

No. 189



N° 189

ISSN 1180-2987

Legislative Assembly  
of Ontario

First Session, 39<sup>th</sup> Parliament

Assemblée législative  
de l'Ontario

Première session, 39<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Thursday 19 November 2009**

**Jeudi 19 novembre 2009**

Speaker  
Honourable Steve Peters

Président  
L'honorable Steve Peters

Clerk  
Deborah Deller

Greffière  
Deborah Deller

### **Hansard on the Internet**

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

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

### **Index inquiries**

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

### **Le Journal des débats sur Internet**

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

### **Renseignements sur l'index**

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

---

Hansard Reporting and Interpretation Services  
Room 500, West Wing, Legislative Building  
111 Wellesley Street West, Queen's Park  
Toronto ON M7A 1A2  
Telephone 416-325-7400; fax 416-325-7430  
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation  
Salle 500, aile ouest, Édifice du Parlement  
111, rue Wellesley ouest, Queen's Park  
Toronto ON M7A 1A2  
Téléphone, 416-325-7400; télécopieur, 416-325-7430  
Publié par l'Assemblée législative de l'Ontario

## LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 19 November 2009

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 19 novembre 2009

*The House met at 0900.*

**The Speaker (Hon. Steve Peters):** Good morning. Please remain standing for the Lord's Prayer, followed by the Sikh prayer.

*Prayers.*

### ORDERS OF THE DAY

#### TAXATION

**Mr. Robert W. Runciman:** On a point of privilege, Mr. Speaker: I gave notice to your office yesterday afternoon, so you're aware of this. I thank you for allowing me the opportunity to expand on that letter. For the benefit of those who are not aware of its contents, I will repeat some of the points that I made to you, Speaker, in writing yesterday.

Pursuant to standing order 21(c), I have provided the Speaker with the required written notice to raise this point of privilege here this morning. I'll share with the House specific reasons why the joint provincial-federal agreement on the harmonized sales tax and the government's refusal to hold full public consultations in communities across this province contravenes standing order 21(a).

Just like in hockey, or in any other sport, we have rules on our playing surface that guide us as we speak or vote in this Legislature. Standing order 21(a) says that the House collectively, and its MPPs individually, enjoy rights conferred by the Legislative Assembly Act and other statutes, "or by practice, precedent, usage and custom." These rights are listed in many parliamentary manuals, but for the sake of brevity, Speaker, I'm only going to refer to Marleau and Montpetit, House of Commons Procedure and Practice, which states: "The House has the authority to invoke privilege where its ability has been obstructed in the execution of its functions or where members have been obstructed in the performance of their duties." So in simpler terms, we as MPPs individually, or as a group, have the right to come here to represent our constituents to the best of our ability. And we can't do our jobs when our hands are being tied. We can't do our jobs when we and the people of this province are being denied full public consultations. That's when we question whether or not democracy is working and why we are even here. The legislation required to implement the harmonized sales tax, Bill 218, has already—

*Interjections.*

**The Speaker (Hon. Steve Peters):** Excuse me, both members, for a moment. A proper notice of point of privilege was filed with the Speaker. I'm going to give the member the opportunity to speak to his point of privilege. I would encourage him not to engage in debate and to stick to the points that he's raised, but I will hear the honourable member through.

**Mr. Robert W. Runciman:** Thank you, I appreciate that you are prepared to hear me out. As I said, I'm not going to extend the discussion with respect to this, but I think it is important to put some of these points in terms of the point that I'm raising because they are relevant. Once this harmonized sales tax bill is passed, some of its measures will take effect January 1, 2010. We know the government is going to pursue swift and speedy passage of some of the elements of the bill.

As currently written, Bill 218 incorporates the harmonized sales tax agreement which locks in the province for at least five years. That's important in terms of my point of privilege. It's locking in the province for at least five years. Under this legislation, Bill 218, there is no chance to reduce the provincial sales tax rate until after the first two years. There's no chance to manoeuvre on exemptions, because the agreement limits harmonized sales tax exemptions in the province to a total of only 5% of the estimated GST base in Ontario.

While House precedent suggests that constitutional matters be left to the courts, it's worth mentioning that section 92 of the Constitution Act says that provincial Legislatures may exclusively make laws in relation to "direct taxation within the province in order to the raising of a revenue for provincial purposes."

With the federal government so involved in our direct taxation under the harmonized sales tax, we can't help but question—I can't help but question—the constitutionality of the harmonized sales tax agreement signed by Minister Duncan. It contradicts our traditional division of powers between provincial legislatures and the federal government.

Under our system of parliamentary democracy, governments are granted power by the will of the people for four years only. In fact, this government itself introduced and passed legislation to go with the four-year term and fixed elections. Yet now, with this harmonized sales tax agreement, this government is attempting to extend their mandate from potentially beyond the political grave on such a sweeping issue without the required support of the electorate. It's an affront to voters and a democratic travesty to the system under which we serve them. MPPs

today, but especially those elected in October 2011, will be obstructed in the performance of their duties, rendered powerless to act on behalf of their constituents who need harmonized sales tax issues raised. By limiting the authority of future governments to make change, the future of this province will have been determined by its past. Democracy will move backward instead of forward.

Unfortunately, our collective efforts to advance democracy with the harmonized sales tax issue are slipping, as I speak. As you know, in my view, and our view, we are being obstructed in the execution of our functions by the government's refusal to hold public consultations—full public consultations—in communities across the province.

According to Marleau-Montpetit, financial procedures adopted by the Canadian House of Commons in 1867 were formed by several principles including, and I quote from Marleau and Montpetit, “that all legislation sanctioning expenditure or initiating taxation is to be given the fullest possible discussion, both in the House and in committee.”

This principle was promoted to ensure that, “Parliament may not, by sudden and hasty votes, incur any expenses, or be induced to approve of measures, which may entail heavy and lasting burdens upon the country.”

**0910**

The last part of this quote is particularly applicable and shows great foresight into the situation we are facing here today. We know—and the people of this province know—that the harmonized sales tax will be a heavy and lasting burden for all of us to bear. They knew back in 1867 the importance of full debate and public input to taxation issues, and it's nothing short of a disgrace that 142 years later, this government is denying full committee and also, likely, full debate in this House on a life-altering taxation bill.

Not only do the constraints of the harmonized sales tax agreement handcuff MPPs today and in the future, they also limit the extent to which people can object if full committee were to be held since exemptions are capped.

It boils down to this: Cutting out critical consultations and making long-lasting decisions beyond a people-sanctioned term of office makes everyone irrelevant except the governing party. People don't matter. Opposition MPPs don't matter; even the House and its long-standing traditions of business don't matter. The only thing that seems to matter to the government is fast-tracking Bill 218 to passage.

On this harmonized sales tax issue, we can no longer do our job individually as members; we can no longer do our job collectively as Her Majesty's loyal opposition. I'm sure the third party, the NDP, shares this view. When the opposition can no longer serve as an effective check and balance to government on an issue of such importance to the public and the province's future, democracy simply doesn't exist.

Mr. Speaker, that is why I'm asking you today, on behalf of all of my colleagues in the official opposition, to help restore democracy to this chamber with a favourable

ruling. Should you rule that this matter is a prima facie case of privilege, I would be prepared to move the following motion. I won't read it—I don't want to incur your wrath, Speaker, but it deals with cancellation of the agreement.

The impact of this tax will be felt by people of all ages, by people from all parts of this province, by people in all professions and by people of all income levels. This tax won't discriminate. Over and over again, you'll be paying it. It's wide-reaching. People should have input—their representatives in this place should have input.

In closing, I would like to quote the words of the writ of summons for one of the councils of Parliament dated 1295—

*Interjections.*

**Mr. Robert W. Runciman:** I'm quoting, Speaker, if you can hear me over the interjections from the Liberal benches: “What touches all, should be approved by all.”

**The Speaker (Hon. Steve Peters):** The member from Timmins-James Bay.

**Mr. Gilles Bisson:** Speaker, I plan not to take a long time; I just want to add a couple of things to what was said earlier. I'm responding to the point of privilege obviously brought forward by the member from Leeds-Grenville with respect to a possible violation of standing order 21(a). What needs to be determined here is if the decision introduced by Bill 218 to implement the HST makes a prima facie case of privilege that requires your ruling.

At the heart of matter is the question of encumbrance of future governments. What we know is that the McGuinty government is set to enter into a tax harmonization agreement with the federal government that has implications that will extend well beyond the current mandate, and that was laid out by Mr. Runciman.

Here are the facts: The agreement in principle locks the province into a defined tax structure for a minimum of five years, despite the fact that less than two years remain in their mandate. Additionally, the cap on exemptions imposes further limits on the province's ability to use its taxation powers to address future issues. A future government would not be able, for example, to say in order to stimulate the economy that they want to reduce the PST. You couldn't do that as a future government. You would not be able to exempt certain products that are currently exempted under the PST. Should a new government be elected, it would handcuff the ability of the newly elected government to do so.

I want to draw to your attention one particular issue that is fairly serious in part of my riding. As you know, I represent many First Nations. Currently, under the provincial tax laws, First Nations people who have status have the ability—I'm just wondering what's going on; all of a sudden, I see everybody running to one end of the Legislature—to have a point-of-sale exemption when it comes to being able to purchase a product. If you live on a reserve and you want to buy a product, you are exempt from having to pay PST as a point-of-sale exemption. Under the new HST rules, that point-of-sale exemption

will no longer exist. A future government—for example, if we were to form the next government or the Conservatives were to form the next government—couldn't try to reverse that and give First Nations what they had at the beginning. It really handcuffs the ability of future governments to do anything when it comes to moving on changes to this particular tax provision after the next election.

Clearly such a move violates parliamentary procedure by binding the legislative capacity of future Parliaments. In light of the sudden shift of the global economy and the effects that the downturn has had on the fiscal capacity of governments around the world, the implications of taking away the key tool of taxation power from future administrations is not only significant because of its contravention of parliamentary principle. Ironically, as governments applied a wide variety of approaches to address the current fiscal crisis, even those they had previously disparaged, the McGuinty government would undoubtedly have an adverse impact on the assembly's ability to act in the face of a future crisis.

That is an important point that we need to take into consideration. We cannot handcuff a future Legislature from being able to deal with what will possibly be different circumstances that require different reactions when it comes to tax policy.

Given the marked decline of provincial financial capacity and the accepted wisdom that the government needs access to a variety of tools available to help weather financial storms, the gravity of the decision to take steps toward harmonization becomes painfully evident. In a parliamentary democracy, we accept that the mandate provided by the electorate only applies to a set time frame.

The action proposed in Bill 212 becomes doubly egregious when the McGuinty government decision to limit public consultation on the bill is taken into consideration. In Montpetit, on page 701, quoted earlier by my friend Mr. Runciman—I'm not going to go back and quote the entire page, because I don't want to take the time to do that, but I just want to say that the point is that when we set up the taxation regimes in our Parliaments, it was clear that the direction we were given by the framers was that "all legislation sanctioning expenditure or initiating taxation is to be given the fullest possible discussion, both within the House and in committee."

What is at point here is that the government wants to pass this legislation before the House rises in about three weeks' time. That is going to limit the ability of this House to have meaningful discussion on this particular bill. Number two, and more importantly, it's going to limit the ability of the public, those people affected either positively or negatively—I would argue more negatively, as a result of the new HST rules that are going to be put in place in this new regime. So I would argue that there needs to be an ability for the public to have its say, and the process that the government is choosing is very much going to limit that.

I say, Speaker, that this is a serious point of privilege. It's one that we would ask you to take your time to rule on and not to call that bill for debate until such time as you have had the ability to respond to the House more fully later.

**The Speaker (Hon. Steve Peters):** The government House leader.

**Hon. Monique M. Smith:** As I'm sure you expect, Speaker, I vehemently disagree with the members from Leeds–Grenville and Timmins–James Bay. This is not a point of privilege.

Bill 218 has been introduced in the House as a piece of legislation. It will be debated; it will have fulsome debate. If we weren't spending a great deal of time talking about innocuous points of privilege this morning, we would have time to debate it this morning.

This point of privilege did not, in fact, raise any violation of privilege. I listened intently to the member from Leeds–Grenville and there was, in fact, no violation of any privilege of a member of this Legislature being referred to, although there was a great deal of debate about Bill 218. There is nothing in this bill that violates a privilege of a member.

I would remind the members opposite of their signing of the 407 agreement, which handcuffed this government—some of the members across are wincing and coughing—and handcuffed governments of the future for years and years, an agreement that was entered into by that government.

There are countless other examples of agreements that are entered into by governments that last longer than the life of the government. As well, there are many tax measures that last longer than any life of a government that are introduced by governments in succession and continue to exist for years to come. The agreement that was reached between the government of Canada and the government of Ontario acknowledges and requires that both Houses pass the legislation required to enforce the agreement.

This agreement was signed by our Minister of Finance and the federal Minister of Finance, Mr. Flaherty, who is a friend and colleague and very close acquaintance to many on the other side. They are fully aware that the agreement was signed by both, and that both Houses, including the federal House of Parliament, will have to pass legislation to implement this arrangement.

The member opposite has raised a question of constitutionality. Mr. Speaker, as you are only too clearly aware, a constitutional question is not a question of privilege and is not to be raised in this House. There are courts to look at questions of constitutionality. If the opposition should choose to take that challenge and challenge Mr. Flaherty's decision and signature, they are more than welcome to do that.

As I said previously, many agreements and, certainly, many pieces of legislation exceed the mandate of Legislatures, and in no way is that a violation of privilege.

Here, the agreement that was reached between the Ministers of Finance requires that both Houses pass legislation to implement that agreement. Both Houses will be

introducing legislation; we have. Bill 218 is now before the House, to be debated without further delay.

I would ask that you not find that there has been any privilege violated, because I don't believe there has been. Certainly it does not violate the rules that have been introduced today in this discussion. I would ask that we continue with debate.

**The Speaker (Hon. Steve Peters):** I want to thank the member for Leeds–Grenville, the member for Timmins–James Bay and the government House leader. I'm going to recess this House for 10 minutes.

*The House recessed from 0922 to 0939.*

**The Speaker (Hon. Steve Peters):** I want to thank, once again, the member from Leeds–Grenville and the member from Timmins–James Bay and the government House leader for their submissions. I will be reserving my ruling. In the meantime, Bill 218 is properly before the House and is in order, so if it is the order of the day, I will allow it to be called.

#### ANSWERS TO WRITTEN QUESTIONS

**Mr. Ted Arnott:** On a point of order, Mr. Speaker: I have an urgent and valid point of order, I would contend. It's based on my understanding of the standing orders of the Legislative Assembly of Ontario, if members would turn to page 48, part XVIII, it appears, standing order 99(d). On September 15, 2009—that would be how many months ago? About a month ago, I guess—the member for Whitby–Oshawa, my colleague in the Legislature, submitted the following order paper question: “Would the Minister of Health and Long-Term Care please provide the annual reports and detailed financial statements for the Ontario Association of Community Care Access Centres for each fiscal year beginning from 2004-05 to the present?”

As you are well aware, Mr. Speaker, standing order 99(d) reads as follows: “The minister shall answer such written questions within 24 sessional days, unless he or she indicates that more time is required because the answer will be costly or time-consuming or that he or she declines to answer, in which case a notation shall be made on the orders and notices paper following the question indicating that the minister has made an interim answer, the approximate date that the information will be available, or that the minister has declined to answer, as the case may be.”

**The Speaker (Hon. Steve Peters):** To the honourable member from Wellington–Halton Hills: In consultation with the table, that is a valid point of order. That question is overdue. I would suggest to the government House leader that there be communication undertaken with the Ministry of Health to ensure that the member from Whitby–Oshawa receives a prompt answer to that. I thank the member for that valid point of order.

**Mr. Ted Arnott:** I do have more information here.

**The Speaker (Hon. Steve Peters):** No. I have just ruled that you have raised a valid point of order and that the information is overdue, according to the standing

orders. As I have done on other occasions in this House, I have urged and will follow through with the government House leader that that response is properly attended to.

**Mr. Ted Arnott:** I'm sorry; I couldn't hear what you said, Mr. Speaker. My microphone wasn't working.

**The Speaker (Hon. Steve Peters):** I will repeat it again for the honourable member. You have a valid point of order. The question is overdue and I am asking that the government House leader instruct the Minister of Health to ensure that that answer is given to the question to the member from Whitby–Oshawa, who raised that question and put it on the order paper.

The Minister of Finance on a point of order.

**Hon. Dwight Duncan:** I move second reading of Bill 218, An Act to—

*Interjections.*

**Hon. Dwight Duncan:** I didn't say it was a point of order, Speaker. I move second reading of Bill 218, An Act—

*Interjections.*

**Mr. Ted Chudleigh:** He hasn't called orders of the day yet.

**The Speaker (Hon. Steve Peters):** Orders of the day have not been called.

#### STANDING COMMITTEE ON PUBLIC ACCOUNTS

**Mr. Jerry J. Ouellette:** On a point of order, Mr. Speaker: This point of order is for the purpose of seeking clarification and ruling from the Speaker on standing order 110(a) and standing order 108(h).

Standing order 108(h) reads: “Standing Committee on Public Accounts which is empowered to review and report to the House its observations, opinions and recommendations on the report of the Auditor General and the public accounts, which documents shall be deemed to have been permanently referred to the committee as they become available.”

Standing order 110(a) reads: “Standing and select committees shall be severally empowered to examine, inquire into and report from time to time on all such matters as may be referred to them by the House.”

Specifically, Speaker, I am asking you to provide specific guidance as to what the words “examine” and “inquire” mean in the context of the public accounts committee. We know that the work of committees, both standing and select, have done and continue to do great work which is much service to this place and to the people of Ontario. As we know, committees do more than just review bills as part of the legislative process, and the public accounts committee is one such example.

In October 2009, the Auditor General released his special report on Ontario's electronic health records initiative—

**The Speaker (Hon. Steve Peters):** I would just ask the honourable member to get to the point of his point of order and provide the House, and me, with the specific point, not generalities.

**Mr. Jerry J. Ouellette:** Okay, Speaker. It's going to take me just a moment to go through it to find where the specifics are, but I will work toward that.

The public accounts committee met on October 21 and 28 and November 4 and 18. The committee was unanimous in its agreement to invite the—

**The Speaker (Hon. Steve Peters):** I'd ask that the honourable member provide the Chair immediately with what is out of order before this House at this moment.

**Mr. Jerry J. Ouellette:** I can give the clerks' table a copy of the point of order, if they'd like.

**The Speaker (Hon. Steve Peters):** That being the case, if you have information that would assist the Speaker in providing a ruling, I would welcome that submission to be made to me and will reserve judgment on my ruling on your point of order.

*Interjections.*

**The Speaker (Hon. Steve Peters):** You have information that you're going to provide to me on your point of order?

**Mr. Jerry J. Ouellette:** Yes, and I will read you the conclusions so that it makes sense.

**The Speaker (Hon. Steve Peters):** Read me the conclusions.

**Mr. Jerry J. Ouellette:** Okay. Just one second. There was one aspect where it was specifically stated that the government members on the committee on public accounts specifically stated that it was a government rule and government tradition that only sitting members and current members within agencies are allowed to present before the committee.

These are the questions I wish you to answer, or have answered: Is the public accounts committee precluded from inviting former government employees to appear before it when it—

**The Speaker (Hon. Steve Peters):** As the honourable member knows, items that are dealt with at committee, including points of order—I do not have the ability to rule on an item that is at committee. Those issues must be dealt with at the committee level.

I am going to ask that the honourable member come to his conclusion very quickly.

**Mr. Jerry J. Ouellette:** What I'm asking you to review is this: Is the public accounts committee precluded from inviting former government employees to appear before it when considering a report from the Auditor General?

As well, I would ask you to rule on this: Is the public accounts committee precluded from inviting private individuals to appear before it when considering a report of the Auditor General?

What we are trying to do here is ensure that those individuals, and we, are in compliance with the guidelines of the House. I'm asking you to make an official ruling so that all individuals specifically know what is allowed and what is not allowed.

A number of statements have been made by government members which specifically stated that individuals—

**Hon. Monique M. Smith:** On a point of order, Mr. Speaker: I would just direct the Speaker and the member to look at—

*Interjections.*

**Hon. Monique M. Smith:** Let me finish the sentence, Ted—to look at standing order—

*Interjections.*

**The Speaker (Hon. Steve Peters):** I want to thank the honourable member from Oshawa for his point of order. I welcome his submission and the information he has provided, and I will rule on that point of order on a subsequent date.

I have the government House leader on a point of order.

**Hon. Monique M. Smith:** I apologize if my colleagues do not let me finish the sentence. I would just ask the Speaker to look at standing order 13(d)—perhaps this is pertinent to the discussions this morning—"A member raising a point of order or point of privilege, and any member permitted by the Speaker to speak ... must put the point tersely and speak only to the point raised. A point of order or privilege is heard in silence by the House." I would just ask the Speaker that this be enforced.

**The Speaker (Hon. Steve Peters):** I thank the government House leader for the point of order.

I allowed the honourable member to make his point. I've ruled on that: I've asked the honourable member to provide me with additional information and I will rule on that.

The Minister of Finance.

**Hon. Dwight Duncan:** Government order G218.

*Interjections.*

**The Speaker (Hon. Steve Peters):** I will remind honourable members that, yes, orders of the day was called. When I called orders of the day, the honourable member from Leeds-Grenville rose on his point of order with the notice that he had properly provided to me in advance.

The Minister of Finance.

0950

## ONTARIO TAX PLAN FOR MORE JOBS AND GROWTH ACT, 2009

### LOI DE 2009 SUR LE PLAN FISCAL DE L'ONTARIO POUR ACCROÎTRE L'EMPLOI ET LA CROISSANCE

Mr. Duncan moved second reading of the following bill:

Bill 218, An Act to implement 2009 Budget measures and to enact, amend or repeal various Acts / Projet de loi 218, Loi mettant en oeuvre certaines mesures énoncées dans le Budget de 2009 et édictant, modifiant ou abrogeant diverses lois.

**The Speaker (Hon. Steve Peters):** Debate? The Minister of Finance.

**Hon. Dwight Duncan:** I will be sharing my time with my parliamentary assistant, the member from Pickering–Scarborough East.

I'm pleased today to lead off second reading on Bill 218, the Ontario Tax Plan for More Jobs and Growth Act, 2009. As I indicated, sir, I will be sharing my time today with my parliamentary assistant, Mr. Wayne Arthurs.

As outlined in the recent 2009 Ontario economic outlook and fiscal review, the current global downturn has had a significant impact on Ontario families and businesses. This, in turn, has led to a decline in government revenues, as well as an increase in demand for government services. Faced with this challenge, the government has proposed bold new initiatives that would improve Ontario's competitiveness in attracting business investment and creating jobs.

When combined, the measures in the 2009 budget and the Ontario Tax Plan for More Jobs and Growth Act, 2009, would provide more than \$15 billion in tax relief to Ontario individuals, families—

**Mr. Gilles Bisson:** On a point of order, Mr. Speaker: I recognize we're in orders of the day, but I want to raise a point of order in regard to what the Minister of Finance is currently doing. You know that there was an act that was passed in this House called the Taxpayer Protection Act. I'm not going to go through it and make a long point of order, but here's the gist of it: Government is not able to increase taxes unless, in the previous election, it had filed with the Chief Electoral Officer its plan to raise taxes. The only way that a government could raise taxes, according to the Taxpayer Protection Act, is they would have had to file in the last election a notice to the Chief Electoral Officer to be able to do so. Clearly, that was not done.

I'm not going to read the entire act because you're going to think I'm being dilatory, but I want to get to my point here. First of all, there is an exemption for it to be able to do so. It says:

“2(1) A member of the executive council shall not include in a bill a provision that increases, or permits the increase of, a tax rate under a designated tax statute or that establishes a new tax unless,

“(a) a referendum concerning the increase or the new tax is held under this act before the bill is introduced; and

“(b) the referendum authorizes the increase or the new tax.”

I'm not going to read it all; I'm going to come to my point. It basically says that if the referendum is not needed by way of exemption, then the following has to happen, which is public notice, and this is my point. It says on, I think, page 3 or 4 of the act:

“Public notice

“(2) If no referendum is required by virtue of subsection (1), the minister shall prepare a statement indicating that, in his or her opinion, a specified circumstance listed in subsection (1) exists and shall lay the statement before the assembly or give it to the Clerk of the Assem-

bly before the applicable bill is introduced....” I would like to see such a—

**The Speaker (Hon. Steve Peters):** I'm prepared to respond to that point of order that has been raised. The member raises a point that is a matter of law, not procedure, and is therefore not one that can be addressed through a point of order. However, in the interests of facilitating the business of the House, I should indicate that the minister has filed with the Clerk the required affirmation that specified circumstances in subsection 5(1) of the Taxpayer Protection Act exist.

**Hon. Dwight Duncan:** Thank you, Mr. Speaker. You're absolutely right. This was filed on November 16. It is on page VII of the tax plan for jobs and growth, which is in the possession of all members. I will read it:

“Pursuant to subsection 5(2) of the Taxpayer Protection Act, 1999, this statement will confirm that ... the specified circumstances in paragraph 1 of subsection 5(1) exist. The total tax relief package, including the proposed measures announced today, would reduce Ontario revenue by \$3.4 billion over the first four years, net of federal assistance of \$4.3 billion.”

I would like to continue along and outline a few more highlights of Bill 218. Effective July 1, 2010, should the bill be passed, we would replace the current retail sales tax with a value-added sales tax and combine it with the federal GST to create the harmonized sales tax, or HST. The HST would make Ontario businesses more competitive, increase business investment, create new jobs, raise incomes and reduce prices for many consumer expenditures.

Replacing the RST with a value-added sales tax, or VAT, is long overdue. In fact, more than 140 countries and four other Canadian provinces have adopted a value-added tax. More recently, British Columbia has announced its proposal to adopt the HST. Even the federal government agrees this step is needed to make Ontario more attractive for investment. That is why we recently concluded a comprehensive integrated tax coordination agreement.

This historic agreement would see the government of Canada provide Ontario with a total of \$4.3 billion in transitional assistance, \$3 billion on July 1, 2010, and an additional \$1.3 billion on July 1, 2011, to help promote economic growth and support the transition to the HST.

This government is also proposing to help smooth the transition to the HST. Eligible Ontario residents 18 years of age or over who have a spouse or a common-law partner or live with their child would receive transition benefit payments in June 2010, December 2010 and June 2011. Eligible families, including single parents, with incomes of \$160,000 or less would get three payments totalling \$1,000. Eligible single individuals with net incomes of \$80,000 or less would get three payments totalling \$300. These payments would not be taxable. This measure would provide an estimated \$4 billion in relief to 6.5 million eligible individuals and families.

Moving to the HST would cause some purchases to cost more because some goods and services that are not



subject to the RST would become subject to the provincial portion of the HST. However, Ontarians would not see a change in taxable status for 83% of total consumer expenditures. As announced in the 2009 budget, we are proposing to provide targeted tax relief on many items important to Ontario families by providing point-of-sale rebates of the 8% Ontario portion of the HST for books, children's clothing, children's footwear, children's car seats, children's car booster seats, diapers and feminine hygiene products.

In addition to these point-of-sale rebates, Ontario proposes to provide additional point-of-sale rebates for print newspapers, as well as qualifying prepared foods and beverages sold for a total of \$4 and under. We believe that this would further help Ontario families in the transition to the HST.

Small businesses would also be provided with help as the Ontario government would provide up to \$400 million in one-time transitional assistance.

To support public service bodies, for instance school authorities, hospital authorities, public colleges, universities, municipal charities and non-profit organizations, as well as Ontario farmers, these sectors would not be subject to the temporary restrictions on certain input tax credits during the phase-in of the HST.

We are also proposing to allow Ontarians to keep more of their money. As outlined in the 2009 budget, we are proposing \$10.6 billion over three years in permanent tax relief for people by cutting personal income tax, or PIT, enhancing ongoing sales and property tax relief, and providing \$4 billion in direct payments to ensure a smooth transition to the HST.

Effective January 1, 2010, the tax rate on the first tax bracket would be cut by one percentage point, from 6.05% to 5.05%, providing more than \$1.1 billion in personal income tax relief in 2010-11.

**1000**

**Ms. Lisa MacLeod:** On a point of order, Mr. Speaker: It is with great concern that I submit what the official opposition, under the leadership of Tim Hudak, believes to be a contempt of the Legislature for your consideration and that of members of this assembly. As you know, the official opposition takes it—

**The Acting Speaker (Mr. Jim Wilson):** Order. That is a point of privilege, and you have to give notice to the Speaker prior to introducing it.

The Minister of Finance.

**Hon. Dwight Duncan:** We are also proposing to allow Ontarians to keep more of their money. As outlined in the 2009 budget, we are proposing \$10.6 billion over three years in tax relief for people by cutting personal income tax, or PIT, enhancing ongoing sales and property tax relief, and providing \$4 billion in direct payments to ensure a smooth transition to the HST.

Effective January 1, 2010, the tax rate on the first tax bracket would be cut by one percentage point, from 6.05% to 5.05%, providing more than \$1.1 billion in PIT relief in 2010-11.

*Interjections.*

**The Acting Speaker (Mr. Jim Wilson):** Order. The Minister of Finance has the floor. Please let him speak.

**Hon. Dwight Duncan:** Effective January 1, 2010, the tax rate on the first tax bracket would be cut by one percentage point, from 6.05% to 5.05%, providing more than—

*Interjections.*

**The Acting Speaker (Mr. Jim Wilson):** Order. I would ask honourable members to come to order. Please allow the Minister of Finance to continue his remarks.

Minister of Finance.

**Hon. Dwight Duncan:** Ontario families and individuals with up to \$80,000 in income would get an average personal income tax—

**Ms. Lisa MacLeod:** On a point of order, Mr. Speaker: As the official opposition, we take our duty to hold the government to account very seriously. We've made it a priority to ensure that the activities and the proceedings in this chamber are part of a civilized debate on matters of public interest. We had hoped that the Premier and his government caucus would also contribute to our efforts to "treat the Legislature and its members and the people they represent at all times with respect." Our focus on this, as Speaker Fraser—

**The Acting Speaker (Mr. Jim Wilson):** Please take your seat. I'd like you to get to the point of order. Is there something disorderly about the debate this morning?

**Ms. Lisa MacLeod:** As Speaker Fraser in Canada's House of Commons observed on October 10, 1989, "We are not an executive democracy. We are not an administrative democracy. We are—

**The Acting Speaker (Mr. Jim Wilson):** Please take your seat. Order. I give you one more chance to get to the bottom of the point of order.

**Ms. Lisa MacLeod:** We in the opposition feel that there need to be public hearings into this. I quote the Canadian House of Commons, Eugene Forsey, who states, on page 18 of his October 1985 submission, that responsible government is—

**The Acting Speaker (Mr. Jim Wilson):** Order. Sorry, but I don't see the point of order in terms of this morning's debate. I would ask the Minister of Finance to continue his remarks.

**Hon. Dwight Duncan:** We are also proposing to allow Ontarians to keep more of their money. As outlined in the 2009 budget, we are proposing \$10.6 billion over three years in tax relief for people by cutting personal income tax, or PIT, enhancing ongoing sales and property tax relief, and providing \$4 billion in direct payments to ensure a smooth transition to the HST.

Effective January 1, 2010, the tax rate on the first tax bracket would be—

**Ms. Lisa MacLeod:** My initial point of order—

**The Acting Speaker (Mr. Jim Wilson):** You should wait until I recognize the honourable member. The honourable member from Nepean-Carleton.

**Ms. Lisa MacLeod:** Thank you very much, Mr. Speaker. On the point of order that I just raised, which you indicated was a point of privilege, I want to note that

on September 25, 2006, the point of order was raised by the member for Leeds–Grenville. Contempt was raised as a point of order for entertainment. And by the way, the Speaker gave due consideration to a similar point of order for the member of Leeds–Grenville. Would you like me to repeat it, Mr. Speaker?

**The Acting Speaker (Mr. Jim Wilson):** I would just comment that at that time, the point of order was seen as a point of privilege. The Speaker did hear it. It's not a legitimate point of order at this time. It pertained at that time to what was going on in the House at that moment.

The Minister of Finance does have the floor. He has the right to be heard, and he has the right to speak. I'd ask you to respect that.

The Minister of Finance.

**Hon. Dwight Duncan:** Effective January 1, 2010, the tax rate on the first tax bracket would be cut by one percentage point, from 6.05% to 5.05%, providing more than \$1.1 billion in personal income tax relief in 2010-11. As a result, 93% of taxpayers would see a personal income tax cut, and approximately 90,000 lower-income tax filers would no longer pay Ontario PIT.

Ontario families and individuals with up to \$80,000 in income—

*Interjections.*

**The Acting Speaker (Mr. Jim Wilson):** Order. I'd ask the House to come to order.

*Interjections.*

**The Acting Speaker (Mr. Jim Wilson):** Order. I'd ask the honourable members to come to order.

*Interjections.*

**The Acting Speaker (Mr. Jim Wilson):** Order. This House will take a five-minute recess.

*The House recessed from 1006 to 1013.*

**Mr. Robert Bailey:** Mr. Speaker, on a point of order: In 2003, Dalton McGuinty promised the people of Ontario that he wouldn't raise their taxes. He then brought in the single largest tax increase in Ontario's history, the so-called health tax. In 2007, the same Dalton McGuinty—

**The Acting Speaker (Mr. Jim Wilson):** Honourable member, please take your seat. I would ask you to please take your seat. I would like you to get to the point of the point of order tersely, as it says in the standing orders.

**Mr. Robert Bailey:** I'll do that right away.

In 2007, the same Premier Dalton McGuinty promised the people of Ontario he wouldn't raise taxes.

**Interjection:** Public hearings.

**Mr. Robert Bailey:** We're now calling for public hearings. We want this Premier to call public hearings. He's nothing but a cowardly liar if he won't do that, and I ask him—

*Interjections.*

**The Acting Speaker (Mr. Jim Wilson):** Order. I ask the honourable member for Sarnia–Lambton to withdraw that comment.

Is the honourable member refusing to withdraw that comment?

One moment.

Could I ask the honourable member for Sarnia–Lambton to withdraw that comment?

If the honourable member from Sarnia–Lambton does not wish to withdraw the offending comment, I have no choice but to name the member.

I name the member for Sarnia–Lambton and ask him to remove himself from the chamber.

*Interjections.*

**The Acting Speaker (Mr. Jim Wilson):** I would ask the honourable member to remove himself from the chamber.

*Mr. Bailey was escorted from the chamber.*

*Second reading debate deemed adjourned.*

**The Acting Speaker (Mr. Jim Wilson):** It being past 10:15 of the clock, this House stands adjourned until 10:30, at which time we will have question period.

*The House recessed from 1017 to 1030.*

## INTRODUCTION OF VISITORS

**Mr. Michael Prue:** I am pleased to introduce Shanthini Mylvaganam, the mother of page Saeyon.

**Mr. Khalil Ramal:** On behalf of the southwest caucus chair, MPP Pat Hoy, I'd like to welcome the delegation from the South West Economic Alliance to Queen's Park: Dan Mathieson, the mayor of Stratford and the current chair of the South West Economic Alliance; mayor of London, Anne Marie DeCicco-Best; warden of Middlesex and mayor of Thames Centre, Jim Maudsley; mayor of Middlesex Centre, Al Edmondson; mayor of Goderich, Deb Shewfelt; warden for Huron County, Ken Oke; mayor of Tillsonburg, Stephen Molnar; warden of Oxford and mayor of Ingersoll, Paul Holbrough; mayor of Woodstock, Michael Harding; warden of Lambton, Jim Burns. Welcome, everybody, to Queen's Park.

**Ms. Sophia Aggelonitis:** I would like to introduce to the House today my friend's mom and dad, Paul and Anne Allison from Collingwood. Welcome.

**Mr. Ernie Hardeman:** I realize they've already been introduced, but I'd like to extend a personal welcome to Mayor Harding, from Woodstock; Mayor Holbrough, from Ingersoll; and Mayor Steve Molnar, from Tillsonburg.

**Hon. Deborah Matthews:** I'd like to introduce and welcome to the Legislature Dr. Robin Hesler, Greg Gurniak, Greg Toffner, Michelle Falkiner, Dawn-anne Lebaron and Rory William-Demetrioff. They're all members of the Ontario Association of Medical Radiation Technologists. Last week, when we were on constituency week, was Medical Radiation Technologists Week. Welcome to you all.

**The Speaker (Hon. Steve Peters):** I would like to take this opportunity to welcome a number of guests to the Speaker's gallery who have been introduced.

As well, welcome to the former member of Chatham from the 35th Parliament, Randy Hope. Welcome back to Queen's Park, Randy.

We have with us today guests who are here for Children's Day in the Legislature. Welcome to Connie Boud-

reau; Chloe Caissie; Irwin Elman, the Provincial Advocate for Children and Youth; Ben Heaps, who is my partner, who unfortunately is sick today; Les Horne, of DCI-Canada; Keira Johnson; Noterlee Johnson; Matthew Massel, Agnes Samler; Yessina Vasquez; and Denisha Wright. Welcome to Queen's Park today.

On behalf of the member from York West, I'd like to welcome Joseph Pulcini and his grade 10 civics class students from James Cardinal McGuigan Catholic High School. Welcome to Queen's Park today.

**Mr. John O'Toole:** I'd like to welcome St. Joseph Catholic School from Uxbridge and their teacher, Jackie Loewen, grade 5.

**Mrs. Elizabeth Witmer:** I'd like to introduce the students from Lincoln Heights Public School in Waterloo and their teacher, Mr. Don Gowing.

## ORAL QUESTIONS

### TAXATION

**Mr. Norm Miller:** My question is for the Acting Premier. This government is a disgrace. How can you justify not letting the people of this province be heard on Bill 218, the largest tax increase we've seen in this province? Why are you ramming through the HST? Why won't you let the people of North Bay and the member from the riding of Nipissing be heard? What have you got to fear?

*Interjection.*

**The Speaker (Hon. Steve Peters):** The Minister of Aboriginal Affairs will withdraw the comment.

**Hon. Brad Duguid:** I withdraw.

**Hon. Dwight Duncan:** Our government is committed to creating 691,000 new jobs for Ontario. Since we announced the details of our plan way back last March, myself and the Minister of Revenue have travelled to more than 50 communities across Ontario and taken questions. We had the debate on the budget motion here in the House. We dealt at length with the HST and the other tax measures that are designed to create those 600,000 jobs. The people of Ontario will have had opportunities, will continue to have opportunities, and I fully expect a very, very complete debate on this important job-creating initiative as we move forward to a better—

**The Speaker (Hon. Steve Peters):** Thank you. Supplementary? The member from Leeds—Grenville.

**Mr. Robert W. Runciman:** My supplementary is to the minister as well about the spineless approach of this government with respect to public hearings on the largest sales tax increase in the history of this province. You are not allowing public consultations. The people of Cornwall, Iroquois, Morrisburg and throughout the riding of Stormont—Dundas—South Glengarry want to have input into this legislation. I would ask the minister: When will you encourage your member who represents that area to stand up and speak out on behalf of the people he supposedly represents?

**Hon. Dwight Duncan:** I can tell you that Jim Brownell is the strongest and most effective member that that region of the province has ever had. Just last week I had the opportunity to meet with a number of leaders—

**Mr. Gilles Bisson:** He's not here to defend himself. How could he—

**The Speaker (Hon. Steve Peters):** You know we do not make references to attendance of members. Stop the clock.

Minister.

**Hon. Dwight Duncan:** My colleague Mr. Brownell is having surgery shortly. As a result, last week he arranged a meeting with myself and a number of leaders from Cornwall, where we talked with the mayor, for instance, and a number of others about our tax plan, about our policies moving forward. We sought their input and we've heard them.

There are, have been and will continue to be many opportunities for public involvement in this very important debate, but do not discount this government's resolve to do everything it can to create 600,000 new jobs. The opposition must do its job, and I respect that.

**The Speaker (Hon. Steve Peters):** Thank you. Final supplementary.

**Mr. Frank Klees:** The Minister of Finance has just made reference to the fact that one of his backbenchers arranged a meeting specifically with him and certain selected people from the honourable member's riding to discuss the HST. Why will the minister not extend the same benefit to the constituents of the member from Richmond Hill, the member from Oak Ridges—Markham and other people across the province and have an open consultation about the HST where they can ask the piercing questions that are not being answered in this House? Why will he not do that?

**Hon. Dwight Duncan:** As a matter of fact, I think it was about a week after the introduction of the budget that the members for Markham, Richmond Hill and others had a public meeting. There were more than 200 people, including the media and critics of the government. I took about 25 questions. I might say I was criticized by some of the questioners. The housing industry was represented there. It was well publicized. My colleague the Minister of Revenue has done similar meetings, and I understand you, sir, were at one of those meetings.

1040

We will continue to reach out. We will continue to build on this important job creation initiative. We will continue with the debate in the House, I hope. I understand the opposition's desire to try to stop this, but as the government, do not underestimate our resolve to move forward and create 600,000 new jobs for Ontario. Do not underestimate our resolve. This is too important for the future of Ontario and her people.

### TAXATION

**Ms. Lisa MacLeod:** To the Minister of Finance: When will you stop playing this charade that five hours of hearings in Toronto is fair to Ontario seniors in Thun-

der Bay, in Sudbury, in Sarnia, in North Bay, London, Barrie and everywhere else across this province? Call public hearings.

*Interjections.*

**The Speaker (Hon. Steve Peters):** The member from Lanark will come to order, please.

*Interjection.*

**The Speaker (Hon. Steve Peters):** Stop the clock. I don't need the assistance of the Minister of Municipal Affairs in overseeing the House.

Minister?

**Hon. Dwight Duncan:** Last week in Ottawa I met with a number of leaders of that community. In fact, contained in the budget that this member is going to vote against is an initiative that will help the film and creative arts industry in Ottawa compete and bring jobs to Ottawa. I will refer her to the individual and the corporation involved.

I assure the member that I've been to Ottawa, I think, on five occasions at the invitation of my colleagues. We have had public meetings. We have had questions and answers, and I have met with a variety of critics of the government. We will continue to do that and I will be delighted to continue that. We will have public hearings on this bill, but do not underestimate our resolve to create 600,000 jobs, to cut—

**The Speaker (Hon. Steve Peters):** Thank you, Minister. Supplementary?

**Mr. Ted Chudleigh:** In 2003, Premier Dalton McGuinty promised he wouldn't raise taxes—he even signed the Taxpayer Protection Act—and then he brought in the largest tax increase in Ontario's history. In 2007, he promised again not to raise taxes, and now he's bringing in the largest increase in sales tax in Ontario's history. Furthermore, he's bringing in this act without public hearings. This Premier lied to the people of Ontario and he—

*Interjections.*

**The Speaker (Hon. Steve Peters):** I ask the honourable member from Halton to withdraw the comment that he made.

**Mr. Ted Chudleigh:** Not without public hearings, Mr. Speaker. Not without public hearings on this bill.

**The Speaker (Hon. Steve Peters):** I give the honourable member from Halton a second opportunity to withdraw his comment.

**Mr. Ted Chudleigh:** Not without the finance minister tabling—

**The Speaker (Hon. Steve Peters):** I have no choice but to name Ted Chudleigh, the member from Halton, and ask the Sergeant-at-Arms to escort him from the chamber.

*Mr. Chudleigh was escorted from the chamber.*

**The Speaker (Hon. Steve Peters):** Minister?

**Hon. Dwight Duncan:** I believe, in response to the question, that in fact we are cutting taxes and we have complied with the provisions of the Taxpayer Protection Act. That's been tabled with the Clerk of the Legislature.

This tax package is important, and I want those personal tax cuts to take effect on January 1, 2010. This

package has been in the public purview for five and a half months. There have been umpteen opportunities in here, and we will continue to have more opportunities to debate this and answer questions from our colleagues in the opposition. We will have considerably more public hearings on this budget bill than a number of Conservative budget bills—

**The Speaker (Hon. Steve Peters):** Thank you. Final supplementary. The member from Simcoe–Grey.

**Mr. Jim Wilson:** My question is also for the Minister of Finance. Minister, how many more people have to get thrown out of this House so that you'll come to your senses and listen to the people of Ontario? You should be ashamed. After all your years as a parliamentarian and as an assistant before that, you should have respect for the people of Ontario and respect for the people of Willowdale, where I held meetings recently. They want answers to many questions regarding the implementation of the HST—they and many, many other ridings across this province.

Why will you not allow the people of Ontario to be heard on this very important tax measure, the most important change in your lifetime and in my lifetime that has ever taken place in the history of this province?

**Hon. Dwight Duncan:** I'm reminded, for instance, that in Mississauga and Brampton, with a population of 1.2 million, every one of the seven MPPs representing those two cities attended a budget briefing attended by the media and more than 300 people, where questions were taken and answered. We will, in fact, have—

*Interjections.*

**The Speaker (Hon. Steve Peters):** Minister.

**Hon. Dwight Duncan:** We will, in fact, continue those. We will have budget hearings.

With respect to decisions by the Speaker, I say to the member opposite, who removed the first member, that he made the absolute right decision in the circumstances.

## TAXATION

**Ms. Andrea Horwath:** My question is to the Acting Premier. Over the past few weeks, the McGuinty government has rejected some very, very modest proposals. This government refuses to allow the committee reviewing the HST legislation to travel across the province to listen to Ontario families, and it's hiding the actual cost of the new tax on gas and hydro. My question is a simple one: Why is this government so afraid of an honest debate on the HST?

**Hon. Dwight Duncan:** Let's see. I'll work in reverse. On November 12, we were in Etobicoke; in Hamilton, the member will be interested to know, on November 12 as well—the Minister of Revenue; London, November 9; Thunder Bay on November 5; Sudbury on November 4; at Niagara College on November 4—

*Interjection.*

**Hon. Dwight Duncan:** We listen to all Ontarians. We don't check memberships—

*Interjection.*

**The Speaker (Hon. Steve Peters):** I ask the honourable member from Hamilton East to come to order, please.

Minister.

**Hon. Dwight Duncan:** We will continue to hear from Ontarians across the province, as we've heard from a variety of sources, including the Daily Bread Food Bank, including a number of other anti-poverty groups, who have said that this budget is the right budget. I intend to move forward and implement the Ontario child benefit. I intend to implement the tax cuts for low-income Ontarians—

**The Speaker (Hon. Steve Peters):** Thank you. Supplementary?

**Ms. Andrea Horwath:** None of those meetings that this minister talks about were open to the public. They were a couple of tête-à-têtes with chambers of commerce, so he is not listening to the people of this province.

The McGuinty Liberals were not elected on a harmonized sales tax platform; in fact, quite the opposite. During the 2007 campaign, the Premier rejected the HST, and when asked about it, he said, "Our government is currently pursuing other ways to foster new investments."

The Premier told Ontarians one thing when he wanted their votes and now he's doing the exact opposite and hiding from those very voters. Why is he doing that?

**Hon. Dwight Duncan:** The world has witnessed one of the largest financial meltdowns since the Great Depression. Since that election, we've examined options that are available to us. We have consulted widely. We have attended meetings. We had a full debate on our budget bill here in this House, seven months ago.

It is not good enough to stay with the status quo. It is incumbent on us to put forward a plan that will create jobs, and this plan will do that. It is incumbent upon us to take into account the views of Ontarians, and we are doing that. I'll remind the member that we have made a number of very substantive changes since the introduction of the budget, resultant from the input we've had from the public and sectors within the public.

This is the right plan. We will have the same amount of budget hearings as we've had on fall budget bills in the past, and we—

**The Speaker (Hon. Steve Peters):** Thank you. Final supplementary.

1050

**Ms. Andrea Horwath:** I'll take this final supplementary to remind this Acting Premier of a couple of things—the fact that this government has changed its tune on several things since being elected. The Premier used to actually criticize corporate tax cuts. He rejected the HST when it was electorally convenient. Given his chronic flip-flopping, the least the Premier could do is provide Ontarians with a chance to be heard at province-wide legislative hearings. Why won't the government allow this?

**Hon. Dwight Duncan:** The member opposite is quite right: We rejected it as a stand-alone measure. However, with the help of our federal government and the money

and the exemptions they're allowing—allowing us to cut personal taxes, allowing us to help those of modest incomes, allowing us to move forward on the Ontario child benefit two years ahead of schedule, allowing us to cut the lowest tax bracket for Ontario's most vulnerable people. This package of tax cuts is the right package, it has been subject to enormous scrutiny, and it will continue to be subject to appropriate scrutiny. But make no mistake; do not underestimate our resolve to implement those important tax cuts effective January 1, 2010, and do not underestimate our resolve to continue to engage Ontarians in an ongoing dialogue about how we create jobs, make this economy better for all Ontarians—

**The Speaker (Hon. Steve Peters):** Thank you. New question. The member for Lanark-Frontenac-Lennox and Addington.

**Mr. Randy Hillier:** My question is to the finance minister. Your private meetings with Liberal friends are not public meetings. Why won't you let the people of Sault Ste. Marie and Sudbury—

*Interjection.*

**The Speaker (Hon. Steve Peters):** No, no. My apologies. I erred. The next question is for the third party.

## TAXATION

**Ms. Andrea Horwath:** Thank you, Speaker. I appreciate that. What I was going to say is that in fact the warm and cozy relationship that this Acting Premier describes between the federal Tories and the provincial Liberals leaves the rest of the province out in the cold. The McGuinty government can easily rhyme off the cost of HST exemptions—and this question is back to that Acting Premier—but when it comes to revealing the actual costs of the heating tax, home heating costs, this government is nowhere to be found. They play hide and seek when it comes to revealing the real numbers. Ontarians can seek out the numbers, but the McGuinty government does everything they can possibly do to hide the numbers.

We've been told the HST on Timbits and newspapers would raise \$325 million. My question is simple: How much will the HST on home heating take from the pockets of Ontario families?

**Hon. Dwight Duncan:** Again, I will refer the member to the documents I referred her to yesterday. On page 134 of the budget, which was tabled in this House last March, the tax reform measures of converting the RST base to the new sales tax base are outlined very clearly, in table eight, top of page. Now, the member has asked for a breakdown by item and those are made available in every fall statement up until last year—I refer her to that—where we very clearly outline the tax, what are called tax expenditures; those are revenues that are forgone by a government not collecting those revenues.

What I will say to the leader of the third party again is that this package of tax cuts will help the poorest in this province, it will help build this economy and create 600,000 jobs. It's the right policy. It's about change for a better future for all Ontarians.

**The Speaker (Hon. Steve Peters):** Supplementary?

**Ms. Andrea Horwath:** The finance minister knows that they think that these numbers are a state secret. They've refused an FOI from us for exactly that reason, so I don't know what this minister is trying to prove here.

But you know what? I can tell you that seniors are really concerned about this tax. Since the McGuinty government won't go out and listen to them across the province, I'm going to give you some of the comments that they're saying.

David Thornton writes this: "[The HST] will increase taxes on everyday services we use, including hydro, natural gas, heating fuels ... [and] gasoline. Does Premier McGuinty and his cabinet not realize the strain this will put on to seniors?"

Marie Howie in eastern Ontario writes: "[The HST] will hurt people already paying more than their full share of taxes ... how can this tax on heating help seniors?"

Why is this arrogant government refusing to tell seniors like David and Marie how much extra they'll end up paying on home heating costs?

**Hon. Dwight Duncan:** Again, we too have heard from a number of groups about the importance of the tax cuts that are included. For instance, we are doubling the seniors' property tax credit, and that member and her party are going to vote against it.

We are reducing the tax rate on the first income tax bracket, which captures most Ontarian seniors. Overall, 93% of Ontarians will see tax reductions. But more importantly, we are putting forward a package that will create some 600,000 jobs in this province.

I say to the member opposite, we hear from people too, all the time, in support of this package. We hear of the need to create jobs. We hear of the need for a fairer, better and cleaner tax system. That's what we're doing. This will give Ontario a better future with more jobs, higher incomes and more capital investment.

**The Speaker (Hon. Steve Peters):** Final supplementary.

**Ms. Andrea Horwath:** I've actually heard from seniors across Ontario. Gary Wallace writes this: "As a retired pensioner, I find it ... hard, as it is, to pay for ... hydro and heating oil now."

Bill Stratton in Oshawa says: "I am retired and ... on a fixed income. I cannot afford to pay additional taxes on things that I normally don't pay taxes on now."

Jane deHaan from Sudbury adds, "For retired persons such as myself, there will be a very significant increase in my cost of living."

Why won't this government come clean and reveal how much the tax on home heating will cost seniors like Bill and like Jane?

**Hon. Dwight Duncan:** Without knowing the individuals, I would suggest that they will, in fact, see an overall reduction in the amount of taxes they pay. The leader of the third party can try to frame an issue and can deal with one part of the package and not the other, but this government will not.

We have brought forward a package that will benefit senior citizens, that will lower taxes for most of them, that will lower their property taxes, that will lower their income taxes and that will create jobs for their children and their grandchildren. That is what we are called upon in these difficult times to do. Leaders cannot shirk that responsibility.

We will continue to work in the interest of all Ontarians with a package of tax reform, tax cuts and an overall tax reduction that will create some 600,000 net new jobs, improve incomes, improve capital investment and make this province a better place for the children and grandchildren—

**The Speaker (Hon. Steve Peters):** Thank you. New question.

## TAXATION

**Mr. Randy Hillier:** My question is for the Minister of Finance. The Liberals and this ministry are a disgrace. Their private meetings with their Liberal friends are not public hearings. This minister has undertaken the largest single tax grab in this province's history. He's a disgrace. He hasn't brought it to the people of Thunder Bay or Sault Ste. Marie or North Bay. He's hiding behind those private Liberal meetings. This Liberal government is gutless and acting cowardly. Bring public meetings throughout this province—

**The Speaker (Hon. Steve Peters):** I just ask the honourable member to withdraw his comment, please.

**Mr. Randy Hillier:** I withdraw.

**The Speaker (Hon. Steve Peters):** Thank you. Minister?

**Hon. Dwight Duncan:** The member is right. It is important to meet with people, and I talked to a number of my members just in the gist of question period. A number of seniors' clubs, the Mississauga Chinese Business Association, the association of Pakistani professionals—these are examples of the types of people we have been seeing. We will indeed have further public hearings, as we have, and have the same amount of hearings we've had on previous fall budget bills.

I will remind the member opposite: This government is resolved to create jobs. This government is resolved to create a tax system that is fairer and cleaner. This government is resolved to improve investment opportunities, create jobs, and lower taxes for people of modest incomes, and that's why we brought forward this package that, in fact, cuts taxes some \$3.4 billion—

**The Speaker (Hon. Steve Peters):** Thank you. Supplementary? The member from Thornhill.

**1100**

**Mr. Peter Shurman:** Private meetings with your friends in whatever riding are not public hearings. I have had a public meeting in my riding under my tutelage, and I looked for someone to speak in favour of the HST and could not find a soul.

At least my constituents had a chance to meet in public. Not so the ones you've muzzled in Eglinton—

Lawrence and in York Centre, as you've muzzled the members who represent those ridings. You answer questions about the HST the way you've treated me for the last two months on the Windsor Energy Centre. You, sir, are a contemptible liar and you don't deserve to be in here.

*Interjections.*

**The Speaker (Hon. Steve Peters):** I ask the honourable member from Thornhill to withdraw his comment, please.

**Mr. Peter Shurman:** Not until that member calls public hearings—

**The Speaker (Hon. Steve Peters):** I ask the honourable member to withdraw his comment.

**Mr. Peter Shurman:** No, Speaker, I will not withdraw that comment.

**The Speaker (Hon. Steve Peters):** I have no choice but to name Peter Shurman, the member from Thornhill, and ask the Sergeant-at-Arms to escort him from the chamber, please.

*Mr. Shurman was escorted from the chamber.*

**The Speaker (Hon. Steve Peters):** New question.

#### CHILDREN'S AID SOCIETIES

**Mr. Gilles Bisson:** My question is to the Minister of Children and Youth Services. Yesterday in this House I raised the case of Payukotayno. I raised the case of the 80-some attempted suicides that we've had on James Bay over the last year. I raised with you what it's going to mean if Payukotayno ends up having to shut its doors in mid-December. There will be no one there to answer the phone when a family, a child or a police officer calls in order to try to deal with a child at risk.

My question to you is this, and I ask you again: Are you prepared to respond to the funding requests that have been put forward by Payukotayno and other child and family services across the north that face similar situations?

**Hon. Laurel C. Broten:** Let me tell you, as I had an opportunity to say yesterday, that the ministry staff are currently working on-site in Moosonee with the agency to identify short- and long-term strategies that will not compromise child safety.

I can tell you that we have been working very closely with all of our agencies across the north. In fact this agency, Payukotayno, is a multi-service agency that delivers both child protection and youth and mental health services. We continue to work with them closely to make sure we can have better outcomes for kids across the province.

Aboriginal youth face a number of challenges. We work very closely; I've been working with the Chiefs of Ontario. We've been working in partnership with a variety of ministries to tackle an issue that has not been tackled for many, many years. We're committed to better outcomes for kids. That means we need to do—

**The Speaker (Hon. Steve Peters):** Thank you. Supplementary?

**Mr. Gilles Bisson:** Minister, you speak about better outcomes for kids. What kids want is to be able to be safe when they wake up in the morning and again when they go to bed at night. The reality is that we've had over 80 attempted suicides, and you know as well as I do that Payukotayno is underfunded by at least \$4 million. I'm told by Toby Beck, the director, and others I've met with that they're not able to respond to their current mandate as a result of your underfunding. On top of that, you're going to reduce their funding by another \$1 million.

I say to you, we cannot afford to go through another study; we can't afford to go through another process. We need to know from you now, will the kids of James Bay and other children across northern Ontario have the telephone answered when they're in crisis, or are we going to expect to see what we see coming now in mid-December with Payukotayno?

**Hon. Laurel C. Broten:** Let me assure this House that children across the north who face a wide range of challenging issues will be responded to. We are committed to the kids of Ontario, and that is precisely why we are working so hard each and every day, whether it's in our regional offices, whether it is myself with my colleague the Minister of Aboriginal Affairs, whether it is reaching out to the Chiefs of Ontario and to the leadership in this province who are looking for solutions. I invite you—

*Interjection.*

**The Speaker (Hon. Steve Peters):** The member from Hamilton East will please come to order.

**Mr. Paul Miller:** Speaker, she's not answering the question.

**The Speaker (Hon. Steve Peters):** Don't challenge the Speaker, please. As the members know, if they're dissatisfied with an answer that any ministry gives they have the ability to file the appropriate paperwork and ask for a late show.

Minister?

**Hon. Laurel C. Broten:** I know the member opposite cares about the kids in his community. I care about those kids too. Our government cares about those kids. That's why we've invested significant dollars year over year and doubled the funding to aboriginal children's aid societies.

Is there more to do? Absolutely, yes. Are we at the table doing that work 100%? I invite my friends opposite to join us as we forge a new pathway to deliver better services and have better outcomes for these kids so that we don't continue to have the history that we've had in this province. We need to move forward, and we're committed to doing that.

#### FLU IMMUNIZATION

**Mr. Eric Hoskins:** My question is for the Minister of Health and Long-Term Care. With the announcement yesterday that all Ontarians over six months of age are now eligible for the H1N1 vaccine, there will no doubt be lineups at public clinics. Families who have waited to get their shots are anxious to protect their families.

Throughout the rollout of the vaccine, we've heard about the challenges in getting more vaccine out to family doctors in our communities. I should say that Toronto Public Health did an excellent job in getting H1N1 vaccine out to the clinic where I used to work. It enabled me to vaccinate, on a volunteer basis, more than 100 high-priority residents of St. Paul's last week, including many young children as well as clients of Wychwood Open Door, a drop-in centre serving homeless and socially isolated people in St. Paul's.

Getting your vaccine from your family doctor is a great option and may save some time for families. Could the minister please update this House on the number of doctors now offering the vaccine?

**Hon. Deborah Matthews:** I want to start by saying that we have now successfully completed the sequenced phase-in of the H1N1 vaccination program. Never before have we vaccinated so many people in so short a time: 2.5 million people have received their H1N1 vaccination in the past three weeks.

*Applause.*

**Hon. Deborah Matthews:** Thank you.

Starting today, as the member said, all Ontarians aged six months and over are eligible to receive the vaccine, and we are relying on Ontario's doctors to help us get that work done. They've been doing an excellent job, and I want to thank them for their hard work.

There are now more than 4,200 health care providers across the province providing the vaccine, one of them an MPP: Thank you, Dr. Hoskins. Ontarians who want to get the H1N1 flu shot should call their doctor first or go online at [ontario.ca/flu](http://ontario.ca/flu) to find information about a clinic in their community. Our public health—

**The Speaker (Hon. Steve Peters):** Thank you. Supplementary?

**Mr. Eric Hoskins:** At the beginning of the rollout of the H1N1 vaccine, some public clinics had long lines of people waiting hours to receive their shots. More recently, we've seen these lines dwindle in many places, with some public clinics just seeing a trickle of residents coming in for their shots. It is essential that we push ahead to ensure that as many Ontarians as possible get their H1N1 flu shot. We need to ensure that our most vulnerable are protected and that workplaces remain productive. Now that the government has expanded eligibility for the vaccine, the challenge is to get the word out to Ontarians to roll up their sleeves and get their shot. Could the minister outline how she plans to get the message to Ontarians that it's important to get your H1N1 flu shot?

**Hon. Deborah Matthews:** My honourable colleague raises a very good point. It's essential that we continue to remind Ontarians of how important it is to get that shot. Recent opinion polls show that somewhere between 45% and 50% of Ontarians are planning to get the vaccine. We need to do better than that. Getting the shot is the single most important thing someone can do to protect not only themselves but the people around them, so we're going to continue to encourage Ontarians to get the vaccine.

Later this week we're launching ads in more than 160 newspapers. We're going to reach out to colleges and university campuses and we're going to run radio ads in more than 20 languages to ensure that we inform all Ontarians about the vaccine. We're going to keep working hard to make sure we get as many Ontarians vaccinated as we possibly can.

## TAXATION

**Mr. Jerry J. Ouellette:** My question is for the Minister of Revenue. On two separate occasions, you've stood in this Legislature and stated that registration fees were exempt for hockey players. However, regular ice fees are 10 times the cost of registration fees. From Thunder Bay to Sault Ste. Marie, hockey is going to be substantially impacted by the increase of the HST. Will you commit to allowing province-wide hearings so that those hockey leagues in Thunder Bay, Sault Ste. Marie and throughout the entire province have an opportunity to express the impact?

1110

**Hon. John Wilkinson:** I want to thank my colleague for the question. I'd like to repeat what I've already said in the House, and it's important for us under the tax reform to understand this. If a parent is registering their child for minor sports today and there is no GST, there will be no HST. If a municipality provides—

*Interjections.*

**Hon. John Wilkinson:** As I was saying before I was interrupted, it is important for people to understand the nature of our tax reform. If a municipality is providing ice time, for example, for children who are 14 or under or people who are disabled, today there is no GST charged and, as a result, there will be no HST charged. But it is important to remember that when a particular municipality provides that service, if it is an area where they have to charge the HST, that municipality now for the first time will receive the input tax credits or the tax rebates provided to municipalities. So it's important for them to re-price their services—

**The Speaker (Hon. Steve Peters):** Thank you. Supplementary? The member from Burlington.

**Mrs. Joyce Savoline:** To the minister: It's a good thing you're talking about municipalities. You know, private meetings are not public consultations. Your HST scheme will bring great hardships to municipalities. Why are you only rebating them 78% when the federal government rebates them 100%? You have not given the people of this province or the leaders of their municipalities the opportunity for public consultations. Will the minister table any minutes or Hansard of any of your so-called public meetings?

**Hon. John Wilkinson:** I want to say to our municipalities that have—

*Interjections.*

**Hon. John Wilkinson:** Since 1961, we have had this PST system. You know that when a municipality buys a fire truck there's no PST, but when they buy a police car,



there is. So when we do our tax reform, we will have achieved a 78% rebate to make municipalities whole. Do you know what it is in other provinces that have the HST for municipalities? It's zero or 50%. But here in the province of Ontario—and I say to our mayors who are visiting today—we have achieved a 78% rebate, to put them exactly back to the position they were in.

I've talked to municipalities right across this great province and they are telling me that they are particularly pleased that when we made this tax reform, we took their concerns into consideration and made sure that municipalities, universities, social services, hospitals and school boards are all receiving rebates to make sure they're in the same position they were in before—

**The Speaker (Hon. Steve Peters):** Thank you. New question.

#### ELECTRONIC HEALTH INFORMATION

**M<sup>me</sup> France Gélinas:** My question is to the Acting Premier. Yesterday, Liberal MPPs blocked motions at the public accounts committee that would have called Premier's office staff as witnesses into eHealth. Liberal MPPs had marching orders and they followed them. Without saying a word, without any debate, without defending their actions, they voted against bringing witnesses from the Premier's office and former eHealth executives to be called to answer questions as to what went wrong at eHealth. Silence was their response because their actions could not be defended.

My question is simple: Why is the McGuinty government shutting down the only avenue that Ontarians have to get to the bottom of what went wrong at eHealth, learn from it, make sure we never do it again and turn the page?

**Hon. Dwight Duncan:** I appreciate the question the member asked. I will refer her to the Auditor General's report. This has had a thorough—

**Hon. Gerry Phillips:** It's very comprehensive.

**Hon. Dwight Duncan:** It's a very comprehensive report, a very thorough review of that situation. There's no doubt that better oversight was needed. We have taken a number of steps to ensure that there's better oversight. We're also committed to the principles of eHealth, to the principles of putting online our health records, to move the file forward. A good portion of the money that has been spent has in fact yielded some important steps forward for us as we move to greater digitalization of our health records. This government remains committed to managing and moving forward on this very important initiative for all Ontarians.

**The Speaker (Hon. Steve Peters):** Supplementary?

**M<sup>me</sup> France Gélinas:** What the minister seems to say is that when the auditor does his review it's always good and it should stop there, but this is not how this House works. The reports come to public accounts, we get to hear witnesses, we get to clarify questions and make recommendations to this House. By blocking witnesses from

coming, he is blocking this committee from doing their work.

There are e-mails between Sarah Kramer and Dr. Hudson that mentioned the Premier being totally onside. There is mention of Sacha Bhatia from the Premier's office that says that she loved the infamous \$25,000 speech from Sarah Kramer. Through freedom of information we know that Jamison Steeve from the Premier's office met with some eHealth consultants, met some lobbyists. But why were the Liberal MPPs at public accounts told to shut up and shut down calling the Premier's staff, Sarah Kramer and Dr. Hudson to answer questions as to what went wrong at eHealth?

**Hon. Dwight Duncan:** To the Minister of Health.

**Hon. Deborah Matthews:** I'm actually happy for the question because it gives me an opportunity to highlight just how important it is that we proceed with eHealth. It's actually working in our fight against H1N1. Doctors who do have electronic medical records are able to quickly identify the people who are in our high-priority groups and get them into the office for a shot immediately. Here's what Dr. Marcus Law, a family health team doctor in Toronto, told CTV last night: "Think about going back to 10,000 paper charts and just flip through every chart and find out which patient has the shot, which patient has diabetes and should receive the H1N1 shot. I can actually track now how many of my seniors, how many of my patients over 65 years old have not received the seasonal flu shot yet." This is just one example of how our investments in electronic health—

**The Speaker (Hon. Steve Peters):** Thank you. New question.

#### TAXATION

**Mrs. Carol Mitchell:** My question is to the Minister of Revenue. Residents in my riding of Huron-Bruce have been receiving e-mails that I feel, in my view, are deliberately misleading about the HST. One e-mail in particular attempts to play on the concerns of seniors. This e-mail claims to have researched how the HST will affect seniors. The result is full of misinformation. The e-mail claims that home telephone fees will increase, and it makes the same claim about cable television and admission to sporting events. These claims are just not factual. The rate of taxation on these items will remain exactly the same.

I'll bet you are as astonished as I am that people would want to mislead our seniors. Would the minister tell us if seniors—

**The Speaker (Hon. Steve Peters):** I'd just ask the honourable member to withdraw the comment.

**Mrs. Carol Mitchell:** Certainly. I would withdraw that comment.

**The Speaker (Hon. Steve Peters):** No, you need to say, "I withdraw."

**Mrs. Carol Mitchell:** I withdraw, yes.

Would the minister tell us—

**The Speaker (Hon. Steve Peters):** Minister?

**Hon. John Wilkinson:** I want to thank my colleague for the question. I'd say to seniors that if they go to [ontario.ca/taxchange](http://ontario.ca/taxchange) they'll hear the whole story, not the half-story that is out there in some of these viral e-mails that are out there trying to get our seniors upset. That's not true. It seems that the—

*Interjections.*

**Hon. John Wilkinson:** The website shall set you free. That's why I say to seniors, what they'll find is that some 93% of Ontarians will receive a personal income tax cut on January 1, as long as we get the bill in front of this House passed. That's why we have to get it done before January. There are people who don't want to see the personal tax cuts. As well, it's important for us—

*Interjections.*

**The Speaker (Hon. Steve Peters):** Stop the clock. Supplementary?

**Mrs. Carol Mitchell:** Many seniors in my riding across Ontario are living on fixed incomes and there have been a number of chain e-mails, letters to the editor and articles looking at preferred meals under \$4 as very important to seniors. Newspapers are also an important way seniors connect with their community and follow local and national events. Recently our government announced tax exemptions for newspapers and meals under \$4.

1120

But I must say that I'm tired of hearing the Leader of Opposition calling this a greedy tax grab on seniors. This is the leader of the same party that voted against seniors yesterday when they voted against a private member's bill that would assist seniors.

*Interjections.*

**The Speaker (Hon. Steve Peters):** Stop the clock. The member from Huron-Bruce.

**Mrs. Carol Mitchell:** Minister, are items that seniors depend on going to cost more without getting more?

**Hon. John Wilkinson:** Seniors in this province have a very long memory. Those seniors on fixed incomes, those who are struggling day by day, remember when a previous government cut welfare rates 22% overnight. They will never forget what happened to seniors who were at the margins when they were treated—

*Interjections.*

**The Speaker (Hon. Steve Peters):** The member from Lanark will please come to order. Minister.

**Hon. John Wilkinson:** What seniors are happy about, when I have a chance to talk to them, and especially when they get to go to a website that tells the whole story, is that we are more than doubling what they receive today in regard to the GST rebate. That's tax-free money. We're more than doubling the property sales tax—the property credit for seniors. It's a way that we can honour our seniors. The vast majority of seniors have income. That means that they'll qualify for the—

**The Speaker (Hon. Steve Peters):** Thank you. Stop the clock for a moment. This is question period and it's the opportunity to ask questions of ministers. There are some off conversations taking place between members

and ministers, and I would just encourage that we have two lobbies available on either side. Those discussions would be much better taking place out there.

## TAXATION

**Mrs. Elizabeth Witmer:** My question is to the Minister of Finance. Despite the fact that about 76% of the people in the province of Ontario are totally opposed to the HST, you have refused to hold public hearings throughout the province of Ontario. Your actions appear arrogant and they appear contemptuous of the people in this province who thought they lived in a democracy.

I ask you today, will you listen to those people? Will you travel throughout the province and hold public hearings?

**Hon. Dwight Duncan:** I do think it's important to have a civil debate about this issue, and I applaud those who have concerns about the HST. That's why my colleagues and I have, since the introduction of the budget bill—I'd remind the member opposite that prior to the introduction of the budget, I had 15 public hearings across Ontario. Subsequent to the budget, I have engaged in a number of open meetings, as have my colleagues. We've had—I guess you could call this a debate, but we're attempting to have a debate on this issue in the House. We will have the same amount of public hearings on this fall bill as we've had in the past.

But I say to the member opposite, do not underestimate this government's will, working with our federal partners, to create more than 600,000 jobs and to lower taxes effective January 1, 2010—a few short weeks from now. We believe these are the important steps to take to help get this economy moving again.

**The Speaker (Hon. Steve Peters):** Thank you. Supplementary?

**Mr. Garfield Dunlop:** To the finance minister as well: The businesses in the Barrie and Simcoe county area are leaders in the tourism industry here in Ontario, as are business leaders in the Haliburton-Kawartha Lakes-Brock area. They are all adamantly opposed to your HST tax grab and the negative impact it will have on the tourism industry.

Why will you not allow public hearings in tourism communities like Barrie, Lindsay, North Bay and the Muskokas so that you can hear how your tax grab will destroy thousands of tourism jobs in these tourism communities and not create the bogus and fantasy world job projections that you are trying to spin on the citizens of this province?

**Hon. Dwight Duncan:** We continue to engage in ongoing dialogue with the tourism industry from across Ontario. We have responded to their concerns I think in a very fulsome fashion, along with a number of other industry groups, citizens' organizations and so on. I believe, and I think my colleagues share this view, that the importance of creating 600,000 jobs is important. We believe this is the right course. We will have the same

amount of public hearings on this fall budget bill as we've had on past ones.

I'd remind my friend and colleague opposite that when their party was in government, they time-allocated more than 60% of their bills—budget bills with no public hearings, third reading time-allocated, and we are operating under the rules that that party established.

That being said, we will continue to meet—

**The Speaker (Hon. Steve Peters):** Thank you. New question.

## TAXATION

**Ms. Andrea Horwath:** My question is to the Minister of Finance. The HST will make life less affordable for all Ontarians, but it will have a disproportionate impact on First Nations. Without consulting, the McGuinty Liberals have surrendered decision-making powers to the federal government, a move that could end the point-of-sale exemption for off-reserve purchases.

Grand Council Chief Mahdahbee says this: "Ontario and Canada have publicly pledged their commitment to helping eradicate First Nations poverty, but this cash grab will contribute to it."

How is a new tax that could cost Ontario's already struggling First Nations families thousands of dollars a step in the right direction?

**Hon. Dwight Duncan:** The member raises a very valid concern about the way the PST was collected versus the way the GST is collected. I can report to the member that myself and the Minister of Aboriginal Affairs have met with Chief Toulouse and his colleagues. I have written to my federal counterpart, the Minister of Finance of Canada, asking the government of Canada to collect the harmonized sales tax the way we have collected the PST.

I think the member is right, that that is the appropriate way to do it. Mr. Flaherty and I have had the opportunity to discuss the issue on two occasions. We will continue to work with the federal government, and our hope is that the federal government will agree to allow that method of collection to go on.

**The Speaker (Hon. Steve Peters):** Supplementary?

**Ms. Andrea Horwath:** Ontario First Nations are united in their opposition to the HST. I spoke to Chief Toulouse as well. Ontario Regional Chief Toulouse says this: "Both the provincial and federal governments failed to consult." Grand Council Chief Kelly says this: "You cannot pay lip service to improving relationships ... one day and the next day completely disregard our rights and the interests of our people."

What does a backroom deal with the Harper Conservatives without any consultation with the First Nations of Ontario say about this government's commitment, or lack thereof, to a new relationship with Ontario's aboriginal people?

**Hon. Dwight Duncan:** To the Minister of Aboriginal Affairs.

**Hon. Brad Duguid:** I'm pleased to respond to that question. As the Minister of Finance said, we are working shoulder to shoulder with First Nation leaders and communities across this province when it comes to standing up for them and the need for them to have that point-of-sale exemption.

The finance minister has written to the Minister of Finance. He has spoken to the Minister of Finance federally, as I have to my colleague the federal minister of aboriginal affairs. Our revenue minister has also been in touch with his colleague.

We're doing everything we can to stand by our First Nations on this particular issue. The decision ultimately lies in the hands of the federal government on how to collect this tax. Aboriginal leaders know that. We're going to continue to push for them, and we're going to continue to work with them. We're proud of our new relationship that we're building with our First Nation communities.

## IMMIGRANT SERVICES

**Mrs. Linda Jeffrey:** My question is for the Minister of Citizenship and Immigration. Peel is one of the most diverse regions in Ontario, and it continues to be an attractive destination for newcomers. Over the last six years, 145,000 newcomers have settled in Peel region. Peel offers great strength through its diversity. Our newcomers have the potential to help us deliver a stronger, more vibrant Ontario. They have the ability to help us gain access to new markets, new talent and excellent leadership.

For Ontario to benefit from such talent, we need to invest in individuals from those diverse communities who are eager to take the next step in life and move into important leadership positions in our communities and our job force. These opportunities need to come from the business communities, from public organizations, the non-profit sector and all levels of government. Will the Minister of Citizenship and Immigration tell us how he will make more leadership positions more available in Ontario?

1130

**Hon. Michael Chan:** I want to thank the member from Brampton-Springdale. In Ontario we know that diversity is our greatest strength. This is why we support programs such as the DiverseCity project. This is a project aimed at bringing such potential to the front line in business, in the non-profit sector and in government. Together with the work of the Maytree Foundation and the Toronto City Summit Alliance, we are making significant progress.

According to the latest report, more than 300 individuals have made it on to public, private and non-profit boards. One hundred and forty more individuals have become spokespersons, helping to ensure a broad range of media voices.

We cannot afford to leave the best and the brightest on the sidelines, and we are not.

**The Speaker (Hon. Steve Peters):** Supplementary?

**Mrs. Linda Jeffrey:** In Peel region, and specifically in Brampton, we have many talented individuals with a wealth of experience who are ready to take the next step to move into those leadership positions in the community. Many of the newcomers have had exposure to resources and support services such as settlement services, language training and our bridge training programs. They have benefited from the programs and such support is clearly a component to their ultimate success in their career path. This only reiterates the necessity and importance of such services.

Peel is the second-largest region in Ontario, with an extremely culturally diverse makeup where newcomers represent 49% of the population. That's why it's vital to invest in Peel and that's why it's vital to invest in Brampton. There's a clear need for investments and there are clear benefits to investing. Will the minister commit to making much-needed investments in Brampton to ensure that newcomers have the right access to settlement services, language training and bridge training?

**Hon. Michael Chan:** In order to help newcomers succeed, we must invest in prioritized areas. These prioritized areas are settlement services, language training and bridge training.

Since 2003 we have invested over \$700,000 in newcomer settlement services in Brampton. We have also invested more than \$33 million in language training to support school boards in Peel. We also committed to bridge training programs. This is why in our recent budget we allocated an additional \$50 million over two years for such training.

For a prosperous and vibrant Ontario, we know these investments matter.

## TAXATION

**Mr. John O'Toole:** My question is for the Minister of Finance. You continually promise this big promise of some 600,000 jobs, but let's have a reality check. Today in Ontario there are over 300,000 people—families, indeed, Minister—out of work and you have no plan for the economy—a huge deficit. Minister, it's clear that no one in Ontario actually believes you after your broken promises—

*Interjection.*

**The Speaker (Hon. Steve Peters):** The Minister of Culture will come to order, please.

*Interjection.*

**The Speaker (Hon. Steve Peters):** And Municipal Affairs.

Please continue.

**Mr. John O'Toole:** Minister, it's clear that no one in Ontario believes you and your message anymore. Whatever your message track is, this is an 8% tax on everything that people buy and use every day. Would you at least throw a lifeline to the member from Haliburton-Kawartha Lakes-Brock, the member from Northumberland or the member from Peterborough? Have consultations across the province; if not across the province, in

those ridings. Tell the people of Ontario the truth, Minister: that this is an 8% increase in the cost of living. What do you have to—

**The Speaker (Hon. Steve Peters):** Thank you. Minister?

**Hon. Dwight Duncan:** The sad reality is that across many economies around the world many jobs have been lost, including Ontario's. That is precisely why we are compelled to bring in a plan to create jobs. I was delighted when Mr. Mintz's report was released. It had been peer-reviewed by a range of other economists, including Jim Stanford of the CAW—no neo-conservative at all, I might add. Hugh Mackenzie has also spoken about the importance of this type of tax system; and the Daily Bread Food Bank.

Unlike the member opposite, we will engage in a complete and transparent debate. I want to respect the rules of this Parliament, Mr. Speaker, and you yourself. We will continue to engage in the debate. My colleagues in those ridings have indeed had public meetings. I've had the opportunity to attend them and, indeed, one of your members who was thrown out for alleging there was no public—

**The Speaker (Hon. Steve Peters):** Thank you. Supplementary?

**Mr. Ted Arnott:** To the same minister: The undemocratic and authoritarian decision of this government to expedite the passage of Bill 218, their sales tax legislation, without giving the people of Ontario a chance to have their say through extensive public hearings is an assault on our system of parliamentary democracy and an affront to the people of Ontario.

The Premier twice signed the taxpayer protection pledge, promising not to raise taxes, and he has betrayed that promise. The people of Wellington-Halton Hills need to have their say, as do the people who live in Brampton West, before the final vote on Bill 218. Will the minister do the right thing and authorize the finance committee to travel across the province with extensive public hearings and listen to the people of Ontario?

**Hon. Dwight Duncan:** I have a great deal of respect for my colleague opposite, and I know he has a great deal of respect for this institution. I only wish he had been so strong when his party set the rules as they exist today. I only wish you had spoken up at the time. I only wish you had talked about the time when your government was time-allocating budget bills, refusing third reading debate, time-allocating second reading debate, changing the rules of the Legislature and not having public consultations around the province.

My friend opposite is a good member of provincial Parliament and I believe very genuine in his concern. We will have those public hearings; we'll continue to do hearings and public consultations, as we have been doing, but I don't want to leave any misconception: We want to proceed with the tax cuts on January 1 and—

**The Speaker (Hon. Steve Peters):** Thank you.

There being no deferred votes, this House stands recessed until 1 p.m. this afternoon.

*The House recessed from 1137 to 1300.*

## INTRODUCTION OF VISITORS

**Mr. Ernie Hardeman:** I'm pleased to rise today to welcome a group of folks from the Ingersoll Fusion centre. In the gallery today we have James Timlin, the CAO for the town of Ingersoll; Bonnie Ward, director of parks and recreation for the town of Ingersoll; and Jason Smith, manager of the Fusion centre. We also have a number of youth that have been members of the Fusion Youth Centre since it was opened in February 2006. I want to commend them on their contributions to the centre and welcome them here to Queen's Park, and I ask the Legislative Assembly to do the same.

**Ms. Sylvia Jones:** It is my pleasure to introduce my aunt and uncle, Vic and Mary Campbell, who are here to listen to the debate on site 41. It is a pleasure to welcome you to the Ontario Legislature.

**Mr. John O'Toole:** It's my privilege to introduce two of my guests who will be here momentarily, I hope. They are Tammy Rankin, who is the manager of the Durham Elder Abuse Network, who will be here to listen and I hope support my private member's bill this afternoon, Bill 188; as well as Detective Sergeant Philip Lillie, who is from the Durham Regional Police enforcement unit. I thank them both for attending here today.

## MEMBERS' STATEMENTS

### PORK INDUSTRY

**Mr. Ernie Hardeman:** I rise today to welcome Ontario Pork to Queen's Park. I'm looking forward to meeting with them this afternoon to discuss the state of the industry and what we can do to help Ontario's pork farmers. I want to thank them for coming here to update all the members on the challenges they are facing.

In 2008, Ontario's pork industry contributed \$4.7 billion and 33,000 jobs, from farm to fork, to the provincial economy. They are a major part of our agriculture industry and we know that what affects them has an impact on many other parts of our agricultural and rural economies, including feed suppliers, equipment manufacturers and many rural businesses.

As we all know, the last couple of years have been very difficult for hog farmers. They have had high input costs, low market prices, and then this year they were hit with the H1N1.

Over 98% of Canada's farms are family-owned and operated, and Ontario's swine industry certainly reflects that. It means that when these farmers are in trouble, they risk not only losing their farm and their livelihood, but in many cases their home.

I want to encourage all members of this Legislature to take the time later today to meet with Ontario Pork in rooms 228 and 230, and find out about the challenges that our farmers are facing.

I also want to take this opportunity to encourage all Ontarians, in this Legislature and at home, to support our hard-working hog farmers and put pork on your fork.

### HOSPITAL FUNDRAISER

**Mrs. Linda Jeffrey:** I'm pleased today to speak about a charity fundraiser that recently occurred in my community. On September 26 in Brampton, a sellout event featuring one of the world's top 10 stand-up comics, Russell Peters, took place.

Russell Peters, one of Brampton's own, was quoted as saying "No matter where I go in the world, Brampton is always home. It's where I grew up, where I went to school and where my mom still lives today."

Peters said, Brampton has changed a lot since his family first moved there in 1975 "and I'm pleased that we finally have the world-class hospital facility that we deserve."

When someone like Russell Peters, with an international reputation, takes the time to do a benefit concert in support of a Brampton hospital, it sends a signal to everyone who works in health care in my community. His actions and his works not only support high-quality health care but also boost the morale of workers who deliver our health care.

Russell Peters's performance exceeded our expectations. The sold-out performance raised more than \$425,000, as well as raising the profile of my community.

It's not true that you can never go home. Russell Peters, who is busy filling venues in Mumbai, Sydney and New York City, did come home and made a huge, positive contribution to his community. For that, the people of Brampton are truly proud of Russell Peters, his generosity and his Brampton roots.

### TAXATION

**Mr. Norm Miller:** I rise today to share the concerns of my constituents in Parry Sound–Muskoka regarding this government's proposed harmonized sales tax. Here is a small sampling of the hundreds of e-mails I have received:

"Norm,

"I am writing to you to advise that the harmonizing of the DST/PST will be a disaster to the elderly on fixed incomes. The extra 8% increase in heating and hydro expenses will force me and others out of our homes. I personally am at the wall now as to household expenses."

That was from Robert in Port Sydney.

Dick Smyth writes:

"It costs me \$3,500 to heat our house in Muskoka. With this shabby, shady, secret deal, you have automatically boosted my annual cost \$280.

"I usually buy \$30 of gasoline at a time every few days. Again, in the unlikely event gasoline prices remain stable, that's an extra \$2.40 every time I go to the pumps.

“If this is not a tax grab as you claim, then why don’t you reduce the PST component of the HST from 8% to whatever lower level would make the whole change tax-neutral.

“You say that the impact will be lessened by a \$1,000 rebate. That’s for one year (coincidentally an election year.) What about 2011, 2012 etc. etc.

“Like so much done by your government (the pit bull ban, the ban on young drivers) you have not stopped to think it through!”

It is clear that there are many concerns out there, and this government should take the time to hear from the people across this province with public hearings.

### SCHOOL POOLS

**Mr. Peter Tabuns:** I rise today to inform people about a fundraising event at the Earl Grey Senior Public School in my riding. Earl Grey has a swimming pool—one of nine Toronto District School Board pools that are threatened with closing. In fact, this pool will be permanently drained and closed on December 31, 2009, unless the public takes action.

Earl Grey’s parent council and members of the Riverdale community are committed to saving Earl Grey’s fantastic pool. The pool has a long and rich history within the community, and thousands of students have learned to swim in its waters. An empty pool is of no use to future swimmers.

On Saturday, November 28, between 1 p.m. and 4 p.m., the school council is inviting Earl Grey families, alumni, future swimmers, plus community leaders and business supporters from our community to visit Earl Grey school to collectively send a message. Each message costs \$25. Donors can make and put the message on a bottle or paint a supporting brick at the pool.

Just a historical note: Schools that were built in Toronto a number of decades ago that did not have adequate grounds for other sports facilities were given pools so that the children who went there would have that sort of physical outlet, that physical activity. It is wrong that this Liberal government does not provide funding for pools. It is an affront to the people who go to our schools.

### NORTH YORK HARVEST FOOD BANK

**Mr. Mike Colle:** Last week, I was very excited about attending an event at the North York Harvest Food Bank in my riding. The event was organized by the public relations students at Humber College who brought all kinds of canned goods and donations to the food bank. They were all decked out in Christmas gear with their elf costumes on, and they were promoting a reminder for all of us to give at this time of year to our food banks.

I was also able to deliver a donation on behalf of the caring seniors from Caboto Terrace and Casa DelZotto in my riding. These are seniors who, despite being on fixed incomes, found enough time and generosity to donate gift certificates to the North York Harvest Food Bank. So

here’s to seniors with the students at Humber College showing how important it is to be generous.

The North York Harvest Food Bank distributes one million pounds of food each year and serves over 60 community programs in the area. It’s a very generous, hard-working staff that helps a lot of people in need.

I’d like to thank the students of Humber College for their great generosity and also the seniors at Casa DelZotto and Caboto Terrace. This is a great example of seniors getting together with students and helping those amongst us who need a little bit of help at this time of year.

1310

### TAXATION

**Mr. John O’Toole:** I remind this House that seniors will be among Ontarians hardest hit by this new harmonized sales tax of 13%. We should all recall that November is the month during which we respect seniors in the province of Ontario.

Seniors will be paying 8% more for essential products such as electricity, home heating and gasoline. Health and wellness services will be taxed as well. They are the least able to afford this increase because most seniors are on a fixed income and obviously will have to make choices between paying McGuinty’s new tax or having their physical fitness treatment.

This is also a tax on retirement savings and related services such as mutual fund fees, insurance premiums for the home, lawyers’ fees, estate planning and accounting, beyond the initial initiatives that we know are going to be the everyday items, like cable TV.

A typical senior couple living in their own home would pay as much as \$2,800 per year with this new tax. That’s the real story that’s not being told. It’s no wonder that 72.5% of seniors surveyed by CARP in Ontario and BC are opposed to the harmonized sales tax.

I would urge this House to respect the peace of mind and financial security of seniors by delaying this McGuinty tax grab. Please listen to the people of Ontario. Take their advice and hold public hearings.

### PAN AM GAMES

**Ms. Sophia Aggelonitis:** Like so many across Ontario, I was absolutely thrilled to hear the great news of our province’s successful bid for the 2015 Pan Am Games.

This sporting event will benefit many areas in Ontario, including the great city of Hamilton. The 2015 Pan Am Games will bring Hamilton significant investment from all levels of government and partners to build new sport facilities and infrastructure. Hamilton has been identified to be the home of a new indoor velodrome, a pool and athletics stadium. These state-of-the-art sports facilities will not only contribute to a successful 2015 Pan Am Games but will continue to keep Hamilton and our communities healthy and active for many years to come.

In addition, the Pan Am Games will increase jobs and tourism to boost our local economies.

I'd like to congratulate Premier Dalton McGuinty; Minister Margaret Best; the mayor of Hamilton, Fred Eisenberger; David Braley; David Adames and many others who have worked so hard to make Ontario's bid successful. Their dedication, vision and hard work have helped to bring tremendous opportunity to Ontario.

#### FULL-DAY KINDERGARTEN

**Mr. Reza Moridi:** Our government has made significant progress in improving our public education system. We have reduced class sizes to ensure students receive more attention. Students are now earning higher test scores, and we are making sure more students are graduating from high school. The results are clear: The graduation rate was only 68% in 2003 but today has risen to 77%.

But we want to help even more students reach their graduation ceremony. Our full-day kindergarten program will help to achieve that.

Dr. Charles Pascal found that one in four children start grade 1 behind their peers, and many never catch up. But studies have proven that early education programs have many long-term benefits in cognitive and social skills.

Our full-day kindergarten program will put students on the path to success and keep them from being at risk of falling behind. This important program will start in September 2010 for up to 35,000 four- and five-year-old students. It will be fully implemented for all kindergarten students by 2015.

This full-day learning program will help our students succeed and ensure Ontario's long-term competitive edge.

#### FLU IMMUNIZATION

**Mr. Wayne Arthurs:** It was announced this week that the H1N1 vaccine is now available to all Ontarians, regardless of age or medical condition. But as the Premier has noted, our biggest challenge remains: ensuring that all 13 million people in Ontario are willing to roll up their sleeves and get this shot.

It is essential that everyone knows how important this is. The vaccine is safe. Getting it will ensure that we stop the spread of the H1N1 flu virus and keep Ontarians healthy.

There are also other measures people should take to stop the spread of germs. For example, it's important to wash your hands often with soap and water, especially after coughing or sneezing. People should sneeze or cough into their sleeves and not in their hands. And if you're sick, you should stay home from work or school and contact your health care provider or Telehealth Ontario.

Our government has committed whatever resources are necessary to make sure we can get a shot in the arm

of every Ontarian who wants it. I encourage everyone to roll up their sleeve and get the H1N1 flu vaccine.

### REPORTS BY COMMITTEES

#### STANDING COMMITTEE ON ESTIMATES

**Mr. Garfield Dunlop:** I beg leave to present a report from the Standing Committee on Estimates.

**The Clerk-at-the-Table (Ms. Tonia Grannum):** Mr. Dunlop from the Standing Committee on Estimates reports the following resolutions:

“Resolved that supply in the following amounts and to defray the expenses of the following ministries be granted to Her Majesty for the fiscal year ending March 31, 2010:

“Ministry of Economic Development—

**The Speaker (Hon. Steve Peters):** Dispense? Agreed? Agreed.

*Report deemed adopted.*

### INTRODUCTION OF BILLS

#### TOBY'S ACT (RIGHT TO BE FREE FROM DISCRIMINATION AND HARASSMENT BECAUSE OF GENDER IDENTITY), 2009

#### LOI TOBY DE 2009 SUR LE DROIT À L'ABSENCE DE DISCRIMINATION ET DE HARCÈLEMENT FONDÉS SUR L'IDENTITÉ DE GENRE

Ms. DiNovo moved first reading of the following bill:

Bill 224, An Act to amend the Human Rights Code respecting gender identity / Projet de loi 224, Loi modifiant le Code des droits de la personne en ce qui concerne l'identité de genre.

**The Speaker (Hon. Steve Peters):** Is it the pleasure of the House that the motion carry? Carried.

*First reading agreed to.*

**The Speaker (Hon. Steve Peters):** The member for a short statement.

**Ms. Cheri DiNovo:** Thanks to Rainbow Health, Trans Health, Georgina Bencsik and Egale, all of whom are in the House today.

This bill amends the Human Rights Code to specify that every person has a right to equal treatment without discrimination because of gender identity with respect to: services, goods and facilities—section 1 of the code; accommodation—subsection 2(1) of the code; contracting—section 3 of the code; employment—subsection 5(1) of the code; and membership in a trade union, trade

or occupational association or self-governing profession—section 6 of the code.

The bill also amends the code to specify that every person has a right to be free from harassment because of gender identity with respect to accommodation and employment.

## CHILD PROTECTION PROTECTION DES ENFANTS

**Hon. Brad Duguid:** On a point of order, Mr. Speaker: It's a unanimous consent statement. I believe that we have unanimous consent that up to five minutes be allotted to each party to speak on children's rights day.

**The Speaker (Hon. Steve Peters):** Agreed? Agreed.

**Hon. Laurel C. Broten:** It is a privilege to rise today to mark the United Nations Universal Children's Day and Canada's National Child Day, which is tomorrow, November 20.

Universal Children's Day has a long-standing history and has been recognized around the world for more than five decades. In Canada, we have officially marked November 20 as National Child Day since the passage of the Child Day Act in 1994. National Child Day commemorates the United Nations' adoption of the Declaration of the Rights of the Child in 1959 and the Convention on the Rights of the Child in 1989, and we are here today celebrating its 20th anniversary.

Cette journée représente notre engagement commun, en tant que nation, en faveur du respect des droits des enfants. Ces droits existent pour que les enfants soient entendus et protégés, et pour qu'ils aient l'occasion de réaliser leur plein potentiel.

This government takes these rights seriously. From protecting children from sexual exploitation with the Child Pornography Reporting Act to providing grade 8 girls with access to the HPV vaccine to doubling our investments in summer jobs for youth through our youth opportunities strategy, we take the responsibility to provide every opportunity and support for kids seriously.

**1320**

Sur le plan international, lorsque nous examinons les autres instances, nous constatons que des progrès notables ont été accomplis grâce à la Convention relative aux droits de l'enfant.

Par exemple, en Afrique du Sud nous avons assisté à la création d'un système de justice distinct pour les jeunes; en Finlande, il existe plusieurs initiatives s'inspirant de la convention, qu'il s'agisse de l'éducation de la petite enfance, ou encore, d'un plan d'action visant à réduire la pauvreté.

When we look at Ontario, we see many of those same accomplishments. We are transforming the youth justice system in Ontario, and now we too have a dedicated system designed to support youth in conflict with the law. We too are moving ahead with full-day learning for four- and five-year-olds in recognition of the importance of early years in the strong and healthy development of

children. We have a poverty reduction strategy enshrined in legislation that focuses first on giving children, youth and their families the support they need to achieve their full potential. We have set an ambitious goal to reduce the number of children in poverty by 25% in five years. Through programs like the Ontario child benefit, we will lift 90,000 kids and their families out of poverty.

J'exhorte aujourd'hui tous les députés de cette Assemblée à réfléchir à la manière dont nous pouvons mieux protéger les droits des enfants, leur permettre de saisir des occasions et les aider à réussir dans la vie.

While we have accomplished so much, we still have so much more to do. On this historic day, it is so important that we restate and recommit to our obligation to ensure that children are treated as equals, that their voices are listened to and respected and that we continue to support and protect them in every way possible.

I want to close with the wise words of Dr. Seuss, from the 1990 story *Oh, the Places You'll Go!*, to help us celebrate and recognize this historic day:

Be your name Buxbaum or Bixby or Bray  
Or Mordecai Ali Van Allen O'Shea,  
You're off to Great Places!  
Today is your day!  
Your mountain is waiting.  
So ... get on your way!

*Interjections.*

**The Speaker (Hon. Steve Peters):** I remind all of our guests here with us today that we certainly welcome you. As much as you may wish to participate in the debate, you are not allowed to, and that includes applause. But we do welcome you.

**Ms. Sylvia Jones:** I would also like to commemorate the 20th anniversary of Universal Children's Day. However, when the minister stands up and talks about all of the wonderful things that the Liberal government has been doing, I cannot let it go by without reminding her about the crisis—and “crisis” is the word, Minister—that the children's aid societies across Ontario are facing right now, today. We have the highest number of children's aid societies that have told you they cannot operate within their mandated budgets and the budget that you have provided them. So while I do want to acknowledge Universal Children's Day, and it is critically important that we talk about the voices and what they have done to raise awareness, I cannot let the minister get away with talking about all the wonderful things the McGuinty Liberals have done for children in this province because it is simply not true.

It is a day for citizens to raise awareness on the numerous obstacles that lie ahead for children around the world. Many children still go to school hungry. Many children do not live in safe, secure and stable homes where they are protected from harm. Many children do not have access to proper health care or mental health care. These issues are ones that all governments, politicians, volunteers and citizens should promote in order to protect our most vulnerable population.



Universal Children's Day is about recognizing the contributions that young people have made to society across a number of interesting and diverse fields. Through their hard work, commitment and determination, many children have served as an excellent example to adults about the difference one person can make in the lives of many, no matter their age.

During today's reception celebrating youth it was important to hear from young people. These are the people who know first-hand the hardships and triumphs youth face every day. I wish that every member could have heard the presentations today. These youth ambassadors are the people who know what is happening in our communities, in our cities. Whether it is a young person facing gang violence, ridicule at school or abuse at home, they are the voices we need to hear and listen to.

I had the pleasure of meeting Yessinia, a 17-year-old student who plans to attend university to study political science and social justice issues. She should be proud of all that she has accomplished already and how much it means to us that she has the confidence to tell her story here today. I know that because of her courage to speak out about her experiences, she will do great things, no matter which career path she chooses.

Universal Children's Day is a day when we celebrate the important contributions that children make in our society, and the important role we have as legislators to improve the lives of children across Ontario.

**Ms. Andrea Horwath:** New Democrats are proud to be involved in officially recognizing the 20th anniversary of the November 20, 1999, declaration of the United Nations Convention on the Rights of the Child. First and foremost, that's what we're here to do today.

I want to commend our provincial child advocate, Irwin Elman, and his staff; all of the Ontario agencies serving children and youth; groups like Defence for Children International—I see Les Horne here, and Agnes Samler, who have both been children's advocates here in the province; of course, we remember Judy Finlay as well, as an excellent child advocate in this province; organizations like UNICEF—all of these people who have worked together to bring this event to the Legislature.

Most of all, I commend the young people who are here with us today as well. I commend them not only for being here but also for their insights and for their interest in building a better world. The young people that we are welcoming today represent the voices of young people all across our province. It is our duty not only to hear what they have to say but to listen to them, to respect their input and act on their concerns.

Whether it's in Ontario, Canada or any jurisdiction in the world, we must look at the issues affecting the young and ask, have we really done everything that we can do in the best interests of the child?

Regrettably, two decades after the historic UN signing, we see indicators that the answer is absolutely no. In some countries, child labour thrives. Sexual exploitation of children is rampant. Basic needs of children the world

over for shelter, nutritious food, clean water and education remain unmet.

This is no time for complacency. Our role as legislators and concerned individuals is to protect the basic covenants of the UN convention and to challenge those who abandon those covenants.

Charities and service organizations here and abroad call on us to support their work with children around the globe, but it is here, in legislative chambers and in the offices of governments, that policies and frameworks are introduced and decided upon.

Looking at some of the articles in the UN document, does Ontario measure up? Above all, how would our children and youth answer that specific question? Can they honestly say that the rights of the child are secure when more children than ever before rely on food banks for their meals?

More Canadians rely on food banks now than live in the entire province of New Brunswick. Over 700,000 Canadians access food banks each month for emergency food assistance. And of those assisted, 30%, or 260,000, are children.

Let's remember the words of United Nations Secretary-General Ban Ki-moon on this special day. The Secretary-General said this: "Investing in children and securing their rights is one of the surest ways to ending poverty.

"We are at a critical juncture in the fight against poverty. Now is the time to amplify the voices of the vulnerable and ensure that the world follows up on its pledges."

The opinions of young people matter, just as every article of the convention matters. Would young people agree that their rights to equality and access are protected when they themselves have identified and experienced barriers in their own lives?

The UN declaration says every child is entitled to an education and services for any of their special needs. Well, right here in Ontario, all we have to do is consider children with autism; children with mental health challenges or physical disabilities; children who are not able to get the services they need from our children's aid societies because this government refuses to fund them to an appropriate level; First Nations' children who continue to live in squalor and poverty without schools, without decent homes—that's what's happening to children in the province of Ontario.

**1330**

So when young people compare what's needed to what's available here in this province, are they going to say that we've done enough? I certainly don't think so. These are the young people who inherit our future. Their voices should be heard and they should be heeded.

The young man I was giving mentorship to is Matthew Massel, who is 15 years old. Matthew is going to be a doctor one day—he's sitting up there in the gallery, sticking his tongue out at me. His path has not been an easy one, but he has triumphed over his challenges, and he's an amazing young man. But also, through first-hand

experience, he has gained a good understanding of the level of the supports that should exist for Ontario's children and youth. The first time I met him he explained to me quite clearly what some of those gaps are that he has experienced. Those are the kinds of observations that we in this House are reminded to heed and act upon, and long before Matthew and his generation take our place.

New Democrats applaud the initiative that is happening here today; there's no doubt about it. We are committed to working with children and youth for positive change.

I'd like to close with a quotation, if I may, that came across my desk recently, and I ask all members to carry this quotation with them: "Our actions are not measured by our intentions but by the impact that they have on others." Today, let's truly commit to impacting children and youth in positive, supportive and respectful ways.

## PETITIONS

### ELMVALE DISTRICT HIGH SCHOOL

**Mr. Jim Wilson:** I want to thank a number of people in the galleries here today who would have signed this petition to save the Elmvale high school.

"To the Legislative Assembly of Ontario:

"Whereas Elmvale District High School is an important part of the community of Elmvale and surrounding area; and

"Whereas the school is widely recognized as having high educational standards and is well known for producing exceptional graduates who have gone on to work as professionals in health care, agriculture, community safety, the trades and many other fields that give back to the community; and

"Whereas Dalton McGuinty promised during the 2007 election that he would keep rural schools open when he declared that 'Rural schools help keep communities strong, which is why we're not only committed to keeping them open—but strengthening them'; and

"Whereas Dalton McGuinty found \$12 million to keep school swimming pools open in Toronto but hasn't found any money to keep an actual rural school open in Elmvale;

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

"That the Minister of Education support the citizens of Elmvale and flow funding to the local school board so that Elmvale District High School can remain open to serve the vibrant community of Elmvale and surrounding area."

I agree with the petition and I will sign it.

### DIAGNOSTIC SERVICES

**M<sup>me</sup> France Gélinas:** I have this petition from 200 residents in the riding of Sudbury.

"Whereas the Ontario government is making positron emission tomography, PET scanning, a publicly insured health service...; and

"Whereas by October 2009, insured PET scans will be performed in Ottawa, London, Toronto, Hamilton and Thunder Bay; and

"Whereas the city of Greater Sudbury is a hub for health care in northeastern Ontario, with the Sudbury Regional Hospital, its regional cancer program and the Northern Ontario School of Medicine;

"We, the undersigned, petition the Legislative Assembly of Ontario to make PET scans available through the Sudbury Regional Hospital, thereby serving and providing equitable access to the citizens of northeastern Ontario."

I fully support this petition, will affix my name to it and it send it to the table with page Karen.

## HISPANIC COMMUNITY

**Mr. Mike Colle:** I have a petition gathered by the Canadian Hispanic Congress.

"To the Legislative Assembly of Ontario:

"Whereas Canadians of Hispanic origin have made outstanding contributions in the building of this great province; and

"Whereas the Hispanic population is among the fastest-growing communities in Ontario; and

"Whereas the Hispanic population in Ontario represents 23 countries" from Cuba to Costa Rica to Honduras to Panama to Uruguay and to Venezuela; "and

"Whereas Hispanic Heritage Month would give Ontarians the opportunity to participate in various cultural and educational activities that would strengthen our diversity; and

"Whereas the proclamation of April as Hispanic Heritage Month in Ontario is an opportunity to recognize and learn about the contributions Canadians of Hispanic heritage have made to Canada and to the world in music, art, literature, film, economics, science and medicine;

"We, the undersigned," join MPP Tony Ruprecht and MPP Mike Colle and "call upon the Legislative Assembly of Ontario to support proclaiming April of each year as Hispanic Heritage Month in Ontario."

I support this petition on Hispanic Ontarians and affix my name to it.

## TAXATION

**Mr. Norm Miller:** I have hundreds of petitions here to do with the McGuinty sales tax. They read:

"Whereas the McGuinty government is planning to merge the 8% provincial sales tax and the 5% federal sales tax; and

"Whereas the new 13% sales tax will be applied to products and services not previously subject to provincial sales tax such as gasoline, home heating fuels, home renovations, haircuts, hamburgers, television service, Internet service, telephone and cell services, taxi fees,

bus, train and airplane tickets, and dry cleaning services; and

“Whereas rural and northern Ontarians will be particularly hard hit by Mr. McGuinty’s new sales tax, as will seniors and families;

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

“That the McGuinty government should remove the new sales tax from its 2009-10 budget.”

I support this petition and give it to Simon.

#### HISPANIC COMMUNITY

**Mr. Tony Ruprecht:** I have a petition in support of proclaiming April as Hispanic Heritage Month, in support of the private member’s resolution of December 3 from Mr. Ruprecht and Mr. Mike Colle. It reads as follows:

“Whereas Canadians of Hispanic origin have made outstanding contributions in the building of this great province; and

“Whereas the Hispanic population is among the fastest-growing communities in Ontario; and

“Whereas the Hispanic population in Ontario represents 23 countries across the world, such as Argentina, Belize, Bolivia, Chile, Colombia, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Estados Unidos, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Puerto Rico, Spain, Uruguay and Venezuela; and

“Whereas Hispanic Heritage Month would give Ontarians the opportunity to participate in various cultural and educational activities that would strengthen our diversity; and

“Whereas the proclamation of April as Hispanic Heritage Month in Ontario is an opportunity to recognize and learn about the contributions Canadians of Hispanic heritage have made to Canada and to the world in music, art, literature, film, economics, science and medicine;

“We, the undersigned, call upon the Legislative Assembly of Ontario to support proclaiming April of each year as Hispanic Heritage Month in Ontario.”

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

#### TAXATION

**Mr. Ernie Hardeman:** I have a petition to the Legislative Assembly of Ontario, but before I read it into the record, I would like to reintroduce my guests from the great town of Ingersoll who are in the gallery and who were not here when I did the introductions during the introduction of guests.

The petition is signed by thousands of people from the town of Ingersoll and from the rest of my riding in Oxford county.

“Whereas residents of Oxford do not want Dalton McGuinty’s new sales tax, which will raise the cost of goods and services they use every day; and

“Whereas the McGuinty Liberals’ new sales tax of 13% will cause everyone to pay more for gasoline for their cars, heat, telephone, cable and Internet services for their homes, and will be applied to home sales over \$500,000; and

“Whereas the McGuinty Liberals’ new sales tax of 13% will cause everyone to pay more for meals under \$4, haircuts, funeral services, gym memberships, newspapers, and lawyer and accountant fees; and

“Whereas the McGuinty Liberals’ new sales tax grab will affect everyone in the province: seniors, students, families, farmers and low-income Ontarians;

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

“That the McGuinty Liberal government not increase taxes for Ontario families.”

With that, I will sign this petition as I wholeheartedly agree with it.

#### RECONSTRUCTIVE SURGERY

**Mr. Phil McNeely:** I have a petition on behalf of the Honourable Jim Watson.

“To the Legislative Assembly of Ontario:

“Whereas to cover the cost of reconstructive surgery when a patient has had extreme weight loss after bariatric surgery; these surgeries are not covered under OHIP and are at present considered cosmetic;

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

“That when patients have bariatric surgery and lose the required amount of weight and keep it off, they also have another set of health care issues that can be very costly to take care of. As these individuals lose weight, they end up with so much excess skin and fat pockets that no amount of exercise will take care of it. This excess skin and folds in the skin can cause anything from boils, cysts and skin infections and more that have to be cared for constantly in hospital emergency rooms and cared for by agencies like community care access centres. If preventative reconstructive surgeries are not approved, the constant medical care will cost the taxpayer much more money as said health issues would cost over time.”

I submit this to the Legislature and will send it down with Connor.

1340

#### TAXATION

**Mr. John O’Toole:** It’s a pleasure to present a petition on behalf of my constituents in the riding of Durham. It reads as follows:

“Whereas Premier Dalton McGuinty is increasing taxes yet again with his new 13% combined sales tax, at a time when families and businesses can least afford it; and

“Whereas by 2010, Dalton McGuinty’s new tax will increase the cost of goods and services that families and businesses buy every day. A few examples include:

coffee”—that has been changed, actually; I should delete that—“newspapers and magazines”—they’ve changed that, so I’ll delete that section there—

*Interjection.*

**Mr. John O’Toole:** They maybe will listen up and delete some of the other ones. Anyway, “gas for the car, home heating oil and electricity; haircuts, dry cleaning and personal grooming ... home services; veterinary care and pet care; legal services” and finally and least is the “funeral arrangements”—from birth to death;

“Whereas Dalton McGuinty promised he wouldn’t raise taxes in the 2003 election. However, in 2004, he brought in the” now-dreaded “health tax, which costs upwards of \$600 to \$900 per individual”—check your income tax. “And now he is raising our taxes again;

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

“That the Dalton McGuinty government wake up to Ontario’s current economic reality and stop raising taxes on ... hard-working families” and have public hearings.

I am pleased to sign and present this petition to Maggie, the page from my riding of Durham.

#### HOSPITAL FUNDING

**Mr. Bob Delaney:** I have a petition addressed to the Ontario Legislative Assembly, submitted to me by the Islamic Society of North America. I especially would like to thank Abid Latif of Oakville, Taqdees Ahmed of Milton and Zulfiqar Saadat of Mississauga. It reads as follows:

“Whereas wait times for access to surgical procedures in the western GTA served by the Mississauga Halton LHIN are growing despite the ongoing capital project activity at the hospitals within the Mississauga Halton LHIN boundaries; and

“Whereas ‘day surgery’ procedures could better be performed in an off-site facility. An ambulatory surgery centre would greatly increase the ability of surgeons to perform more procedures, reduce wait times for patients and free up operating theatre space in hospitals for more complex procedures that may require post-operative intensive care unit support and a longer length of stay in hospital;

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

“That the Ministry of Health and Long-Term Care allocate funds in its 2009-10 capital budget to begin planning and construction of an ambulatory surgery centre located in western Mississauga to serve the Mississauga-Halton area and enable greater access to ‘day surgery’ procedures that comprise about four fifths of all surgical procedures performed.”

I’m pleased to sign and support this petition and to send it down with page Paisley.

#### HIGHWAY INTERCHANGE

**Mr. Garfield Dunlop:** Since I’m going to be doing a private member’s bill on Tiny township, I want to read a

petition about Tay township, because His Worship Mayor Scott Warnock is in the audience today. It says:

“To the Legislative Assembly of Ontario:

“Whereas the community of Waubaushene in the township of Tay has two entrances off Highway 400, one of which is the Pine Street-Highway 400 ramp; and

“Whereas the Pine Street-Highway 400 ramp entrance has had numerous accidents, including fatalities, over the past two decades; and

“Whereas the Pine Street-Highway 400 ramp entrance is very confusing and awkward for drivers trying to make left-hand turns onto Highway 12 from either Pine Street or the Highway 400 ramp; and

“Whereas the Tay community policing committee and the council of the township of Tay have expressed grave concerns over the safety at the Pine Street-Highway 400 and Highway 12 intersection; and

“Whereas there is a strong feeling in the community that traffic lights at the Pine Street-Highway 400 ramp and Highway 12 intersection would save lives;

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

“That the government of Ontario support the Tay community policing committee and the council of the township of Tay and immediately install traffic lights at the Pine Street-Highway 400 ramp and Highway 12 intersection.”

I’m pleased to sign it and give it to Christopher to present to the table.

#### GO TRANSIT TUNNEL

**Mr. Tony Ruprecht:** The subject of this petition is the GO tunnel on St. Clair Avenue and Old Weston Road. It reads as follows:

“Whereas GO Transit is ... 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; and

“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-Old Weston Road bridge; and

“Whereas this bridge (underpass) 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 about 50 metres long). 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.”

I’m delighted to sign my name to this petition.

### SOCIAL SERVICES FUNDING

**Mr. Bob Delaney:** I have a petition addressed to the Ontario Legislative Assembly. I'd like very much to thank Lindsay Birmingham of Toronto and Uttam Unnitham from Mississauga for having collected the signatures on these petitions. They read as follows:

"Whereas the population in Peel has tripled from 400,000 residents to 1.2 million between 1980 to present. Human services funding has not kept pace with that growth. Peel receives only one third the per capita social service funding of other Ontario communities; and

"Whereas residents of Peel cannot obtain social services in a timely fashion. Long waiting lists exist for many Peel region social services providers.... ; and

"Whereas Ontario's Places to Grow legislation predicts substantial future growth, further challenging our already stretched service providers to respond to population growth;

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

"That the province of Ontario allocate social services funding on the basis of population size, population growth, relevant social indicators and special geographic conditions;

"That the province provide adequate growth funding for social services in Peel region; and

"That Ontario develop, in consultation with high-growth stakeholders, a human services strategy for high-growth regions to complement Ontario's award-winning Places to Grow strategy."

I agree with this petition and I'm pleased to sign and support it and to ask page Valerie to carry it for me.

### PRIVATE MEMBERS' PUBLIC BUSINESS

#### WASTE DISPOSAL SITE 41 IN THE TOWNSHIP OF TINY ACT, 2009

#### LOI DE 2009 SUR LE LIEU 41 D'ÉLIMINATION DE DÉCHETS DANS LE CANTON DE TINY

Mr. Dunlop moved second reading of the following bill:

Bill 32, An Act to prevent the disposal of waste at Site 41 in the Township of Tiny / Projet de loi 32, Loi visant à empêcher l'élimination de déchets sur le lieu 41 dans le canton de Tiny.

**The Acting Speaker (Mr. Jim Wilson):** Pursuant to standing order 98, the honourable member has up to 12 minutes for his presentation.

**Mr. Garfield Dunlop:** I'm pleased to rise today. I want to thank all members for participating in private members' hours this afternoon and I want to thank all the folks who have come down from Simcoe county and around the province to help take part in this debate. We

not only have people in the House today but also in our caucus boardroom. Thank you very much.

I would like to begin by thanking a few people. First of all, I'm not going to name everybody here, because you're all friends of supporting of this bill, but I do want to thank the people who helped me this afternoon at the press conference: first of all, the Honourable David Crombie, former mayor of Toronto and a former federal cabinet minister was there—he's in the audience as well—Vicki Monague of the Beausoleil First Nation women, who set up a protest camp at the site; Judith Grant from the Federation of Tiny Township Shoreline Associations; and of course Stephen Ogden, who is an expert, as far as I'm concerned, on site 41.

I want to go through and mention a little bit about the history of this. First of all, to the members of the House: This goes back 30 years, when four municipalities in north Simcoe—Tay, Tiny, Penetanguishene and Midland—as well as some typical smaller municipalities at that time, Victoria Harbour and Port McNicoll, were trying to find a site. I can tell you that it went on—that started in the late 1970s, early 1980s. Then we moved to the fact that a site was selected. However, based on opposition, it was turned down by an environmental tribunal in 1989, only to have the environmental tribunal decision reversed by the Peterson government in 1990. In 1991, the province, of course, took over—they got rid of responsibility for landfills and passed them on to the upper-tier municipalities. That happened in 1991. That's actually when the preparation of the C of A started working through all the different governments, to get to 1998, when it was finally issued.

**1350**

I will tell you, members of the House, as a member of the county council through those years, we were always told by the Minister of the Environment that this was a perfect site: It had clay and it was flat. And you know what? It was based on an upward gradient. Since then, we've had—we'll get into that in a few minutes.

What happened after that was the Walkerton tragedy and the Walkerton inquiry and all the information that came from that. I can tell you, Mr. Speaker, that's when people who were sort of silenced in the 1990s came back and said, "Hey, why are we putting up with something that could contaminate our water when the governments of the day are calling for water source protection, and they're looking at all kinds of different clean water acts etc.?" I can remember the first time someone came to my office: Roy Nahuis. He's a dairy farmer in the area. All those in the Nahuis family have large dairy farms. He said, "This is simply wrong."

I'm going to tell you that what really changed my mind and made me believe that we had made a terrible mistake was when I went out to the site with Jim Downer, who's now the mayor of the town of Midland, and Gord Leonard. I actually saw where a test well cap had blown off, and clean, fresh water was spewing into the air four or five feet above the ground. At that time, I thought, "How can we possibly look at putting a landfill on top of this? A mistake has been made."

Of course, not too long after that, the government of the day became the Liberal government. They introduced the Adams Mine Lake Act, and that Adams Mine Lake Act is what I based Bill 32 on, which I introduced originally in 2005. The Adams Mine Lake Act reversed all the approvals, we moved forward and, of course, there will not be a landfill at the Adams mine.

That takes us to all the things that have happened over the years: the introduction of my bill originally, and then we followed through to 2007, when the county of Simcoe looked at the approval of this again, and they voted, by a very narrow margin—16 to 15—to proceed. You can see how contentious it is in that area when the vote was that close. In 2008, last December, the water-taking permit was issued that would allow up to 800,000 litres per day to be pumped out of the ground to construct the landfill for only one year.

At the same time, there were rallies formed, a walk here to Queen's Park—Danny Beaton, Steve Ogden and a group of people walked all the way from site 41 to Queen's Park to oppose it. That followed through to a very important time, in January and February 2009, when the Council of Canadians and Maude Barlow came on side and added a lot of interest to it. But by May 2009, the county proceeded with the construction.

At almost the very same time, Ms. Vicki Monague, who's in the audience today, and the Beausoleil First Nation women had permission to set up a camp directly across the road from the landfill, a camp set up to protest this landfill. What happened after that was amazing, ladies and gentlemen. I can tell you that people from all walks of life, who would maybe not normally co-operate with each other—people in the agricultural community, Beausoleil First Nation, the cottage associations, folks from all around the city and the GTA—were involved. Each and every rally got stronger and stronger, until we got to the point where, at the county council meeting on August 25 of this year, what happened was that the county of Simcoe passed this resolution:

“(1) the public release, and independent review, of all pertinent information concerning the environmental impacts of operating a waste facility at site 41 can occur;

“(2) meaningful consultations take place with local residents and cottagers, First Nations groups and other organizations that have raised concerns about the environmental impacts of establishing a waste facility at site 41; and that

“(3) the suitability of site 41 for waste management use be assessed in light of the source water protection planning mandated by the Clean Water Act.”

That resulted in a one-year moratorium being placed on the property in August. But at the very next county council meeting in September, they passed the following resolution: “that construction and all future development of the North Simcoe landfill site (site 41) be discontinued.”

What has happened is that we've moved forward here. The county council right now does not plan on building a landfill on that particular site—or so they say. However,

there are a number of approvals set in place, and we want to revoke all of those approvals.

We are supported, ladies and gentlemen, members of the House and the Speaker as well, by the Environmental Commissioner of Ontario, who in 2005 gave a scathing report against this site. As well as that, in 2005, I had asked the Environmental Commissioner, under the Environmental Bill of Rights, for a complete review of the application. I've met with him a number of times. I felt that a mistake had been made—I know a mistake has been made.

What we have a problem with is that this system, this landfill—the plan is based on an upward-gradient water pressure being consistent throughout the year. Keeping the pressure of the water flowing up would stop any leachate from going down. The problem is that we are not given access to the calibrated modflow that would indicate that something else might happen. We do know that in the summertime, it does get much drier. We don't think that there's a consistent upper-gradient pressure, therefore causing leachate that could be forced downwards. And that would contaminate the aquifer.

I should tell you that Dr. William Shotyk from the University of Heidelberg, who is a resident here in Ontario but teaches in Germany, has tested this water, and for the people in the House—many people have already heard this—it has been classed as some of the purest water on the face of the earth; as clean as some of the water even in the glaciers. That's what we're dealing with.

People who are making comments today, who are saying that the site's good and that no mistakes have been made—even the Premier said it was viable, and I think the Minister of the Environment said it was viable. He's never seen the calibrated modflow. The Premier hasn't seen it, the minister hasn't seen it, the ministry hasn't seen it, and the county hasn't seen it. Right now, Mr. Steven Ogden has been denied that and is trying to go through the Information and Privacy Commissioner to get the information on the calibrated modflow. That's the fight we're up against. We're not given the proper information on this, and as long as that C of A is in existence, we will have the burden hanging over our head that a landfill could proceed on this particular site.

As we move forward, I'm asking the members of this House to do what they did with the Adams mine lake bill, and that is to support this bill. It does parallel the Adams mine lake bill. It does take away the approvals.

I have to tell you, we're looking at a different world today. There's much more improved technology out there to handle our household waste in this province. I can tell you that we're looking at the same criteria that were established 30 years ago with this upward gradient technology to still maintain the design, or keep the design, or support the design they've got today. We don't buy it. The people in this room don't buy it, the people outside don't buy it, and thousands of people that attended rallies and signed petitions don't buy it as well.

The township of Tiny has been through a lot. They had one landfill 25 years ago that went right through to

Georgian Bay—the plume—because it had contaminated the ground so badly. They had to put up with that, and they've had this hanging over their heads for 30 years. There are better ways to do business in waste management, and putting a landfill on site 41 is not one of them. Keeping the certificate of approval on landfill site 41 is not one of them either.

So I'm asking all members of this House to please support these people here today—support the residents of the county of Simcoe and even support what the county has done by removing the C of A. I think it's important that that's done. It's what our intent was when we started this almost six years ago now. We're at this stage today, and I'd ask all members to support it.

**1400**

Again, I want to thank all the people in the House who came today for taking the time and effort to support me and this bill. Thanks very much, everyone.

**The Acting Speaker (Mr. Jim Wilson):** Further debate? The honourable member for London–Fanshawe.

**Mr. Khalil Ramal:** I was waiting for the NDP to stand up. I guess they want to reserve their time until the end, to see what we are going to say.

*Interjection.*

**Mr. Khalil Ramal:** Okay; no problem.

I'm delighted to stand up in my place and speak on this bill. I read a lot about it. Basically, I want to congratulate all the members from Simcoe county, because every other e-mail I received talked about this bill. I received hundreds and hundreds of e-mails asking me to support this bill.

I want to tell you something very important. After I went back to many different avenues of research, I learned that this bill shouldn't be debated here. It's the wrong place to be debating it, because the county of Simcoe already helped development on the site. Also, a resolution was submitted by many different people to the council to withdraw the certificate of approval. The county refused it and voted it down. To my knowledge, from the information which I received from many different avenues, they said that they want to use it as a site for recycling.

Anyway, that's not the issue. If I was in your spot, I'd do the same thing. I did the same thing when the city of Toronto bought land near London to have a landfill site. I felt so bad about it that I protested in many different ways.

As you know—and you should know—it is the government of Ontario's job, and the Ministry of the Environment's job, to give a certificate only according to certain criteria. As the members said a few minutes ago, 30 years ago the Ministry of the Environment issued an approval certificate to allow that landfill to exist in the area. But since that time, with so many different obstacles, that's why it wasn't functioning until now. Also, Simcoe county put a stop on it. Also, many different trials have been taken by the council to withdraw the certificate, which is the right place to take the decision. I think it is not our job as elected officials for the province

of Ontario to replace city councillors or county councillors, who are elected by the people of that region, and to take their power away from them and replace it with our power.

I was talking to the Minister of the Environment, who said, "We have no problem whatever. If the Simcoe county councillors and municipalities decide to withdraw the certificate of approval, we have no problem to stop it from our side."

Also, you have to know that there would be a lot of implications if we decided from our side to take the approval. It would be a subject for suing, for compensation for the people who opened that site. I think it's unreasonable; it's unacceptable. We have to look also from our side too.

I believe strongly that the member from Simcoe North is a great advocate on behalf of his constituents. He brought this issue to our attention, and I agree with him that 30 years ago it was different than today. The technology has advanced big time. We recycle a lot of things these days. We have created a lot of elements and a lot of steps to create recycling plants where we can recycle our TVs, electronic parts, batteries and hazardous waste. All of it is taken into consideration as we try to plan to recycle all these elements, to make sure it will be reused or put in a safe place.

I have no problem with supporting the essence of the bill. But I think the member, before introducing this bill, achieved his goal, because the county already put a stop on it, so I'm not sure why we're debating it here today.

If he is asking the government to step up and force the municipalities, we're not going to do that, I think, because it would be interference in the affairs of the municipalities across the province of Ontario. It would be creating a scary and unprecedented step towards eliminating the role of municipalities across the province of Ontario.

In the end, I want to say that it's important to focus on the future, to focus on recycling. Our government has done a lot of good steps towards this area, such as the tire plants to collect tires, with certain fees being put by many different companies together to deal with the tires.

I had the chance a long time ago, with the Attorney General, to visit Staples shops in the city of London, to take a lot of TVs, computers and old equipment to that site to be recycled. A lot of places also, like Home Depots and Canadian Tires, received all the batteries. So I guess we're dealing with the issues.

Also, the five cents that is put on every bag being used by the grocery stores to eliminate the bags—because the bags, as you know, when we throw them out in the environment, suffocate the plants and the trees.

That's why many different things are being put in place by our government to deal with those issues. There's also the blue box program. Many municipalities endorse and support those programs. All these programs are being put in place to see how we can recycle our products, which we can use again.

I want to tell you about a great example from the city of London. In the city of London, we have a company

called Try Recycling. Try Recycling has two plants, one in the north end and one in the south end. They recycle most construction materials, whether it comes from homes or from companies: 90% to 95% goes back to the clients, back to the community, to use again. Whether in the format of chopped wood for gardens, metal, tires, shingles or drywall, all this material is being recycled and being reused.

I wish the municipality of Simcoe would take that avenue into consideration and try to recycle, not use a landfill.

I mention again that the Ministry of the Environment is willing—and I think my colleague the PA for the Minister of the Environment is going to speak on that issue. He can elaborate more and explain what is our position.

Thank you for allowing me to stand up and speak.

**The Acting Speaker (Mr. Jim Wilson):** Further debate?

**Mr. Ernie Hardeman:** I'm pleased to rise today to support Bill 32, the Waste Disposal Site 41 in the Township of Tiny Act, 2008, introduced by my colleague the member from Simcoe North. I want to commend the member from Simcoe North for his efforts on this issue and for his tireless work on behalf of his constituents.

I also want to recognize all of the many members of the community who have worked on this issue for many years and put in countless volunteer hours. I want to commend them for their dedication. I know that earlier today, many of them demonstrated that dedication by holding a rally in support of this bill on the front lawn in the pouring rain. I want to thank them for their commitment and for coming to Queen's Park to take part in that process.

I can relate to them. I actually got into politics opposing a landfill site like site 41. My first time here in this chamber was sitting up in the gallery, where these members are now sitting, invited as a guest of Mel Swart, who was the former member from Thorold, because we were opposed to the landfill site going into what would now be called my backyard.

For our site, we had the longest hearing—it was a consolidated hearing board—the Ministry of the Environment and the Ontario Municipal Board—59 days of hearings with this joint board, and at the end of the 59 days, the decision came out that the site was not to be built. The county had not proven that it would be a sufficient site. The provincial government then decided that because of the process that was in place, the landfill site should go ahead.

The reason I tell this story is not related to my landfill site; it is to illustrate that the system is not infallible. It illustrates the reason the licence on site 41 needs to be revoked, so that if someone in the future came along and decided they wanted to put a dump on that site, they couldn't skip any steps or sneak it in the back door on the old licence.

The municipality proposed a site, put forward all the evidence and decided not to proceed with it. That should tell us something about the safety of locating a site there.

In fact, in 2004, the Environmental Commissioner of Ontario, Mr. Gord Miller, stated in his annual report that a review on the approval of site 41 should be undertaken. When the Environmental Commissioner has expressed concern and the municipality has said no, I think it just makes sense that we don't let the old licence and the old assessment stand.

Again, I want to commend my colleague from Simcoe North for bringing forward this important bill and the many people in the gallery for their work to protect the environment of their community.

**The Acting Speaker (Mr. Jim Wilson):** Further debate?

**Mr. Peter Tabuns:** This is a story where courage has not been a stranger. This is a story where tenacity has not been a stranger. But unfortunately, this is also a story where stupidity has not been a stranger.

This event, this matter before us, has had a long history, starting with Simcoe county's search for a dump site in 1979. A site was proposed: 20.6 hectares of prime farmland with a potential for 40,000 tonnes of domestic and commercial waste a year.

In November 1989, following an environmental assessment of the site, the public hearing board decided not to approve the landfill site—so some intelligence was reflected. It glimmered in the darkness and someone understood that this would not be a good decision. However, in June 1990, just two months prior to their election defeat, the Peterson government cabinet required the hearing to resume. On September 22 this year, Simcoe county council voted to discontinue plans for a dump. Again, some hope is out there in the world.

**1410**

This victory is a result of years of sacrifice and struggle by an unprecedented coalition of residents, farmers, First Nations and environmentalists: Danny Beaton of the Turtle Clan and Mohawk nation, dairy farmer Ann Nahuis—and Ann, if I've mispronounced your name, my deepest apologies—Anishnawbe mother of three Vicki Monague, Stephen Ogden, community leader of Stop Dump Site 41, and 85-year-old farmer Keith Wood and his wife Ina. We owe all of these and others a debt of gratitude for standing up and protecting our shared natural environment. They have paid a great price. They gave hundreds and hundreds of hours of their time. Many were arrested and still face criminal charges. Some face hundreds of thousands of dollars in lawsuits. Without doubt, this is the courage part of this story.

The struggle is not over. Activists remain concerned that the existing certificate of approval could be transferred to a purchaser of the land and the dump could still proceed. They're calling for a revocation of the certificate of approval so that they can ensure that a future county council doesn't reverse the decision to cancel the landfill at site 41. Revocation would ensure that no sale of the site could be made to a private landfill operator.

Now, here is the stupid part of the story: Notwithstanding the clarity that a mistake was made when this



approval was given, we are now hearing from the government that they don't believe they have to correct the problem by revoking the certificate of approval. I have to say that in saying this is a government that does not intervene with local decisions, I would ask people to look at the record of the last four short years that I've been here, because there has been no hesitation to intervene in the affairs of the municipalities, none that I've been able to detect—not when it is of consequence for the government.

So I have to say that the C of A should be revoked. Its issuance was a mistake in the first place. Simply saying that it's up to the council to ask for a revocation is abandoning the responsibility of the province to protect the environment; it should be acting. It should mean that if in the future the site were considered for some other aspect of garbage management—and who can predict what that might be—then a new certificate of approval would have to be sought, and that certificate of approval would reflect current high standards of management of groundwater and prime agricultural land. Site 41 is simply the wrong place for a dump.

I haven't been in this Legislature that long. I came here in a by-election in 2006. One of the issues that I was given early on as environment critic was site 41, and I think there were probably a number of you here when I had my first opportunity to go and make a speech out in front of the Legislature. Before I spoke, I got to listen to your speakers talk about the tests on the water, its purity and the reality of how water travels not in a straight line—some believe that it does. Others who've dealt with water see that it flows and it cannot be predicted all of the time where it will go. I found it extraordinary that people were having to rally out in front of Queen's Park on this issue. I found it extraordinary that they were having to drive down, take a bus down or whatever to Queen's Park to point out the stupidity of that decision. But they had to, they did and they continue, as they have today, to come down to stand up for the environment of all of us here in Ontario.

Numerous experts, groups and communities have said that this is the wrong place, respected people like Maude Barlow, David Suzuki, David Crombie and Angus Toulouse, Regional Chief of Ontario; people like Gord Miller, the Environmental Commissioner of Ontario, who has expressed repeated concern about the site and the MOE's issuing and then refusing to review a certificate of approval for the site.

The Environmental Commissioner has made it clear that there are too many unanswered questions about the dump. It is unacceptable to drain and contaminate the Alliston aquifer, one of the cleanest sources of fresh water in the world. There is no proof that seepage of the dump—leachate into the water table—will not occur.

In the warmer weather, there was a demonstration—again, probably by many of you who are here today—at Avenue Road and St. Clair in front of the Ministry of the Environment. I think the digging had just recently commenced on the site, and a number of people brought

down bottles of contaminated water—water that had run crystal clear previously—cloudy with sediment. Bottles were given to the minister there in front of the Ministry of the Environment, and he said, “Well, I don't know if these bottles haven't been previously contaminated. I don't know if they were clear.” I have to say to all of you, okay, fair enough, you can ask that question, although I think it's unlikely that people would put a lot of silt in the bottles and bring them down. But let's say you asked that question. Did you send your inspectors up to see if contamination was going on? Was that done? Because it is entirely logical to me that if you have a lot of water flowing there and you start digging and disturbing the land, you are going to get contamination. And if, in fact, you didn't check it out, then that is negligence. And if you checked it out and found that contamination was happening, why are we not hearing about that? I understand that access to the water studies has been denied. There has been an ongoing fight about this, and you, the citizens, can't get access to those studies.

In the course of that first demonstration the argument was made, as you've just made, Mr. Dunlop, that in the summer the flow of water changes and what is an upwelling in the spring becomes a down flow in the summer. If that's the case, then frankly there is a huge problem. The simple nature of landfills is that (a) they leak and (b) they're messy. That's all there is to it. That's the simple reality, and predicting the flow of water is at best an inexact science, even given a potential report.

For what it's worth, I have been a property manager running apartment buildings, and I have to tell you, dealing with leaks was one of the things that made us most crazy, because finding how the water travelled through what is a relatively uncomplex object—an apartment building—is very complicated. You can't imagine what it must be going through layers of rock and clay and soil to predict what's going on and not going on.

If we are actually going to take on this issue in this province, we have to take on the larger waste issue as well. This government, the McGuinty government, has talked about a zero-waste future. It brought out papers back in 2003 about a 60% to 70% reduction in waste. We have not seen the action on that. That would allow us to dramatically reduce the use of landfills. We have not seen the sort of investment that's needed to support municipalities who want to put in place recycling and reduction programs that would ease the pressure on these sorts of initiatives.

We have been going in the wrong direction, and opening a dump on a pristine and sensitive aquifer sends absolutely the wrong message to Ontarians. It tells Ontarians that it's fine to keep dumping and not trying to develop the alternatives. It says to Ontarians that we can assume that our water sources are infinite and that we can contaminate as much as we want because there's always going to be more. Well, neither of those things are true. It's my experience in this chamber, speaking to you who've worked hard and taken the time to defend this

land, this water and this community, that these sorts of decisions to ignore the environmental realities have brought many other citizens like you to this chamber in the past, people from Oakville, Mississauga, people from the Holland Marsh who are fighting unnecessary gas-fired peak power plants, people who have been concerned about the health effects of polluting diesel trains in west Toronto when the reality says that we must move on to clean electric trains. We have had the Environmental Commissioner repeatedly calling for a redress of the imbalance between developers and companies, on the one hand, and communities on the other.

**1420**

The McGuinty government promised in its 2007 election platform “to make Ontario a leader on the environment.” I want to say that it could take one small, useful step today and vote in favour of Garfield Dunlop’s private member’s bill.

**The Acting Speaker (Mr. Jim Wilson):** Further debate?

**Ms. Helena Jaczek:** It’s a pleasure to enter into this debate on Bill 32, An Act to prevent the disposal of waste at Site 41 in the Township of Tiny.

I think this is just a great opportunity to recognize yet again that truly all politics is local. We’ve seen, obviously, within the township of Tiny and far beyond, tremendous interest in the situation at site 41. Indeed, as our colleague from Simcoe North has said, this site has had a very, very long history.

I really believe, though, that one of the major objectives that Mr. Dunlop has had in putting forward Bill 32 has already been achieved. As we have heard, Simcoe county council has chosen to permanently halt development of the site, and that main objective has therefore been achieved.

We, as a government, believe that municipalities are mature entities, fully able to take responsibility for what in fact is one of their major responsibilities, and that is the safe disposal of waste from their municipality. In other words, what we see in front of us in Bill 32 is essentially unnecessary to be discussed in this chamber. It simply requires a resolution of Simcoe county council to ask the Ministry of the Environment to revoke the certificate of approval, and that will occur. I’ve had the opportunity to speak personally with the minister on this very subject, and he is awaiting that resolution from Simcoe county council in order to ask his ministry officials to take that action.

But there’s another aspect to Bill 32, and that’s the aspect of compensation. I understand that, in fact, Bill 32 would require the province to reimburse the corporation of the county of Simcoe for expenditures beyond the fair market value of the land incurred while undertaking planning, study and any design work of the proposed waste site, as well as legal fees incurred by the county with respect to site 41.

This is the aspect of the bill that I feel is truly unreasonable. I think it’s unreasonable to expect the province to compensate a municipality for expenditures which

were incurred as a result of local planning and design and legal action which arose as a result of decisions made completely by the local level of government. Therefore, I think it’s quite clear that the responsibility for this decision does rest with the county of Simcoe.

I have been told by Ministry of the Environment officials that the county is developing a master waste management plan and is considering, among other issues, what exactly site 41 could potentially be used for. We expect that as a result of their master plan, the Ministry of the Environment will be informed as to the wishes of the municipality in this regard.

I’d like to just further echo some of the comments made by my colleague from London–Fanshawe. This government does take waste diversion very seriously, as did the previous government. The Waste Diversion Act was passed by the previous government, and their actions have further been enhanced with the creation of Waste Diversion Ontario. So we do have programs now across the province related to household hazardous waste, e-waste, tires, blue box review and, in fact, the zero waste vision. Our government takes these initiatives extremely seriously. We’re anticipating very positive results. We’re pleased to know that municipalities will have some assistance in this regard through Waste Diversion Ontario.

Certainly some municipalities have taken the lead through the years on these initiatives. I worked for many years for the region of York and I know that our household hazardous diversion days started to occur in the early 1990s. As an example, we initiated the proper disposal of needles and syringes from diabetics. These were collected on household hazardous waste days and disposed of properly almost 20 years ago.

So, as we know, some municipalities take greater action; some take less. All I can say is that the citizens of the county of Simcoe—in particular, Tiny township—have shown their effectiveness in this regard by their actions to date. I would urge that they ensure that Simcoe county council give further thought to requesting that the Ministry of the Environment revoke the certificate of approval, should that be their wish; otherwise, of course, to wait for the master plan as it relates to waste in Simcoe county.

**The Acting Speaker (Mr. Jim Wilson):** Further debate?

**Ms. Sylvia Jones:** I’m very pleased to stand and speak today in support of my colleague Garfield Dunlop, the MPP for Simcoe North, as we debate his private member’s bill that would remove the certificate of approval for site 41 in Tiny township.

Tiny township is a place I know well. I grew up on a farm very close to site 41, and one of my brothers continues to farm in the community. This is where I learned the values that I use every day: the values of hard work; the values of having faith in your government and faith that your elected representatives will do what’s right, not what is fastest; values that I believe the county of Simcoe ultimately used this fall when they finally

stopped work on site 41, a council full of individuals not unlike this chamber; and hopefully, values we will use today here in the Ontario Legislature as we finally revoke the certificate of approval once and for all.

I want to read an excerpt from one e-mail I received last night, because sometimes in this chamber during our partisan debates we forget that our actions have a real impact on people:

“It has been a very difficult season for the agricultural community this summer.” I love farmers; they’re the kings of understatement. “The native community, the shoreline owners and the ag community have become quite close because of this adversity.”

If anything positive has come from this summer’s protest at site 41, it is this: that groups from across the spectrum, with differing interests and political affiliations, have come together to fight site 41. The province’s own Environmental Commissioner, Gord Miller, has identified this area as highly sensitive and needing a complete review and that the MOE should have not given the approvals that it did.

Why are we so unwilling to listen to our own experts? Gord Miller was appointed by the Ontario government to monitor and report on environmental concerns across Ontario. Why can’t we step back and admit that, yes, standards have changed and we need to remove this C of A before more damage is done?

Protestors from Christian Island, cottagers and farmers were left with one final option: Protest at the site and block the build at site 41. And some were arrested. I don’t know everyone who protested, Speaker; you probably know more than I do. But I do know some, and Keith and Ina Woods aren’t criminals. These are hard-working contributors in north Simcoe who believe in their elected officials, and when they were let down, they did the only thing left to them: They protested. And they got arrested. Shameful. Shameful that it must come to a private member’s bill by Garfield Dunlop to finally and truly bury site 41.

I support the intent of Bill 32 and trust that the government can do the same. Show that sometimes it’s not about being Liberal or PC or NDP. Today let’s show that it’s about being right about what is good for Simcoe county.

1430

**The Acting Speaker (Mr. Jim Wilson):** Further debate?

**Mr. John O’Toole:** It’s a pleasure to stand in the House today and support Bill 32, but more importantly to support Garfield Dunlop. The passion and work he has put into this is something he and his community should be proud of. I certainly wanted to speak on it because of what I’ve seen Garfield Dunlop do over the last couple of years, working with the municipal level, working with the stakeholders regardless of partisanship, and trying to do the right thing for the common good. That’s the ultimate purpose here: the common good. At the end of the day, it was the right thing to do. And he has served in local government, so he knows how contentious waste issues are.

Besides that, to mirror the work that Garfield has done, I’m almost in the same position in my riding of Durham, with a similar kind of background as well, having served locally for 10 or so years prior to coming here, where partisanship often gets in the way of doing the right thing. What is so important here is simply doing the right thing. This isn’t about politics; this is about water or waste. That’s ultimately the question we’re asking.

Now, how does it apply to the experience in my riding of Durham? What’s important here is, if I look back in history—and we learn from the experience of history—back in 1993 Ruth Grier was the minister and there was a process set up called the Interim Waste Authority. Peter Tabuns, the member, would know all about it. The Interim Waste Authority’s terms or scope were that each region would site its own solution to its own waste.

It was a reasonable solution, of the solutions of the day that were available. In fact, at the time the government had actually banned incineration as one of the solutions or options. So they really put them in the box and said, “Find a dump site in your riding.” Well, the technology has changed, both from seismology and groundwater and aquifer issues to the issues of other solutions, most of which is reduction at source. We should all be in support of what Garfield is trying to do; that is, to say, “That was then; this is now; offer some new options.”

I can recall the work that was done by Walter Pitman under the Interim Waste Authority. The member Ms. Savoline, the former chair of Halton region, would know as well; she has many years’ experience in this area.

What was determined at that time—Durham had ended up with about five sites and it was kind of a solution that two or three of them were in the area where I was the councillor at the time. So I was under the same sort of heat to say, “Well, no one really thought of anything besides a big hole in the ground where you throw things in and hopefully they disintegrate,” causing leachates and methane, which are probably bigger environmental hazards, besides contaminating groundwater. The site there was called Graham Creek. I won’t go any further, because that was an old site that had been closed years ago and had never been decommissioned or decertified as a C of A at that time. The C of A at that time dated back to the late 1970s. So you can see how time has changed.

It’s time for the Liberal members—this is private members. Please don’t let Premier McGuinty whip you into doing the wrong thing.

**Mr. Bob Delaney:** John, get off it.

**Mr. John O’Toole:** No, no, Bob. Bob—if I could only think of his name. He is the one who—

**Interjection:** Petition.

**Mr. John O’Toole:** No, no, it’s not Bob Petition.

If the member for Mississauga–Streetsville wants to do the right thing—we’ll watch the vote; I think we need a recorded vote on this. This is what I would be encouraging you to do.

I have the greatest respect for the previous member who spoke, the member for Oak Ridges–Markham, probably the most qualified person in this room today as the medical officer of health for the region of York—highly qualified. I listened to what she said, but I'll also be watching the way she votes. I think she's been whipped into voting—it's almost like Bill 218, the HST bill. A lot of them are getting the same calls. They know the impact on seniors. Bill 218 is going to cause an increase of about \$2,800 per family, but they're going to be whipped to vote. Some of them will lose their seats, no doubt.

My point, though, is this: Today we have the opportunity to do the right thing. Forget the partisanship and the fact that we disagree with you on the HST; on this thing we can all agree. I would urge you to support Bill 32. It will be a recorded vote, and I hope Garfield sends it out to the ridings that vote in support of it, and also, more importantly, the ones that vote against it. Simply do the right thing. The people will reward you for standing up for the people of Ontario and doing the right thing, at the right time, today.

**The Acting Speaker (Mr. Jim Wilson):** Honourable member, Mr. Dunlop, you have up to two minutes for your response.

**Mr. Garfield Dunlop:** I'd like to thank the members from Oxford, London–Fanshawe, Toronto–Danforth, Oak Ridges–Markham, Durham, and Dufferin–Caledon for their comments today—and to Mary and Vic, didn't I tell you she was doing a good job? Every time I see Mary and Vic, I say, "Your niece is doing a fantastic job," and Sylvia is doing a great job here.

I appreciate all the comments made by people here today. I'm hoping that your comments will turn into a supportive vote when we get to the voting portion today.

I wanted to say to the member from Oak Ridges–Markham that we're not asking anything different with this bill than we got with the Adams Mine Lake Act, which was a compensation type bill. In the bill, any compensation has to be rewarded by the Legislative Assembly, so it's not locked into that specifically. There is an opening there for all kinds of debate and accounting etc.

As far as the county of Simcoe, this has been a terrible time for the people opposing this project, because there's been a lack of trust with the county. If you are telling me it is as simple as the county of Simcoe sending a resolution to the Ministry of the Environment to revoke it, you know what? I've got to tell you something: I don't think that's going to happen. We'll try it, though. If you don't support it today, that's the next step; there's no question about it. There are county councillors in this audience today.

But do you know what? It would be good for this whole House, good for this whole Parliament, if we, as people supporting private members' bills or opposing them, voted in a non-partisan manner and supported this bill and supported all these people who are here today who don't want a landfill contaminating the precious groundwater of Tiny township.

**The Acting Speaker (Mr. Jim Wilson):** That concludes the time allocated for Mr. Dunlop's private member's ballot. For those of you in the galleries, our guests and those at home, we will vote on this item in about 100 minutes.

WORKPLACE SAFETY AND  
INSURANCE AMENDMENT ACT  
(ALTERNATE INSURANCE PLANS), 2009

LOI DE 2009 MODIFIANT LA LOI  
SUR LA SÉCURITÉ PROFESSIONNELLE  
ET L'ASSURANCE CONTRE  
LES ACCIDENTS DU TRAVAIL  
(RÉGIMES D'ASSURANCE  
CONCURRENTS)

Mr. Hillier moved second reading of the following bill:

Bill 219, An Act to amend the Workplace Safety and Insurance Act, 1997 to provide employers with the right to participate in alternate insurance plans / Projet de loi 219, Loi modifiant la Loi de 1997 sur la sécurité professionnelle et l'assurance contre les accidents du travail pour accorder aux employeurs le droit de participer à des régimes d'assurance concurrents.

**The Acting Speaker (Mr. Jim Wilson):** Pursuant to standing order 98, the honourable member has up to 12 minutes for his presentation.

**Mr. Randy Hillier:** I'm introducing this bill today. I believe it's apparent to everyone in this province that the WSIB is indeed broken. It does not serve employers well. It does not serve employees, as well. It really serves no one except itself.

I'm introducing this bill after many conversations and discussions throughout the province on how to fix the problems of WSIB. This bill in essence allows WSIB to continue, but it subjects it to the rigours and the disciplines of the marketplace.

At the present time, we all know that the WSIB is an exclusive monopoly. It's mandated, legislated by government to be the only provider of workplace insurance.

**1440**

Now, we've spent decades trying to fix WSIB. We've tinkered with it. We've made policies to modify it. We've tried to make it operate efficiently, to actually earn money and provide quality service to those injured workers. We've done all these changes, all these tinkering, but nothing changes with WSIB, and that is, of course, because we're failing to recognize the nature of that beast, that exclusive monopoly. There's no monopoly that provides quality service at low cost. It can't look for efficiencies, it can't improve its services, and it will not lower its rates.

I was hoping the Minister of Labour would be here today to engage in this discussion as well, but I'm sure he's listening in.

This is a self-serving monopoly, and it's \$12 billion in debt now. It has an unfunded liability of over \$12 billion,

and we're on the hook for that. That is money that has to be recaptured by the WSIB. It's going to come from either less benefits or higher rates or a combination of both, and at a time when our businesses and industries are feeling the pains and hardships of a recession, we cannot be looking at putting more and more costs on them, making them less competitive.

Just to put this in perspective, when I was speaking with the chair of the WSIB, he was somewhat boastful to me that about 20% of their claimants are dissatisfied and disapprove of the way their claims are handled. He thought a 20% complaint rate was pretty good. Can you think of any other business where two out of every 10 customers were dissatisfied? How long would that business stay in business? The only reason they can sustain such high levels of dissatisfaction is because they are a monopoly.

When we looked around doing research on how to solve this, I began to look at other jurisdictions. I know some people on the opposite side will think that this is a radical change, a radical departure for us, to move into private insurers competing, so I looked at some of those bastions of public options, such as the United Kingdom. I'll let everybody here in this House know that the United Kingdom does not have a public insurer for workplace safety. It is only by private insurers.

We also looked at South Australia. That was an interesting one because in 1986, they found themselves in a similar predicament to Ontario. They brought in the Workers Rehabilitation and Compensation Act in 1986. This act gave employers the right to choose insurance through the state-owned enterprise, WorkCover, a self-insurance plan, or another private insurer. The effects of privatizing workplace insurance in South Australia have been significant: lower premiums in less than a year. Employers retain the freedom to have choice in purchasing workplace insurance. Insurance providers had financial incentives for innovation and improving the quality of coverage. Here's an interesting one: The return-to-work times became half of those under the public system. That was in 1986—huge changes. This is South Australia.

Also, the state of Nevada, in 1999, had mandatory workplace insurance, a public provider. Again, they found themselves in very similar circumstances to Ontario. The state insurance provider was in enormous debt, losing money every year—very comparable to the WSIB. In 1999, they changed, and that has all changed. The compensation rates have dropped significantly in Nevada. They used to be one of the 10 most expensive states in the United States; now they are around the national average and 23% below where they were before. The \$2.2-billion debt that they were facing has now been completely eliminated and all 1,000 employees of the publicly run workplace insurance provider were transferred to jobs in the private sector. On top of that, benefits rose by 15% under that move from a public insurer to a private insurer.

Many people think that the system that we have is the only system that is available to us. There are many

options, and my bill speaks to those options. It gives people choice. I know that there are some people in this House on the other side to whom the idea of personal choice is not welcome, but choice is options, and options give us competitive industries and allow our industries to be competitive.

Just a few more steps for the members to ponder over when we debate this bill: Ontario has fewer lost-time injuries than both BC and Alberta together. However, we have higher employer premiums and poorer funding levels, and our benefits always exceed our revenues. That's just a comparison between BC and Alberta and ourselves.

Here's an interesting one: In 1988—I think this explains the nature of this bureaucracy and this monopoly—the WSIB employed 23 people for every 1,000 lost-time injuries. So for every 1,000 lost-time injuries, they had 23 people employed. That number now is 70 employees for every 1,000 lost-time injuries—quite a significant rise in the bureaucracy. This is what I meant by, "It serves itself." We also know that the WSIB has over 200 senior employees making over \$100,000 per year. I believe it's 226—and of course the chairman is not included because he's a volunteer, even though he received \$140,000 last year as a volunteer.

I think the picture should be getting clear for everyone: significant wages—we are seeing a significant reduction in lost-time injuries, but the WSIB keeps losing money and keeps losing more and more. The fewer injuries we have, apparently, the more money we lose with the WSIB. If these trend lines continue, if we get down to zero injuries, it will be billions and billions of dollars they lose every year.

This is not the way a business operates. When their liabilities are reducing, they should not be adding to their debt. There has been a huge and significant decline in injuries over the last number of years, and that's a great thing. However, it's getting worse that the WSIB continues to lose more and more money as their lost-time injuries improve—go down.

Those are just a few examples. South Australia, New Zealand, the United Kingdom and Nevada all have private insurers in their system and are all doing far better than we are. Again, we're in a recession. We're looking at ways to reduce costs for employers. I'll just reiterate this one fact: This bill makes it mandatory for private insurers to deliver the same level of coverage as what's mandated to the WSIB, so there can be no reduction in the quality of benefits or the level of benefits.

#### 1450

But I'll tell you, with hundreds of insurance companies competing for that marketplace, we will see a marked improvement in the quality of service, and hopefully—and I am sure—we will see a huge reduction in the number of complaints and the dissatisfaction level of injured workers with WSIB.

I am confident in saying this: Every member in this House has a stack of files from injured workers who are

dissatisfied, upset, angry at the treatment that they receive at the hands of this monolithic monopoly called the WSIB.

We must move to make some improvements—and improve it so that we're not continually tinkering with it—and stop these decades of problems with the WSIB.

**The Acting Speaker (Mr. Jim Wilson):** Further debate?

**Ms. Cheri DiNovo:** It's always a pleasure and a privilege to rise in this House, because we rise representing, in my case, almost 100,000 people, and not only the 100,000 people of my riding but the people across Ontario.

I have to say that I'm going to vote against this, for the obvious reason that we in the New Democratic Party do not support the privatization of an essential service like this. We don't support the privatization of health care either, which is a corollary system.

If you want to see what it looks like to privatize a system of delivery of an essential service, look to the United States, where health care is more expensive than here and delivers less service, and where huge swaths of the American public don't get health care at all; hence the attempt to make some reforms, to come closer to the system we have here.

What we would like to see with the WSIB is that more people are covered by it. About a third of Ontarians are not covered by WSIB coverage.

Having said that—and I'll go into this in more detail—does that mean that we support boondoggles like the eHealth scandal? No. We'd love to see electronic health records. We'd love to see our health care system run efficiently, where \$1 billion isn't siphoned off for consultants or friends of the government.

The same with the WSIB: We would love to see the WSIB run efficiently, where the chairperson is not taking trips to China. I ask this House: What—

*Interjection.*

**Ms. Cheri DiNovo:** Exactly: What can you learn in China about workplace safety? Good question. Nothing, I would think. But that was done on the taxpayers' dime.

So there are two different issues here: privatization versus public delivery of systems; and the efficient, conscientious delivery of those public systems.

I can agree with the member from Lanark-Frontenac-Lennox and Addington about the efficient delivery of public systems. I can also agree: That, we're not getting from the WSIB, and I'll go into why I don't think that's happening.

I agree with you: Do we have injured workers who are unhappy with WSIB? Oh, yes, we do. In fact, we've had demonstrations by injured workers outside the front of this place, complaining about how little they get. But let me tell you, if you want to contrast their experiences with the experiences of the third who aren't covered by private insurance, you're going to hear even more horror stories.

It just so happens that I have a friend who is a lawyer—a lawyer—who was disabled while on the job. Her stories of dealing with a private insurance company

to collect her disability would make your hair stand on end, and she's a lawyer. They tried to take her to court. She had to fight for everything, and she didn't get anywhere near the benefits she would have gotten if she had been on a construction site and covered by WSIB.

Private corporations—and let me say this: I used to have my own business. I know what it's like to be in business. In business, you want to make a profit. Nobody goes into business without the intent of making a profit. The problem is that when you deliver essential services—like health, like WSIB services—where does the profit come from? It comes from the services being cut—that's usually what happens—and the inefficient delivery of the services. It comes from somewhere, which is why we of the New Democratic Party fight against the privatization of our hospitals, fight against the privatization of our health care—that is creeping in, by the way, in Ontario already—and fight against the privatization of the delivery of those essential, necessary supports for disabled workers—absolutely. Those supports have to be covered. That's part of being human, in the same way that we would fight against the privatization of education or anything else that we think is an essential public service. It doesn't mean that business shouldn't thrive; absolutely, it should. It doesn't mean that business shouldn't make a profit, just not here.

Let's just go over what some of the problems are. First of all, benefits paid by WSIB ordinarily are higher than private insurers and cover a broader range of services than are included in the great majority of private insurance policies. Again, here the New Democratic Party would like to see those benefits extended. In fact, we're about to table a bill—it's going to be my private member's bill—that's going to ask the WSIB to extend coverage to cover post-traumatic stress disorder for front-line workers. We have EMT, police and firefighters whom we ask to go into battle. There's no other way of describing what they do every day. They go into some horrendous situations where trauma is sometimes part of the outcome in the same way that it is for our armed forces, and yet there's no coverage for that. So we responded to stakeholders' demands for that, stakeholders who came to see us who were EMT professionals, police professionals, who said, "Some members are on post-traumatic stress disorder leave, but there's no coverage for them." We think that's wrong. We think we need to do much, much better at supporting our police force, our firefighters, our EMTs, and we think that those particular disorders should be covered by WSIB—and they do too, by the way. Police, firefighters and EMT professionals would love to see WSIB coverage extended, not curtailed.

Benefits rates can exceed the 66% wage loss rate ordinarily paid by private insurance companies because, let's face it, depending on what you're making, it's very difficult to live on two thirds of what you made. Benefits include loss of retirement income, which you don't get from private insurers, usually. The bottom line: WSIB just treats workers better.

The second falsehood, I think, is that small businesses are required to repay claims expenses and that they receive premium increases when claims are made. The fact is that the majority of employers are covered under no-fault collective liability insurance. They're covered for all claims and administrative costs through their premiums. In a nutshell, that's why we're not supporting the bill.

Here are some of our concerns. To be fair, is WSIB operating like a well-oiled machine? Absolutely not. What are some of the problems with WSIB that we would like to see changed, and changed tomorrow? I talked about extension of coverage. There are several problems right now. First and foremost is the experience rating system. For those out there who perhaps are lucky enough never to have had to deal with the WSIB, they wouldn't know what this is. Essentially what the system does, presumably, is reward companies for their lack of injuries, but in fact what it does is reward companies for their lack of claims. This is very similar to the private insurance industry, by the way. Just imagine what that looks like. What it looks like on many job sites is raffle draws or free trips if you don't put in an injury claim. Well, you can imagine, in this recessionary economy, what that looks like for people desperate for a job. It doesn't look like fewer injuries, necessarily; it just looks like fewer claims. Injuries are covered up or they're not reported, or they're not reported well so the company can get their bonus. That has been going on.

In fact, we estimate that over \$2 billion in rebates have gone to companies in the past 10 years without any sign at all that the program has actually reduced injuries—two billion precious taxpayers' dollars. That's wrong, and that should be changed. We should get rid of the experience rating system immediately. It doesn't work. It doesn't work for workers, it doesn't work for taxpayers—it simply doesn't work.

There's one example here, by the way, of a United Steelworkers—there were a fishing boat and trailer located at the plant gate. Everyone who did not have a lost-time injury had their name go into the draw for the boat and trailer. Well, you can imagine.

At any rate, over a million workers have been denied WSIB coverage. That's another problem; I touched on this a little bit. About a third of the workforce in Ontario is not covered, and we in the New Democratic Party believe that that's not right, any more than it would be right to have a third of the workers in Ontario not covered by health care insurance. We think that WSIB needs to be extended.

**1500**

Finally, getting back to the problems of the WSIB, one of the most serious problems is the decline of Ontario's health safety system. We're talking here about committee certification. All companies of 20 or more employees are supposed to have a joint health and safety committee, and they're supposed to have trained members of that committee. This is part of the WSIB mandate. Workers have the right to inspect the premises, whistle-blow, re-

fuse unsafe work and collectively participate in the joint committee with management. Employers are responsible for supporting the joint committees and responding to their recommendations. The government is supposed to enforce the rights and responsibilities of both the employers and employees. But we found, in government agencies, that, in fact, less than half of companies are meeting that mandate—less than half. Again, there's a real problem with the delivery of a public service paid for by taxpayers' dollars.

Just to sum up: Do we agree with the privatization of the WSIB? Absolutely not, any more than any other public service. It would be the same as privatizing health care, which we would be adamantly against. In fact, I just came back from a conference in the United States, where it was funny because I said, "You know, despite all the misinformation that flies around the American media, we are uniform in our support of public health care in Canada." There's no debate because we've lived with it. We know what it's like. We know its shortcomings. We see the eHealth boondoggles. We know it can be badly implemented. But by and large, it's way better than what they have down there.

The same goes for the WSIB. We see its problems. We see its problems of implementation. We see the boondoggles. We see the placement of Liberals in high places. We see the unwarranted trips, the unwarranted paycheques, the unwarranted dinners, yada yada—the usual boondoggle stuff that goes on with taxpayer dollars. But would we replace it with a private system? Not on your life. Those who have had to go to a private system, they know first-hand what a nightmare it can be to try to collect—particularly, when you are disabled, to try to collect.

So I'm sorry, my friend; I'm not going to support you on this one. We're not going to support you on this one. Can more be done to tighten up life at the WSIB and the delivery to injured workers? Oh, yeah; absolutely, yes. No question about that. That's where we can agree.

**The Acting Speaker (Mr. Jim Wilson):** Further debate?

**Mr. Vic Dhillon:** Thank you for the opportunity to unequivocally state how wrong and destructive Mr. Hillier's proposal is for employers and workers in this province. Mr. Hillier states that he has done some research. I question his research, and I think that a lot of it is wrong.

According to what I know, the only contact he's had with the WSIB is the one meeting with the chair. I would encourage him to take a trip to the WSIB and see all the good work that they do, because I had the opportunity to go to their offices for a half-day tour. I tell you, they do a lot more than just write cheques for injured workers.

In fact, for kids, they start really early. They have all kinds of material for kids, and I had the opportunity to take some pamphlets to distribute to my son's class. The teachers were really appreciative of all the stuff that the kids learned about safety. They start them really young, and I was very impressed with what they do.

I know from talking to the business, labour and injured worker communities that the current integrated model is the right model for addressing workplace injuries and illnesses. We need to continue to work together to ensure that everyone who goes to work comes home safely, and when they do not, we have a system that addresses the needs of both employers and workers.

Mr. Hillier's proposal is to allow employers to opt out of the Workplace Safety and Insurance Act, which is not only wrong but, in my view, very dangerous. He's talking about a concept that has been rejected by every other jurisdiction.

He mentioned places. He mentioned New Zealand. I would argue that he's incorrect because New Zealand went this way and they had to come back because it wasn't the right thing and it didn't suit the needs of the injured workers.

He's talking about a concept, again, that has been rejected. All Canadian provinces and territories have a similar system to the WSIB in Ontario. He's proposing to lead us into uncharted waters when such divergence is not needed nor warranted. Again, he mentioned that New Zealand—which has been down this road—realized after a year that it was a mistake and went back to a public system with certainty of coverage, stable rates and secure benefits for workers.

The WSIB system is not perfect; I think we all agree and recognize that. There can be, and need to be, improvements to the system. However, those improvements come by working together in a system that employers, labour and injured workers have been involved in for almost a century.

Looking to third party insurers is not the answer. I urge Mr. Hillier to learn about the WSIB and, again, to make a trip down to their offices and see what they do. They don't just cut cheques for injured workers; they provide benefits to all injured or ill workers. This is only one aspect of the WSIB system in Ontario. The WSIB provides numerous benefits to both employers and employees which are not covered by third party insurers. Again, I urge you to tour the WSIB and learn about all its aspects. WSIB offers a tour, and I would be more than willing to help them set that up.

The WSIB provides a full suite of programs and services from end to end that are not available with private insurers. Employers are given prevention programs and services that save lives and prevent devastating injuries. When an injury occurs, the WSIB has many programs to get workers back to work safely and retrain workers who are more seriously injured.

Everyone knows about the WSIB's successful marketing campaigns to bring attention to the importance of workplace health and safety and prevention, not to mention the leading research that is conducted and funded by the WSIB on workplace safety, treatment and return-to-work effective practices to support workplaces and injured and ill workers.

We need to continue to work together. Mr. Hillier's proposal goes against the recognized and accepted

model. Again, I urge Mr. Hillier to work with us to strengthen the relationship between employers, injured workers, labour—

**Mr. Randy Hillier:** On a point of order, Mr. Speaker: It is customary and in the standing orders to refer to members by their riding name.

**The Acting Speaker (Mr. Jim Wilson):** That is correct. The member for Lanark–Frontenac–Lennox and Addington is correct; I would ask the honourable member to refer to other honourable members by their riding name.

**Mr. Vic Dhillon:** Anyone familiar with why a compensation system was recommended and set up almost a century ago understands the model we have. Members of the party of Mr. Hillier, the member from Lanark–Frontenac–Lennox and Addington, understand the benefits of this model. In fact, his colleague Ms. Elizabeth Witmer was the labour minister who introduced legislation that gave oversight of prevention to the WSIB. It's interesting that the member from Lanark–Frontenac–Lennox and Addington's bill ignores concepts introduced by his own caucus member, including the importance of prevention. His bill also ignores the employer support services funded by employer WSIB premiums, including access to industry health and safety associations. Right now, if an employer has a health and safety question or needs assistance on developing a workplace safety program, such as guarding a machine or addressing ergonomic issues in the workplace, they can contact their industry's health and safety association for help. Experts in health and safety can come into the workplace, answer their questions and help them improve their workplace safety record and culture.

This bill is only focused on benefits. Where are all the employers who rely on these important services going to get access to them? This bill also ignores the relationships that employers, injured workers and labour have. More importantly, this bill ignores the support these groups have for the current structure and ignores the time dedicated by employers, labour, injured workers and their advocates to work with the WSIB. It ignores the time dedicated by employers and labour officials who sit on the health and safety associations to improve industry safe practices.

Again, is the WSIB perfect? No. Is the WSIB working to improve? Absolutely. The users of the WSIB I talked to are committed to seeing the current model work. They are not interested in bringing third party insurers into the mix.

**1510**

I want now to talk about the unfunded liability. This is the difference between the assets currently held by the WSIB and the amount needed in the future to cover all current claims. This bill does not address the responsibility on employers opting out of the UFL. There are always concerns when the UFL increases. However, employers have never shied away from their responsibility to pay down the UFL. They expect the WSIB to spend their premiums responsibly and offer a fair system for both employers and injured workers.



What the member is proposing is an unfair system allowing some employers to find a third party insurer to cover them and leave the UFL to the ones who can't get private coverage to deal with. The member from Lanark–Frontenac–Lennox and Addington is not only talking about turning back the clock; he's talking about moving us back to the past, before we had a workplace compensation system. The solution to the concerns about the UFL is not to allow a few to walk away but to work together to address it.

Everyone understands that the economic downturn has caused the WSIB's investment portfolio to be severely impacted. The WSIB was no different than any other investor, be it individuals with RRSPs or institutional investors like pension funds. The WSIB has been working hard to develop initiatives to reduce and, ultimately, retire the UFL in a responsible manner. The chair of the WSIB has met with over 50 stakeholder groups to hear from them on how best to address the UFL.

The founding principles of a workers' compensation plan is a fair program for both injured workers and employers. Mr. Hillier's proposal is deficient in countless areas, including that it goes against the founding principle—

**Mr. Randy Hillier:** On a point of order, Mr. Speaker: Once again, it is customary and our protocol to address the members by their riding name.

**The Acting Speaker (Mr. Jim Wilson):** Let's not be too frivolous on our points of order.

The member for Brampton West has the floor.

**Mr. Vic Dhillon:** I urge the member to meet with injured workers to hear their stories. It's not fair to injured workers to be faced with having to deal with different insurance providers with different rules, different filing requirements, different benefits, different services than the WSIB. I know that business would be concerned about the differences too.

The proposed bill does not say that the alternate plan has to provide the same benefits as the WSIB. No, it says it must be only "comparable" and, more importantly, only comparable with the WSIB on the date when this proposed bill would come into force. The bill ignores the Legislature's right to amend legislation; instead, it would freeze benefit coverage. Secondly, "comparable" in any dictionary is not "equal." This should make everyone very uneasy.

This member is proposing that a vast amount of time and resources of employers and injured workers be dedicated to litigating whether benefits are comparable to the WSIB. That's the last thing that anyone should want. Instead, the focus should be on improving a system that everyone is familiar with: the WSIB. Everyone knows of the benefit coverage offered by the WSIB and the procedures to apply. While some may dispute the entitlements provided or the procedures, the bottom line is that there is a familiarity with this process. That would not be the case if this member's bill is passed into law. Let's work together to improve the system, not complicate it.

**The Acting Speaker (Mr. Jim Wilson):** Further debate?

**Mr. Garfield Dunlop:** I'm pleased to rise this afternoon to make a few comments on Bill 219, An Act to amend the Workplace Safety and Insurance Act, 1997, to provide employers with the right to participate in alternate insurance plans.

It's interesting to talk about this bill; it's such an interesting bill. A lot of my constituents are still here, and they may stay for the weekend to see question period now on Monday morning, which is even more interesting when you're allowed to stay here.

What I find interesting about this bill is that it's an alternative. But I think what matters more than anything is the fact that this bill is on Hansard, and the comments coming from the people who oppose this bill, as well as those who support the bill, will be documented. Why I say that is because I think it's worth the discussion in this House to have changes to the WSIB or improvements to it. We keep hearing, and the member from Brampton West just kept saying, "We'll work with you. Let's work together. Let's make it a better system." There are many ways you can do that.

I can tell you, as a former small business person and still part owner in a small company, and the number of my constituents I talk to, that there are still a lot of problems out there, both from the position of the employer and the employee. I don't know how many of the members in this House work with WSIB claims, where the constituent comes back to you and asks how you can help them with an injury they've had because they've run into problems with the WSIB. But when I see them walk through the door, usually there's a file an inch and a half thick with paper, and it's just a nightmare what they've been through, trying to get a satisfactory agreement or satisfactory claims from the WSIB. I get that on a fairly consistent basis, and when I see that—I mean, some people with WSIB obviously try to abuse the system. We've known that. That's been a fact for many, many decades. But there are other people that are very legitimate. They've had injuries and they're having difficulty getting fair compensation for their injuries. In my opinion, anyhow, it seems as though they're being put through the loops like you would not believe.

On the other hand, I'm also having WSIB inspectors from the Ministry of Labour going into some of our plants, and you know, we've lost a tremendous number of manufacturing plants in Ontario, particularly under your government. I believe there are 300,000 lost manufacturing jobs. So do you know what? I think they've got a lot of inspectors out there and they're looking for a plant that's actually operating. What they do is go into these plants and make life miserable and intimidate, and in a lot of cases they intimidate the owners. I don't want to put the names on the record here in the House today because I'm afraid of retaliation from WSIB inspectors to those particular plants. But I can tell you of examples where people have bent over backwards to satisfy the needs and requirements of the WSIB, only to be brought

in six months later or five months later—a new inspector could change everything—shutting plants down.

One particular plant was a concrete company. They're about to spend \$30 million on a new plant. The guy phoned me in a rage, almost in a heart attack stage, because his plant had been shut down for the weekend. It cost him \$25,000, and he had been given approval just six months earlier that the plant was fine. Those are the kinds of stories we're hearing.

If the member from Brampton West and the Ministry of Labour are serious, I'm sure they'll listen to this debate here today that shows that maybe we do need some alternatives. We did take the alternatives away from small business people with Bill 119, and that cost every small builder, every home builder, every small contractor another \$11,000 a year in WSIB costs. That's what it worked out to be. We opposed that at the time and we're still opposed to that today. It's actually part of our small business platform that we revisit that, because it intimidates small business people. It makes it more difficult to do business.

On the other side, people are going to have no money anyway. You're taxing them to death. Look at the harmonized sales tax. That's hitting everybody, hitting the consumer at the front end, on every topic you can imagine and everything they go to purchase. There will be less money anyhow, and of course those workers will be driven underground and everybody will be working for cash under the table. That's what will happen. No one believes that over there. But if you proceed with the harmonized sales tax, that's exactly what's going to happen in the province of Ontario.

I think, although you seem adamantly opposed to this bill, it is an alternative and it is an opportunity for people in the province to have this debate. I'd actually like to see the House pass this bill, move it on to committee and have debate. Vote it down at committee. Vote it down in third reading. But if you're sincere about the legislation, let's have an opportunity to debate the bill and then vote it down if it's so bad.

1520

That's all I need to say today. I appreciate the fact that so many of my constituents have hung around from north Simcoe and Simcoe county, Tiny township in the county of Simcoe. I hope you are enjoying democracy in action here, even though we do have a harmonized sales tax coming in on Canada Day next year, and happy Canada Day then.

**The Acting Speaker (Mr. Jim Wilson):** Further debate?

**Mr. John O'Toole:** I certainly want to start by commending the debate. I think that part is important, to make sure that we pay attention to the choices we make in business today. It's good to back off a little bit here.

The government has actually moved a couple of bills in the last six years that are sort of anti-business. If you read the CFIB, the Canadian Federation of Independent Business, one of the top three issues over the last five years has been red tape and government bureaucracy.

One of the glaring examples in one of their most recent reports from a very independent, arm's-length agency—I think it was Judith Andrews who was the policy crafter of the comment—was that, actually, WSIB, in its intent, is the right thing: to make sure that workers are protected and insured in the workplace. That's not in dispute here. The question of how that's delivered is what's at dispute.

What they said in the report, basically, was that WSIB premiums are a tax on jobs; ultimately, they are a tax on jobs, and you would know that. Whether it's 5% of payroll or 12% of payroll, it's a tax on jobs.

I guess it's what you pay for. But what they did in Bill 19 is a classic example of how they slipped their hand into your other pocket and took out some more money, with no service.

Let's take a small example of a roofing company—one of the highest rates. I think over 10% of payroll is the premium—one of the highest rates. What they did in Bill 119 is they required that the investors, the managers, the accountants, the clerks, the people who would be working in the sales office, all of them, would now be paying the 10% to 15% premium, even though they never climb a ladder and they never pick up a hammer. The most exposure to risk would be answering the phone and having two phones.

*Interjection.*

**Mr. John O'Toole:** The member from Northumberland has an opportunity to respond. He was in the racetrack business, and he's been going around in circles for years. We'll just leave it at that.

**Mr. Lou Rinaldi:** And you haven't caught up yet, John.

**Mr. John O'Toole:** Just a moment. I take umbrage with that. We can settle that outside; we'll have a race with our cars or something. My point is this: He's distracting us from the real importance; it was a tax on payroll, is the point I'm making.

Bill 119 got small business thinking. And the member from Simcoe North mentioned that he was a business person. Mr. Hillier was a business person as well. As a tradesperson—both were tradespersons—they were on the tools. They know of what they speak.

In my role at General Motors, I worked in the employment area. I was actually involved in personnel for a number of years, and part of that responsibility was what they called early-return-to work policy, which means that when workers were injured, you had to offer them light duty.

Early return is a very important option so that they don't become habitual with medications for pain and those various things, and you were required to offer them light duty. Those are the kinds of options that they should be looking at.

But what we are talking about today here, more importantly, is this sort of father-knows-best attitude that there is one solution for every workplace. That simply is not how it works. There are a lot of contract workers today who are shut out of this business.

If you really want to do the right thing, give people choices that suit the workplace, whether it's a unionized workplace, a self-employed workplace or a small business where it's a husband and wife, their children. These are the kinds of things that I think are important. But what is not accessible to this McGuinty government is the one-size-fits-all, whether it's in forestry or whether it's in manufacturing.

Why is the WSIB in trouble? There are 300,000 manufacturing jobs gone—you might suggest because of red tape. When they're gone, the payrolls are gone; the revenue's down. So WSIB now is short revenue. In fact, they have a deficit of \$15 billion, so what that signals to me is more tax in the future. The tax would be called a premium in this case, upping the rates on the remaining few workers. Who are we competing with in the global economy? We're competing with countries that are dealing with having a job as the most important thing and having choice to make sure you're covered while at the workplace. That can be done with what Mr. Hillier's talking about.

If you have car insurance or home insurance, there is a provision there for personal accident, and that's insurance. It's seven days a week, 24 hours a day. If you have WSIB today—and we deal with it in our office—if you fall off a ladder at work, they're going to dispute that you weren't at work; you were at home when you did it. So you spend more time in court appealing it than getting paid for the insurance that you paid for. It is insufficient, in my view, and I think this is one option that could be explored.

**The Acting Speaker (Mr. Jim Wilson):** I believe the government side has 19 seconds left. The honourable member from Mississauga–Streetsville.

**Mr. Bob Delaney:** This is a proposal that no other province in Canada will touch. This is a proposal that New Zealand did try; it was a disaster. They reverted back to the old way. This is a philosophy not so much of back to the future, but indeed ahead to the past.

**The Acting Speaker (Mr. Jim Wilson):** The honourable member for Lanark–Frontenac–Lennox and Addington, Mr. Hillier, you have up to two minutes for your response.

**Mr. Randy Hillier:** I want to thank my colleagues from Simcoe and from Durham, and also the member from High Park.

As the member from Brampton West was talking, he reminded me of an old adage we used to have on the job site. It went like this: "A little hard work never hurt anyone, but why take the chance?" Right? Why take the chance? What's clear from the Liberal side is that choices and options are terrible for them. I guess that's because they don't have any choice or option as well. Their Premier, Mr. McGuinty, says, "You're going to vote this way. You have no choice. You have no option," and they certainly don't want anybody else to have a choice or option when they don't.

I would like to say also to the member from High Park that this bill allows for no-fault insurance, so there would

not be those court cases. That's an important consideration, one that I've included in the bill, that we continue with the no-fault insurance.

I will say to everyone here that earlier this year I had a case of a lady named Cheryl Hamill from Smiths Falls. Her 18-year-old son, a year and a half ago, was injured by a backhoe. It took a year and a half of lobbying and fighting with the WSIB by my office to get them to pay and take care of Cheryl's son, who is now nearly 20 years of age: a year and a half. It's unacceptable. But it's going to continue as long as members on the opposite side sit on their hands and choose to do nothing. If you want to work together, pass this bill. We'll take it into committee, we'll hear from people, and we'll come together with good, sensible, reasonable solutions that will help our employers, but, more importantly, help our employees and workers as well.

**The Acting Speaker (Mr. Jim Wilson):** The time for this ballot item has expired. For those watching, we will vote on this item in about 50 minutes.

1530

PROTECTION OF VULNERABLE AND  
ELDERLY PEOPLE FROM ABUSE ACT  
(POWERS OF ATTORNEY), 2009

LOI DE 2009 SUR LA PROTECTION  
DES PERSONNES VULNÉRABLES  
ET DES PERSONNES ÂGÉES  
CONTRE LES MAUVAIS TRAITEMENTS  
(PROCURATIONS)

Mr. O'Toole moved second reading of the following bill:

Bill 188, An Act to amend the Substitute Decisions Act, 1992 with respect to powers of attorney / Projet de loi 188, Loi modifiant la Loi de 1992 sur la prise de décisions au nom d'autrui en ce qui a trait aux procurations.

**The Acting Speaker (Mr. Jim Wilson):** Pursuant to standing order 98, the honourable member has up to 12 minutes for his presentation.

**Mr. John O'Toole:** There will be other members speaking.

I think this purpose today is very important to understand. The purpose of Bill 188 is really primarily beginning the long and important debate on a population that's aging, as well as making sure that there are protections in place.

I want to take, at the very outset, a few moments and thank the people who have really educated me or at least brought to me an important issue that they were working on and asked me to be their legislative partner. That would be Tammy Rankin, who is from the Durham Elder Abuse Network. Thank you for spending your time here today listening to some of an important conversation. I would put to you that this is the most important. Thank you very much. I'd like to also thank Sergeant Phil Lillie, who is from the Durham regional police, and his partner,

Sergeant John Keating, the other Durham regional police officer who's worked on this elder abuse strategy. I thank them for the work they do.

This is but one very, very small piece of an attempt to put some strength behind a document that's often referred to as the Substitute Decisions Act—the power-of-attorney kit. Those power-of-attorney kits are available online, basically at most provincial offices; certainly any of the MPP offices would have them. They offer individuals, without going directly to a lawyer—it doesn't mean you should not go to a lawyer. It's a form that has been drafted and that actually came out of legislation back in about 1992, amending the Substitute Decisions Act. And that's what my bill does, is attempt to work with the existing document and simply strengthen it.

In the strengthening of it, I think that I first heard from victims in my own riding of Durham and then from the work done by Ms. Rankin, as well as Sergeant Keating. Other abuse issues that were reported in the media—I'm sure members here would have seen in the media occasions when often, not even outside of their family, elders were abused or taken advantage of. We'll put it that way, in a less formal way.

I don't want to leave the impression that this is interfering legislation or mandatory compliance legislation. What it's offering—first of all, we should all be attempting to educate ourselves, and I can certainly speak for myself in these circumstances—by listening to our constituents and listening to those situations where people have been taken advantage of.

I also worked with other groups. I've spoken at some length with the Ontario Bar Association. I've actually had correspondence with and talked to, through my office, Judith Wahl from the Advocacy Centre for the Elderly, as well as the Canadian Snowbird Association and other groups.

And I'm happy today that Ms. Elliott, the member from Whitby–Oshawa, will be speaking. She is a practising lawyer, or was a practising lawyer—perhaps both—and knows what she speaks of in the legal sense.

But I think it's important to put on the record some of the testimony of what other people have said on this and the work that's being done on the whole elder abuse strategy. It's not something we're making up; we're just trying to add some value to it.

There is an important book called *Aging is Living: Myth-Breaking Stories from Long-Term Care*. This published document was given out a couple of weeks ago here at Queen's Park. It's by Irene Borins Ash and Irv Ash, and photographs were taken by Dr. Irvin Rubincam. It goes through the process of aging in long-term-care facilities, and it talks in a respectable manner about the process of aging itself.

Even if you look more broadly at society, there's a whole stigma of ageism itself. Even in the recruitment issue and personnel issue, it's a very important but subtle thing that we must legislate against—discrimination based on age.

The foreword of this book that I referred to is by the Honourable David Onley, Lieutenant Governor of

Ontario, and it says about the author, “She told the stories and showed the lined faces of Canada's seniors. Some, like Jean Vanier, David Suzuki, and the late June Callwood, were household names, while others were known and loved only in their households. To this admittedly biased eye, her subjects, whether famous or everyday Canadians, had in common the serene beauty of lives well lived and enjoyed.” And it's our job to ensure this happiness and protect the elderly from abuse.

But it's not a presumptive position to start with, and I think that's important. What I mean is that there are many forms and degrees and timetables within the process of aging. Each one of us, in a different way, will go through this. But I think that families have a collective, community type of responsibility to look after one another, and that community can be within your family or external to it.

What my bill actually does is quite simple: It sets up so that the power-of-attorney kit you can pick up has a verifiable witness for that. It can't be someone who would be in a conflict. It also sets out that the person who is appointed as power of attorney would then be on a registry in the Office of the Public Guardian and Trustee, so that that maintained record, similar to a will today—there's no registry of wills either. The registry is something that was actually mentioned in the Fram report years ago, and the Office of the Public Guardian and Trustee did not want to follow suit with it; they found it a bit bureaucratic. But I think there's a way, with computers and systems today, to make sure that registry occurs. Leave it to the onus of perhaps the family lawyer, depending on how much the assets and need to organize these things exists.

It's not to imply that people who are aged are incompetent or incapable in any way; I think that all reasonable people should make provision for the future. We don't need to have a court-appointed guardian automatically in all cases, but that's what would happen, failing that substitute decision-makers were set up and things that were untoward happened.

Articles have been issued, and many capable and competent people have issued papers on it. I'm just going to refer to one of the e-mails sent to me the other day, from Judith Wahl of the Advocacy Centre for the Elderly: “We do a lot of work in respect to abuse of POAs of both types and have represented a number of people in court (the grantors of the POAs) in recovering assets or regaining control over their own decision-making....” So there are advocates out there who do that work, and they've made that clear to me, as have Ms. Rankin as well as Detective Keating.

On that, I've had a case within my riding where a family was unable to find who had the power of attorney. The family had become estranged for a variety of reasons—it's hard to say this here, because this is a constituent whom I respect and would not disclose. It's up to them to tell that story. That gives air to this whole thing.

At the end of the day, I would encourage members to support it, in the respect that there would be hearings and

stakeholders, and knowledgeable advocates would come forward, including individuals and families, to make statements about what kind of framework should be set up and whether the power of attorney as we know it today is sufficient or not. I think that's really what I'm trying to achieve; it's not to be intervening in people's lives as some might suggest. I think it's really encouraging people to take those steps when they are competent and capable to set up somebody for oversight in the event of something untoward happening in their life.

I can tell you that I have testimony from the legal community, the medical community and those involved in long-term care, who have made me very distinctly aware that there is an issue here, and not something I am contriving, so this legislation would be an important part of that. But it's only one part. If you look at the document by the law commission:

“Elder abuse and exploitation

“‘Elder abuse’ has been recognized by governments in Canada and in jurisdictions such as Australia, the United Kingdom and the United States as a significant social problem requiring a legal response. The question of what form this response should take is a difficult one, and remains the subject of ongoing discussion....”

So is what we're saying today.

I'm very interested in the other members, without being too instructive, in terms of the content of the bill. The bill is online. It's available. It's printed. It's Bill 188. It requires people to register the power of attorney, it allows for disclosure of who is the power of attorney and, upon request by family members, a statement of the account expenses that may or may not have been spent or taken care of.

1540

It's a fairly simple bill, but it will contribute to the discussion on a growing phenomenon in an aging population at this time in our society. We do have a common interest, a community of interest, in doing the right thing for one another.

I would only say that, again, there are people out there in the strategy—in fact, surprisingly enough to some, the strategy on aging and elder abuse started in 2002, when we were the government. From there, today we've reached a point where there's a document that could be easily fixed with a very small piece of legislation, without adding any more expense to any family or any individual. This would just make sure it has some strength to it so that people won't abuse it—like someone coming into your house and saying, “Sign this document and I'll make sure that you get a walker or some home support.” With that document they sign, when they're not as competent as they might be—they're trusting people—they may find that that person takes that information and cleans out their bank account. It could be a family member—and in many cases, the evidence says that it's often a family member—who may have a problem with substances or other kinds of issues in their life, and they find in this an easy prey.

Some of the stories I've heard are very, very sad stories, about abuse of persons who have been involved

in tragic accidents and who in court received lots of money, and people have taken advantage of them. This would provide a bit more structure so that people who are fragile are not abused.

With that, I would encourage other members to participate in the debate.

**The Acting Speaker (Mr. Jim Wilson):** Further debate?

**Ms. Cheri DiNovo:** Again, it is an honour to rise, for a couple of reasons: first of all, to support the member's bill. I think there are some issues with it and some problems with it, but I think it's absolutely worthy to go to committee. Moreover, I think what it does is really raise the issue of elder abuse, which needs to be raised, and how we look after our seniors. In many cases, we just don't.

The issue of elder abuse is serious. It's everywhere. One in 10 is a statistic that I've heard, where seniors are abused in some way or exploited in some way. This is horrendous, and it needs to be looked at.

In my own life, when I was a United Church minister, right across the street from our church was a very notorious case, may I say. It was a typical case too: a young man living with his grandmother; he had substance abuse issues; she had aged and was no longer as mentally competent as she once was. She signed over everything to him, under false pretences. He was running a crack house out of their house. She had not been fed. She had not been looked after. The police had to intervene, and found a situation which was horrific. When they did, it was the stuff of news reports. That kind of abuse is really what should concern us all. So that's, I'd say, the personal aspect of it.

There's a kind of structural abuse that goes on too, and I want to touch on that: the sad situation in long-term-care homes and other places where, as the public who funds them, we should have some say as well. The story I've told before in this House regarding that was about a parishioner, a wonderful woman whom I'll call Mary so as not to disclose her identity. Here was a woman who had a house—again, she had some means. Her house was worth a considerable amount of money. But Mary's problem, if you can call it a problem, was that she just lived too long. She had to move from her house, sell her house, and the equity from her house went to pay for a very good nursing home, a very good long-term-care facility. I used to visit her there. It was a wonderful place—well taken care of. But the problem was, the money ran out and she didn't; she was still alive. Then they shifted her to a not-so-great nursing home, where the care was not so wonderful. Within months, she deteriorated. She was roomed with someone who had schizophrenia, who spoke out and acted out all the time. It was horrific. Her health went down, and literally within the year, she was dead. Would she have lived longer with better care? I think so; her family thought so. Unfortunately, that's where we as taxpayers and government legislators come in. So those are kinds of structural problems with seniors.

I think the member's bill is a good one in the sense that it really highlights how all of us need to take this issue seriously—and seriously for ourselves because, let's face it, we're aging too. Everyone needs a will, needless to say. Everyone needs a living will, so that if we're incapacitated, our relatives and those who love us know how to look after us. Everyone needs to have these sometimes painful discussions with our relatives and with those folks whom we trust before we get to the point where something horrendous—the member from Durham told of an instance where somebody thought they were signing off and buying a wheelchair and ended up losing their life savings. That situation is awful and should be avoided.

I'm not quite sure, to be honest, whether this bill is the total answer there. I think it's kind of amusing that somebody from the Progressive Conservative Party wants to expand a bureaucracy. It sounds like a little bit of red tape to me. It might be very difficult to administer this kind of system.

We live in an age of computerization, but we're talking about literally thousands and thousands of attorneys across the province of Ontario. If they have to report, or somebody has to report, annually on their possible charge—let's put it that way—that's a phenomenal amount of paperwork and certainly, I would say, well beyond the means currently at the public guardian and trustee's office. That's something that I as a New Democrat would have some concerns with. I'd certainly want to hear from somebody from the public guardian and trustee's office about, is this possible, could it be implemented etc.?

It's an opportunity too to say thank you to all of those who do such phenomenal work that's often unrewarded and almost always underfunded—people like my own West Toronto Support Service and others who are our safeguard right now. Meals on Wheels, strangely enough, is one of the best safeguards on our seniors who live alone, in isolation, that I have in my riding. I'm sure it is duplicated across the province. These are people who just knock on the door every day and deliver a meal, but they do far more than that, of course. They knock on the door and check on a person as well and extend their help and connect them. Those folks do phenomenal work. Thank you for doing it, because you are not getting a lot of support from here.

There are other things we could do too. We long have advocated at least a 3.5-hour per client daily minimum of care in long-term-care facilities. We're not there yet. The McGuinty government hasn't taken us there yet. Situations in some of the long-term-care homes in my riding are pretty abysmal. People speak off the record and say that even if somebody was ringing their bell or screaming out, it would take them a while to get down the hall because they've got somebody they're caring for and there's nobody else around. Simply lack of staff, lack of resources, lack of mandatory long-term-care hours, again funded by us, is something that we really need to act on, and act on quickly.

Of course, we need more affordable housing, because a lot of the problem for our seniors is exactly in the affordable housing area. We have 130,000 households now waiting for affordable housing, from seniors right down to children. The average wait is 10 to 20 years. If you're a senior waiting, 10 to 20 years is way too long.

Everyone needs a pension plan. Increasingly, fewer and fewer Ontarians have a pension plan. We're looking at a whole generation of boomers who are going to age without a pension plan, including your legislators here who have no pension plan. This is a growing phenomenon across Ontario, and it's a phenomenon that we need to look at. We need to make sure that people can age and retire in dignity. I always say to my family that I'm on the freedom 95 plan because that's about when I'll be able to afford to retire.

HST: On this side of the House we're in agreement that that's a bad thing. That's going to hurt our seniors, especially seniors living at home. They're going to be paying 8% more on basic, necessary utilities—heating. If you're on a fixed income, and a limited fixed income without a pension, as is the case with many of our seniors, dependent on CPP, let's say, you just can't afford another hit every month. You simply cannot afford it. That's what's going to be happening after July 2010.

These are all ways in which we could minimize the possibility of abuse. When seniors live economically dependent lives, when they live on someone else, they live lives more open to abuse. That's the reality. Better long-term care, better financial supports, better housing: These are all ways in which we could help prevent abuse among our seniors, and of course—yes—better wills, better systems with the naming of an attorney, better checks and balances on that system too. Again, I'm just not sure that this bill's going to fulfill all of that. But having said that, hey, at least the member from Durham is looking at the issue. At least if we get it to committee, it would be a chance to get all the long-term-care advocates here again, to get all of those members from CARP and ACE, all of those groups that do their best to look after our seniors, deputing. Maybe between us—more heads are better than one—we could actually come up with a really workable system that would protect our seniors in terms of what happens to them, whether financial, physical or emotional, when they become not as mentally competent as they were before.

**1550**

Thank you to the member from Durham so that we can have this conversation. There's so much more the McGuinty government could do, and easily so, quite frankly. We've been calling for this for years now, and this is at least one attempt to address the problem. Again, it's a chance to do some educational work. It's a chance for all of us to rise and say to everyone in our riding and everyone across Ontario, please make sure you have these difficult conversations now. Please make sure you have wills, and living wills, that you leave with someone. As a clergyman in my former life, I had to do funerals all of the time. Let me tell you it just gets rid of so much

animosity and so many problems if all of this is done before.

So do it, protect yourself, and then look to your elected officials to help you do the rest. That's where we encourage people to ask their elected officials, "What have you done around the issues of long-term care? What have you done in terms of affordable housing for our seniors? What have you done to make life less expensive for someone on a fixed income and who's aging in your community?" Then, based on the answers, decide whether they're worthy of re-election or not. That's something we could all do now as well.

**The Acting Speaker (Mr. Jim Wilson):** Further debate? The honourable member for London–Fanshawe.

**Mr. Khalil Ramal:** Thank you for giving me the chance to stand up and speak on Bill 188, Protection of Vulnerable and Elderly People from Abuse Act (Powers of Attorney), 2009. I listened to the member from Durham speaking on this bill, and of course it's a noble thing to speak about seniors and to create a way to protect seniors in Ontario. But I was shocked when I listened to him today, and compared it with what happened yesterday, when the same member stood up in his place and voted against the seniors' bill I introduced to allow seniors to drive in Ontario—to create a special driver's licence for seniors to drive in this province. He and his caucus voted against it.

But we're not going to treat them in the same way, in the same fashion, because I believe the seniors in this province worked very hard to build this province for us to enjoy today. I think we owe them all the respect and obligation to support them and create whatever way to protect them from any abuse.

I read the bill many different times, went to the research department at our caucus and got a lot of information to see the intent of this bill. I listened also to the member from Parkdale–High Park, and she has a legitimate concern about what this is going to do for seniors.

I read my research and it says, to me, that the attorney, continued under the power of agreement, has to provide all the bank income tax returns and income records on an annual basis. Also, the attorney has to provide to the public guardian and trustee the information about his or her living address on a regular basis and what they do on a regular basis. Also, as part of the system we have at the present time, the public guardian will register the attorney and all the information around the subject. I'm not a lawyer by trade, but I did my best to read it many different times to understand the technicalities of this issue because there are a lot of technical elements in this bill.

The most important thing is that all the information cannot be released by the attorney or by the public guardian and trustee without a court order. All the information would be protected. First, the guardian and trustee will register the information about the attorney, and this information cannot be released without a court

order to the authorized persons who are permitted in this agreement to have the information released.

I also learned something very important. If we want to have mandatory registrations, as the member for Parkdale–High Park said, we're going to create a lot of bureaucracy, a lot of paperwork. It's not going to change anything or any meaning of the abuse. If a person wants to abuse someone else, they will create many different ways to abuse them.

The most important thing is that we have to create an initiative, a mechanism, to allow our seniors to live with respect and dignity; to create affordable homes for them; to create a national pension plan for all of the seniors across Ontario. Financial issues are important for all of us, to give us the freedom and the respect we are looking for, and also to give us the ability, as seniors, to buy and provide ourselves with good service.

It's important to have a government look after seniors. Our government played a pivotal role in this area by creating a hotline for nurses or anyone working with seniors to phone and notify about the abuser.

Also, we created almost \$500 in taxes returned to seniors who want to continue living in their homes.

We also created the aging at home strategy, which plays a pivotal role in our communities to allow many seniors across Ontario to live in their homes. They proudly want to continue to live in their homes, and may need some kind of assistance, whether medical, physical, or other kinds of assistance. Our government is trying to provide services for those people.

There is also our affordable homes strategy, a part of our budget: We are going to build more than 4,500 affordable homes across Ontario, we're going to refurbish 50,000 homes, and we'll bring that number up to 76,000.

Maybe the member opposite is saying it's a small number. Yes, but this will cost us \$1.2 billion. I think we are going in the right direction, building affordable homes for seniors, for the vulnerable people who live among us.

I thank the member from Durham. He brought up a very important issue, a noble issue: our seniors. As I mentioned, we owe them respect because they worked for us in the past to create a beautiful environment, a beautiful province, and to give us the chance to live in peace and tranquility, to enjoy the democracy which we all enjoy today, and to give us a chance to be here, to talk to all the people and to represent the people of Ontario. Therefore, in return, we owe them respect. We owe them all that we can, in order to provide them with the service and protection they need.

I'm not sure that this bill is going to change anything. As a matter of fact, it will create more bureaucracy, more paperwork, and it's not going to touch the main issues. The main issues are tangible issues: to allow seniors to unlock their pensions by at least 50%, which is what we did; and also to give them the chance to benefit from the environment which we should create for them to enjoy

and live in, in peace and tranquility, at the end of their lives.

My colleague is a lawyer. He understands technicalities in the laws, and terminology, and can explain more about why we are not supporting this bill.

**The Acting Speaker (Mr. Jim Wilson):** Further debate?

**Mrs. Christine Elliott:** I'm really pleased to have the opportunity this afternoon to rise in support and speak in favour of the bill that's being brought forward by my good friend and colleague the member from Durham.

Bill 188 is called An Act to amend the Substitute Decisions Act, but its short title, the Protection of Vulnerable and Elderly People from Abuse Act, I believe, really encapsulates the purpose and intent of this bill. I commend the member from Durham for bringing forward this somewhat difficult subject.

There have been some articles in the newspaper and in other media recently about elder abuse, but I truly don't believe that members of the general public understand the extent to which the financial abuse of vulnerable and elderly people takes place on a daily basis in Ontario. I would like to speak to that for a few minutes, to explain why I support the bill in the manner that it has been written and in the form which it takes.

Before I was elected, I was a lawyer practising in my hometown of Whitby, which is now part of my riding. As a general practitioner, I routinely met with members of the public who wished to prepare wills and powers of attorney, both financial powers of attorney and powers of attorney for personal care.

As many people know, financial power of attorney for property is one in which the grantor, the person giving the power of attorney, can give to their attorney the ability to make any type of financial transaction possible and to deal with their property in any way possible, except that an attorney can't make a will for the grantor.

Theoretically, that gives the attorney the ability to do whatever they want to do with a person's property: to buy and sell property, to rent property, to give it away, to do whatever they want with it.

**1600**

Now, in most cases, powers of attorney are drafted such that they do not become effective unless and until a person becomes mentally incapable. Sometimes you can have them which become immediately effective, but the general intent is they don't become effective until the person becomes mentally incapable. That's okay for the vast majority of these types of documents, because often people name family members, sons and daughters and so on. They are responsible and they do take care of that property. But in some cases—and I think this is what this bill is meant to deal with—there are people who will entice elderly or vulnerable people to sign a power of attorney in their favour and then they take all their money and run.

In some other cases, there are situations where powers of attorney are drafted, maybe given to a family member,

and the family member will then transfer the property into their own name, whether the person is mentally capable or not capable. Sometimes people rationalize it by saying, "Well, it doesn't really matter because it's all going to come to me in the end anyway." That's not the point, with all due respect, because when you're acting as an attorney for property or for personal care, you are acting in a position of trust. You're a trustee, you're acting in a fiduciary position with respect to that person's property, and you have no right to transfer that into your own name or use it for your own purposes.

I can tell you that in my own practice—and I believe most lawyers do this when they are drafting power-of-attorney documents—you need to speak to the person to find out about relationships. You especially want to ask questions if someone's giving a power of attorney to someone who might not be one of their closest relatives or somebody they are close to; you need to question that sort of thing. You might also want to ask questions in situations where the grantor might appear confused or a little bit uncertain. You need to ask serious questions of them: Do they really know what they're getting into by giving a power of attorney to a certain person?

I can also say I've had several occasions in my own practice where I've had to ask for doctors' notes to confirm the mental capacity of the grantor, and in other cases I've had to say, "I'm sorry. I can't do this document for you because, in all good conscience, I feel that there's something wrong," that people are being taken advantage of and that they are being abused. There's very little that I can do to safeguard that except, of course, report criminal behaviour if I suspect it. But short of that, there's not much you can do, because the person can then simply walk down the street, go and see another lawyer, or do a document with one of the power-of-attorney kits that are so readily available.

That's why I'm so supportive of this bill. I think it does put in some safeguards that won't completely prohibit this kind of behaviour, but I would submit would go a long way towards getting people to think twice about engaging in this kind of behaviour.

What this bill does is, first of all, require someone other than a family member to be one of two witnesses to the granting of a power of attorney. I think that's important because that can cut down on potential abuse.

There's also the requirement for the accounting with respect to what's happening to the money and the amount of compensation that the attorney is claiming. That might be something we should be discussing in committee, how extensive that needs to be, because we don't want it to become unduly bureaucratic, but we do want to reduce the amount of abuse that's happening.

The third thing this bill does, and I very much support this, is a central registry for power-of-attorney documents to be administered by the public guardian and trustee. If someone's name is going to be indicated on a public registry and they may be required to submit an annual accounting of what they've done with somebody else's



money, I think that's going to really make people think twice about engaging in behaviour that may in some cases be criminal behaviour.

Is this a perfect answer? Perhaps not. Is it the total answer? Perhaps not. But I think there are some really good ideas here that need to come forward, and I really commend the member from Durham for bringing this forward. I think it's a positive step. I can only reiterate what the member from Parkdale–High Park said: It's important that people prepare wills and powers of attorney. I can't tell you how many families I've seen split apart over these kinds of issues about improper use of a power-of-attorney document, because sometimes there's no money left to go into an estate if a power-of-attorney document has been improperly used. Then you get into fighting after the fact about estates, and there's nothing worse than that. You don't want to see that happen to families.

So I would urge all members of this House to support this bill. I think it goes a long way in protecting vulnerable and elderly citizens in our province.

**The Acting Speaker (Mr. Jim Wilson):** Further debate?

**Mr. David Zimmer:** It's my pleasure to speak to this. First, I want to commend the noble intention with which the member for Durham has brought this bill forward. He knows and I know that he does have the best interests, particularly of seniors, in mind when he brought this legislation forward.

I had the opportunity of serving for a number of years as the president of the Alzheimer Society of Toronto, then for a number of years as the president of the Alzheimer Society of Canada, and then for a couple of years on the board of Alzheimer's Disease International out of London, England.

This subject that the member from Durham has raised in Bill 188 is one that has been much discussed over the years. I want to address my remarks to one aspect of the bill, and that has to do with the registry. As I understand Bill 188, a person who wants to give someone power of attorney can do that. Of course, they do that when they're of full capacity, if you will, so they know exactly what they're doing and there aren't any issues that they didn't realize they were signing a power of attorney or their judgment was in some way clouded, in any event. So we're dealing with a person who has taken the thoughtful and rational decision to give someone power of attorney.

Bill 188 would require that the person who gets the power of attorney be registered in some department in the government, so that really all the world—anybody who wanted to know—could find out if that person has done a power of attorney, and if so, whom they have given the power of attorney to.

The subject of this idea of having a registry of powers of attorney has been debated over the years. In fact, when the Substitute Decisions Act came forward in the early 1990s, it was a subject of great debate there. I have done some research, and my research confirms what I know to

be the case, because I was involved in that debate. There was very, very strong and very, very vocal opposition to the idea of maintaining a registry.

What was the basis of that opposition at the time? Is that opposition still out there in the community, and what was the basis of the opposition?

I remember the debates at the time; I remember the position of a number of stakeholders over the years. The idea was, in a strange sort of way, telling someone that if you want to give a power of attorney, you can do that, because you're fully compos and so on, but you're going to have to disclose that to the government through a registry, to the public.

There were many, many people who wanted to give a power of attorney and who were planning on giving a power of attorney.

My mother, for instance, when she was well, said that she had given a power of attorney and she confided in the person to whom she had given the power of attorney. But in her older years, she wanted to have the dignity of keeping that decision of hers to grant a power of attorney, and to whom she granted the power of attorney—she wanted to keep that private. She didn't want her friends to know and she didn't want her family members to know. It was a private, personal act between a decision that she had taken and getting the okay, if you will, of the person to whom she had granted the power of attorney. I remember she took great pride, in one of the last acts of her life before she became too ill, to grant a power of attorney.

**1610**

Telling people, particularly elderly people, in their declining years that, yes, you can do a power of attorney but somehow the government's going to get involved in it and you're going to be forced to disclose publicly who your power of attorney is and really what the terms of the power of attorney are, is in some ways disrespectful. That may be too strong a word, but I think members of the chamber know what I'm getting at.

The last point I want to make on this is the administrative complication of maintaining a registry. The research that I've done tells me that there are probably—and we don't know, but the best estimates are that there are a couple of hundred thousand or more, maybe half a million, powers of attorney in existence here in Ontario. Now, that's an anecdotal piece of evidence, but that's the sense. And to maintain an up-to-date registry and all that's involved in maintaining a registry of that size is really an administrative nightmare.

**The Acting Speaker (Mr. Jim Wilson):** Further debate?

**Mrs. Elizabeth Witmer:** I'm certainly very pleased to join the debate on this very important piece of legislation which has been introduced today by my colleague the member for Durham. This is an important private member's bill that he has put forward today. It does speak to the issue that, regrettably, we hear more and more about, and that is the issue of elder abuse.

This bill is entitled An Act to amend the Substitute Decisions Act, 1992 with respect to powers of attorney. What it would do is protect elders from abuse. As I said, it is an issue that we continue to hear about, and as the number of seniors in the province of Ontario increases, we need to ensure that they are protected from this form of abuse, which is financial abuse.

The bill is amending sections that would ensure and codify the protection of seniors from abuse via a power of attorney, and it calls for an annual accounting of information to the public guardian and trustee as well as the creation of a registry of attorneys at the PGT office.

Now, I want to compliment and I want to congratulate the member from Durham. He has been a very hard-working member of this Legislature since he was first elected, and he has always brought forward the concerns of the constituents that he represents. As he mentioned, he has certainly become aware of the problems currently with the Substitute Decisions Act, and so this would allow for this bill, when it's passed, which I hope it will be, to go out for committee hearings. Obviously, there are concerns that we've heard that some members have, but let's give the public the opportunity to speak to the bill, and at the end of the day, hopefully we will come out with a piece of legislation which will protect our seniors, many of whom are very vulnerable, from further financial and physical abuse. So I compliment my colleague.

**The Acting Speaker (Mr. Jim Wilson):** Further debate?

**Mr. Garfield Dunlop:** I, too, want to take a moment and speak a little bit to Bill 188. The reality is—the member from Kitchener–Waterloo mentioned it best—the member from Durham has brought some really positive legislation to this House in the past and works extremely hard on behalf of his constituents.

I think that when you look at the demographics of our province, the number of seniors we have in the province, and you've got a member that's caring and listening not only to the concerns of the seniors in his riding but seniors across the province, I think this legislation should move forward. I think it should move forward so that we can have the input. That's what private members' business is all about: to be able to get that opportunity to have the discussion and to have comment come back and see what good things come out of the legislation. It may or may not be perfect. Who knows; we're not sure.

But keep in mind that this is the member who started and was—he worked extremely hard over, I think, four or five different introductions of bills and debates in this House on the banning of cellphones and hand-held devices. People weren't happy, at all times, with that debate. However, he pointed out that in the end it was a public safety issue; lives would be saved. His bill, or something very similar, was finally adopted by the Minister of Transportation to bring forward, and of course he took all the credit for it, but the guy who did all the work on the bill was the member from Durham, and

he did it over about five years. We all know that. I'm very proud, as a member of the PC caucus, to sit with people like the member from Durham. He works extremely hard on behalf of his constituents. He sets the bar so high for all the other members to keep up that pace, and, as a result, that's the kind of candidate that we're looking at in the next election, and that's why we'll be forming the government in 2011. So thank you very much, Minister.

**The Acting Speaker (Mr. Jim Wilson):** Further debate. Seeing none, the honourable member for Durham has up to two minutes for his response.

**Mr. John O'Toole:** Again, I appreciate all the members' comments and also the unnecessary flattery. I'll certainly get copies of Hansard for the next election and give credit where credit is due.

But I think the debate is very important, and I think some very instructive comments have been made as well. The one point that I want to make is that the registry issue has come up a couple of times, and with the registry issue, I believe times have changed. The member from Willowdale had mentioned that—his only reasonable opposition to this legislation over this small administrative matter. Technology—certainly I think he's aware of that—has changed in the last 15 or 25 years to the point where there are methods to register these things on title, as we have done with property with Teranet and other solutions to the registration of title. Technology can be part of the solution.

I'm not going to stand here today in the very few moments I have and say that we'll overlook it and slip it by. The point has been established here by all the speakers: a former Minister of Health, a practising lawyer, a person who has worked in his community, as well as many competent people, I might say, in all parties, including a person who practises—telling her clergy how to behave. This is one thing that I think we can all encourage to be done.

Public hearings are what I'm asking for. It's no different than anything else. Give the stakeholders and the groups such as—I have comments here from other people who have e-mailed me even in recent days. Howard Black, who is with Minden Gross, a practising lawyer, says, "A continuing power of attorney for property and ... personal care are two ... important documents that every person should have ... in spite of the simplicity of the ... documents, the consequences that flow from them can be very significant and potentially ... damaging." So it would be instructive to follow the advice, to move along, even if the government embraces this move. In the strategy of aging at home by the Ministry of Health, they should grasp this and protect people who are no longer being protected in the institutional care of long-term care. So it's the right thing to do. I'd encourage members to vote for it, and we'll get it to committee. When it's in committee, the experts will tell us how to get it right.

**The Acting Speaker (Mr. Jim Wilson):** The time provided for private members' public business has now expired.

WASTE DISPOSAL SITE 41  
IN THE TOWNSHIP OF TINY ACT, 2009

LOI DE 2009 SUR LE LIEU 41  
D'ÉLIMINATION DE DÉCHETS  
DANS LE CANTON DE TINY

**The Acting Speaker (Mr. Jim Wilson):** We will first deal with ballot item 46, standing in the name of Mr. Dunlop.

Mr. Dunlop has moved second reading of Bill 32, An Act to prevent the disposal of waste at Site 41 in the Township of Tiny. Is it the pleasure of the House that the motion carry?

All those in favour of the motion, please say "aye."

All those opposed, please say "nay."

In my opinion, the ayes have it.

We will vote on this ballot item after dealing with the next two. We'll call in the members at that time.

WORKPLACE SAFETY AND  
INSURANCE AMENDMENT ACT  
(ALTERNATE INSURANCE PLANS), 2009

LOI DE 2009 MODIFIANT LA LOI  
SUR LA SÉCURITÉ PROFESSIONNELLE  
ET L'ASSURANCE CONTRE  
LES ACCIDENTS DU TRAVAIL  
(RÉGIMES D'ASSURANCE  
CONCURRENTS)

**The Acting Speaker (Mr. Jim Wilson):** We will now deal with ballot item 47.

Mr. Hillier has moved second reading of Bill 219, An Act to amend the Workplace Safety and Insurance Act, 1997 to provide employers with the right to participate in alternate insurance plans. Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the nays have it.

We will call in the members after we deal with the next ballot item.

PROTECTION OF VULNERABLE AND  
ELDERLY PEOPLE FROM ABUSE ACT  
(POWERS OF ATTORNEY), 2009

LOI DE 2009 SUR LA PROTECTION  
DES PERSONNES VULNÉRABLES  
ET DES PERSONNES ÂGÉES  
CONTRE LES MAUVAIS TRAITEMENTS  
(PROCURATIONS)

**The Acting Speaker (Mr. Jim Wilson):** We'll now deal with ballot item number 48.

Mr. O'Toole has moved second reading of Bill 188, An Act to amend the Substitute Decisions Act, 1992 with

respect to powers of attorney. Is it the pleasure of the House that the motion carry? I heard a no.

All those in favour of the motion, please say "aye."

All those opposed, please say "nay."

In my opinion, the ayes have it.

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

*The division bells rang from 1620 to 1625.*

WASTE DISPOSAL SITE 41  
IN THE TOWNSHIP OF TINY ACT, 2009

LOI DE 2009 SUR LE LIEU 41  
D'ÉLIMINATION DE DÉCHETS  
DANS LE CANTON DE TINY

**The Acting Speaker (Mr. Jim Wilson):** We will now deal with ballot item number 46.

Mr. Dunlop has moved second reading of Bill 32. All those in favour of the motion will please rise and remain standing until counted by the Clerk.

**Ayes**

Albanese, Laura	Hampton, Howard	Prue, Michael
Arnott, Ted	Hardeman, Ernie	Ruprecht, Tony
Balkissoon, Bas	Hillier, Randy	Sandals, Liz
Best, Margaret	Jones, Sylvia	Savoline, Joyce
Bisson, Gilles	Klees, Frank	Sergio, Mario
Bradley, James J.	Kwinter, Monte	Smith, Monique
Cansfield, Donna H.	Leal, Jeff	Sousa, Charles
Delaney, Bob	Marchese, Rosario	Sterling, Norman W.
Dhillon, Vic	McNeely, Phil	Tabuns, Peter
DiNovo, Cheri	Miller, Norm	Witmer, Elizabeth
Dunlop, Garfield	Moridi, Reza	Wynne, Kathleen O.
Elliott, Christine	Munro, Julia	Zimmer, David
Flynn, Kevin Daniel	O'Toole, John	
Fonseca, Peter	Oraziotti, David	

**The Acting Speaker (Mr. Jim Wilson):** All those opposed to the motion will please rise and remain standing until counted by the Clerk.

**Nays**

Aggelonitis, Sophia	Dickson, Joe	Qaadri, Shafiq
Arthurs, Wayne	Duguid, Brad	Ramal, Khalil
Brown, Michael A.	Jaczek, Helena	Rinaldi, Lou
Colle, Mike	Pendergast, Leeanna	

**The Clerk of the Assembly (Ms. Deborah Deller):** The ayes are 40; the nays are 11.

**The Acting Speaker (Mr. Jim Wilson):** I declare the motion carried.

*Second reading agreed to.*

*Interjections.*

**The Acting Speaker (Mr. Jim Wilson):** Order. The honourable member from Simcoe North, which committee?

**Mr. Garfield Dunlop:** Justice policy, Mr. Speaker.

**The Acting Speaker (Mr. Jim Wilson):** Is it agreed that the bill be referred to the justice policy committee? Agreed. So ordered.

Please open the doors for 30 seconds. Then we'll deal with our next vote.

WORKPLACE SAFETY AND  
INSURANCE AMENDMENT ACT  
(ALTERNATE INSURANCE PLANS), 2009

LOI DE 2009 MODIFIANT LA LOI  
SUR LA SÉCURITÉ PROFESSIONNELLE  
ET L'ASSURANCE CONTRE  
LES ACCIDENTS DU TRAVAIL  
(RÉGIMES D'ASSURANCE  
CONCURRENTS)

**The Acting Speaker (Mr. Jim Wilson):** We will now deal with ballot item number 47.

Mr. Hillier has moved second reading of Bill 219. All those in favour will please rise and remain standing until counted by the Clerk.

**Ayes**

Dunlop, Garfield	Jones, Sylvia	O'Toole, John
Hardeman, Ernie	Miller, Norm	Savoline, Joyce
Hillier, Randy	Munro, Julia	Sterling, Norman W.

**The Acting Speaker (Mr. Jim Wilson):** All those opposed to the motion will please rise and remain standing until counted by the Clerk.

**Nays**

Aggelonitis, Sophia	Duguid, Brad	Phillips, Gerry
Albanese, Laura	Flynn, Kevin Daniel	Prue, Michael
Arthurs, Wayne	Fonseca, Peter	Qaadri, Shafiq
Balkissoon, Bas	Hampton, Howard	Ramal, Khalil
Best, Margaret	Jaczek, Helena	Rinaldi, Lou
Bisson, Gilles	Kular, Kuldip	Ruprecht, Tony
Bradley, James J.	Kwinter, Monte	Sandals, Liz
Brown, Michael A.	Leal, Jeff	Sergio, Mario
Cansfield, Donna H.	Levac, Dave	Smith, Monique
Colle, Mike	Marchese, Rosario	Sousa, Charles
Delaney, Bob	McNeely, Phil	Tabuns, Peter
Dhillon, Vic	Moridi, Reza	Wynne, Kathleen O.
Dickson, Joe	Oraziotti, David	Zimmer, David
DiNovo, Cheri	Pendergast, Leeanna	

**The Clerk of the Assembly (Ms. Deborah Deller):** The ayes are 9; the nays are 41.  
1630

**The Acting Speaker (Mr. Jim Wilson):** I declare the motion lost.

*Second reading negated.*

**The Acting Speaker (Mr. Jim Wilson):** Let's open the doors for 30 seconds.

PROTECTION OF VULNERABLE AND  
ELDERLY PEOPLE FROM ABUSE ACT  
(POWERS OF ATTORNEY), 2009

LOI DE 2009 SUR LA PROTECTION  
DES PERSONNES VULNÉRABLES  
ET DES PERSONNES ÂGÉES  
CONTRE LES MAUVAIS TRAITEMENTS  
(PROCURATIONS)

**The Acting Speaker (Mr. Jim Wilson):** We will now deal with ballot item number 48.

Mr. O'Toole has moved second reading of Bill 188. All those in favour of the motion will please rise and remain standing until counted by the Clerk.

**Ayes**

Aggelonitis, Sophia	Hardeman, Ernie	Munro, Julia
Arnott, Ted	Hillier, Randy	O'Toole, John
Bisson, Gilles	Jaczek, Helena	Oraziotti, David
Bradley, James J.	Jones, Sylvia	Prue, Michael
Brown, Michael A.	Klees, Frank	Ruprecht, Tony
DiNovo, Cheri	Leal, Jeff	Savoline, Joyce
Dunlop, Garfield	Levac, Dave	Sterling, Norman W.
Elliott, Christine	Marchese, Rosario	Tabuns, Peter
Hampton, Howard	Miller, Norm	Witmer, Elizabeth

**The Acting Speaker (Mr. Jim Wilson):** All those opposed to the motion will please rise and remain standing until counted by the Clerk.

**Nays**

Albanese, Laura	Duguid, Brad	Qaadri, Shafiq
Arthurs, Wayne	Flynn, Kevin Daniel	Ramal, Khalil
Balkissoon, Bas	Fonseca, Peter	Rinaldi, Lou
Best, Margaret	Kular, Kuldip	Sandals, Liz
Cansfield, Donna H.	Kwinter, Monte	Sergio, Mario
Colle, Mike	McNeely, Phil	Smith, Monique
Delaney, Bob	Moridi, Reza	Sousa, Charles
Dhillon, Vic	Pendergast, Leeanna	Wynne, Kathleen O.
Dickson, Joe	Phillips, Gerry	Zimmer, David

**The Clerk of the Assembly (Ms. Deborah Deller):** The ayes are 27; the nays are 27.

**The Acting Speaker (Mr. Jim Wilson):** The Chair will vote in favour of the bill.

*Interjections.*

**The Acting Speaker (Mr. Jim Wilson):** Order. I just want to explain my vote. It is parliamentary tradition that we vote, where possible, to continue the debate on the bill. So I declare the motion carried.

*Second reading agreed to.*

**The Acting Speaker (Mr. Jim Wilson):** Mr. O'Toole?

**Mr. John O'Toole:** Yes. The purpose, where perhaps I was exuberant there, of the vote—it's very exciting. The purpose for me—

**Interjection:** Which committee would you like?

**Mr. John O'Toole:** Oh, yes. I'm overwhelmed. Justice Policy.

**The Acting Speaker (Mr. Jim Wilson):** Is it agreed that the bill be referred to the Standing Committee on Justice Policy? So ordered.

We have concluded the time for private members' public business.

Before I call orders of the day, I beg to inform the House that, pursuant to standing order 98(c), a change has been made to the order of precedence on the ballot list for private members' public business: Mr. Ruprecht assumes ballot item number 52 and Mr. Sorbara assumes ballot item number 70.

Orders of the day.

## ORDERS OF THE DAY

### TIME ALLOCATION

Resuming the debate adjourned on November 18, 2009, on the amendment to the motion for time allocation of Bill 187, An Act to amend the Technical Standards and Safety Act, 2000, and the Safety and Consumer Statutes Administration Act, 1996.

**The Acting Speaker (Mr. Jim Wilson):** Further debate?

**Mr. Peter Tabuns:** Today we're talking about time allocation for the bill to amend the Technical Standards and Safety Act. I have to say that I was quite surprised, quite taken aback, when the government introduced a time allocation resolution on this bill because, in fact, I thought debate was moving forward and I thought debate would come to an end in a reasonable amount of time; that there would be an opportunity to advertise for public input to committee hearings; that in fact there would be a process that would ensure that the public had their say, had their input into this bill. But to my surprise and to my shock, this bill is being time-allocated.

The reality about this bill is that the government of Dalton McGuinty has decided that rather than taking the action that's necessary to protect the public, rather than taking the action that's necessary to provide regulation through the proper ministerial channels, the government of this province has decided to turn over that authority to private regulators, to the industries themselves. Rather than turn its back on the legacy of Mike Harris—a legacy that in the election of 2003 they attacked quite vigorously—they have decided to be the children of Mike Harris and carry forward his legislative agenda and make sure that it rules in an uninterrupted way in this province.

The fact that the government has decided to bring this bill, this decision, into time allocation, is indicative of their deep commitment to the Harris legacy, one that they say they reject. The Conservative Party can speak to its support for or opposition to the Harris legacy, but the Liberal Party has made it very clear that they indeed stand for something different, or at least that's the claim that's made. It's clear from their position on the TSSA that that is not a fair or accurate depiction of their ideological direction. In many ways, I think of them as Mike Harris with a happy face, a direction that I don't think is realistically defensible.

**1640**

The reality is that since 2003 we have had two major propane explosions in this province, in 2004 and then in 2007. The explosion that happened in 2004—I talked about it when I had my opportunity to lead off on this bill—caused a rain of debris onto Highway 401 which could have resulted in fatalities. There was extraordinary good fortune for the people of this province that people were not injured and people were not killed. That alone should have been a very substantial wake-up call. That alone should have said to the province that there is a

profound, basic, fundamental problem with the approach to regulation that was before us, and yet action was not taken.

Then in 2007 we had the explosion at Sunrise Propane. As you are well aware, Speaker, there were two deaths in that explosion, and we were extraordinarily lucky that there were only two deaths. There was the death of a man who was working on the site, who apparently had been engaged in a transfer of propane from one truck to another, a practice that is seen as dangerous and recognized as dangerous, and one that had been previously recorded on that site two years before, an event that did not result in the profound action that was required from the TSSA.

In fact, in the aftermath of that explosion, when people were asking questions about where else this threat is present, where else we have to be looking, where else we have to be taking action, the TSSA could not provide a coherent, accurate list of the propane facilities in this province. As you may well remember, the technical authority brought forward a list that was taken by reporters. Those reporters drove around the GTA—they didn't drive around the whole province; they drove around the GTA—and found mistake after mistake. The list was inadequate and inaccurate. The list did not reflect the reality on the ground.

Having seen what happened in 2004, it was clear that the McGuinty government did nothing: did not assess what was going on internally in that organization, did not assess the competence of the organization, did not think twice about the philosophy behind the set-up of that organization in the first place, and simply allowed it to continue bumbling on its way until another explosion in fact forced reality on the people of this province.

You may well be aware, Speaker, that that explosion taking place in the middle of the night was one that if it had happened during the day, if it had happened in rush hour when children were going past this facility on their way to school, if it had happened when buses and cars had been going past, could have resulted in large-scale loss of life.

What was the solution? What was the response of this government to that reality? The response of this government to that reality was not to rethink, not to go to the source, the heart of the problem, but rather to take the act that covered the TSSA and amend it in a way that allows the minister to reach in after the next explosion and stir things up and deal with the problem. That is not an adequate or suitable approach to this problem. It is not adequate; it is not suitable. For that reason alone, this time allocation bill should not be before this House, because the regulation of substances like propane and natural gas, the regulation of boilers, are questions that involve life and death, safety and injury, matters that are of great consequence to the people this province. When something goes wrong, it causes people to ask, "How could that have happened?"

I have no doubt that if in fact there wasn't time allocation on this bill, if we went through the normal process

and held committee hearings, you would hear from the people who had been victimized by Sunrise Propane. You might well hear from the people in Clarington who were victimized by the propane operation there. You would hear from workers who deal with natural gas, who have said to me, and to others who deal with the whole question of large-scale industrial investment, that they don't have confidence in the TSSA.

People who work with natural gas, with pipelines and with installations that have an extremely powerful substance under high pressure report to their union leaders in the Communications, Energy and Paperworkers Union of Canada that they have tremendous difficulty if they have a safety problem and they call on the TSSA. What they say is that the TSSA asks who will be paying for the inspection.

No regulator should ever be in a position where their predominant concern is how they're going to do cost recovery on the inspection of an unsafe situation.

That says to me that there's a fundamental problem with the regulatory authority. That says to me that this government should allow the full discussion of and public commentary on this bill so that the problems that are there, the problems that have been made manifestly obvious in this province, are ones that can be testified to, commented on by the public, and in turn, give the legislators an opportunity to think things through properly, make recommendations to cause this legislation to be effective and bring that back to the Legislature.

Instead, what we have is a truncated process in which we get to speak today about time allocation. The public hearings are going to happen for two hours next Wednesday, and frankly, I'm not sure that many people in the wider world are going to know that those public hearings are going to happen.

If you ask members of this Legislature, is it adequate—let's say we even pass this time allocation today, will it be adequate tomorrow to have a subcommittee meeting to discuss how we're going to inform the public, put a notice in the paper on Monday with the expectation that people will be informed and be able to get back to us to book a space on Wednesday?

Clearly that is an inadequate process of consultation for an act that is of such consequence to this province. Then the whole matter will be held over to the following week for third reading, and as I read the documentation, one hour—20 minutes per party—to talk about it.

If past history is any indication, the government will again talk about stuffing in teddy bears and not about what it is that precipitated this debate, this matter in the House: the explosion at Sunrise Propane. This matter is of too great a consequence to be rammed through the way it's being rammed through. This matter is of too great a consequence to have a bill as weak as this one before us and not give the public an opportunity to speak.

We live in a society that's very sophisticated and deals with a wide variety of powerful institutions and substances. I'll give you an example, and I was relating this the other day in committee about the cap-and-trade bill.

Regulation is of consequence in our everyday lives. The financial meltdown that happened in the fall of last year happened in an environment in which governments in many parts of the world had abandoned regulation of the financial sector. That lack of regulation led to a casino-like atmosphere of speculation in financial instruments, a run-up in values that had no relationship whatsoever to the underlying fundamental economic realities, and that lack of regulation led in the United States to a near-collapse of the financial sector. That was of consequence globally.

We here in Canada have not been fabulous, but we at least—and this is contrary to the extraordinary complaints made by the banking sector in this country—have had some level of regulation that has led to our banks and our financial system being somewhat more insulated from the storm that broke over the world financial system a little over a year ago.

There was a piece that didn't get a lot of publicity, a commitment in the hundreds of millions of dollars on the part of the federal government to backstop the credit-worthiness of mortgages. That was of great consequence to the financial sector, but we weren't in a situation where we had all of our banks facing a crisis of liquidity.

In that case, having regulation that was applied to companies by an external regulator whose interest was not the well-being and the profit of those companies but the well-being of the economy as a whole and the well-being of those depositors—men and women, children, seniors who depended on the banks' existence for the safeguarding of their funds—having a regulator in place that actually looked to ensure that there was adequate regulation made a difference to the financial health of Canada.

In here, we seem to think that an American-style, a Bush-style regulatory system is one that is adequate, and I have to say to you, it is not. If the people of this province were made fully aware that they have an issue before them that has to be dealt with, if they are fully aware that that explosion and the consequences of it are not going to be properly addressed, I think there would be a real outcry, but right now, it is being put slowly through the backrooms. The opportunity for public input is not there. The opportunity for real consultation and a real informing of the public has been withheld.

That's wrong. It's wrong from a procedural point of view, it's wrong from a democratic point of view and it's wrong in terms of the long-term protection of the public. On that basis, I move adjournment of this debate.

**The Acting Speaker (Mr. Jim Wilson):** Mr. Tabuns has moved adjournment of the debate. Is it the pleasure of the House that the motion carry?

All those in favour, please say "aye."

All those in favour, please say "nay."

In my opinion, the nays have it.

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

*The division bells rang from 1654 to 1724.*

**The Acting Speaker (Mr. Jim Wilson):** Order. Please take your seats. Mr. Tabuns, please take your seat.

Mr. Tabuns has moved adjournment of the debate.

All those in favour, please rise and remain standing until counted by the Clerk.

All those opposed, please rise and remain standing until counted by the Clerk.

**The Clerk of the Assembly (Ms. Deborah Deller):** The ayes are 8; the nays are 34.

**The Acting Speaker (Mr. Jim Wilson):** I declare the motion lost.

Further debate?

**Mr. Peter Tabuns:** I find it extraordinary that we're all here, and yet I—

*Laughter.*

**Mr. Peter Tabuns:** There are days when it's impressive, the response I can get from this chamber. Nonetheless I find it impressive that I have not heard a credible argument from the Liberals as to why this debate had to be shut down—

**Mr. Mike Colle:** You're the one who shut it down.

**Mr. Peter Tabuns:** May I say I have not heard a credible argument from them as to how this bill will deal with the problems of the TSSA; I have not heard them give credible argument as to why this legislation had to be rammed through without proper hearings; why third reading had to be truncated. This is a mystery to me. Why is that the Liberals, who had rejected the Harris legacy, have stood up to defend it and even now, in the dying days of this year, are doing their best to make sure that the whole system of privatized regulation continues on? It's extraordinary to me.

When we look back from likely the next tragic accident that happens because of a lack of regulatory authority, people will say, "Why is it that action wasn't taken by this Legislature, not taken by the government, to actually put in place a regulatory authority that would have the impact that has to happen?"

In the course of preparing for the debate on this matter a few weeks ago, I had an opportunity to read through the report of the special panel on propane safety, and when you looked at what's actually been done in other jurisdictions, particularly in Europe, their response to the tragedy in Seveso in Italy, it's clear that they looked at the problems before them, realized they had to have a comprehensive approach that not only dealt with regulatory authorities and oversight of dangerous substances but also looked at land use planning, the isolation of dangerous processes from the population as a whole. That isn't what's been brought before us. We don't have a comprehensive look at how to ensure the safety of the population and the safety of our cities, in fact the safety of our rural areas. That is not on the table. What's on the table is another process of insulating this government from the reality of its neglecting this administration, from the reality of neglecting its responsibilities for protecting the safety of the people in this province. That's what we have.

This government lacks credibility on this issue, it lacks credibility on this process, and frankly, this government should be defending itself in the time that it has in

this time allocation debate. I have yet to hear those reasoned arguments.

**The Acting Speaker (Mr. Jim Wilson):** The time for debate on government order number 28 has expired. The two hours is up.

Mrs. Munro has moved an amendment to the motion for time allocation of Bill 187. Is it the pleasure of the House that the motion carry?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the nays have it.

Call in the members. This is a 10-minute bell.

*The division bells rang from 1729 to 1739.*

**The Acting Speaker (Mr. Jim Wilson):** All those in favour of the motion will please stand one at a time and be recognized by the Clerk.

#### Ayes

Arnott, Ted	Miller, Norm	Savoline, Joyce
Dunlop, Garfield	Munro, Julia	Tabuns, Peter
Hardeman, Ernie	O'Toole, John	Witmer, Elizabeth
Klees, Frank	Prue, Michael	

**The Acting Speaker (Mr. Jim Wilson):** All those opposed to the motion will please rise one at a time and be recognized by the Clerk.

#### Nays

Aggelonitis, Sophia	Flynn, Kevin Daniel	Phillips, Gerry
Albanese, Laura	Fonseca, Peter	Qaadri, Shafiq
Arthurs, Wayne	Hoskins, Eric	Ramal, Khalil
Balkissoon, Bas	Jaczek, Helena	Rinaldi, Lou
Best, Margaret	Jeffrey, Linda	Sandals, Liz
Brown, Michael A.	Kular, Kuldeep	Sergio, Mario
Cansfield, Donna H.	Kwinter, Monte	Sousa, Charles
Colle, Mike	Leal, Jeff	Takhar, Harinder S.
Delaney, Bob	Levac, Dave	Wynne, Kathleen O.
Dhillon, Vic	McNeely, Phil	Zimmer, David
Dickson, Joe	Moridi, Reza	
Duguid, Brad	Pendergast, Leeanna	

**The Clerk of the Assembly (Ms. Deborah Deller):** The ayes are 11; the nays are 34.

**The Acting Speaker (Mr. Jim Wilson):** I declare the motion lost.

We'll now deal with the main motion. Ms. Smith has moved government order number 28, time allocation of Bill 187. Is it the pleasure of the House that the motion carry?

All those in favour, please say "aye."

All those opposed, please 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 1742 to 1752.*

**The Acting Speaker (Mr. Jim Wilson):** All those in favour of the motion will please stand one at a time and be recognized by the Clerk.

#### Ayes

Aggelonitis, Sophia	Fonseca, Peter	Qaadri, Shafiq
Albanese, Laura	Hoskins, Eric	Ramal, Khalil
Arthurs, Wayne	Jaczek, Helena	Rinaldi, Lou

Balkissoon, Bas	Jeffrey, Linda	Ruprecht, Tony
Best, Margaret	Kular, Kuldip	Sandals, Liz
Brown, Michael A.	Kwinter, Monte	Sergio, Mario
Cansfield, Donna H.	Leal, Jeff	Sousa, Charles
Colle, Mike	Levac, Dave	Takhar, Harinder S.
Delaney, Bob	McNeely, Phil	Wynne, Kathleen O.
Dickson, Joe	Moridi, Reza	Zimmer, David
Duguid, Brad	Pendergast, Leeanna	
Flynn, Kevin Daniel	Phillips, Gerry	

**The Acting Speaker (Mr. Jim Wilson):** All those opposed to the motion will please rise one at a time and be recognized by the Clerk.

#### Nays

Arnott, Ted	Miller, Norm	Tabuns, Peter
Dunlop, Garfield	Munro, Julia	Witmer, Elizabeth
Hardeman, Ernie	O'Toole, John	
Klees, Frank	Prue, Michael	

**The Clerk of the Assembly (Ms. Deborah Deller):** The ayes are 34; the nays are 10.

**The Acting Speaker (Mr. Jim Wilson):** I declare the motion carried.  
*Motion agreed to.*

#### TIME ALLOCATION

**The Acting Speaker (Mr. Jim Wilson):** We still have time, folks, so I do call orders of the day. Minister of Aboriginal Affairs.

**Hon. Brad Duguid:** I move that, pursuant to standing order 47 and notwithstanding any other standing order or special order of the House relating to Bill 210, An Act to protect foreign nationals employed as live-in caregivers and in other prescribed employment and to amend the Employment Standards Act, 2000, when the bill is next called as a government order the Speaker shall put every question necessary to dispose of the second reading stage of the bill without further debate or amendment, and at such time the bill shall be ordered referred to the Standing Committee on the Legislative Assembly; and

That the vote on second reading be deferred pursuant to standing order 28(h); and

That the Standing Committee on the Legislative Assembly be authorized to meet from 1 p.m. to 3 p.m. and from 4 p.m. to 6 p.m. on Wednesday, December 2, 2009, for the purpose of public hearings on the bill, and following routine proceedings on Monday, December 7, 2009, for clause-by-clause consideration of the bill; and

That the deadline for filing amendments to the bill with the clerk of the committee shall be 12 noon on Friday, December 4, 2009. At 5 p.m. on Monday, December 7, 2009, those amendments which have not yet been moved shall be deemed to have been moved, and the Chair of the committee shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of the bill and any amendments thereto. The committee shall be authorized to meet beyond the normal hour of adjournment until completion of clause-by-clause consideration. Any division required shall be deferred until all remaining questions have been put and taken in succession, with one 20-minute waiting period allowed pursuant to standing order 129(a); and

That the committee shall report the bill to the House no later than Tuesday, December 8, 2009. In the event that the committee fails to report the bill on that day, the bill shall be deemed to be passed by the committee and shall be deemed to be reported to and received by the House; and

That, upon receiving the report of the Standing Committee on the Legislative Assembly, the Speaker shall put the question for adoption of the report forthwith, and at such time the bill shall be ordered for third reading; and

That, on the day the order for third reading of the bill is called, one hour shall be allotted to the third reading stage of the bill, apportioned equally among the recognized parties. At the end of this time the Speaker shall interrupt the proceedings and shall put every question necessary to dispose of this stage of the bill without further debate or amendment; and

That there shall be no deferral of the third reading vote allowed pursuant to standing order 28(h); and

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

*Applause.*

**The Acting Speaker (Mr. Jim Wilson):** All right, all right.

Mr. Duguid has moved government notice of motion number 144.

*Debate deemed adjourned.*

**The Acting Speaker (Mr. Jim Wilson):** It being 6 of the clock, this House stands adjourned until next Monday at 10:30.

*The House adjourned at 1800.*



**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

Lieutenant Governor / Lieutenant-gouverneur: Hon. / L'hon. David C. Onley, O.Ont.

Speaker / Président: Hon. / L'hon. Steve Peters

Clerk / Greffière: Deborah Deller

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

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

Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
Aggelonitis, Sophia (LIB)	Hamilton Mountain	
Albanese, Laura (LIB)	York South–Weston / York-Sud–Weston	
Arnott, Ted (PC)	Wellington–Halton Hills	
Arthurs, Wayne (LIB)	Pickering–Scarborough East / Pickering–Scarborough-Est	
Bailey, Robert (PC)	Sarnia–Lambton	
Balkissoon, Bas (LIB)	Scarborough–Rouge River	
Barrett, Toby (PC)	Haldimand–Norfolk	
<b>Bartolucci, Hon. / L'hon. Rick (LIB)</b>	Sudbury	Minister of Community Safety and Correctional Services / Ministre de la Sécurité communautaire et des Services correctionnels
<b>Bentley, Hon. / L'hon. Christopher (LIB)</b>	London West / London-Ouest	Attorney General / Procureur général
Berardinetti, Lorenzo (LIB)	Scarborough Southwest / Scarborough-Sud-Ouest	
<b>Best, Hon. / L'hon. Margaret R. (LIB)</b>	Scarborough–Guildwood	Minister of Health Promotion / Ministre de la Promotion de la santé
Bisson, Gilles (NDP)	Timmins–James Bay / Timmins–Baie James	
<b>Bradley, Hon. / L'hon. James J. (LIB)</b>	St. Catharines	Minister of Transportation / Ministre des Transports
<b>Brotten, Hon. / L'hon. Laurel C. (LIB)</b>	Etobicoke–Lakeshore	Minister of Children and Youth Services / Ministre des Services à l'enfance et à la jeunesse Minister Responsible for Women's Issues / Ministre déléguée à la Condition féminine
Brown, Michael A. (LIB)	Algoma–Manitoulin	
Brownell, Jim (LIB)	Stormont–Dundas–South Glengarry	
<b>Cansfield, Hon. / L'hon. Donna H. (LIB)</b>	Etobicoke Centre / Etobicoke-Centre	Minister of Natural Resources / Ministre des Richesses naturelles
Caplan, David (LIB)	Don Valley East / Don Valley-Est	
<b>Carroll, Hon. / L'hon. M. Aileen (LIB)</b>	Barrie	Minister of Culture / Ministre de la Culture Minister Responsible for Seniors / Ministre déléguée aux Affaires des personnes âgées
<b>Chan, Hon. / L'hon. Michael (LIB)</b>	Markham–Unionville	Minister of Citizenship and Immigration / Ministre des Affaires civiques et de l'Immigration
Chudleigh, Ted (PC)	Halton	
Colle, Mike (LIB)	Eglinton–Lawrence	
Craitor, Kim (LIB)	Niagara Falls	
<b>Crozier, Bruce (LIB)</b>	Essex	Chair of the Committee of the Whole House / Président du comité plénier de l'Assemblée Deputy Speaker / Vice-président
Delaney, Bob (LIB)	Mississauga–Streetsville	
Dhillon, Vic (LIB)	Brampton West / Brampton-Ouest	
Dickson, Joe (LIB)	Ajax–Pickering	
<b>DiNovo, Cheri (NDP)</b>	Parkdale–High Park	Second Deputy Chair of the Committee of the Whole House / Deuxième vice-présidente du Comité plénier de l'Assemblée législative
<b>Dombrowsky, Hon. / L'hon. Leona (LIB)</b>	Prince Edward–Hastings	Minister of Agriculture, Food and Rural Affairs / Ministre de l'Agriculture, de l'Alimentation et des Affaires rurales
<b>Duguid, Hon. / L'hon. Brad (LIB)</b>	Scarborough Centre / Scarborough-Centre	Minister of Aboriginal Affairs / Ministre des Affaires autochtones Deputy Government House Leader / Leader parlementaire adjoint du gouvernement
<b>Duncan, Hon. / L'hon. Dwight (LIB)</b>	Windsor–Tecumseh	Chair of the Management Board of Cabinet / Président du Conseil de gestion du gouvernement Minister of Finance / Ministre des Finances
Dunlop, Garfield (PC)	Simcoe North / Simcoe-Nord	
Elliott, Christine (PC)	Whitby–Oshawa	Deputy Leader, Official Opposition / Chef adjointe de l'opposition officielle

Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
Flynn, Kevin Daniel (LIB) <b>Fonseca, Hon. / L'hon. Peter (LIB)</b>	Oakville Mississauga East–Cooksville / Mississauga-Est–Cooksville	Minister of Labour / Ministre du Travail
Gélinas, France (NDP) <b>Gerretsen, Hon. / L'hon. John (LIB)</b>	Nickel Belt Kingston and the Islands / Kingston et les Îles	Minister of the Environment / Ministre de l'Environnement
<b>Gravelle, Hon. / L'hon. Michael (LIB)</b>	Thunder Bay–Superior North / Thunder Bay–Superior-Nord	Minister of Northern Development, Mines and Forestry / Ministre du Développement du Nord, des Mines et des Forêts
Hampton, Howard (NDP) Hardeman, Ernie (PC)	Kenora–Rainy River Oxford	Deputy Opposition House Leader / Leader parlementaire adjoint de l'opposition officielle
Hillier, Randy (PC)	Lanark–Frontenac–Lennox and Addington	
Horwath, Andrea (NDP)	Hamilton Centre / Hamilton-Centre	Leader, Recognized Party / Chef de parti reconnu Leader, New Democratic Party of Ontario / Chef du Nouveau parti démocratique de l'Ontario
Hoskins, Eric (LIB) Hoy, Pat (LIB) Hudak, Tim (PC)	St. Paul's Chatham–Kent–Essex Niagara West–Glanbrook / Niagara- Ouest–Glanbrook	Leader, Official Opposition / Chef de l'opposition officielle Leader, Progressive Conservative Party of Ontario / Chef du Parti progressiste-conservateur de l'Ontario
Jaczek, Helena (LIB) Jeffrey, Linda (LIB) Johnson, Rick (LIB) Jones, Sylvia (PC) Klees, Frank (PC) Kormos, Peter (NDP) Kular, Kuldip (LIB) Kwinter, Monte (LIB) Lalonde, Jean-Marc (LIB) Leal, Jeff (LIB) Levac, Dave (LIB) MacLeod, Lisa (PC) Mangat, Amrit (LIB)	Oak Ridges–Markham Brampton–Springdale Haliburton–Kawartha Lakes–Brock Dufferin–Caledon Newmarket–Aurora Welland Bramalea–Gore–Malton York Centre / York-Centre Glengarry–Prescott–Russell Peterborough Brant Nepean–Carleton Mississauga–Brampton South / Mississauga–Brampton-Sud	Third Party House Leader / Leader parlementaire de parti reconnu
Marchese, Rosario (NDP) Martiniuk, Gerry (PC) <b>Matthews, Hon. / L'hon. Deborah (LIB)</b>	Trinity–Spadina Cambridge London North Centre / London- Centre-Nord	Minister of Health and Long-Term Care / Ministre de la Santé et des Soins de longue durée
Mauro, Bill (LIB) <b>McGuinty, Hon. / L'hon. Dalton (LIB)</b>	Thunder Bay–Atikokan Ottawa South / Ottawa-Sud	Minister of Intergovernmental Affairs / Ministre des Affaires intergouvernementales Premier / Premier ministre Leader, Liberal Party of Ontario / Chef du Parti libéral de l'Ontario
<b>McMeekin, Hon. / L'hon. Ted (LIB)</b>	Ancaster–Dundas–Flamborough– Westdale	Minister of Consumer Services / Ministre des Services aux consommateurs
McNeely, Phil (LIB) <b>Meilleur, Hon. / L'hon. Madeleine (LIB)</b>	Ottawa–Orléans Ottawa–Vanier	Minister of Community and Social Services / Ministre des Services sociaux et communautaires Minister Responsible for Francophone Affairs / Ministre déléguée aux Affaires francophones
Miller, Norm (PC) Miller, Paul (NDP) <b>Milloy, Hon. / L'hon. John (LIB)</b>	Parry Sound–Muskoka Hamilton East–Stoney Creek / Hamilton-Est–Stoney Creek Kitchener Centre / Kitchener-Centre	Minister of Research and Innovation / Ministre de la Recherche et de l'Innovation Minister of Training, Colleges and Universities / Ministre de la Formation et des Collèges et Universités
Mitchell, Carol (LIB) Moridi, Reza (LIB) <b>Munro, Julia (PC)</b>	Huron–Bruce Richmond Hill York–Simcoe	Third Deputy Chair of the Committee of the Whole House / Troisième vice-présidente du Comité plénier de l'Assemblée législative

<b>Member and Party / Député(e) et parti</b>	<b>Constituency / Circonscription</b>	<b>Other responsibilities / Autres responsabilités</b>
Murdoch, Bill (PC)	Bruce–Grey–Owen Sound	
Naqvi, Yasir (LIB)	Ottawa Centre / Ottawa-Centre	
O’Toole, John (PC)	Durham	
Oraziotti, David (LIB)	Sault Ste. Marie	
Ouellette, Jerry J. (PC)	Oshawa	
Pendergast, Leeanna (LIB)	Kitchener–Conestoga	
<b>Peters, Hon. / L’hon. Steve (LIB)</b>	Elgin–Middlesex–London	Speaker / Président de l’Assemblée législative
<b>Phillips, Hon. / L’hon. Gerry (LIB)</b>	Scarborough–Agincourt	Chair of Cabinet / Président du Conseil des ministres Minister of Energy and Infrastructure / Ministre de l’Énergie et de l’Infrastructure
Prue, Michael (NDP)	Beaches–East York	
<b>Pupatello, Hon. / L’hon. Sandra (LIB)</b>	Windsor West / Windsor-Ouest	Minister of Economic Development and Trade / Ministre du Développement économique et du Commerce
Qaadri, Shafiq (LIB)	Etobicoke North / Etobicoke-Nord	
Ramal, Khalil (LIB)	London–Fanshawe	
Ramsay, David (LIB)	Timiskaming–Cochrane	
Rinaldi, Lou (LIB)	Northumberland–Quinte West	
Runciman, Robert W. (PC)	Leeds–Grenville	Opposition House Leader / Leader parlementaire de l’opposition officielle
Ruprecht, Tony (LIB)	Davenport	
Sandals, Liz (LIB)	Guelph	
Savoline, Joyce (PC)	Burlington	
Sergio, Mario (LIB)	York West / York-Ouest	
Shurman, Peter (PC)	Thornhill	
<b>Smith, Hon. / L’hon. Monique M. (LIB)</b>	Nipissing	Minister of Tourism / Ministre du Tourisme Government House Leader / Leader parlementaire du gouvernement
Smitherman, George (LIB)	Toronto Centre / Toronto-Centre	
Sorbara, Greg (LIB)	Vaughan	
Sousa, Charles (LIB)	Mississauga South / Mississauga-Sud	
Sterling, Norman W. (PC)	Carleton–Mississippi Mills	
Tabuns, Peter (NDP)	Toronto–Danforth	Deputy Third Party House Leader / Leader parlementaire adjoint de parti reconnu
<b>Takhar, Hon. / L’hon. Harinder S. (LIB)</b>	Mississauga–Erindale	Minister of Government Services / Ministre des Services gouvernementaux
Van Bommel, Maria (LIB)	Lambton–Kent–Middlesex	
<b>Watson, Hon. / L’hon. Jim (LIB)</b>	Ottawa West–Nepean / Ottawa-Ouest– Nepean	Minister of Municipal Affairs and Housing / Ministre des Affaires municipales et du Logement
<b>Wilkinson, Hon. / L’hon. John (LIB)</b>	Perth–Wellington	Minister of Revenue / Ministre du Revenu
<b>Wilson, Jim (PC)</b>	Simcoe–Grey	First Deputy Chair of the Committee of the Whole House / Premier vice-président du comité plénier de l’Assemblée
Witmer, Elizabeth (PC)	Kitchener–Waterloo	
<b>Wynne, Hon. / L’hon. Kathleen O. (LIB)</b>	Don Valley West / Don Valley-Ouest	Minister of Education / Ministre de l’Éducation
Yakabuski, John (PC)	Renfrew–Nipissing–Pembroke	Deputy Opposition House Leader / Leader parlementaire adjoint de l’opposition officielle
Zimmer, David (LIB)	Willowdale	

**STANDING AND SELECT COMMITTEES OF THE LEGISLATIVE ASSEMBLY  
COMITÉS PERMANENTS ET SPÉCIAUX DE L'ASSEMBLÉE LÉGISLATIVE**

**Standing Committee on Estimates / Comité permanent des budgets des dépenses**

Chair / Président: Garfield Dunlop  
Vice-Chair / Vice-président: Robert Bailey  
Robert Bailey, Gilles Bisson  
Jim Brownell, Kim Craitor  
Bob Delaney, Garfield Dunlop  
Phil McNeely, John O'Toole  
Khalil Ramal  
Clerks / Greffiers: William Short (pro tem.), Sylwia Przewdziecki

**Standing Committee on Finance and Economic Affairs /  
Comité permanent des finances et des affaires économiques**

Chair / Président: Pat Hoy  
Vice-Chair / Vice-présidente: Laura Albanese  
Laura Albanese, Wayne Arthurs  
Toby Barrett, Kevin Daniel Flynn  
Eric Hoskins, Pat Hoy  
Michael Prue, Peter Shurman  
Charles Sousa  
Committee Clerk / Greffier: William Short

**Standing Committee on General Government / Comité  
permanent des affaires gouvernementales**

Chair / Président: David Oraziatti  
Vice-Chair / Vice-présidente: Helena Jaczek  
Helena Jaczek, Kuldip Kular  
Amrit Mangat, Rosario Marchese  
Bill Mauro, Reza Moridi  
David Oraziatti, Joyce Savoline  
John Yakabuski  
Committee Clerk / Greffier: Trevor Day

**Standing Committee on Government Agencies / Comité  
permanent des organismes gouvernementaux**

Chair / Président: Ernie Hardeman  
Vice-Chair / Vice-présidente: Lisa MacLeod  
Laura Albanese, Michael A. Brown  
Howard Hampton, Ernie Hardeman  
Rick Johnson, Lisa MacLeod  
Yasir Naqvi, Leeanna Pendergast  
Jim Wilson  
Committee Clerk / Greffier: Douglas Arnott

**Standing Committee on Justice Policy / Comité permanent de  
la justice**

Chair / Président: Lorenzo Berardinetti  
Vice-Chair / Vice-président: Jeff Leal  
Lorenzo Berardinetti, Ted Chudleigh  
Christine Elliott, Peter Kormos  
Jeff Leal, Dave Levac  
Leeanna Pendergast, Lou Rinaldi  
David Zimmer  
Committee Clerk / Greffière: Susan Sourial

**Standing Committee on the Legislative Assembly / Comité  
permanent de l'Assemblée législative**

Chair / Président: Bas Balkissoon  
Vice-Chair / Vice-président: Khalil Ramal  
Bas Balkissoon, Jim Brownell  
Bob Delaney, Joe Dickson  
Rick Johnson, Sylvia Jones  
Norm Miller, Khalil Ramal  
Peter Tabuns  
Committee Clerk / Greffière: Tonia Grannum

**Standing Committee on Public Accounts / Comité permanent  
des comptes publics**

Chair / Président: Norman W. Sterling  
Vice-Chair / Vice-président: Ted Arnott  
Ted Arnott, France Gélinas  
Phil McNeely, Jerry J. Ouellette  
David Ramsay, Liz Sandals  
Norman W. Sterling, Maria Van Bommel  
David Zimmer  
Committee Clerk / Greffier: Katch Koch

**Standing Committee on Regulations and Private Bills / Comité  
permanent des règlements et des projets de loi d'intérêt privé**

Chair / Président: Michael Prue  
Vice-Chair / Vice-président: Paul Miller  
Bas Balkissoon, Mike Colle  
Kim Craitor, Gerry Martiniuk  
Paul Miller, Bill Murdoch  
Michael Prue, Tony Ruprecht  
Mario Sergio  
Clerks / Greffiers: Trevor Day (pro tem.), Sylwia Przewdziecki

**Standing Committee on Social Policy / Comité permanent de  
la politique sociale**

Chair / Président: Shafiq Qaadri  
Vice-Chair / Vice-président: Vic Dhillon  
Sophia Aggelonitis, Vic Dhillon  
Cheri DiNovo, Linda Jeffrey  
Sylvia Jones, Jean-Marc Lalonde  
Carol Mitchell, Shafiq Qaadri  
Elizabeth Witmer  
Committee Clerk / Greffier: Katch Koch

**Select Committee on Mental Health and Addictions / Comité  
spécial de la santé mentale et des dépendances**

Chair / Président: Kevin Daniel Flynn  
Vice-Chair / Vice-présidente: Christine Elliott  
Bas Balkissoon, Christine Elliott  
Kevin Daniel Flynn, France Gélinas  
Helena Jaczek, Sylvia Jones  
Jeff Leal, Liz Sandals  
Maria Van Bommel  
Committee Clerk / Greffière: Susan Sourial



Continued from back cover

**INTRODUCTION OF VISITORS /  
PRÉSENTATION DES VISITEURS**

Mr. Ernie Hardeman.....	8689
Ms. Sylvia Jones .....	8689
Mr. John O'Toole.....	8689

**MEMBERS' STATEMENTS /  
DÉCLARATIONS DES DÉPUTÉS**

<b>Pork industry</b>	
Mr. Ernie Hardeman.....	8689
<b>Hospital fundraiser</b>	
Mrs. Linda Jeffrey.....	8689
<b>Taxation</b>	
Mr. Norm Miller .....	8689
<b>School pools</b>	
Mr. Peter Tabuns.....	8690
<b>North York Harvest Food Bank</b>	
Mr. Mike Colle.....	8690
<b>Taxation</b>	
Mr. John O'Toole.....	8690
<b>Pan Am Games</b>	
Ms. Sophia Aggelonitis.....	8690
<b>Full-day kindergarten</b>	
Mr. Reza Moridi.....	8691
<b>Flu immunization</b>	
Mr. Wayne Arthurs .....	8691

**REPORTS BY COMMITTEES /  
RAPPORTS DES COMITÉS**

<b>Standing Committee on Estimates</b>	
Mr. Garfield Dunlop .....	8691
Report deemed adopted.....	8691

**INTRODUCTION OF BILLS /  
DÉPÔT DES PROJETS DE LOI**

<b>Toby's Act (Right to be Free from Discrimination and Harassment Because of Gender Identity), 2009, Bill 224, Ms. DiNovo / Loi Toby de 2009 sur le droit à l'absence de discrimination et de harcèlement fondés sur l'identité de genre, projet de loi 224, Mme DiNovo</b>	
First reading agreed to.....	8691
Ms. Cheri DiNovo.....	8691

**Child protection / Protection des enfants**

Hon. Laurel C. Broten.....	8692
Ms. Sylvia Jones.....	8692
Ms. Andrea Horwath.....	8693

**PETITIONS / PÉTITIONS**

**Elmvale District High School**

Mr. Jim Wilson.....	8694
---------------------	------

**Diagnostic services**

Mme France Gélinas .....	8694
--------------------------	------

**Hispanic community**

Mr. Mike Colle.....	8694
---------------------	------

**Taxation**

Mr. Norm Miller.....	8694
----------------------	------

**Hispanic community**

Mr. Tony Ruprecht.....	8695
------------------------	------

**Taxation**

Mr. Ernie Hardeman.....	8695
-------------------------	------

**Reconstructive surgery**

Mr. Phil McNeely.....	8695
-----------------------	------

**Taxation**

Mr. John O'Toole.....	8695
-----------------------	------

**Hospital funding**

Mr. Bob Delaney .....	8696
-----------------------	------

**Highway interchange**

Mr. Garfield Dunlop.....	8696
--------------------------	------

**GO Transit tunnel**

Mr. Tony Ruprecht.....	8696
------------------------	------

**Social services funding**

Mr. Bob Delaney .....	8697
-----------------------	------

**PRIVATE MEMBERS' PUBLIC BUSINESS /  
AFFAIRES D'INTÉRÊT PUBLIC  
ÉMANANT DES DÉPUTÉS**

**Waste Disposal Site 41 in the Township of Tiny Act, 2009, Bill 32, Mr. Dunlop / Loi de 2009 sur le lieu 41 d'élimination de déchets dans le canton de Tiny, projet de loi 32, M. Dunlop**

Mr. Garfield Dunlop.....	8697
Mr. Khalil Ramal .....	8699
Mr. Ernie Hardeman.....	8700
Mr. Peter Tabuns.....	8700
Ms. Helena Jaczek.....	8702
Ms. Sylvia Jones.....	8702
Mr. John O'Toole.....	8703
Mr. Garfield Dunlop.....	8704

<b>Workplace Safety and Insurance Amendment Act (Alternate Insurance Plans), 2009, Bill 219, Mr. Hillier / Loi de 2009 modifiant la Loi sur la sécurité professionnelle et l'assurance contre les accidents du travail (régimes d'assurance concurrents), projet de loi 219, M. Hillier</b>	
Mr. Randy Hillier.....	8704
Ms. Cheri DiNovo.....	8706
Mr. Vic Dhillon.....	8707
Mr. Garfield Dunlop .....	8709
Mr. John O'Toole.....	8710
Mr. Bob Delaney .....	8711
Mr. Randy Hillier.....	8711
<b>Protection of Vulnerable and Elderly People from Abuse Act (Powers of Attorney), 2009, Bill 188, Mr. O'Toole / Loi de 2009 sur la protection des personnes vulnérables et des personnes âgées contre les mauvais traitements (procurations), projet de loi 188, M. O'Toole</b>	
Mr. John O'Toole.....	8711
Ms. Cheri DiNovo.....	8713
Mr. Khalil Ramal .....	8715
Mrs. Christine Elliott.....	8716
Mr. David Zimmer .....	8717
Mrs. Elizabeth Witmer .....	8717
Mr. Garfield Dunlop .....	8718
Mr. John O'Toole.....	8718
<b>Waste Disposal Site 41 in the Township of Tiny Act, 2009, Bill 32, Mr. Dunlop / Loi de 2009 sur le lieu 41 d'élimination de déchets dans le canton de Tiny, projet de loi 32, M. Dunlop</b>	
The Acting Speaker (Mr. Jim Wilson).....	8719
<b>Workplace Safety and Insurance Amendment Act (Alternate Insurance Plans), 2009, Bill 219, Mr. Hillier / Loi de 2009 modifiant la Loi sur la sécurité professionnelle et l'assurance contre les accidents du travail (régimes d'assurance concurrents), projet de loi 219, M. Hillier</b>	
The Acting Speaker (Mr. Jim Wilson).....	8719

<b>Protection of Vulnerable and Elderly People from Abuse Act (Powers of Attorney), 2009, Bill 188, Mr. O'Toole / Loi de 2009 sur la protection des personnes vulnérables et des personnes âgées contre les mauvais traitements (procurations), projet de loi 188, M. O'Toole</b>	
The Acting Speaker (Mr. Jim Wilson) .....	8721
<b>Waste Disposal Site 41 in the Township of Tiny Act, 2009, Bill 32, Mr. Dunlop / Loi de 2009 sur le lieu 41 d'élimination de déchets dans le canton de Tiny, projet de loi 32, M. Dunlop</b>	
Second reading agreed to .....	8719
<b>Workplace Safety and Insurance Amendment Act (Alternate Insurance Plans), 2009, Bill 219, Mr. Hillier / Loi de 2009 modifiant la Loi sur la sécurité professionnelle et l'assurance contre les accidents du travail (régimes d'assurance concurrents), projet de loi 219, M. Hillier</b>	
Second reading negated.....	8720
<b>Protection of Vulnerable and Elderly People from Abuse Act (Powers of Attorney), 2009, Bill 188, Mr. O'Toole / Loi de 2009 sur la protection des personnes vulnérables et des personnes âgées contre les mauvais traitements (procurations), projet de loi 188, M. O'Toole</b>	
Second reading agreed to .....	8720
<b>ORDERS OF THE DAY / ORDRE DU JOUR</b>	
<b>Time allocation</b>	
Mr. Peter Tabuns.....	8721
Motion agreed to .....	8724
<b>Time allocation</b>	
Hon. Brad Duguid .....	8724
Debate deemed adjourned .....	8724

# CONTENTS / TABLE DES MATIÈRES

Thursday 19 November 2009 / Jeudi 19 novembre 2009

## ORDERS OF THE DAY / ORDRE DU JOUR

### Taxation

Mr. Robert W. Runciman.....	8671
Mr. Gilles Bisson .....	8672
Hon. Monique M. Smith .....	8673
The Speaker (Hon. Steve Peters).....	8674

### Answers to written questions

Mr. Ted Arnott .....	8674
The Speaker (Hon. Steve Peters).....	8674

### Standing Committee on Public Accounts

Mr. Jerry J. Ouellette.....	8674
The Speaker (Hon. Steve Peters).....	8674
Hon. Monique M. Smith .....	8675

### Ontario Tax Plan for More Jobs and Growth Act, 2009, Bill 218, Mr. Duncan / Loi de 2009 sur le plan fiscal de l'Ontario pour accroître l'emploi et la croissance, projet de loi 218, M. Duncan

Hon. Dwight Duncan .....	8676
Mr. Gilles Bisson .....	8676
The Speaker (Hon. Steve Peters).....	8676
Second reading debate deemed adjourned .....	8678

## INTRODUCTION OF VISITORS / PRÉSENTATION DES VISITEURS

Mr. Michael Prue .....	8678
Mr. Khalil Ramal .....	8678
Ms. Sophia Aggelonitis.....	8678
Mr. Ernie Hardeman.....	8678
Hon. Deborah Matthews .....	8678
The Speaker (Hon. Steve Peters).....	8678
Mr. John O'Toole.....	8679
Mrs. Elizabeth Witmer .....	8679

## ORAL QUESTIONS / QUESTIONS ORALES

### Taxation

Mr. Norm Miller .....	8679
Hon. Dwight Duncan .....	8679
Mr. Robert W. Runciman.....	8679
Mr. Frank Klees .....	8679

### Taxation

Ms. Lisa MacLeod .....	8679
Hon. Dwight Duncan .....	8680
Mr. Ted Chudleigh.....	8680
Mr. Jim Wilson .....	8680

### Taxation

Ms. Andrea Horwath .....	8680
Hon. Dwight Duncan.....	8680

### Taxation

Ms. Andrea Horwath.....	8681
Hon. Dwight Duncan.....	8681

### Taxation

Mr. Randy Hillier .....	8682
Hon. Dwight Duncan.....	8682
Mr. Peter Shurman .....	8682

### Children's aid societies

Mr. Gilles Bisson .....	8683
Hon. Laurel C. Broten .....	8683

### Flu immunization

Mr. Eric Hoskins .....	8683
Hon. Deborah Matthews .....	8684

### Taxation

Mr. Jerry J. Ouellette.....	8684
Hon. John Wilkinson.....	8684
Mrs. Joyce Savoline .....	8684

### Electronic health information

Mme France Gélinas .....	8685
Hon. Dwight Duncan.....	8685
Hon. Deborah Matthews .....	8685

### Taxation

Mrs. Carol Mitchell.....	8685
Hon. John Wilkinson.....	8686

### Taxation

Mrs. Elizabeth Witmer .....	8686
Hon. Dwight Duncan.....	8686
Mr. Garfield Dunlop.....	8686

### Taxation

Ms. Andrea Horwath.....	8687
Hon. Dwight Duncan.....	8687
Hon. Brad Duguid .....	8687

### Immigrant services

Mrs. Linda Jeffrey .....	8687
Hon. Michael Chan .....	8687

### Taxation

Mr. John O'Toole.....	8688
Hon. Dwight Duncan.....	8688
Mr. Ted Arnott .....	8688

*Continued on inside back cover*