: I believe a quorum may not be present.

The Deputy Speaker: Can we check for quorum?

The Deputy Clerk (Ms. Deborah Deller): A quorum is not present, Speaker.

The Deputy Speaker: Call in the members.

The Deputy Speaker ordered the bells rung.

The Deputy Clerk: A quorum is now present, Speaker.

The Deputy Speaker: Further debate? Mr. Kwinter.

Hon. Mr. Kwinter: Thank you, Mr. Speaker. I'm going to start again just so that we make sure everybody understands that I'll be sharing my time with the parliamentary assistant for community safety, the member from Scarborough—Rouge River.

I'm pleased to have the opportunity to speak to Bill 56, the Emergency Management Statute Law Amendment Act, legislation that, if passed, would make Ontario even safer for its residents.

It is important, as we review this legislation, to remember that Ontario is the only province in Canada that doesn't have emergency powers legislation, and that leaves us vulnerable. Let me begin by saying that the McGuinty government is on the side of Ontario families concerned about crime and safety. That's why Bill 56 is an important step in our efforts to provide a strategy for emergency powers and improve the safety of everyone in the province.

Bill 56 would make Ontario's legislation more consistent with modern emergency powers legislation in other provinces and other jurisdictions worldwide. If passed, this bill would provide the effective emergency powers necessary for quick action to protect Ontarians in case of an emergency. In addressing this need, we are creating opportunities for stronger and safer communities and a stronger economy.

How we view safety, how we respond to emergencies and how we safeguard our prosperity must change to meet new challenges.

In an ideal world there wouldn't be a need for this legislation. Unfortunately, as everyone now knows all too well, the world as we know it is far from ideal. The tragic events of 9/11, SARS and the power outage in 2003 clearly demonstrated the need for a review of provincial emergency powers legislation. We need this bill because we must be prepared for emergencies no matter what their origin.

SARS presented us with a new and unknown threat. One of the most important lessons learned from it was that the challenge is not in planning for the knowable but in planning for the unknowable. The people of Ontario deserve effective measures that will allow their government to best protect them during emergencies, and they deserve to have those measures as soon as possible.

Bill 56, if passed, would give government officials the authority to make tough decisions quickly and in the best interests of the people, with the knowledge that legislation exists to support them. The question isn't whether the province is ready for an emergency; it's whether or not it has the tools it needs to ensure that it can act quickly and effectively when an emergency occurs.

With the passage of this emergency powers bill, we would put in motion the reforms needed to provide a comprehensive strategy for emergency powers. The government's current emergency response powers and responsibilities are set out in the Emergency Management Act passed by this House in 2003. That act is designed primarily to ensure that appropriate municipal and provincial infrastructures are in place to deal with a local or provincial emergency. It ensures that communities and provincial ministries have emergency programs and plans in place, and that they are tested and updated regularly. It also authorizes cabinet to assign planning responsibilities to ministers. The 2003 act was a good first step, but it doesn't go far enough to protect Ontarians in the case of emergencies.

Bill 56 is a fair and equitable bill that would protect the citizens of Ontario while ensuring the government is held accountable for its actions.

Ontario is Canada's economic engine. It drives the national economy and is home to a significant segment of the Canadian population. We are also on the border with the United States and have to protect our interests in that area as well.

We have taken the lessons learned from the committee that drafted Bill 138, the predecessor to Bill 56. Many of the details in this bill have been carried over from the previous Bill 138, which was drafted by an all-party committee of this House and introduced on November 1, 2004, by the Chair of that committee. But we have also incorporated a number of improvements to ensure that Bill 56 strikes the right balance between government protection of Ontario and the civil rights of all of its citizens.

By introducing Bill 56, the McGuinty government has taken a giant step forward in protecting Ontarians. The

bill would be used only during defined provincial emergencies and would not relate to everyday occurrences in the province. Provincial emergencies by definition are not, nor should they be, dealt with through statutes designed to address normal situations. The tools that Bill 56 would give us are the tools we may need in order to save lives when other measures are unavailable or inadequate.

If passed, these emergency powers would allow the Premier and cabinet to make emergency orders that would promote the public good by protecting the health, safety and welfare of the people of Ontario in a manner that respects the rights of individuals.

Every emergency situation needs to be managed. Bill 56 would give the government the authority and the tools it needs to effectively manage provincially declared emergencies. Those tools—the emergency orders in the bill—are ones that we hope we never have to use.

Even legislation designed to deal with events such as environmental spills deals with situations that can be reasonably anticipated. Such legislation does not really address the catastrophic event that would call for a provincial emergency to be declared. It is the nature of an emergency that no one can plan for all eventualities or anticipate all possible scenarios or individual issues that may arise. Another reason for considering general powers rather than changing existing legislation is that powers in existing legislation may not go far enough to cover the emergency situation at hand.

1540

This bill contains comprehensive powers that balance the need to protect Ontarians from the effects of potential emergencies with the need to maintain accountability for the government calling upon those powers when necessary. For example, we have the ability to establish facilities, to construct works and to procure goods. In order to do many of these things under existing legislation, we need to follow sets of rules that, in many cases, are very onerous and would not be practical in an emergency. Existing legislation is simply not designed for the quick response needed in an emergency. Clarifying the powers available to emergency officials in advance and having them in a single document would help them carry out their functions quickly and with assurance in an emergency.

Bill 56, if passed, would improve the province's ability to act quickly, decisively and in the best interests of the public. We have said all along that if passed, Bill 56 would make the government accountable for its decisions and would ensure transparency in its handling of emergencies. There are stringent requirements the government must follow. The bill would require the government to report to the public during an emergency. It also would require that the Premier table a report in this House within 120 days after the termination of a provincial emergency. That report would have to specifically address any emergency orders made and provide justification for those orders.

This House would have an important role under the bill. The bill provides that this assembly may disallow a

cabinet declaration of emergency. Further, only the assembly could continue a declaration of emergency beyond the time limits set out in the bill.

Bill 56 would make the government accountable for its actions prior to, during and after an emergency. Accountability and transparency are the necessary complements to the exercise of emergency powers. We are all accountable for our actions.

Accountability is paramount in Bill 56. The powers listed in Bill 56 have been well considered and have appropriate checks and balances in place. This is a balanced bill that offers similar protective measures to those in other jurisdictions. Since the legislation was introduced last December, we have met with many stakeholders, including the Ontario Medical Association, the College of Physicians and Surgeons, the Ontario Nurses' Association, the Registered Nurses Association of Ontario and the Coalition of Family Physicians. We have heard their views, and, as a result, we have clarified a number of sections in order to make Bill 56 easier to understand and use.

For example, some concerns have been raised about the duration of a leave of absence that may be available in a declared emergency. The proposed amendments clarify that the duration of the leave can be extended by regulations made under the Employment Standards Act. In addition, amendments are made to ensure that the timing of the leave of absence is consistent with the timing of emergency orders, whether they be extended or made retroactively. This amendment clarifies the job protection scheme.

There are a number of similar changes we have incorporated to alleviate the concerns of various stakeholders. Again, an important point to remember is that the point of this legislation would be to give the government certain powers to respond to a provincially declared emergency. The point is not to punish people. Let me be clear about what the proposed legislation would not do. It would not force any worker, health care or otherwise, to work if they chose not to. Bill 56 would not compel physicians to treat patients during an emergency, nor would it give the province the power to conscript workers. Far from it. In fact, the last thing we want to do is to make it more difficult for health care workers to do their jobs in an emergency.

What the legislation would do, if passed, is to authorize reasonably qualified persons to provide services where willing, and that is the key: where willing. It does not compel service; it allows service. For example, it would enable Ontario to reach out to Manitoba, Quebec or other jurisdictions to send us qualified physicians to help the province deal with an emergency for the duration of that emergency only. That is not conscription; that's co-operation. It would also permit licensed drivers to operate vehicles such as a full-sized bus, even if they were only licensed to operate an ambulance or a small bus. Again, other provinces, including Alberta, British Columbia, New Brunswick, Manitoba, Nova Scotia, Quebec and Saskatchewan, all have these types of powers.

The bill would permit the government, if necessary, to close public or private places where large numbers of people routinely gather; for example, closing all public beaches and parks, or shutting down businesses or schools situated close to an emergency site. If a mass evacuation of one community became necessary, the powers of Bill 56 could be used to establish an emergency shelter at, for example, a community college gym in another community. Alberta, BC, New Brunswick, Nova Scotia, Newfoundland, Quebec, Manitoba and Saskatchewan have this authority; Ontario does not.

Orders under Bill 56, if passed, could be used to prevent people from entering or passing through a specified geographic area. Orders could prohibit vehicular and pedestrian traffic on a given highway within a specified distance from a particular facility. This would be particularly useful in the case of a nuclear emergency, for example. Again, in this regard, Ontario's current legislation lags behind the federal government, British Columbia, Alberta, Saskatchewan, Manitoba, Quebec, Nova Scotia, New Brunswick and Newfoundland.

This is one of the reasons why Bill 56 is so important. It is our hope that, should an emergency occur, everyone affected will do their best to minimize the impact of the emergency and allow the proper authorities to deal with the emergency as best they can.

We need to learn from our past experiences and be even more prepared for the next time, because you can be sure there will be a next time. Bill 56 confirms our commitment to work in partnership with our stakeholders to manage emergency situations in a timely manner. It's an important part of our vision for the future.

Through the efforts of each one of us, we will rise to the challenge. It's no exaggeration to say that what is at stake is the safety and well-being of our families, our friends, our communities, even the world. Our future depends on how well we do as a society to address those threats, seize the opportunities we have, and prepare for and respond to emergencies, regardless of their source, whenever and wherever they occur. Clearly, we all share the same goal: to ensure the safety and well-being of the people of Ontario.

Mr. Bas Balkissoon (Scarborough–Rouge River): I want to thank the minister for sharing his time and allowing me to contribute to the debate on Bill 56.

As the Minister of Community Safety and Correctional Services said earlier, Bill 56 is a valuable piece of legislation and deserves all-party support in this House. Bill 56 is all about making Ontario an even safer place to live and work. If we're going to protect the interests of the people of this province, Ontario must catch up to the rest of Canada in its ability to respond to emergencies.

It is important to remember that the point of Bill 56 is to give the government certain powers to respond to a provincially declared emergency. As the minister stated, the government's current emergency response powers and responsibilities set out in the Emergency Management Act don't give the government officials the authority to make tough decisions quickly in the best

interests of the people as a whole. That act is designed primarily to ensure that the appropriate municipal and provincial infrastructures are in place to deal with a local or provincial emergency. It ensures that communities and provincial ministries have emergency programs and plans in place and that they are tested and updated regularly.

But that isn't enough to protect Ontarians in their time of greatest need.

1550

Before I review the bill in greater detail, I would like to remind the House of the other measures the McGuinty government has taken to protect the citizens of Ontario and support our emergency workers.

In August 2005, we launched the Safer Communities-1,000 Officers partnership program to help police services across the province hire 1,000 additional officers, with funding of \$37.1 million. We accelerated the program so that if police services choose to hire their full allocation, all 1,000 new officers will be trained by the end of this year—one year ahead of schedule. As well, we extended the funding for the previous government's 1,023 officers program to make it permanent. That means we will be providing \$68 million in funding each year for more than 2,000 police officers, in perpetuity.

In March 2005, we announced the Ontario fire service training program grant. This \$30-million initiative provided funding for fire services across Ontario, to assist them in meeting training needs and, where appropriate, to purchase equipment. The funding will further the cause of emergency management. It will ensure that firefighters have the training and tools they need to do their job and help minimize the risk of personal harm. No previous government has ever given fire services \$30 million for equipment and training.

That's just the beginning. Today, our government has taken the next step to achieve a safer, stronger and more prosperous Ontario. Bill 56, if passed, will enable Ontario to catch up to other jurisdictions in Canada when it comes to protecting its citizens and responding to emergencies. I would like to take a few minutes to review in greater detail a number of important aspects of the bill.

First, under the proposed legislation, cabinet or the Premier could declare a provincial emergency if the resources normally available to government were insufficient to respond adequately to a crisis. This declaration would last for only 14 days unless renewed by cabinet for a further 14-day period. Under Bill 56, cabinet would have the power to make emergency orders. However, cabinet may delegate the power to a minister or to the commissioner of emergency management. Orders made by the commissioner would only last for two days unless confirmed before then. Failure to comply with an emergency order or interfering with a person acting under an emergency order would lead to fines of up to \$10 million for corporations, half a million for corporate directors and officers and \$100,000 for others. We need these strong deterrents to assist our emergency workers to do the crucial work, and these penalties will apply to those who refuse to comply with emergency orders.

Bill 56 will provide authority to the Lieutenant Governor in Council to make emergency orders, including restricting travel or ordering evacuations; establishing facilities, such as emergency shelters or hospitals; and quickly purchasing and distributing much-needed supplies such as water, food or medicine.

Bill 56 would widen job protection for people who are unable to work due to a declared emergency. The bill will also require the government to report to the public during an emergency, and it would require the Premier to table a report in the House within 120 days after determination of an emergency.

With Bill 56, the Emergency Management Statute Law Amendment Act, we are putting in motion the reforms needed to provide a comprehensive strategy for emergency powers. Bill 56, however, is not the McGuinty government's only initiative in the area of emergency preparedness. Under the Emergency Management Act, every Ontario municipality was required to have an emergency response plan and have it filed with the emergency management office by the end of last year. I'm proud to say that every Ontarian lives in a community where such a plan exists. A majority of communities have achieved what is referred to in the emergency planning business as the essential level and many are well on their way to achieving the enhanced level of preparedness.

But it does not stop there. Last July, the Premier, after consultation with key government officials, mandated that all provincial ministries develop business continuity plans by December 31, 2005. I'm pleased to point out that every ministry in the government met the deadline. In fact, some ministries already exceeded the minimum requirements. This year, ministries will inform all Ontario government employees of the plan, and they will practise them to ensure they are complete, effective and understandable. In this way, should an emergency occur, whether it be natural, human caused or even an act of terrorism, the government will be well-positioned to continue to provide citizens with continuity of services. This is something the people expect and something they deserve.

In addition, Emergency Management Ontario developed and conducted Exercise Darlington 2005. It was a full-scale nuclear exercise involving hundreds of participants from Durham, Toronto, Peterborough, Ontario Power Generation, the Canadian Nuclear Safety Commission, Public Safety and Emergency Preparedness Canada and many provincial ministries, as well as the Commissioner of Emergency Management.

Emergency Management Ontario also developed and conducted Exercise Influenza Pandemic 2006, in conjunction with the Ministry of Health and Long-Term Care. This exercise involved 365 municipal, First Nations, federal, provincial, health NGO and private sector stakeholders.

Last month, Emergency Management Ontario participated in the 10-day Exercise Ardent Sentry. It was a United States homeland security exercise sponsored by

the North American Aerospace Defense Command and the US Northern Command, and was designed to test the ability to mobilize and deploy military resources under the defence support to civil authorities. It involved many organizations, including Michigan, New Brunswick, the Bruce nuclear facility and Windsor, among others.

I'd like to underline the need for Bill 56. None of us in this House wants decision-makers second-guessing themselves in the middle of a major emergency about whether they have the right power and authority or whether they don't. The residents of Ontario deserve to know that their elected officials are in control, that they know what they're doing and that everything possible is being done to keep them safe. Bill 56 enables us to fulfill that commitment and obligation.

The Deputy Speaker: Questions and comments?

Mr. Robert W. Runciman (Leeds-Grenville): I appreciate the comments of the minister and the member—I forget the riding—Mr. Balkissoon, I think is the correct pronunciation. I'll get it out yet.

Certainly, our members who sat through the committee hearings on the legislation expressed significant concerns, primarily centred, I think, around the extraordinary powers that will be given to the Premier of the day with respect to control over a whole range of things he or she will be able to have power over in an emergency situation. But by and large I think our concerns, when we talk about this, are primarily focused on the current occupant of that chair and the observations of that individual in action, or inaction may be a more appropriate way to describe it. Our concern really centres not so much around vesting them in the office but around the individual occupying the chair and those unelected folks who surround him and are clearly making the day-to-day decisions that could impact on all of us Ontarians in terms of rights being removed and extraordinary powers being lodged within the office of an individual in whom we do not have a great deal of confidence, given, certainly most recently, the situation in Caledonia, which has been allowed to fester into a significant public safety crisis, in our view, and has extended to the point where it is now, in historic terms, the longest land occupation by a First Nation in Canadian history.

1600

Mr. Peter Kormos (Niagara Centre): While I have the highest regard for the minister sponsoring this bill, I've got to tell you, the comments by the minister and his parliamentary assistant were, to say the least, a little underwhelming. But then again, the bill is somewhat underwhelming as well.

You know what's remarkable? The government had a chance, during the course of committee hearings on Bill 56, to listen to people like OPSEU, because it represents a whole lot of health workers, and people like ONA, the Ontario Nurses' Association, people who underwent the trial by fire of SARS, people who were significant participants in Judge Archie Campbell's inquiry/report.

We put forward a number of amendments based on the requests and recommendations of health workers rep-

resented by OPSEU, of nurses represented by ONA. Not one of those amendments was agreeable to the government.

I say that was a lost opportunity, because this is it. This is emergency management, I suspect, for a good number of years here in Ontario, and it simply is far from the effective tool it was referred to as by government speakers.

I'm going to have a chance later this afternoon to speak to the bill at some length and I'm looking forward to that after Mr. Runciman addresses the bill in his unique style.

Mr. Jeff Leal (Peterborough): I certainly listened carefully this afternoon to the remarks of the Minister of Community Safety and Correctional Services and his parliamentary assistant, the member for Scarborough–Rouge River.

My community experienced such an emergency situation on July 15, 2004, when 200 millimetres of rain fell in a four-hour period, virtually swamping the whole community of Peterborough. It really challenged the emergency measures planning of the city of Peterborough and the surrounding municipalities, and indeed Emergency Measures Ontario.

I want to comment on the great work of not only the minister, who visited the community that afternoon—he toured all the sites to see the damage that had been inflicted by that flood—but also Dr. James Young, who at that time was the director of Emergency Measures Ontario, who mobilized the resources of the province, got key personnel into the Peterborough area and certainly developed a very quick response to the situation.

Because of emergency measures planning, not only in the city of Peterborough but surrounding municipalities, there was no loss of life and no serious injuries, which is quite a remarkable situation, when you look at the damage in the community—in excess of some \$50 million—to think that there was no loss of life and no serious injury.

It's important, through Bill 56, that we look back at the SARS situation and the several floods in communities across Ontario to make sure the province develops an adequate response for those calamities that hit from time to time. I think this bill goes a long way to help that out.

Mr. John O'Toole (Durham): I'm certainly responding to the minister's comments today. I have the greatest respect for Mr. Kwinter and his intentions here, but I'm often required to monitor what actually is going on and the context in which it's going on in today's world, when we're seeing incidents of the threats of terrorism right here locally, as well as what's going on in Caledonia. You need some kind of discretionary authority—leadership, if you will—and we're failing to see a lot of that from McGuinty. Yet, at the same time, I recall Mr. Trudeau's comment, "Just watch me," during the War Measures Act. That was quite a scary event technically for the liberties that we fought for in the climate of the world.

It says, "Orders may be made in respect of many matters, including the regulation or prohibition of travel

to or from a specified area, the evacuation of persons and the removal of personal property from a specified area"—I think of Caledonia and what could happen if the wrong person was in charge—"the establishment of facilities for the care, welfare, safety and shelter of individuals, the construction of works and the restoration of necessary facilities, the procurement of necessary goods, services and resources, the fixing of prices for necessary goods, services and resources and the prohibition against charging unconscionable prices for such goods, services...."

You know, there is a lot in here to trouble the ordinary citizen and that's why a full debate—I'm anxious to hear the comments from our leading commentary person on this later this afternoon. The member from Leeds–Grenville has a great deal of experience, having served as the minister in this area, so I'm looking forward to his comments. There needs to be balance and consideration of who you give the power to—not about this bill, really. That's what this is about.

Mr. Balkissoon: I just want to thank the member from Leeds–Grenville, the member from Niagara Centre, the member from Durham and the member from Peterborough for their comments on Bill 56.

Bill 56, the Emergency Management Statute Law Amendment Act, is an important step for this government towards improving emergency management response in Ontario. Let me just say that the bill went through full hearings at committee, and we listened to all the deputations. The government made, I believe, 28 amendments on its own, and one by our colleague from the PC Party was also accepted.

The member from Niagara made a couple of comments about all the amendments that his party submitted, and that the committee did not accept them. Let me say to you that the government pictures emergency management, that we are at that higher level of the municipal governments, agencies, boards and commissions out there. They all have their own individual plans, and our plan is an overriding plan to assist in their plans.

A lot of the issues were raised by the amendments provided by the member from Niagara. We clearly outlined to him at committee level that those amendments are appropriate and we believe they should be done in the local plan, and that the stakeholders who appeared before us would be better to negotiate that with their particular employer in amending the local plan to accommodate their concerns. We truly believe that that is where it belongs, because if you have a local emergency, our bill wouldn't kick in until the local plan does the work first and fails to accomplish the needs in an emergency.

Mr. Runciman: I would request consent to defer the leadoff from our critic, Mr. Dunlop.

The Deputy Speaker: The member from Leeds–Grenville has asked consent to stand down the lead. Agreed? Agreed.

Mr. Runciman: I appreciate the opportunity to participate in the debate on Bill 56. I think it is an interesting piece of legislation, and I am somewhat familiar

with most of its components, although I'm not the critic in this area. I do know that it's giving extraordinary powers to the Premier and his cabinet to override virtually all Ontario laws. I suspect that most Ontarians are not really terribly familiar with the implications of the legislation, or how it might impact upon them in terms of things like prohibiting travel, that kind of authority, and giving the government the ability to force removal of personal property.

Even if average citizens were terribly familiar with this, I'm not sure that they would be overly concerned. I know we certainly have heard expressions of concern from people like Archie Campbell. I have not, and I'm not sure if he appeared before the committee. If he didn't, I would be somewhat surprised. Alan Borovoy didn't appear. I don't think the concerns are perhaps as widespread as some might have suspected, including myself.

1610

I was approached on this issue several years ago when I was Minister for Public Safety and Security by Dr. Jim Young, who was at that point the Commissioner of Public Security for the province. Jim's recommendations really came in the wake of two bouts of SARS and the massive North American power blackout, which I might point out are the only two occasions when emergency orders have been issued in the province's history.

I think what we see before us today is essentially a bill drafted by someone for whom I have utmost respect, Dr. Jim Young, who many of you will know is now an adviser to the federal minister of security in the federal government, a significant loss to the province but a significant gain for the country in having Dr. Young in place at the national level to provide advice, support and guidance to the new federal government.

I am not going to get into a lot of specifics about the legislation. Our critic will be doing that in the leadoff, and the member for Whitby–Ajax, Ms. Elliott, who also sat in on the committee proceedings, will be speaking during debate on the legislation and putting forward her concerns. I'm not going to indicate the Progressive Conservative position at the end of the day when this comes to a vote. I'll leave that up in the air for the time being. My only indication of the view is from my own personal perspective, and it's really based on my respect for Jim Young, his experiences, my experiences as a minister, when those two emergency orders were issued, and the challenges facing the world, but more specifically North America in the wake of 9/11 and the attacks on the United States.

One could say this debate is especially timely in the wake of the arrests last week of 17 alleged terrorists. Terrorism in our midst—alleged terrorism in our midst, I guess we have to say, since it will have to be decided by the courts. If you look at what we've been reading in the media, some of the circumstances surrounding this and some of the plans these individuals apparently had made, suggesting that sites like the CBC headquarters in downtown Toronto, the Toronto Stock Exchange and the Parliament of Canada being assaulted—the lawyer for

one of the defendants suggested that part of the plan was to behead the Prime Minister. This is pretty alarming stuff and difficult, I suspect, for most Ontarians and Canadians to digest and believe, that this sort of thing could or can occur in our midst.

I understand that reluctance. A few years ago, when I made mention of a report from the security group and the Ontario Provincial Police that there had been an Al Qaeda cell operating within Ontario, I was ridiculed by the Liberal opposition of the day for making that comment. Canadians generally, I think, have been having a difficult time coming to grips with the reality that there could be dangers posed to us from either external sources or, perhaps more alarming, internal sources. Hopefully, we are going to come to grips with that.

I was disturbed in the early days of the new Liberal government, actually from day one, when they changed the name of the ministry, which we had developed in the wake of 9/11, going from Solicitor General and Correctional Services to Public Safety and Security, to really highlight increased vigilance and concern over security issues in North America in the wake of 9/11. The ministry, the Liberal government, in their wisdom or lack of same, felt that that was inappropriate and removed the security component from that name, although we certainly have a minister of public security at the federal level and we have one in Quebec. For some reason, they felt it was inappropriate.

Perhaps that wouldn't have been too bad, but also we had the minister, who remains the minister, making public comments about security being essentially a federal concern and that that was not going to be a focus of this government. They felt it was essentially a federal responsibility. As well as changing the name and making those kinds of public comments, they quickly disbanded the Ontario Security Council, which was established to provide advice to the Ontario government, a completely non-partisan advisory group made up of distinguished Canadians: Major-General Lewis MacKenzie, probably the most distinguished ex-soldier in this country; Norman Inkster, a past head of the RCMP; and Dr. Jim Young, who chaired that group. We also had the provincial medical officer of health as a member of that advisory group. My security adviser, Scott Newark, who is now a security adviser to the federal government, was the liaison for my office as the minister responsible.

The minister, in defending his decision to disband this low-cost, significant advisory group, has gotten up in the House on a couple of occasions at least in response to questions from our critic, the member from Simcoe North, and said, "You guys, the former government, didn't even bother to have a meeting in a year, so it was meaningless to you." I went back and checked the record. That was not accurate at all. The last meeting of the security council was in March 2003, and we had planned to have a meeting following that. I didn't attend those meetings. I attended one of those meetings. We got the feedback from the advisory panel and then it went forward from there. We had intended to follow through

on a more regular meeting but then we, as you will recall, were hit with SARS, and not just one bout of SARS but two bouts of SARS. Then, following that, the waters were starting to calm and we had the great North American blackout—again, as I indicated earlier, the only two times in Ontario history where the government had to issue emergency orders and declare a state of emergency in Ontario. So I think there's a pretty good explanation of why that council wasn't able to get together: because Dr. Young, the provincial medical officer of health, our ministry and others were very occupied in terms of trying to deal with those situations. We had e-mail contact with our advisers and phone contact with them if they had input with respect to the challenges that we were facing as the government at that time.

So for the minister to get up and not respond to this in any meaningful way but to heap scorn on our critic and to suggest that we weren't utilizing these wonderful Canadians is simply inaccurate. I won't use any more disparaging terms, but it's unfortunate that he goes down that road and fails to adequately address what I think is a legitimate point in terms of the lack of priority given to security concerns by the McGuinty government.

1620

We saw this recently with respect to funding for Criminal Intelligence Service Ontario. One of the things we did was significantly enhance funding for Criminal Intelligence Service Ontario, and also enhance their relationships with other agencies—with CSIS at the federal level, with the RCMP, with municipal police services and with United States intelligence and policing services. I can tell you that the enhanced role of the Criminal Intelligence Service of Ontario was very much appreciated by other agencies at all levels, international and domestic. But we saw that this government earlier this year—last fiscal year, actually—was planning to cut funding to CISO. Our critic raised the issue publicly. There was some outcry, certainly from organizations like the Ontario chiefs of police. Because of the reaction, the government backed off. But again our critic asked a question in the House the other day: We appreciate that you have retained the funding, given the public pressure and the pressure from groups like the chiefs of police; make a commitment for the future that you are not going to impact on that funding. Again, the minister derided our critic and suggested he wasn't living in reality, while the minister was living in reality.

That kind of approach does no one any good. It certainly doesn't enhance the minister's reputation or standing with the intelligence community or the policing community in this province, or with people who are otherwise very much concerned with the security situation in the province of Ontario.

I do want to put on the record a number of things that I think have helped us in the last four to five or six years in the province, which the former government didn't receive much credit for and certainly isn't getting any credit for from the current government. But people who

are in the business know of the initiatives and the impact they've had.

One of the things we did was establish an OPP provincial emergency response team, PERT. We established an OPP anti-terrorism unit, an ATU. We created a police anti-terrorism training centre at the Ontario Police College. And, as I mentioned, we enhanced the Criminal Intelligence Service of Ontario with significant new funding.

We also, Mr. Speaker, enhanced the funding for the repeat offender parole enforcement unit, the ROPE unit. We dramatically increased that and expanded its mandate, because there were a significant number of people on immigration warrants who had been lost by federal authorities and had disappeared into the ether; I think the number was 35,000 people who had simply disappeared. Where they were and what danger they might pose to the country, let alone the province, was simply unknown. So we committed additional funds to expand the ROPE mandate. That was announced in the 2003 budget. We have been unable to confirm whether that money ever flowed, but my strong suspicion is that it hasn't flowed and didn't flow. I think that is another clear indication of this government's stand on combatting terrorism in the province of Ontario.

Another thing we did was the \$2.5 million annually for training in urban search and rescue—responding to biological, radiological or nuclear attacks, hazardous material handling—as well as additional money for the equipment to enable first responders to respond to those kinds of attacks: a subway attack, an attack like we understand these individuals were planning in downtown Toronto.

Mr. Kormos: Allegedly.

Mr. Runciman: Alleged, yes; I emphasize alleged.

Those funds have been put in place. We also enhanced the OPP hate crimes unit because of concerns about communities in the province of Ontario suffering harassment as a result of the occurrences of 9/11 and subsequent occurrences in Great Britain. I'm sure that will assist, given recent events in the province of Ontario.

We also hosted a counterterrorism summit in 2002. That brought together over 300 international speakers and delegates to share ideas about combatting terrorism. In April 2003, we hosted the Great Lakes Security Summit to work with our border partners to discuss security measures and border enhancement. That summit brought together senior officials from the emergency management area, economic development, the police and intelligence communities from, as I mentioned, certainly our province, but as well Quebec and all of the Great Lakes states. Governor George Pataki of New York state was the keynote speaker at that event.

In July 2003, I attended, along with Jim Young and my security adviser Scott Newark, the Northeast homeland security directors meeting in Burlington, Vermont, where we further discussed how we could work together, co-operative arrangements, enhancements of border security, and addressing those concerns that we share.

We also, as well as the business and trucking associations, very categorically stated that our economic health depends on an open border.

One of the things we did, because we did have an alert in the United States—I forget the colour codes used in the United States, but it was, I think, the highest alert that has been in place, probably following one of the—I don't think it was an actual attack, but there was a suggestion of an attack in the United States. We did something along the borders where we established emergency OPP command centres at the critical border points, probably one in your area, Mr. Speaker. We implemented a major traffic management plan, which was designed to control traffic destined for New York and Michigan. It was to minimize delays, provide electric signage, and allow for the timely flow of information so that it went ahead to the borders that so they weren't tied up dealing with paper at the border, and to ensure, of course, the public safety wasn't compromised.

We did something for which we again got a lot of ridicule from the Liberal opposition at the time. One of the things we did was we provided washrooms, portapotties, along those routes because of the traffic buildups, and drinking water for the truck drivers who were lined up there. But we were ridiculed for that, again by the Liberal opposition of the day.

One of the things that we were strong proponents of and pursued very aggressively, without any support or encouragement from the Liberal provincial opposition or the Liberal federal government at the time, was the creation of a North American security perimeter. We're talking now about the problems crossing the border and what it's going to do to tourism and to the economy. We have border governors concerned, and certainly provincial Premiers are very much concerned. If we'd moved down the route we were talking about five years ago, we might have been able to be in a position right now where we had a North American security perimeter agreement. That would have, I think, resolved a great many of the challenges that we're currently facing with our neighbours to the south.

Certainly, we've seen the latest charges being the lead on the major television networks, CNN contributing, I think, half an hour or an hour show on it and all of these sort of horror stories by US politicians about Canada being a haven for terrorists. You can understand the implications for us, not only at the border but for attracting tourists, conventions and conferences into this country. This just reinforces that, and it is truly unfortunate.

The Deputy Speaker: Questions and comments?

Ms. Shelley Martel (Nickel Belt): I know that the member from Leeds–Grenville made it a point to say that his critic tried to put a number of amendments forward and was very frustrated by the processing committee, that many concerns were raised. I just want to read into the record some of the concerns that were raised to the committee on May 11, 2006. This was on behalf of OPSEU. The representative was Patty Rout, who's a

member of the executive board for OPSEU and chair of the OPSEU health council, chair of the hospital professional division and a lab tech at Lakeridge Health Corp.

One of the two recommendations that I want to focus on that OPSEU made with respect to the legislation related directly back to their experience as a union during the SARS crisis. As they pointed out, Justice Campbell, in looking at this bill, has said on a number of occasions that it is extremely important that there be a well-established set of rules that set out the tasks and define the lines of responsibility during the course of an emergency and that this, of course, was lacking during SARS.

1630

Their point was that, “We do not believe that experimenting with completely new ways of running a complex facility should not take place during the course of an emergency, and instead, we think that the opposite direction should be taken: OPSEU believes that employers and their bargaining agents should utilize their existing collective agreements, which already set out the various provisions for staffing, scheduling, pay, emergency premiums, training, protection of occupational standards, accommodation of employees with particular needs and other matters that are essential to the running of a complex organization, as a basis for the employment of emergency workers.”

They further said, “We believe that the existing arrangements, that is, collective agreements, provide for the best guarantee that there will be good communication, clear accountability and fair and sustainable employment during the course of an emergency. And we therefore recommend ... that the government expressly provide that existing collective agreements serve as the basis of employment during the course of an emergency.”

Regrettably, as I understand from my colleague Mr. Kormos, who will be speaking next, that's not what the government adopted, despite this excellent presentation and despite Archie Campbell having recommended it to the government on numerous previous occasions.

Mr. Richard Patten (Ottawa Centre): I am pleased to respond to the member from Leeds–Grenville and some of his comments. It's obvious where his interests lie, in the whole terrorist area, although the bill takes a broader view and attempts to deal with emergencies, not just the growing fear that is being generated these days about terrorists in our midst and how quick the media often is to condemn people. I find it rather worrisome when I see some of the headlines and what that means. I worry about individual rights in a lot of these things.

However, that's not the point of the bill today. The bill today deals with being prepared and being responsive and having the things in place that will help people see through and deal with the effects of what the emergency is and the aftermath therein.

I would say to the member from Leeds–Grenville—by the way, on some of the things he pointed out, I would acknowledge that the former government did some things

along the lines of working with the federal government and dealing with some of these things.

I get a little worried about Americans talking about a North American perimeter because they also want a complete North American arrangement in terms of water, lumber and a lot of our resources. That's fair enough. They can say it, but it means we have to be sensitive to a lot of the things they continue to talk about.

One thing in the bill, though, that I will just bring home for people—I think the member from Leeds–Grenville might recall this—was when we had the ice storm back in 1999, I believe it was. I remember going out to the far reaches of Prescott-Russell carrying goods, blankets, candles, canned goods and things of that nature, and the price-fixing and profiting that went on was an issue that really had to be dealt with—

The Deputy Speaker: Thank you. The member for Durham.

Mr. O'Toole: I appreciate the insights of the member from Leeds–Grenville. In fact, he went way beyond the current response from this member who just spoke. He spoke for some time about the two incidents, SARS as well as the blackout, where this was first implemented in terms of when we were in government.

I think of it locally, as all members should. Recently in Durham region, a couple of years ago, they had the propane explosion in Bowmanville. It was quite a significant, newsworthy and tragic event to the extent that it was frightening and alarming as to how prepared we were. I want to compliment the chief at that time, Kevin McAlpine, and some of the constables—Dave Redwood, Sergeant Patterson, Pat Davidson and Glen Turpin—for responding quickly and representing the interests of the citizens first. That's really what the police are looking for here. They're looking for leadership that has the ability to make decisions in times of crisis.

It strikes me as quite interesting because during the FLQ crisis, I was working in Quebec. In fact, I was a part-time student at what was then Sir George Williams University. A well-known event was the computer crisis.

Mr. Kormos: Well, you know of Anne Cools.

Mr. O'Toole: Anne Cools, of course, was a Liberal Senator at one time, as you know.

Mr. Kormos: Not any more.

But at that time the crisis was that they destroyed the computer department, but quite frankly—she's a Conservative now; I understand that. At that time, she, along with others, was quite upset and there was the suspension of liberties. I can recall, and almost vividly visualize, Trudeau's response: "Just watch me"—that arrogant, smug kind of thing that I felt going across. So it's got to be handled very carefully. I think in this process here today we're talking about the context where there are some accusations of threats to our shared security, but other emergencies where this would be an appropriate tool. The right tool for the right time is what we're looking for.

I'm going to have a chance to speak to this bill in but a few minutes' time, but I listened carefully to the

opposition House leader and his comments on this bill. I'm looking forward to the lead speech by their critic, Garfield Dunlop, who served his caucus well, along with Ms. Elliott, on the committee. I respect Mr. Runciman deferring to the critic in terms of the thrust of their analysis of the bill.

One of the things I plan to talk about is the incredible attack on property and owners of property. The bill has the very explicit power given to the emergency management czar to unilaterally seize people's property. That, in and of itself, in the context of an emergency, may well be considered by some inappropriate extraordinary power, but what's remarkable in this bill is that it specifically denies persons from whom property has been seized, confiscated, expropriated, from using the Expropriations Act, amongst other things, to seek compensation for their loss. Rather than being able to go to a public tribunal and have that tribunal, that court guided by law, to determine the amount of compensation, that victim of the government is subject to the whim of the Lieutenant Governor in Council, the cabinet, behind closed doors, in the darkness and secrecy of the cabinet room, determining compensation at any arbitrary level they feel appropriate at that given point in time, with no explanation and, more importantly, no right of appeal by the person who's seeking compensation. That is an outrageous proposition, the sort of stuff that takes place in third-rate dictatorships. It is. Take people's property and then no compensation.

The Deputy Speaker: Member for Leeds–Grenville, you have two minutes to respond.

Mr. Runciman: I appreciate the comments of all members. The Ottawa Senator—the Ottawa Centre member, Mr. Patten—

Interjection.

Mr. Runciman: He is an Ottawa Senators fan, for sure—raised the spectre of the ice storm, and I appreciate his comments in that regard, because I was also Solicitor General at that time. I think I was the Joe Btfsplk of emergencies.

Mr. Kormos: Hansard's going to have work with that one.

Mr. Runciman: I'm not sure I could spell it. But I agree with the member that certainly gouging was a real problem. That's one of the powers that the Premier and cabinet will be granted, to control prices under this legislation.

I indicated earlier that there are significant areas of concern which Jim Young talked to me ad nauseam about, and I think many of them are being addressed here. I'm not terribly concerned about the powers, in the sense that if indeed they are abused, we live in a democracy, and any government that does abuse these powers I think will pay the penalty in a very significant way.

I want to reference the North American security perimeter. It's funny, you know, that the federal government tried to edit my speech when I was in Washington talking about the North American security perimeter, and wanted to remove that from my speech because it wasn't

a position they supported. We refused to go along with it, although we were using their offices, for a whole range of reasons. The funny thing was, John Manley was Deputy Prime Minister at the time, and Minister of Foreign Affairs. Now John is in the private sector and a very, very strong proponent of the North American security perimeter. You go figure.

The Deputy Speaker: Further debate?

Mr. Kormos: I've got but an hour, and I'm going to try to go through the bill and explain to you why New Democrats cannot in anything akin to good conscience support this legislation and will be voting against it.

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First, though, I want to take just a moment to thank two of the people in particular who have been invaluable not only to me, as a member of the committee that looked at the bill, but to all committee members. They are Avrum Fenson, a long-time research officer here who prepared some very valuable stuff for us—I'm going to make reference to it today and I do want to give him credit—and Albert Nigro, legislative counsel, who, on relatively short notice, drafted a number of amendments for the members of the committee, and in the case of the New Democrats, a number of amendments, all of which reflected the concerns of members of OPSEU and ONA, health workers and nurses, none of which passed because the government opposed and defeated every single one of them.

We, in the New Democratic Party, were very careful to restrict our amendments only to those that reflected the input of ONA and OPSEU.

Ms. Martel: Front-line workers.

Mr. Kormos: Exactly, as Ms. Martel says. It's now recorded in Hansard as an interjection. Precisely. If you're going to talk to anybody about what you need out there across Ontario to respond to emergencies, good grief, talk to the people who have to do the responding; not the fat guys up here at Queen's Park on the 14th floor of the Whitney Block who get to do the directing, but the folks out there who are on the front lines, the veterans of SARS.

I just want to take a minute to pay tribute to health workers, nurses amongst them, who did superlative duty, and with great sacrifice, during SARS. The government and bureaucrats were doing their incompetent best in a scenario that they hadn't had any real experience in, and I suppose SARS—and that's what the Campbell report is valuable for—demonstrated the deficiencies. SARS was contained, controlled, responded to, so many lives were saved, even greater catastrophe was averted, not because of the big-money bureaucrats, certainly not because of the politicians, but because of those women and men working in hospitals, those women and men working as paramedics in ambulances, and not just in Toronto but across Ontario.

One of the things you've really got to reflect on when you're talking about emergency management is that the province of Ontario doesn't begin and end at the intersection of Yonge and Bloor. You know that, Speaker.

You're from a part of Ontario that's unique, historic, as far removed from Toronto—and the people down there I'm sure are grateful for it—as you could be, yet still very much a part of Ontario, part of the heart of Ontario.

Ms. Martel is from up in northern Ontario, and then you go up to Timmins–James Bay or Kenora–Rainy River, and you've talking about communities in Ontario that are incredibly remote, isolated, underserved, under-resourced, and for whom Queen's Park has, oh, about this much relevance.

Ms. Martel: If that.

Mr. Kormos: "If that," Ms. Martel says. This much. I'm holding my fingers an eighth of an inch apart—that much relevance.

These folks, good people, have to remind themselves from time to time that they live in Canada and Ontario. We were given some graphic exposure to that when we saw the victims of a water supply system that just collapsed, rotted out from underneath the folks in Kashechewan.

Just as big-city hospitals here in Toronto were coping with SARS, or I should say the staff of those hospitals, the health workers and the nurses, in small- and smaller- and smallest-town Ontario, they were doing the same. They came to the committee, they came to this government with thoughtful, well-prepared submissions based on facts and reality and experience. They came to Queen's Park, nurses and health workers did, to help build a solution, to help create a scheme for an adequate response in the case of an emergency, and Dalton McGuinty and the Liberals slammed the door in their faces. They just couldn't wait for that brief 20-minute spot in committee—think about it, Ms. Martel—to be over so they could just shoo these people out the door and then slam the door tight and lock it and bolt it once they were gone in case they thought, maybe, of coming back in. Shameful; sad; regrettable. What an incredible lost opportunity.

Let's take a look at the bill. Let's take a look at what it purports to address and let's take a look at what it doesn't do at all. For me, there are a couple of primary components—oh, let's talk about Bill 138 for a moment and why the Minister of Citizenship remembers Bill 138.

I remember, shortly after the election of three years ago, Ms. Broten, now Minister of the Environment, was charged by the Premier's office with the responsibility to use a tripartite committee to draft an emergency management bill. I was somewhat skeptical. I recall myself saying, "Oh, Ms. Broten, please. They're toying with you. They're just funning you. They're distracting you; they're sending you out to play: 'Get out of the house; the grown-ups want to talk.'" Well, it had that quality to it. You know, Ms. Martel, when you've got maybe a couple of couples over at the house and the kids are getting noisy? You send the kids out: "Go play in the backyard because the grown-ups are going to do some talking. Go entertain yourselves for a half hour or so." Or it was like sitting at the kids' table at Christmas dinner, huh? You had to go sit at the kids' table. Well, Ms.

Broten got sent to sit at the kids' table by the Premier's office.

She was adamant that this was for real, that this was really serious, that this was going to be a serious exercise. Then Mr. Zimmer—look, I've got to tell you, I like Ms. Broten. I have regard for her and I've got regard for Mr. Zimmer. Mr. Zimmer wanted to have a piece of the action too—he did. He suffered from the Toronto MPP syndrome, and that is, amongst other things, the inability to get press unless you do something incredibly stupid or outrageous. It's true.

So there were Mr. Zimmer and Ms. Broten in the corner, like in the WWF, and they were squaring off with one another. But up the middle came the Minister of Citizenship and Immigration, Mr. Colle. You've got to remember—take a look at the history of the Minister of Citizenship. He's the guy in front of the service station with the piece of cardboard four feet across and five feet high, except he holds it conveniently; he's not going to obscure his face. So there's Mr. Colle. Mr. Colle is one of the finest media tarts this place ever generated—okay?—one of the finest. A camera and a microphone and Mr. Colle—

Interjections.

Mr. Kormos: No, look, I say to his credit that he was out there fighting for controls on gasoline prices.

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Ms. Martel: What happened?

Mr. Kormos: He brought these issues to the forefront. That's what you've got to do. You've got to go out and do these things, these cheap publicity stunts.

So there was Mr. Colle—and again, he knew where media opportunities lay and he wouldn't miss one for a million bucks. I don't fault him for that because, don't forget, he wasn't in cabinet yet, right? He said, "No way are these two rookies going to"—because, look, he's an experienced member. Part of him said, "This is a little bit of a scam, but maybe it isn't." The all-party committee to draft legislation, and the government's really going to bring it forward for second reading? Yeah, sure. So Mr. Colle was there. He bumped the Chair, Mr. Oraziotti, out of there. He gave him a body check that knocked Oraziotti all the way back to Sault Ste. Marie—

Ms. Martel: Wait, he's there. He's right there.

Mr. Kormos: Where is he? Where? There he is; that's right. And we didn't see him for six months. Because he knew there was publicity to be had in this committee, and he wouldn't have minded some Toronto press coverage himself.

Hon. Mike Colle (Minister of Citizenship and Immigration): There was no press coverage.

Mr. Kormos: Colle says there was no press coverage. Well, that's right in hindsight; it wasn't worth the effort, was it, Mr. Colle? But let's go through the obvious exercise.

You've got Mr. Zimmer and Ms. Broten climbing on top of each other—right?—saying "Me first, me first," to the available microphone, both wanting to be the emergency management experts, the official sponsors of this

bill. Bill 138 is off in that black hole of legislative orbit as we speak—

Ms. Martel: In never-never land.

Mr. Kormos: Ms. Martel says "never-never land." In hindsight for Ms. Broten, I'm sure it was la-la land. Mr. Colle, of course, did well; he became a minister. Ms. Broten did well, of course; she became a minister.

Ms. Martel: What happened to poor David?

Mr. Kormos: I've got to tell you, David Zimmer is one of the incredibly capable people in the government caucus, and a person for whom I have a great deal of regard, but I think his meter is running, his ministerial clock is ticking, as they say. Here we are one year and three months before the next election. Have I got that sort of right, one year and four months? I think Mr. Zimmer is on his own.

Ms. Martel: He's not going to do that again.

Mr. Kormos: That's right. He won't be conned again. He won't be had again. He understands now what the line, "Will you still love me in the morning?" means. Mr. Zimmer is not going to be lured with one of those make-work projects again.

Bill 138 was going to be the be-all and the end-all—oh boy. We had witnesses and participants, and Ms. Broten wanted to hire high-priced Bay Street legal help. I was saying, "What are you talking about, hiring high-priced Bay Street legal help? You've got Mr. Zimmer here. You've got Ms. Broten here." Heck, Mr. Wong could have come in and given us some pro bono work. He wouldn't have minded. But oh, no, they were going to hire some \$3-billion-an-hour Bay Street lawyer with the big five-pound gold cufflinks, the Gucci shoes and all that sort of stuff, the silk shirts and Cartier watches and the big, fat Montblanc that's the size of a kielbasa—one of those lawyers' Montblancs you need two hands to pick up. She wanted to spend thousands and thousands—

Laughter.

Mr. Kormos: Well, it's true, Mr. Ramsay. She wanted to spend thousands of dollars on some Bay Street lawyer. I was saying, "For Pete's sake, this is all for naught. It ain't going anywhere. Don't get all excited. Go take a cold shower. This is just the Premier's office keeping you occupied"—and of course it was just the Premier's office keeping them occupied, and Bill 138 has never seen the light of day. Thank goodness I refused to have my name attached to it.

There it was, a little vanity exercise and a little diversion and a little bit of sending the kids out to play, making them eat at the kiddie table during Christmas dinner, all wrapped up in one. And it's out there. Bill 138 is still out there in legislative orbit.

I mention Bill 138 because one of the things we learned during the course of purportedly drafting the bill was that the Ministry of the Attorney General already had a bill drafted. For Pete's sake, once again, what was this 138 exercise all about? The AG has already got a bill drafted. They know exactly what they want and what they plan to do. Heck, this is a waste of time. We might as well all walk down to Sutton Place and have a glass of

milk or a glass of wine or whatever is your pleasure, assuming it is after 11 o'clock in the morning.

I mention Bill 138 because clearly this wasn't about Ms. Broten and the committee having the freedom to draft a bill; this was all orchestrated. One of the provisions that found its way into Bill 56—Bill 56 is pretty bare-bones; there are basically three significant sections. One of them, of course, is what will be section 7.2. Let's understand that unlike 138, which drafted a complete new Emergency Management Act, this is but amendments to the existing Emergency Management Act. Make no mistake about it: We have an Emergency Management Act. There's nothing new here. I suppose one of the disappointments in the minister's initial comments and the comments of the parliamentary assistant was the suggestion that somehow this is something new. It's not. This is merely amendments to the existing Emergency Management Act. Let's not try to pretend this is anything else.

One of the provisions imported from Bill 138, which was very much a part of the design, is what will be section 7.2 of the act, should this bill pass, and I know the bill will, because they've got a majority government and these people will follow their marching orders, if they get into the chamber in time.

"In the event of conflict between an order made under section 7.0.2 ..."—those are the extraordinary powers—"and any statute, regulation, rule, bylaw, other order or instrument of a legislative nature, including a licence or approval, made or issued under a statute or regulation, the order made under subsection 7.0.2 ... prevails"—prevails. That is shocking stuff. You understand what it means. It means the Lieutenant Governor in Council—the cabinet, the Premier—or, should those powers be delegated to the emergency management czar himself, an unelected, unaccountable person. Let's make something very, very clear—something that should be a concern to everybody in this chamber, because we're talking about it more and more frequently in the context of more and more tribunals, agencies, boards and persons with authority hired by the government. Let's understand that the emergency management czar is not accountable to the assembly. He—at this moment it's a he—is not an officer of the assembly. He's hired by the government, and he's accountable to them. It's wrong.

We had occasion to raise that with respect to the Ontario Human Rights Commission and the commissioner. She—in this case the commissioner is a she—is not an officer of the assembly. We discussed this in the context of debate around Bill 107. She's not an officer of the assembly; she's hired by the government. Ergo she is beholden to the government, just like the new drug czar will be, pursuant to Bill 102.

1700

Contrast that with, let's say, the Provincial Auditor, who is an officer of the assembly, who isn't hired by the government and is not beholden to the government. Boy, the government knows that, just as the previous government knew that and just as the government before that

knew that. The auditor is not beholden to any government, nor is the Environmental Commissioner, nor is the Integrity Commissioner. The New Democrats are very clear that a person to whom such extraordinary and arbitrary and unaccountable powers are being given ought to be accountable to the assembly and not to their boss, the government—the government with its political stripe to it, the government of the day.

Why do I begin by emphasizing this subsection (4) of what will be section 7.2? Because that's exactly what attracted the attention and the ire of Mr. Justice Campbell in the course of his inquiry into SARS and the reports he produced.

In his second interim report, released on April 5, 2005, Mr. Justice Archie Campbell made some comments about powers in Bill 138. The powers he commented on are the very same powers, because it's the very same section that was imported into Bill 56, and those are the powers to override "the foundational laws that underpin Ontario's democratic legal system including the Habeas Corpus Act, the Legislative Assembly Act, the Human Rights Code, the Elections Act, and the Courts of Justice Act."

This section gives the emergency management czar—the Premier—the power to override provincial legislation, in that an order made pursuant to the section providing for extraordinary powers shall—in the language of the act, "In the event of conflict between an order made under subsection 7.0.2(4) ... and any statute, regulation, rule, bylaw, other order or instrument of a legislative nature," the order made under subsection 7.0.2(4) prevails. It overrides provincial legislation, including, as Mr. Justice Campbell said, the Habeas Corpus Act, the Legislative Assembly Act, the Human Rights Code, the Elections Act and the Courts of Justice Act.

This is what he had to say in his second interim report, released April 5, 2005: "Bill 138"—now Bill 56—"provides, with one exception, that emergency orders prevail over every other Ontario law. Subsection 7.0.6(1)"—that is now 7.0.2(4)—"provides:

"In the event of a conflict between an order made under section 7.4 and any statute, regulation, rule, by-law or order, the order under section 7.4 prevails."

"This power is awesome," Mr. Justice Campbell says. "One provincial official described it, accurately, as grandiose. An emergency order could override" the statutes named above. "An emergency order could override any law that promotes the public good or protects individual rights. Any such proposal requires the most searching scrutiny...." That's from pages 373 and 374 of that second interim report by Justice Campbell.

A few pages over:

"In one particular respect the override power is deficient and dangerous. It is not reasonable to override the foundational laws that underpin Ontario's democratic legal system including" the statutes mentioned above. "The line might not be perfectly clear in respect of every statute...."

That's on page 379 of the second interim report by Justice Campbell, the second interim report on the SARS crisis by Justice Campbell—pretty disturbing. Newspapers report Commissioner Archie Campbell as saying that emergency management legislation gives government too many broad powers and it has to be overhauled by the Attorney General.

Note this, please: A very fundamental, a very critical inclusion that Mr. Justice Campbell called for is a section that would indicate that, in his words, “all health workers should have whistle-blower protection to report any public health hazard to medical officers of health.”

One of the things we learned from Linda Haslam-Stroud, the president of the Ontario Nurses' Association, when she spoke to us in the committee is that nurses were ringing alarm bells and were ignored; that nurses were fearful of ringing alarm bells for fear of being disciplined; that Ontario Ministry of Labour inspectors were not being permitted to attend at hospitals, among other worksites where nurses and other health workers were working, after reports of unsafe work conditions.

You see, big deal—big deal—that the government indicates in this bill that the Workplace Safety and Insurance Act, that the Employment Standards Act and, by inference, that the Occupational Health and Safety Act is going to remain in effect. So what if inspectors won't show up at the workplace and make orders?

The government and hospitals still aren't ad idem with nurses around the provision of face masks—pennies—so that these people, health workers and nurses included, can protect themselves in the event of another SARS-like epidemic, whether it's avian flu—I don't know.

Police officers: The Police Association of Ontario told us in no uncertain terms that the prescribed safety kit—worth, we're told, 10 bucks apiece; you can buy two for 20—that gives the police officer gloves and other protective equipment in the event that that police officer is called to a scene where biohazardous materials are present, where a police officer is at risk of being exposed, the basic kit that gives him or her the safety equipment—you know, the rubber gloves, the head hood and what have you; 10 bucks—still isn't in police cruisers here in Ontario. Good grief. How many years have passed?

The most fundamental things haven't been done, and this is the best the government can come up with? This? And nurses and other health workers were spurned by the government.

Let's take a look at those powers, because what I want us to do is to reflect on the Mississauga train derailment. The pages don't remember the Mississauga train derailment. It occurred long before you were born. But the age of people in here is, trust me, sufficient that almost every member of the assembly—there are a couple of young ones who were but kids when it happened. Hazel McCallion was just elected mayor over in Mississauga. The train derailment—it was a hot box. The barriers on a train that weren't properly attended to heated up. As I recall vaguely, the bearings seized up. A train carrying incredibly toxic gaseous content derailed, fell over, and the whole city of Mississauga, hundreds of

thousands of people, was evacuated. Not one life lost, was there, Mr. Colle? The whole city was evacuated in a reasonably orderly way. The cleanup took place. People were out of their homes for almost a week: no incidents of burglary, robbery, vandalism, and no Emergency Management Act, as in Bill 56.

1710

Why, it's remarkable. It's worthy of some discussion, because then-Justice Minister McMurtry, after the Mississauga train derailment, prepared a white paper on emergency management, and one of the brilliant observations he made, and I've got to tell you that he's one of the best legal minds in this province, was that the common law provides a great deal of flexibility when it comes to those emergency workers—police, firefighters, health workers, paramedics—and their ability to do things that codified powers may not. You understand what I'm saying, Speaker. Once you codify the power, then the fear is—and the observation is, be careful what you wish for. Once you codify it, you've got to live with the letter of the law. If the power is a common law power, you have the flexibility of the common law. So let's take a look at the codified powers here, because really, that's the thrust of the bill, that's what all the flag-waving is about: these 14 paragraphs describing supposedly new powers.

The other observation that was made in the McMurtry white paper was that as far as firefighters are concerned, it doesn't matter whether one house is burning or 100 are burning; firefighters still do what they've got to do. As far as cops are concerned, it doesn't matter whether it's one isolated incident or whether all hell is breaking loose all over town; they do what they've got to do. When it comes to health workers, nurses included, it doesn't matter whether it's one sick person in the emergency room or a lineup all the way around the block with a highly infectious disease for which we didn't have a good handle in terms of how to respond; health workers do what they've got to do.

Let's take a look at these powers. I asked high-priced help from the ministry at the very beginning of the committee process about some of these powers. Oh, I see: One of the powers is “Regulating or prohibiting travel or movement to, from or within any specified area.” Now, who on these Liberal benches is going to stand up and suggest to me that the authorities don't already have the power to regulate or prevent travel or movement to, from or within any specified area? Why, they shut down highways all the time. Up in Marathon—I remember, because a couple of times, going out west to work in the copper mines as a student, Marathon would get washed out. The Trans-Canada Highway would be shut down. Marathon would be washed out. Hampton probably knows about that. I'm sure he does. Highways are shut down all the time. They shut down the Gardiner and the DVP, to the chagrin of Torontonians, almost on a weekly basis, it seems.

Interjection.

Mr. Kormos: That's hyperbole, yes, because it isn't weekly, but it seems that way to folks who live there.

They shut them down because we've got fundraising or marathons. They shut them down because we've got that car race event, the motor racing event in the fall down on Lakeshore. So what's going on here? Please. This oh, so important bill that's going to enhance the province's ability to respond to emergencies, with the power to shut down travel to or from an area or movement to or from an area—it happens every day. You don't need Bill 56 to do that, for Pete's sake, do you, because it happens every day. Airports get shut down all the time. It's a simple matter of saying, "Sorry. No planes coming or going. We're shutting her down." Sometimes they shut down for good reasons, sometimes for not-so-good reasons.

Another with powers: "Establishing facilities for the care, welfare, safety and shelter of individuals, including emergency shelters and hospitals." For Pete's sake, again—sorry to be repetitive, but there are children here and I don't want to use the language that does come to mind more readily. But establishing facilities for the care, welfare, safety and shelter of individuals: Why do you need Bill 56 to do that? You simply call the board of education and say, "We've got a load of people coming in from"—well, Kashechewan to Sudbury, amongst other places. You set up the bunks and the cots and do the best you can. Folks come out as volunteers—inevitably, it's volunteers as well as professionals—and they take care of the people who have to be taken care of. You don't need Bill 56 to do that. Don't give us that baloney.

"Collecting, transporting, storing, processing and disposing of any type of waste." What do you need Bill 56 to do that for? What are you suggesting? If that were the case—the folks in that train derailment in Mississauga during Mayor McCallion's beginning years as mayor didn't have Bill 56. Nobody told anybody, "Don't go in there and clean up the gaseous substance." Of course not. Heck, there are oil and gasoline and diesel spills several times a year. People go in and clean them up. They collect the hazardous waste. They dispose of it in a way that's appropriate.

Let's get to the scary stuff. "10. Procuring necessary goods, services and resources." I was troubled by the use of the word "procuring," because it seemed to be very specifically used. I don't understand. Governments and governmental agencies and emergency responders use the tools they've got to use, and if they run out of those tools, they buy more. So why does it have to be a power given to the emergency management czar? A whole lot of people, myself included, suspect that it means pressing into service, suspect that it means compelling. I asked Mr. Avrum Fenson to do some research on the word "procuring," realizing, of course, that I'm sure there were some members of the assembly who were more familiar with the word than I was.

Mr. Fenson found, in Black's Law Dictionary, "Inviting or persuading" persons "to have illicit sexual intercourse"; it suggests that "procuring" means obtaining something by persuasion. Further, the Compact Oxford English dictionary: "persuade or cause to do something."

The Shorter Oxford English Dictionary: to "prevail upon, induce, persuade [a person] to do something."

Mr. Fenson then found a delightful judgment from the Los Angeles Superior Court. It suggests that procuring is distinctly different from bargaining to obtain, because in that California case—and I'll give you the citation: It's *Vail v. Hayes* from the Los Angeles Superior Court. The trial court "found that 'negotiating' means the manager is haggling over the star's rate for a part or appearance or arguing over when the star"—a movie star, presumably—"will show up—and anything else is procurement."

1720

So, you see, a bona fide acquisition of something is not procuring. The statute, Bill 56, could have said "Acquiring necessary goods, services and resources" or "Contracting for necessary goods, services and resources," but it says "procuring."

Then you've got to look at paragraph 11: "Fixing prices for necessary goods, services and resources...." Why would fixing prices be necessary, unless the government were going to expropriate, confiscate—

Mr. Patten: Because people gouge in emergencies; that's why.

Mr. Kormos: Mr. Patten raises a point. I hope he's in Hansard now, because I want to respond to him. You see, Mr. Patten, that's why the second half of paragraph 11 is there, because paragraph 11 provides for (a) "Fixing prices for necessary goods, services and resources and," (b), "prohibiting charging unconscionable prices in respect of necessary goods, services and resources" That's (b). I've got no quarrel with (b); I'm concerned about (a). It's one thing to say, "You can't price gouge"; it's another thing to say that the government has a power, an extraordinary power, to procure goods, services and resources and that, furthermore, it will fix the price for them.

Clearly, fixing prices relates to the procurement by the government more so than it does anything else, because forbidding charging unconscionable rates relates to the public acquisition of things or services, the sort of gouging that goes on from time to time. If you've gone to a bank recently—talk about being gouged. I wish the government—mind you, it's the feds in that case—would take a little more action about the gouging, the 29.9% interest rates on credit cards and, as Mr. Colle—

Hon. Mr. Colle: Cable companies.

Mr. Kormos: Mr. Colle is not a fan of cable companies either. I hear him complaining—

Hon. Mr. Colle: Monopolies.

Mr. Kormos: Yes, Mr. Colle, you're right. "Monopolies"—one of the biggest monopolies, Mr. Colle says. We go down the list of them. That's why there's a satellite dish on my old house on Bald Street; I can tell you that. There's a satellite dish down there and a band of tin foil around the ceiling of the living room.

So there's great concern about these powers, including the power not only to confiscate and expropriate property, because you see, that directly relates to the section I

referred you to, and that was 13.1. Take a look at this. If the bill wasn't contemplating confiscation of property, why would it be necessary, then, for section 13.1 to say, "Nothing done under this act or under an order made under subsection 7.0.2(4)"—those are the extraordinary powers—"constitutes an expropriation or injurious affection for the purposes of the Expropriations Act or otherwise at law and there is no compensation for the loss, including a taking, of any real or personal property except in accordance with subsection (3)"? Subsection (3): The Lieutenant Governor in Council will decide in the darkness and the privacy and secrecy behind the closed, locked doors of the cabinet room: no appeal by the person who suffered the loss.

Yes, I happen to believe in the rule of law; I happen to believe people who have suffered losses should be entitled to go to our public courts and, in a public arena, with public scrutiny, with the application of laws that we all know and understand—well, we may not understand them, but we know them—to seek redress for any losses. This bill specifically denies people that right; once again telling somebody that the state can come by and seize your real or personal property—understand that that's what it says: "loss, including a taking, of any real or personal property." Real property is property: land. Personal property is everything from your car to your bank account. That's what personal property is down where I come from, law books I've been inclined to read. So they can be seized, confiscated, taken, and no compensation, other than what cabinet decides, and what that really means is the Premier's office, of course. Pretty scary stuff.

Let's go to evacuation, because that's one of the powers in subsection 7.0.2(4), and that is, one of the extraordinary powers is the power to evacuate "individuals and animals and removing personal property from any specified area and making arrangements for the adequate care and protection of individuals and property."

The Mississauga train derailment: Hundreds of thousands of people were evacuated. There was no Bill 56. People get evacuated all the time in Ontario—not all the time, but from time to time when there are crises and when there are threats to health and safety. You don't need Bill 56 and subsection 7.0.2(4) with those 14 paragraphs providing the extraordinary powers that have the capacity and will override any existing statute, including the Human Rights Code, the Legislative Assembly Act, the Habeas Corpus Act and the Elections Act. We know what that means, don't we? So much for fixed election dates. Overriding the Human Rights Code: We know what that means, don't we? Ignoring and violating the rights contained in that statute.

There was some bizarre discussion—bizarre? It was wacky, it was flaky—about how firefighters entering onto property—oh, for Pete's sake, once again I say to you, however repetitive it is, because the words that come to mind are not appropriate. Firefighters don't worry about being charged with mischief to private property when they kick down a door because they're saving

somebody inside there, or about being charged with trespassing or break and enter. Don't be silly. Cops don't think about, "Oh, I may be charged with trespassing if I go in there in response to the sounds of that screaming person." Of course not. So their argument is spurious, the argument by the government and their advocates of this type of extraordinary power.

The power to override statutes: The last time we, as Canadians, experienced that was the War Measures Act. I do not want to, nor would any New Democrat, express any naïveté about the fact that Canada is capable, Ontario is capable, Toronto—any one of our communities is capable of being the target of terrorism or mere madmen. The two may well be the same. Of course. I mean, 9/11 taught us. Because we North Americans thought we were immune: "We know people in Greece have terrorists bombs, people in Turkey have terrorist bombs, people in Chechnya; people in Tel Aviv are blown up by terrorist bombs—not us." That isolation is over.

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I don't want to express or demonstrate any naïveté about that, but I do have concern because I remember the War Measures Act. I remember the hundreds of people who were arrested and detained, not one of them an FLQ terrorist. There were trade unionists arrested and detained, there were socialists arrested and detained, there were artists arrested and detained, there were poets arrested and detained, there were filmmakers arrested and detained—hundreds of people in Quebec alone—but not one FLQ terrorist. And the War Measures Act was used by the RCMP across Canada to apprehend and question countless numbers of people.

I'm not suggesting that this is the War Measures Act, but I'm suggesting that when legislators are called upon to pass a law that has the power to override other laws for significant periods of time without consultation of the Legislative Assembly, and when there is no demonstrated or demonstrable need for these extraordinary powers, we have cause for concern. Evacuations take place—always have and always will—without Bill 56. Highways are closed, airports are closed—always have been, always will be—without Bill 56. Schools and gymnasiums and arenas are set up as destinations for evacuated persons who need shelter—always have been, always will be—without Bill 56.

What you can't do without Bill 56 is confiscate property without compensation. You need Bill 56 to do that. You can't press people into service. You need Bill 56 to do that. And finally and ultimately, you can't violate collective bargaining agreements. You need Bill 56 to do that.

Understand what "fixing prices for ... goods, services and resources" really means: that collective bargaining agreements of any number of workers, including emergency response workers, are worth this because the government refused to accept, voted against and defeated an amendment that would protect collective bargaining agreements from the provisions of this bill. That's got OPSEU members and ONA members—quite frankly,

that has rotted their socks and left a very foul taste in their mouths.

Really quickly, I want to examine some of the recommendations. OPSEU wanted it to be clear that the basis, the foundation, of emergency management is to sit down with the workers involved in emergency management and negotiate and incorporate into their collective bargaining agreements protocols around emergency response. That's pretty basic. As the cook on the Food Channel says, it ain't rocket science. You sit down with these workers—and they're eager to. ONA members, OPSEU members, SEIU members, CUPE members, CAW members working in the health field—I don't want to speak for the CAW, but I presume they are—are eager to sit down with their employers and negotiate protocols around emergency response that are going to be incorporated into those contracts. What we learned from these same workers and their representatives is that their management, their bosses, have been disinclined to do that to date. Furthermore, and more importantly, the government defeated amendments that would guarantee that.

OPSEU wanted clear job protection for workers who were drawn into emergency management response. Government wouldn't support that amendment.

Finally—and this was a matter of some wacky exchanges in the committee. That was around the indemnification section of the bill, because the bill, like most bills of this nature, protects people acting in good faith in the performance of their duties pursuant to the act from litigation.

Right? You're very familiar with that, Ms. Martel. You've seen it lots of times, and it's not an inappropriate inclusion. It's the standard sort of indemnification.

Well, workers and their unions recognized that. They said, "Okay, but if it's going to be a real indemnification, we need the ability to defend ourselves." What that meant and means is that—well, let me say it the way OPSEU said it:

"OPSEU further recommends that workers be indemnified for reasonable legal costs incurred in respect of any proceeding in which the health care worker's manner of execution of her duties during an emergency was an issue, if the member is found to have acted in good faith."

One member of the committee, some jailhouse lawyer, says, "Oh, well, that means they can't be sued. So what do they need indemnification for their legal costs for?" Well, what a dough-headly comment to make, because if you're going to use this section, the indemnification, you've got to plead it, you've got to establish it, you've got to go to court, argue and prove it. You can't wave it like a flag. If you get sued, if you're one of those workers who gets sued for something you did in the performance of your duties in good faith pursuant to the Emergency Management Act, yes, your defence is, "I did it in good faith and I'm indemnified. You can't sue me," but you've got to go to court, and by the time the lawyers are finished with you—Mr. Wong can tell you—thousands upon thousands upon thousands of dollars of legal fees. Good grief. You're talking about spending \$50,000 to

successfully defend yourself. Oh, sure, maybe the court will award costs, but Mr. Wong will tell you once again that when a court awards costs, it's never full costs.

So all that OPSEU was saying was, look, you've got the indemnification section, God bless, but then please ensure that reasonable legal costs—if that isn't an oxymoron—are paid for or compensated in the event that the worker was successful in defending him- or herself using the good faith provision. That's a modest proposal, isn't it?

Nothing. Nothing. Nothing. Not a single thing, not a single section of this bill is going to enhance the capacity of communities, workers in those communities, people in those communities to respond to emergencies, to crises. In fact, the real commitment of this government, if it's serious about emergency management, isn't just plans and planning, because communities have done that planning. All the plans in the world are worth diddly-squat if you haven't got the resources and the staff to implement them. If you haven't got the health workers, the health professionals, if you haven't got the emergency room space, if you haven't got the firefighters with the right equipment, if you haven't got the police service, police officers, women and men, with the right tools to go out there and respond, all the plans in the world mean zip. It's not about Bill 56 and extraordinary powers for some unaccountable emergency management czar; it's about recognizing that emergency management takes place on the ground in communities big and, more frequently, small and smaller and smallest. This government has denied that reality of emergency management.

This is window-dressing of the most cynical type. This is fluff. This is knee-jerk. It's ill-conceived, ill-advised. New Democrats want no part of it, and the bill should be abandoned now by this government.

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The Deputy Speaker: Questions and comments?

Mr. Balkissoon: I just want to say thanks to the member from Niagara Centre for his input and comments on the bill. He mentioned that during SARS there were many health and safety issues and the inspectors were not available from the Ministry of Labour. Let me say that that incident took place during the previous government. This McGuinty government has worked very hard in the last couple of years to improve relationships with the Ontario unions and we will continue to work with them to improve working conditions. In fact, the Ministry of Labour has also augmented their inspection staff. We are of the opinion that such an incident should not repeat itself.

He also went on to mention many issues raised by the stakeholders who came to the standing committee. Let me say to you that we recognize the issues that he raised around collective agreements, but clearly, with the numerous collective agreements around the province, trying to deal with individual collective agreements in a bill will just make it more complex and more difficult for the industry to understand. The government truly believes that because we've built this relationship with the unions over the past couple of years, we are of the opinion that

employers and their unions will deal with emergency planning in the future a lot better and those situations will not recur.

Certainly we believe we need this bill. It would give the government the powers it needs to deal with an emergency. Let us all hope that there will not be one. But we cannot predict the circumstances that will occur in the next emergency, unlike the Mississauga derailment.

Mr. O'Toole: The member from Niagara Centre in his one hour certainly made some arguments that need to be listened to and supported, because you're always looking for the protection of individual rights. Also, which takes precedence, the greater good for the greater number or individual rights? If you look at this bill, it says, under "Purpose," in section 7.0.2:

"The purpose of making orders under this section is to promote the public good by protecting the health, safety and welfare of the people of Ontario in times of declared emergencies in a manner that is subject to the Canadian Charter of Rights and Freedoms."

They've tried to include that. For us, this bill, quite frankly, is a matter of trying to find the trust in the McGuinty government to execute this bill in a fair, reasonable and open manner in what is declared as an emergency as such.

When you look at the response to the current issues before the government—not to inflame or provoke—certainly the media reporting of a suspected terrorist plot or whatever constitutes a threat. Probably much of that would be of a federal nature, I suppose, but the suspected evidence is in the province of Ontario. I would look for leadership on this, as I would in the Caledonia issue. What role does the government have, not necessarily for enforcement, but finding some role to make sure there's peace, harmony and respect, as I've described the purpose clause here? In that execution and leadership, to me, the challenge is to have the ability to trust that challenge.

As I said, there are provisions in here for litigation, and in the fines section, and for extensions. The offences under section 7.0.13 are fairly extensive, and there's protection from action in section 11, all of which raise questions for me against this bill, but it's badly needed.

Ms. Martel: I want to reinforce some of the points that were made by my colleague Mr. Kormos. Number one, ONA came to the committee and made it very clear that they would like to see the protocol for emergencies—what will happen, how things will work—put into collective agreements. That was why a provision was moved for that same thing to happen by my colleague Mr. Kormos. I hear the government say, "This is too difficult." It is a matter of putting into the legislation a provision that says, "Where collective agreements exist already, then the employer and the employees will be required to bargain emergency protocols." This is not a problem. This is not a dilemma. Where collective agreements exist, this is what is going to happen to make sure that protocols are in place. This is not a hard thing to do, and the government should have put in an amendment, should have passed our amendment to that effect.

ONA came to the committee and said, "We are very concerned that we need whistle-blower protection so that we can raise urgent matters during the course of emergencies without repercussions." So my colleague Mr. Kormos puts forward an amendment that talks about whistle-blower protection for these front-line workers—and that's who they are, the people who are going to be most responsible during a SARS 2 crisis—and the government can't find its way to accept that, despite all the new good relations the Liberals claim to have with unions. So on some of the issues that are key to the people who are going to be most directly involved in emergencies, the government failed to respond to their concerns and to their requests for changes.

The final point I want to make has to do with human resources. The fact of the matter is that ONA, as it raised in its brief, is going to have 30,000 people ready to retire two years from now. If we have a SARS 2 crisis and 30,000 nurses have taken retirement because they're able to, who is going to respond? These are the issues the government should be dealing with: human resources management and the lack of human resources, to ensure that somebody is on the front lines to respond.

Mr. Pat Hoy (Chatham-Kent Essex): I think it's important for members to know that just last Friday, on June 2, the Ontario and Quebec Premiers signed a series of mutual co-operation agreements, and one of those agreements was an emergency management agreement that underlines Ontario's and Quebec's common interest in public safety and security. It's an important agreement indeed, and it's fitting that Bill 56 is talking about security as well.

Members this afternoon have talked about the ice storm in eastern Ontario. There has been mention of the flood in Peterborough and potential terrorist threats from outside to our province and indeed the country. We have a province that has areas that are somewhat prone to tornadoes. We've been lucky over the history to have most of those tornadoes land in areas that are not very densely populated, but we need to be prepared for any eventuality and this bill allows for that.

I have acquaintances and dear friends in British Columbia who lived through that time of the tremendous fires. One would think that the movement of people would be very easy, but it actually can get very complicated, especially when you're dealing with huge numbers of persons to evacuate and move. After that is done, you need a place to put them. You have the aged, the ill, the frail and young children who must be evacuated, and a place for them to be housed. Interestingly enough, in the situation in British Columbia, their experience was that they had numerous pets, and they had to find places for people to take their pets. Then they had to give updates as to whether your home existed or not, so they had to have a central area to give constant updates as to the situation.

This bill will allow for that—emergency shelters and movement of people—and I think it is appropriate that this bill take place.

The Deputy Speaker: Member for Niagara Centre, you have two minutes to respond.

Mr. Kormos: It's been a pleasure for me to engage with others about this matter today.

The pets: The Ontario SPCA showed up at the committee. The pet issue had been overlooked entirely in the original drafting of the bill. It isn't just pets, of course, it's farm animals—even more dramatic. Pets have an emotional attachment to their owner and there is the disinclination of an owner to leave behind a pet, but with farm animals, livestock, equestrian operations, you've got real serious problems there. This is another reason we want to regulate these little private zoos.

But just as an illustration, I likened it to this—and I know other people have had this experience, because I've watched people grow once they've been elected here at Queen's Park—it's like getting fitted for a suit and then gaining 15 pounds when you pick it up. No matter what they do in terms of tinkering, that suit never fits right, like the first time they fitted it.

By way of observation, I just want to—the section with animals, the definition that the government imported. Mr. Dunlop had a wonderful one, and the government, just out of spite, wouldn't accept the Tory one—miserableness, pettiness and mere mean-spiritedness and spite. What did the government come up with? “‘Animal’ means a domestic animal or bird.” I'm going, “Okay. A bird isn't an animal? “‘Animal’ means a domestic animal or bird.” Mr. Berardinetti said, “Well, then there are people.” I said, “For Pete's sake, people are animals too.” Think about it. Mammals are animals. Reptiles are animals. There are cold-blooded animals and warm-blooded animals. Some basic biological data would be useful for people here. I don't want to get too trite, but please, get back to basics.

The Deputy Speaker: Further debate?

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Mr. Berardinetti: It's hard to follow Mr. Kormos, the member from Niagara Centre, and definitions of mammals and animals. Biology was not my forte in high school; I'll preambule with that.

I had an opportunity to sit and listen to deputants during the two days we had public hearings on this matter. I too want to say thank you to the staff who provided assistance, especially for some of the research information that came forward.

I think the committee meetings went quite well. We heard from a number of deputants: the Ontario Public Service Employees Union; the Ontario Association of Emergency Managers; Canadian Blood Services; the Ontario Society for the Prevention of Cruelty to Animals; and the Ontario Public Service Employees Union, Local 444, Kingston General Hospital. I believe the other group we heard from was the firefighters. They had various submissions to make regarding the bill that was in front of us.

Based on those submissions, amendments were put forward. Not all were approved, but 21 were—21 were put forward. One that was approved was a Progressive Conservative motion. So some amendments were accept-

ed, the bill was modified and we have in front of us today the amended Bill 56, An Act to amend the Emergency Management Act, the Employment Standards Act, 2000 and the Workplace Safety and Insurance Act, 1997.

What does this bill in front of us today do? The bill gives power to the Premier and cabinet to make decisions in times of emergency. In the past couple of years, we've seen two incidents—SARS and the blackout—and we've seen the Premier of the day struggle with how best to deal with giving out orders and making sure things were being followed through during the SARS crisis and during the blackout period that occurred, I believe, in August 2002 or 2003; I'm not exactly sure when that occurred. Both the blackout and SARS were in Premier Eves's time, and they created a lot of problems for the Premier. I actually felt sorry for him, because he had to sit there and struggle and try to deal with whether or not he had authority and power to do certain things and delegate those powers.

We live in a certain period of time right now when there could be future emergencies. We don't want to see future emergencies; we don't want future crises to occur. But we know of them. We hear of them on television and on the radio and in our newspapers. One of the biggest ones is avian flu, which is slowly making its way around the world, starting in the Far East and spreading through Europe and now supposedly coming to North America. What if something were to happen this summer regarding avian flu that required the provincial Premier and cabinet to make a decision, that required certain things to occur—animals to be moved out of a certain location or people moved out of a certain location, or other decision-making things to occur? That is why this bill was brought forward. We need to have in place an act that empowers the Premier and the cabinet, and ultimately this Legislature, with the proper powers and accountability to do the right things.

The good thing about this bill is that there are checks and balances in place. The Premier has to report to this assembly within a certain, given period of time. He can't just simply act and the cabinet cannot act without eventually reporting what they did to this assembly.

Furthermore, the Premier has to report regularly to the public, whether it be through press conferences, the media or various other ways, as to what he or she is doing, and that allows for accountability. I think that's an important aspect. It doesn't simply say, like the War Measures Act, that these powers are given to the Prime Minister or to the leader of the country to do certain things. There are checks and balances here, and strong ones, that make sure that what the Premier does, what the leader does and what the cabinet does is ultimately accountable and responsible and brought back for debate and discussion in this assembly, and also to the people of Ontario, most importantly.

So Bill 56 is extremely important to move forward on. Ontarians deserve effective measures that will allow their government to best protect them during times of emergency. They deserve this as soon as possible. This act is an important step toward improving emergency manage-

ment and response in Ontario. The bill will ensure that this government and future governments have the tools that are best needed to address emergencies and protect public safety. The powers that are listed in the bill are well considered and have appropriate checks and balances, as I have mentioned. It's also important to note that the powers contained in here and the checks and balances are similar to those that have either passed or are going to be passed in other provincial jurisdictions throughout Canada. So what happens in Quebec or in Manitoba, our neighbours, will be similar to what happens here in Ontario.

The current legislation that's in place is simply not strong enough to deal with the types of emergencies we could potentially face. The present legislation provides for the declaration of a provincial emergency. However, it does not give the government the key powers to make decisions and issue orders to deal with issues that might arise during a provincial emergency.

Bill 56 offers the necessary checks and balances and makes the government accountable for its actions, should it be necessary for the province and the Premier to declare a provincial emergency.

Some of the things this bill would do—I have a copy of it here in front of me: It would allow the government to restrict travel or order evacuations; it would allow the government to establish facilities for the care, welfare, safety and shelter of individuals, including emergency shelters in hospitals; it would fix prices for necessary goods, services and resources, and prohibit price gouging. This is something that it's also important to note: If there's an emergency, there's always an opportunity. We don't want to imagine it happening, but if there's only one supplier of a certain product and that supplier realizes this product is needed in this emergency, we don't want them gouging the public or the government or the people of Ontario simply to make the maximum amount of profit during a time of emergency.

Also, this bill would widen job protection for people who are unable to work because of declared emergencies.

As you can see, this bill is broad-ranging and covers a number of areas that are very important in case of an emergency. Unfortunately, the times we live in right now are such that inevitably, at some point in time, another emergency will arise and the Premier and the cabinet have to be able to respond effectively and accountably to an emergency situation.

I want to mention a few other quick little points here. The Liberal government has done a lot already to assist both the firefighters and the police in this province. Funding has been provided by the McGuinty government for firefighters: \$30 million has been granted for fire training and equipment. This is the first such investment since the 1980s, and it's significant because fire training and fire equipment are essential, and this has been brought up before, not just for the city of Toronto or the downtown area, but for all of Ontario. We're concerned about small towns as well, to give them some money so that they can be trained and have proper equipment. This is an investment for the first time since the 1980s. Also, funding is being continued for heavy urban search and rescue units—\$300,000 annually, and that's significant. Continued funding for expert-level teams such as the CBRN teams, chemical, biological, radiological, nuclear response teams: \$100,000 annually. These are all being done.

Money is also being given to the police. As you well know, we've made several announcements regarding that: 1,000 additional officers, funding of \$37.1 million, and \$68 million in funding for more officers. So we continue to do funding.

I would like to go on, but I see that it's getting close to the hour of 6 o'clock. With your permission, I would ask to stand down and allow the Legislature to break.

The Deputy Speaker: That sounds like a great idea. It being 6 of the clock, this House is adjourned until 10 of the clock, Thursday, June 8.

The House adjourned at 1801.

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| | Lalonde, Jean-Marc (L) | Nepean-Carleton | MacLeod, Lisa (PC) |

| Constituency Circonscription | Member/Party Député(e) / Parti | Constituency Circonscription | Member/Party Député(e) / Parti |
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| Niagara Centre / Niagara-Centre | Kormos, Peter (ND) | St. Paul's | Bryant, Hon. / L'hon. Michael (L) Attorney General / procureur général |
| Niagara Falls | Craitor, Kim (L) | Stoney Creek | Mossop, Jennifer F. (L) |
| Nickel Belt | Martel, Shelley (ND) | Stormont–Dundas– Charlottenburgh | Brownell, Jim (L) |
| Nipissing | Smith, Monique M. (L) | Sudbury | Bartolucci, Hon. / L'hon. Rick (L) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines |
| Northumberland | Rinaldi, Lou (L) | Thornhill | Racco, Mario G. (L) |
| Oak Ridges | Klees, Frank (PC) | Thunder Bay–Atikokan | Mauro, Bill (L) |
| Oakville | Flynn, Kevin Daniel (L) | Thunder Bay–Superior | Gravelle, Michael (L) |
| Oshawa | Ouellette, Jerry J. (PC) | North / Thunder Bay–Superior- Nord | |
| Ottawa Centre / Ottawa-Centre | Patten, Richard (L) | Timiskaming–Cochrane | Ramsay, Hon. / L'hon. David (L) Minister of Natural Resources, minister responsible for Aboriginal Affairs / ministre des Richesses naturelles, ministre délégué aux Affaires autochtones |
| Ottawa South / Ottawa-Sud | McGuinty, Hon. / L'hon. Dalton (L) Premier and President of the Executive Council, Minister of Research and Innovation / premier ministre et président du Conseil exécutif, ministre de la Recherche et de l'Innovation | Timmins–James Bay / Timmins-Baie James | Bisson, Gilles (ND) |
| Ottawa West–Nepean / Ottawa-Ouest–Nepean | Watson, Hon. / L'hon. Jim (L) Minister of Health Promotion / ministre de la Promotion de la santé | Toronto Centre–Rosedale / Toronto-Centre–Rosedale | Smitherman, Hon. / L'hon. George (L) Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée |
| Ottawa–Orléans | McNeely, Phil (L) | Toronto–Danforth | Tabuns, Peter (ND) |
| Ottawa–Vanier | Meilleur, Hon. / L'hon. Madeleine (L) Minister of Community and Social Services, minister responsible for francophone affairs / ministre des Services sociaux et communautaires, ministre délégué aux Affaires francophones | Trinity–Spadina | Marchese, Rosario (ND) |
| Oxford | Hardeman, Ernie (PC) | Vaughan–King–Aurora | Sorbara, Hon. / L'hon. Greg (L) Minister of Finance, Chair of the Management Board of Cabinet / ministre des Finances, président du Conseil de gestion du gouvernement |
| Parry Sound–Muskoka | Miller, Norm (PC) | Waterloo–Wellington | Arnott, Ted (PC) First Deputy Chair of the Committee of the Whole House / Premier Vice-Président du Comité plénier de l'Assemblée législative |
| Perth–Middlesex | Wilkinson, John (L) | Whitby–Ajax | Elliott, Christine (PC) |
| Peterborough | Leal, Jeff (L) | Willowdale | Zimmer, David (L) |
| Pickering–Ajax–Uxbridge | Arthurs, Wayne (L) | Windsor West / Windsor-Ouest | Pupatello, Hon. / L'hon. Sandra (L) Minister of Education, minister responsible for women's issues / ministre de l'Éducation, ministre déléguée à la Condition féminine |
| Prince Edward–Hastings | Parsons, Ernie (L) | Windsor–St. Clair | Duncan, Hon. / L'hon. Dwight (L) Minister of Energy / ministre de l'Énergie |
| Renfrew–Nipissing–Pembroke | Yakabuski, John (PC) | York Centre / York-Centre | Kwinter, Hon. / L'hon. Monte (L) Minister of Community Safety and Correctional Services / ministre de la Sécurité communautaire et des Services correctionnels |
| Sarnia–Lambton | Di Cocco, Hon. / L'hon. Caroline (L) Minister of Culture / ministre de la Culture | York North / York-Nord | Munro, Julia (PC) |
| Sault Ste. Marie | Oraziotti, David (L) | York South–Weston / York-Sud–Weston | Cordiano, Hon. / L'hon. Joseph (L) Minister of Economic Development and Trade / ministre du Développement économique et du Commerce |
| Scarborough Centre / Scarborough-Centre | Duguid, Brad (L) | York West / York-Ouest | Sergio, Mario (L) |
| Scarborough East / Scarborough-Est | Chambers, Hon. / L'hon. Mary Anne V. (L) Minister of Children and Youth Services / ministre des Services à l'enfance et à la jeunesse | Parkdale–High Park | Vacant |
| Scarborough Southwest / Scarborough-Sud-Ouest | Berardinetti, Lorenzo (L) | | |
| Scarborough–Agincourt | Phillips, Hon. / L'hon. Gerry (L) Minister of Government Services / ministre des Services gouvernementaux | | |
| Scarborough–Rouge River | Balkissoon, Bas (L) | | |
| Simcoe North / Simcoe-Nord | Dunlop, Garfield (PC) | | |
| Simcoe–Grey | Wilson, Jim (PC) | | |
| St. Catharines | Bradley, Hon. / L'hon. James J. (L) Minister of Tourism, minister responsible for seniors, government House leader / ministre du Tourisme, ministre délégué aux Affaires des personnes âgées, leader parlementaire du gouvernement | | |

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

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

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Règlements et projets de loi d'intérêt privé**

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