



ISSN 1180-2987

**Legislative Assembly
of Ontario**

First Session, 37th Parliament

**Assemblée législative
de l'Ontario**

Première session, 37^e législature

**Official Report
of Debates
(Hansard)**

Thursday 27 April 2000

**Journal
des débats
(Hansard)**

Jeudi 27 avril 2000

Speaker
Honourable Gary Carr

Clerk
Claude L. DesRosiers

Président
L'honorable Gary Carr

Greffier
Claude L. DesRosiers

Hansard on the Internet

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

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

Index inquiries

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

Copies of Hansard

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

Le Journal des débats sur Internet

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

Renseignements sur l'index

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

Exemplaires du Journal

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



LEGISLATIVE ASSEMBLY
OF ONTARIO

Thursday 27 April 2000

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Jeudi 27 avril 2000

*The House met at 1000.
Prayers.*

PRIVATE MEMBERS' PUBLIC BUSINESS

TENANT PROTECTION AMENDMENT ACT
(TOWARDS FAIRNESS
FOR TENANTS), 1999
LOI DE 1999 MODIFIANT LA LOI
SUR LA PROTECTION DES LOCATAIRES
EN VUE DU TRAITEMENT ÉQUITABLE
DES LOCATAIRES

Mr Caplan moved second reading of the following bill:

Bill 36, An Act to ensure fairness and reasonable access to justice for Ontario's tenants by amending the Tenant Protection Act, 1997 / Projet de loi 36, Loi visant à assurer aux locataires de l'Ontario un traitement équitable et un accès raisonnable à la justice en modifiant la Loi de 1997 sur la protection des locataires.

Mr David Caplan (Don Valley East): I welcome the chance to speak to this bill on behalf of my constituents and my neighbours from Don Valley East, half of whom are tenants. It gives me a great opportunity to reaffirm the commitment of the Ontario Liberal Party to tenants, and to put forward some modest yet balanced and very much needed proposals that will bring some balance back to the proceedings at the Ontario Rental Housing Tribunal.

I am pleased that so many of my caucus colleagues are going to be joining in this debate. I know they will be speaking to how the proceedings work and how they affect their particular communities. I hope the government members and all members of this assembly will be listening today and will be supporting this bill.

I would like to thank the people who worked on and helped to develop this bill, especially Joe Myers, Elinor Mahoney and Kenn Hale from TAG, Jennifer Ramsay of the Eviction Prevention Project at the Centre for Equality Rights in Accommodation, and the many tenant groups, landlords and other advocates who have contributed their views toward the development of this bill.

Bill 36 is a set of six modest yet very much needed changes, and I would like to take a few minutes to go over the proposals in Bill 36. I am seeking to increase access to the proceedings of the Ontario Rental Housing Tribunal by implementing the following procedural changes.

First, matters involving security of tenancy—evictions, arrears, damages—will proceed directly to a hearing without written submissions being required.

There was a recent study by the Eviction Prevention Project of the Centre for Equality Rights in Accommodation, and the most telling statistic from that study is the fact that 53% of claims filed resulted in default judgments for landlords. Tenants either don't understand how to respond or are not able to respond. The forms themselves are very confusing. They say: "notice of hearing." They imply there is going to be a hearing when that is not the case. After all of these concerns were brought forward, the minister said that it was only an interim study and that the study was only Toronto and didn't have larger provincial implications.

I've spoken to the people at CERA. They said they would love to do a province-wide study. Of course, their funding was pulled by the provincial government and they would love to have it back. I understand of course that the ministry's own facts back up and confirm what is in this study. In fact, some of the legal clinics across the province are saying the same thing: Tenants are intimidated by the process and many see the notices and just move out.

I'd like to quote here from the Waterloo Region Housing Coalition on why they're supporting Bill 36. This is a group made up of tenants, of landlords, of legal services, of emergency shelter workers, of support agencies, of local planners. They say: "Landlords and other members of the coalition agree that all matters involving the security of a tenancy should proceed directly to the Ontario Rental Housing Tribunal without the demand for written submissions or disputes from tenants. The number of default orders is alarming, leading us to conclude that tenants are not, for many reasons, submitting written disputes within the five-day period." They go on to say that the stated "intent of the Tenant Protection Act was to maintain the concept of security of tenure. It is clear from two years of experience with the tribunal that this concept is being seriously eroded by the need for a written dispute."

This is not the way justice should be served to tenants. They should be able to appear at a hearing and prepare and make their proper defence. They shouldn't have their cases thrown out because they didn't file the proper paperwork. That's what Bill 36 addresses.

The second change in the bill proposes that notices will be sent directly to all of the parties by the tribunal instead of relying on delivery from one party to another. In the CERA study which I mentioned earlier, one third,

one out of three tenants surveyed, didn't even receive notice that an eviction or an order had been served against them, that an application had been made at the Ontario Rental Housing Tribunal. I've spoken to landlord groups and they say they feel that tenants are not getting the forms and are having some difficulty with the process as well. I'm taking this element out of the process. The tribunal will serve papers to both parties. This change is not out of order in the normal procedure of government. In fact, it's already done by the Social Benefits Tribunal and the Criminal Injuries Compensation Board; notice is issued to both sides. Why, in a matter as important as housing, is this kind of procedure not in place? It should be.

The third change is that credit records of tenants will be updated when payments of arrears have been made or when eviction orders are withdrawn, contrary to the practice now. You see, you can have a rental history or credit record which is totally false and potentially misleading to a prospective landlord, and that is, again, grossly unfair. So it's important to ensure that the Ontario Rental Housing Tribunal ensures that landlords properly note payments and that any updates are adequately reflected in tenant records.

The bill will also ensure that eviction orders that have not been executed will expire after six months. If they don't expire, they can be used to threaten tenants.

The bill also moves to restore the rules by which landlords will not be able to be granted above-guideline increases if there are any outstanding work orders on the property. That makes sense. Why should a property proven to be in disrepair be allowed these kinds of increases? I will again quote the Waterloo Region Housing Coalition, which said, "The present legislation allows a landlord to request rent increases when there is confirmed evidence of non-compliance with property standards and city by-law. Clearly, this section of the legislation provides no protection to tenants who find themselves in unsafe rental housing. Few repair applications are being filed by low-income tenants since they often cannot afford the \$45 filing fee." This will remove this really unfair practice that's in place now.

Finally, and perhaps one of the most important aspects of this bill, is that so-called catch-up rent increases, maximum rent, will be eliminated. Landlords acknowledge that they have been able to bring these new rents in for tenants resident prior to June 17, 1998. The time has come to eliminate this practice entirely. Landlords have had time to execute these increases, and many were prevented in the past from doing so because their buildings were in disrepair and those provisions were in law. The practice now means de facto economic eviction for tenants. You're seeing 30% to 50% rent increases in some buildings and in some tenancies in the province. It's time to close this loophole, especially since the economic conditions have changed significantly.

1010

The reason I propose this bill is that tenants are facing a government that talks the talk but certainly doesn't walk the walk when it comes to providing real action to

protect tenant rights and the rights of renters and preserve their access to justice. The government promised access to justice with the new act, but what they have delivered is worse than nothing. It's a process that favours one side over the other; it favours landlords. They've cut back on the hearing process itself, and they've shown an unwillingness to change when real problems are brought to their attention. This bill will make the important changes that are needed. They talk a good game, but let's see if they're prepared to support justice for tenants and Bill 36.

I have many letters of support from across this province. From the Etobicoke-Lakeshore housing task force: "The modest changes to the procedures on eviction and rent increases have been proposed in Bill 36. We strongly support the amendments in this bill." From Etobicoke legal services: "We understand it will be brought forward and we strongly urge the government and the Legislature to support it." From Manitoulin legal clinic: "The bill's procedural changes would be made involving issues related to security of tenancy such as eviction, arrears, damages as well as issues and notices of hearing and updated credit records."

These are all very important amendments that need to be made to create a fair process for tenants. I have letters from citizens of Don Valley West, in fact, who sent me a petition with several names—they've signed their names, addresses and phone numbers. They say, "We tried calling our MPP for Don Valley West to ask him to support Bill 36. We were told Mr Turnbull is not—

The Acting Speaker (Mr Michael A. Brown): Further debate? The member for Parkdale-High Park.

Mr Gerard Kennedy (Parkdale-High Park): It is a pleasure to rise in support of this bill by my colleague from Don Valley East. It's also a pleasure, quite frankly, to address this bill in a non-partisan setting. It is very important to use the private members' hour in this context, because we as lawmakers get few chances to address things in progress. I believe this is an opportunity for government members to join with the opposition to correct at least some of the unfairness that exists and that faces tenants in Ontario today.

It is, as are many of these bills, a test of our will to see what is the right thing to do. There are very few times in this House when we can see measures that look, on paper, to be administrative, to look at how the functions of a tribunal, which is the only body in the province that tenants have to dwell upon, can operate in the interests of tenants, and see that as something that can actually enrich the lives of citizens across this province. My colleague has worked diligently with people who are working with tenants directly to focus on those issues which, while seemingly innocuous, are creating a tremendous amount of hardship.

I want to recognize here today someone from my riding, Roy Cunningham, the newly elected head of the High Park Tenants Association. He's here with Bart Poseiat from Parkdale Community Legal Services and a number of other people, simply to bring the message to

you that was brought to me at their meeting the other night: People, predominantly seniors, who have been living in apartments for years on end, are finding themselves in a terrifically unfair situation, the simple fact of not being able to have redress, of not having someplace to go, when their buildings aren't improved.

I can tell you about the frustration of an older couple who are paying \$1,450 for an apartment they moved into a year ago. They're having an above-guideline increase of 7%. They did not get the apartment they were promised at that high-end amount of money. They are so driven with frustration that they're thinking of breaking their lease, of leaving the city, of paying their losses, of not being irresponsible. They simply have no mechanism to make their landlord do what they are paying \$1,450 to make him do. Across this complex of 2,800 different apartments—just the families, let alone the people involved—are people who are living in apartments that have been rundown or that have been under construction for months on end, and they have no easy and realistic means of being able to get redress for their problems.

This situation, the everyday hardship they have—people who have contributed to this province for years on end—is in our hands today. We can do something about it simply by some rebalancing. We're not asking the government members to give up their policy; that's for a different day. Today we're asking them to show a requisite amount of fairness towards people who really have to have some consideration in this House. We are the only people to whom they can turn, and I appeal to you, on behalf of my constituency, to make that right decision this morning.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I am very pleased to join the second reading debate on private member's Bill 36. This bill, An Act to ensure fairness and reasonable access to justice for Ontario's tenants by amending the Tenant Protection Act, 1997, certainly on its face would appear to be dealing with something procedural, but that's not the case.

There is no question that, for their rent, tenants expect to be in well-maintained and safe homes. But under the old system, property owners were discouraged from doing maintenance and work because they could recover very little of the money they spent on repairs, so repairs were not done. In fact, under the old legislation, more than \$10 billion in repairs was required in rental buildings across Ontario, buildings had countless work orders against them, and tenants were plagued by chronic poor maintenance. One requirement under the old legislation that made the situation worse was that an order could be imposed where landlords were prevented from taking above-guideline rent increases if there were outstanding work orders.

The member says that the old legislation favours landlords. Coming from the municipal sector, which dealt with property standards, we were looking for teeth to deal with landlords with respect to rental housing. That is what the legislation that was passed dealt with. Under the old method, every outstanding work order was treated as if it were the same. A failure to comply with an order to

paint a door had the same effect as a failure to comply with a work order for a major structural defect.

Under the Tenant Protection Act we addressed this imbalance. Our goal was not only better maintenance of Ontario's rental housing but also to get tough on landlords who failed to take care of their buildings. We gave property owners the ability to recover the money they legitimately spent to repair a building either through an above-guideline rent increase or on vacancy decontrol. Tenants were allowed to apply for rent abatement for inadequate maintenance. We improved the ability of municipalities to enforce their property standards bylaws, including issuing work orders, which is the guts of what makes this system work: getting it into the hands of the municipal sector. Those landlords who failed to take care of their buildings were liable to higher maximum fines and more immediate penalties.

The Tenant Protection Act addresses problems with maintenance and with work orders, and it balanced the situation. The amendment proposed in Bill 36 would be a step backwards. It would discourage both the construction of new rental housing and the maintenance of existing rental stock, and both tenants and landlords would suffer. So the focus has been put on stiffening the penalties and allowing municipalities to enforce work orders and get tough on landlords, and that in fact has happened.

I want to also address the issue of maximum rent, something the member has failed to address. At this time it seems appropriate to remind the opposition that this year the guideline is 2.6%, the lowest in the 25-year history of rent control. Under Bill 36, maximum rent would be eliminated.

In 1986 the Liberal government established maximum rents under the Residential Rent Regulation Act. This meant that each rental unit in Ontario carried a maximum rent which the landlord could then legally charge the tenant. In 1992 the NDP government left the maximum rent intact when they introduced the Rent Control Act. Under both governments, if the maximum rent was not charged to the tenant, landlords could bank rent increases over an extended period of time. This left tenants vulnerable. They were often walloped with large, accumulated increases all at one time. This was unfair to Ontario tenants. I heard from many tenants within my riding with respect to this system. It was not fair.

As a result, the Tenant Protection Act froze the concept of maximum rents as of June 17, 1998, the day the Tenant Protection Act came into effect. One of the changes was that the rent registry was discontinued and maximum rents would no longer be applicable as new tenants moved in. Since the Tenant Protection Act, maximum rent would only apply to tenants who had occupied their units before the Tenant Protection Act was proclaimed. The landlord is not able to carry over maximum rent to a new tenant. This means maximum rents will eventually be phased out.

1020

The government has not eliminated maximum rent, because it is unfair to retroactively change landlord and

tenant arrangements that were in place at the time of the Tenant Protection Act's proclamation. Under the Tenant Protection Act, a sitting tenant's rent can only be increased by the amount of the annual rent increase guideline unless the landlord applies for and receives an above-guideline increase from the tribunal. There is a procedure in place to do this. Tenants can no longer be walloped with large accumulated increases. I remind the member and the opposition that this year the guideline is 2.6%, and that's the lowest in the 25-year history of rent control.

Our government's goal in the Tenant Protection Act is to protect the tenant, not the apartment. Why return to a system where landlords would be unable to gain fair market value for their rental units and as a result would refuse to build more units, and which would require the government to reinstate a huge system of administration at an enormous, ongoing cost to taxpayers?

I don't agree with Bill 36, which would return to an archaic and unfair system and in effect change the rules, where in fact we tried to change the rules to make it fair for landlords and to make it fair for tenants.

This bill fails to address the issue with respect to rent and it fails to address the issue with respect to maintaining the units. In effect, the title of the bill is misleading.

Mr Alvin Curling (Scarborough-Rouge River): Thank you, Mr Speaker, for giving me this opportunity to speak on this bill and to commend my colleague for bringing forward this very important amendment. The previous speaker seemed to have missed the message completely. What my colleague is trying to do here is enhance and make sure that there is adequate protection for the tenants.

We all know basically what is causing all this. There is a lack of affordable rental units out there. It's nothing new I'm saying. As a matter of fact, the Minister of Municipal Affairs and Housing himself reprimanded those people who had promised to build affordable housing and said: "You're not doing that. We have given you everything to do that and nothing is done." So the atmosphere, the environment is just completely ripe for the landlords to do what they want to do because of the lack of affordable rental units. There are none on the market.

We know that a new budget is coming out and we know that nothing new is going to come out in the sense of looking after those individuals who need it better. There will be bragging about balancing a budget, but there will be no bragging about people who are paying far in excess of what they can afford for rent.

I want to focus quickly on number 2: "Rent may not be increased beyond the guidelines if there is an outstanding work order." That makes complete sense. The fact is that people have made a contract with a landlord for rent of a place for a certain situation, and what has happened? The place has deteriorated and the landlord continues to contract and collect that money.

I feel that it's quite appropriate that some of these amendments come forward. What the previous speaker had mentioned completely ignored the fact that what it's trying to do is make your law, something that has been really not all that wonderful, a little bit better. He's rejected that to say it's not good to bring an amendment in to protect tenants because it's misleading. That's what it's all about, to ensure fairness and reasonable access to justice for Ontario tenants. They need that kind of justice. As a matter of fact, today everyone is shouting, "I'm paying more into rent than in feeding my child." So the balance is not there.

I feel that we should either encourage the government side—with all this abundance of money they will speak about, to bring some fairness to tenants in this regard—because there's a lot of inadequacy. Of course, as my colleague from Parkdale previously said, it's another day to discuss tenant protection and how we can move forward in making this a better place for those tenants who are paying by far an excess of their income for rent.

The Acting Speaker: Further debate.

Mr Brian Coburn (Carleton-Gloucester): Thanks for the opportunity to speak to Bill 36 this morning, Mr Speaker. It gives me an opportunity to discuss the points under the bill that are related to the Ontario Rental Housing Tribunal.

I'd first like to remind members opposite what role the tribunal plays and the reason it was set up under the Tenant Protection Act. It was established as an independent agency responsible for administering the act. Throughout that process, they inform the public on legal rights and obligations of landlords and tenants. This process goes on to ensure a fairer, more efficient process of hearing landlord-tenant disputes and regularly adjudicates on such issues as rent increases, harassment, evictions and maintenance issues.

One of the major benefits of the tribunal is that it has moved these disputes from a court setting, from a cumbersome, time-consuming, expensive court process, into a less formal system of mediation and adjudication. It's not only a less confrontational environment, but it also means that disputes can be heard more quickly and efficiently.

In the past, it used to take months—to some people I guess it seemed even longer than that—to get a court date. Now 80% of the applications are heard within 30 days. On average, members of the tribunal are getting their decisions out to the parties within a week, and many within two or three days. For example, for the year ending on March 31 just past, the tribunal attempted mediation in over 20,000 cases. Under mediation, 6,000 cases were successfully settled and the remaining cases resulted in more streamlined hearings and at a minimum cost to the taxpayers of Ontario. It also dealt with more than 65,000 applications that were filed by both landlords and tenants. At this point, the tribunal has no backlog. It is current within one month's receipt of applications. This indeed does benefit both the tenants and the landlords with quicker resolutions to their issues.

The tribunal has been very effective at not only reducing backlogs and reducing waiting times for applicants; it also benefits tenants, in particular, since they don't have to wait as long or tie up significant amounts of resources while they're waiting for a decision. That was one of the main complaints we had heard before we passed the Tenant Protection Act.

The tribunal operates in a fair and impartial manner, according to the rules of conduct, the tribunal rules and guidelines and the Statutory Powers Procedure Act. These are what guide the conduct of the tribunal.

The system deals with all complaints so effectively that it helps all parties in a way not experienced under past legislation or past governments. There is also a greater efficiency under this system. The ministry is indeed spending less money on administration of rent regulation than under the previous system. In fact, administration costs alone were 4.3% lower in 1998-99 as compared to 1995-96.

The essence of Bill 36 jeopardizes the ground we have gained under the Tenant Protection Act. It suggests an amendment stating that all applications to terminate a tenancy or evict a tenant be sent to a hearing, promoting a long, cumbersome process. It should be noted that in many cases tenants do not contest these applications. It should also be noted that under the Tenant Protection Act the tribunal can issue default orders when the tenant does not dispute the application in writing. Once a default order is issued, the tenant still has 10 days to ask for the eviction order to be set aside if they were not able to file their dispute in time.

This is a more efficient procedure, and it was actually carried over to the Tenant Protection Act from the Landlord and Tenant Act. Under the Tenant Protection Act, it is also the policy for applicants to notify all parties involved in tribunal proceedings. This is an administratively efficient and appropriate method that has worked extremely well. Bill 36 would propose to change all of that, adding layers of bureaucracy and reducing the current streamlined procedure that has all kinds of evidence that it is working in a more efficient manner. It would again be a step backwards.

1030

There are two other proposed amendments to the Tenant Protection Act under Bill 36 and they do have some merit. They include voiding any eviction order that hasn't been enforced within six months and allowing those who have paid any amounts required by an Ontario Rental Housing Tribunal order to ask the tribunal for a statement of this fact. This would help the individual prove to the landlord and to other creditors that they have complied with the tribunal's orders. We note the value of those suggestions and appreciate their intent by the member for Don Valley East.

However, the overall effect of this bill is that it generally discourages investment and does not create a positive environment for the construction of new rental housing in Ontario and the maintenance of existing rental stock. These were the specific areas that were improved

under the Tenant Protection Act. It would impede the efficient administration of the act and ultimately it would be a step backwards for the landlords, tenants and taxpayers of Ontario. In fact, the Tenant Protection Act is aptly named. It's there to protect the tenants. For the reasons I have noted, I will not be able to support Bill 36.

Mr Mario Sergio (York West): I'd like to add my comments to the private member's bill the member for Don Valley East, Mr Caplan, has brought to the House today. I would call it a fair deal, because it addresses some of the problems that both landlords and tenants encounter on a daily basis, and the issues are many. I can tell you that three out of five people who walk into my office or call or send letters deal with housing issues. Unfortunately, the way the situation is now, tenants are getting it from both sides. First of all, there is no more protection from the rent protection act, as it is called. There is a problem with the lack of affordable housing and it is causing a problem with tenants as well. Rents are skyrocketing. That's a problem in itself and everybody knows it, so tenants are getting it from both sides.

I think the bill, as presented by the member for Don Valley East, speaks exactly to the long experience, knowledge and hard work he has put into the matter, the knowledge he has on the issue and the work he has done with many tenants. I think the amendments he proposes are very fair. They don't take away from the landlords; they don't take away from the act itself. They make it better. If the system were changed to work better and smoother for tenants, this would go a long way in improving some of those areas where problems have been identified by both landlords and tenants, especially when it comes to eviction, arrears, repairs and maintenance. That is a big problem.

I would urge and encourage members of the House to support this bill. The best and only thing we can do is give tenants at least a fair chance when they have to appeal on some of the problems they encounter on a daily basis with respect to their rental properties.

My time is running out quickly. Let me say it is an area that must be looked at. Members from the government side are also saying: "There are issues that we have to look at. We have to make it better." I think the private member's bill from the member for Don Valley East is a beginning. It's the vehicle to get there. I hope we can get the support needed and move the bill forward. I thank you for your time.

Mr Rosario Marchese (Trinity-Spadina): I've got to tell you that the exercise of this debate, and these debates these days, is intellectually and physically draining. It is at times downright sickening. It sickens me. I listened to two members because the other hyenas on the other side didn't get a chance to speak, but two people have spoken: one from Carleton-Gloucester and the other fellow from Barrie-Simcoe-Bradford. They both read their speeches, you will recall.

Mr Wayne Wettlaufer (Kitchener Centre): On a point of order, Mr Speaker: I don't think it's quite in order in this House to call members on either side hyenas. I would ask the member to withdraw that.

The Acting Speaker: Withdrawn?

Mr Marchese: I did say it and I withdraw it.

Speaker, you will have noticed that those two members read their speeches. They hardly lifted their eyes from the paper as they spoke. Every time these people speak, they read speeches given to them by presumably someone in the Ministry of Housing, and that's all they do. They're parrots. It appears to me that they have no freedom of their own to speak. They never speak from the heart; I don't think they have one.

You have the member from Barrie-Simcoe saying, "The title of this bill is misleading"—and you didn't stop him then, Speaker—but their own bill is called the Tenant Protection Act. That's not misleading. But this modest bill, with these modest changes, trying to bring some fairness to tenants, according to that member who left this chamber is misleading. He's coming back to listen to the debate. I'm glad to see him back. The goal, he said, is to protect tenants.

Mr Tascona: On a point of order, Mr Speaker: I'm in the chamber. I don't know what the member is talking about.

Mr Marchese: OK. Thank you, Joe. Sit down.

"The goal," said he, "is to protect tenants." Who believes that? Who believes that except the landlords who are in their pockets day in and day out, reaching in their pockets day in and day out? And they're protecting the tenants.

According to the member for Carleton-Gloucester, the past bill and the past process to deal with the complaints would take months. Ninety-five per cent of the people who came to those hearings, first on the tenant protection hearings and then on the Tenant Protection Act, 95% of the cases, we were told by the legal clinics, were dealt with fairly and expeditiously. Only 5% of the cases were not. For that they invent a tribunal, to deal with 5% of the cases, a tribunal nominated by them. Most of them are Tories. You know that and I know that. This from the people who said when they were in this opposition chamber that they were going to be different, that they weren't going to make political appointments. No siree, it would all be based on merit. It appears that all these Tory appointments are based on merit.

Mr Garfield Dunlop (Simcoe North): How perceptive.

Mr Marchese: Is Garfield interested in my discussion?

The problem is this: This is a government for landlords. They make no bones about it. I learned through a study I looked at that I believe was done in 1992-93 that 76% of tenants don't vote. Nothing has changed since then. They know that and that's why they've been able to introduce a so-called Tenant Protection Act that would support the landlords over the tenants. That's what that bill is all about, and they know it. I know it. The sad thing is that the tenants still don't know it. But if they voted, they would have such tremendous power that this government wouldn't be in power very much longer.

Our job as opposition is to try to reach out to them as best we can. We are trying to reach out to a group of tenants whose average income is \$36,000; 3.3 million tenants, many of whom only earn \$20,000 to \$22,000; many of whom have language difficulties, as they become better Canadian citizens. That's the kind of constituency we're talking about that we're trying to protect, which this bill with modest changes is trying to do, to reach out and in some way bring some modicum of fairness to the tenants.

1040

The member for Carleton-Gloucester says, "The essence of Bill 36 would jeopardize all the gains we have made." What gains? The kinds of increases Toronto and many other places in Ontario have faced, increases in Toronto of \$1,200 a year for a two-bedroom apartment, which these people with their modest wages of \$20,000, \$30,000, \$36,000 are having to pay? That's what we're dealing with. Are those the gains we're trying to protect? Of course those are the gains they are trying to protect, because it suits the landlords.

The member for Carleton-Gloucester was the one who said—no, it was the member for Barrie-Simcoe-Bradford, who now has left the chamber again, and several of the others who have scurried about—

The Acting Speaker: It is improper to refer to members' absences.

Mr Marchese: The member from Barrie-Simcoe said that under the old system the poor old property owners were discouraged from doing maintenance. He says, "Oh, my God, there was \$10 billion worth of maintenance problems." Speaker, every year they were getting guideline increases. I should look at the public directly; forget the Speaker. Where did the money go except to be pocketed by the landlords and not thrown back into maintenance? Thus, over the years, they have deferred maintenance problems and, yes, they've got billions of dollars worth of problems that have to be dealt with because they put it off as they pocketed the money for the guideline increases and the above-guideline increases so they could buy other buildings. That's where the money has gone.

If the new system is working so well, why is it that we're suffering such maintenance problems throughout Ontario? Why aren't they spending the money now to do the maintenance? Because these landlords love to pocket the money as much as they can. Because they don't really care very much about that poor tenant who only earns anywhere from \$20,000 to \$36,000 or \$40,000 or \$45,000 a year. It's a crime, I argue.

The member for Carleton-Gloucester says that this bill would discourage investment. Tory members, I ask you, has the Tenant Protection Act encouraged investment? It has not. The Tenant Protection Act was supposed to have created so much housing, to have given so much choice to the prospective tenant. Have we built any units because of it? No. The CMHC, Canada Mortgage and Housing Corp, says we will need 80,000 units by 2001. We have only built about 6,400 units at present. Is their

bill encouraging investment? This modest bill is discouraging investment? Do you see how stupid this whole thing is? Do you see why I get discouraged?

We say modest changes; they say, "No, that would really jeopardize what we've been trying to do." The poor public listening attempts to deal with this mess and they say: "Who's right? Who's wrong?" We say we are protecting the most vulnerable citizens of this province in the best way that we can. Legal clinics are doing their best with the modest amounts of dollars they've got to help tenants. They're the ones who proposed these changes, for the most part. They know what they're dealing with because they have to deal with poor tenants daily. Yet this government doesn't want to listen to that. Why? These are the questions you've got to ask yourselves. Why? Could they be so tightly connected to big business and the big landlords that they don't want to listen to this at all?

We New Democrats, and the Liberals before us, tried to build non-profit and co-operative housing, because it was the right thing to do. We built housing that was affordable—

Interjection.

Mr Marchese: My good friend the member for Dufferin-Peel says we spent weeks debating why it didn't work. Why didn't they try to fix that? If there were some problems in terms of overexpenditures in some area, why wouldn't they just fix that? I'll tell you why. Because their landlord buddies, their developer buddies said, "We can't have that." In the committee hearings, they said, "It's unfair competition." They said to have public housing, non-profit and co-operative housing, was unfair competition.

M. Tilson from Dufferin-Peel, that's what your buddies said. Are you not doing their bidding? Of course you are. That's why you eliminated that program—that's the politics of that—not because it didn't work, not because in the hearings they said it didn't work, and so we scrapped it. You scrapped it on the basis that your private friends, your landlord friends and your developer friends, were going to build housing. They haven't built anything—zip, zero, nada, rien. It's depressing.

I was reading a brochure from my former good friend Isabel Bassett. "It's time for common sense," she wrote then. "There is a better way to protect tenants and increase the supply of apartments," Isabel Bassett said.

Interjections.

Mr Marchese: Oh yeah, you know her. "Mike Harris is committed to a new form of tenant protection. This is our common sense plan. Tenants will not be subject to unfair rent increases." Oh? What about the guideline increases? What about the vacancy decontrolling, so that when you move out, rents have gone up to the tune of about \$1,200 for a two-bedroom apartment?

Poor Isabel Bassett. I'm sure she didn't anticipate those increases. She would not have known. She could not have been omniscient or omnipotent enough to be able to predict the chaos we've got. She goes on to say, "Mike Harris's government will improve apartment maintenance, safety and security." Oh? With all the

maintenance problems we're having across the province, poor Isabel Bassett could not have anticipated or predicted these problems. But that's the common sense plan.

"Tenants will have a greater choice in the rental market through an increased supply of private sector units." Oh? Where is this increased supply of units? They must be invisible units, because I haven't seen them. Poor Isabel. This wasn't just Isabel; it was all the other Tory types on the other side who said as much, a few of them at least.

Then she says, "Using shelter subsidies, the Mike Harris government will target support to those most in need." Oh? I thought they abandoned this plan. We've asked a question in this regard, and there are no shelter subsidy plans that I'm aware of. That's what she said then. That's what you said then.

It is a pitiful expression. It's a pitiful debate that we're having. I know you people are not listening. I know that. Modest attempts have to be made to try to make you listen. That's why often we talk directly to the public. We say to the tenants, "If the 76% of you who don't vote, voted and understood that this bill is hurting you in the way that it is, you would be booting this government out of office." I hope that day will come.

1050

Mr Steve Gilchrist (Scarborough East): I would like to spend the few seconds remaining to suggest to the member who has introduced this bill that I think he has some suggestions that make sense. I think the direct communication to the tenant is a laudable suggestion.

My concern is with the elimination of maximum rent. My concern is that the bill does not recognize that the real problem continues to be the fact that municipalities charge between three and six times as much property tax on apartments as they do on single-family homes. Here in Toronto it is 3.6 times as much, a staggering increased cost that isn't profit to the landlord but is a very direct expense on tenants that directly contributes to the lack of affordable housing in this city and all other cities in Ontario. At the same time, we have a federal government that, in its capital gains regime and its income tax system, is providing extraordinary disincentives to landlords to renovate and, in the case of older landlords, to sell off their properties to people who would now want to start all over and rejuvenate those properties and add new premises.

The fact of the matter is that the bills we brought forward have changed the perspective. There is new construction going on for the first time in almost a half decade. In 1995, when we were elected, there was a grand total of 35 units built in the city of Toronto, at the same time the population was going up 40,000 a year. Clearly the system was broken; clearly it had to be fixed.

I agree with the member opposite that there is fine-tuning that needs to be done and I encourage him to continue to bring forward those suggestions. Eliminating maximum rent and eliminating the incentive to landlords to bring properties up to code and up to spec is not the way to do it.

Mr Michael Bryant (St Paul's): I want to speak to this bill, which I obviously have enormous support and respect for, because in my riding 68% of the people are tenants. We get more calls in my constituency office on landlord-tenant-related issues than on any other issue. This is the issue for them. They are suffering from the legislative black hole that is the Tenant Protection Act. There are no apartments being built, as we've already discussed. The housing minister is begging developers to build, and we now have the former housing minister acknowledging that changes need to be made to that bill.

At best, the Tenant Protection Act is a failed neo-Conservative experiment, a failed experiment that has led the housing minister to plead with developers to start building affordable housing. Well, we're not here to plead; we're here to legislate. I would ask the housing minister and I would certainly ask the former housing minister, who just spoke in favour of some of the measures in this bill, not to beg developers to build but to support this legislation.

Let me say something about this legislation. Its title is crystal clear. All we're trying to do here is to begin to level the playing field. At worst, the Tenant Protection Act was an act of political vengeance, rewarding landlords and punishing tenants. The goal here is not to reverse that political vengeance and play the politics of friends and enemies. The goal with this bill is good public policy, taking a flawed act—I would say a fatally flawed act, but at least accepting the flawed act for the moment because it is in place—and trying to improve it: the provisions on security of tenancy, on due process, on the maximum rent boondoggle for landlords, the nightmare eviction orders. An eviction order is not an unusual thing for a tenant to get these days, and because of the lack of due process, because of the loopholes in the act, clearly this is an act which has to be changed.

The member for Don Valley East has brought forth a perfect solution, a modest proposal, and it is beyond my comprehension why this government would not come in, assess these reasonable suggestions, and support something that would improve an act they brought in. We're trying to help tenants on this side of the House. What are you going to be doing when it comes time to vote on this bill?

Mr George Smitherman (Toronto Centre-Rosedale): I stand today in support of the Towards Fairness for Tenants act presented by my colleague the member for Don Valley East, because I work on behalf of tenants. It's interesting to see that the government puts up speakers who know so little because they have such a low percentage of tenants in their ridings. They have spent no time at the rental housing tribunal representing tenants, as I did yesterday and as I have done on many occasions. My riding, Toronto Centre-Rosedale, has the highest proportion of tenants in the province of Ontario, and I can tell you that the Tenant Protection Act can only be referred to appropriately as the "so-called Tenant Protection Act," because if that was its goal, as the title suggests, it is an extraordinary failure.

Today, in the very brief amount of time I have, I want to focus on one element of the bill that is before us today. In the explanatory note, point 2 says, "Rent may not be increased beyond the guidelines if there is an outstanding work order." Is that common sense or not? Is it appropriate that a landlord ought to be able to seek a rent increase when work orders have been issued on the properties that he owns, or not? It seems to me it is common sense. We had this provision in previously, OPRI, orders prohibiting rent increases. Municipalities could enforce work orders to ensure that the living conditions tenants were subjected to were appropriate.

We have circumstances in my riding of Toronto Centre-Rosedale, and particularly in the St James Town community, as an example, where problems have persisted, where heating and plumbing systems have failed, where debris is left in stairwells and set on fire, where communities are being subjected to landlords who do nothing to provide security in their buildings, where drug and prostitution problems are rampant and the effect is not only on the security of the people living in those buildings but on the community as a whole.

The government's so-called Tenant Protection Act had a circumstance that I want to highlight to anyone who is watching or listening or will read this today. I stood alongside my tenants from the Rose Park Tenants' Association to work against a landlord who, under this act, had the gall to try and bill tenants for the cost of the removal of their own swimming pool. Not only were tenants subjected to the loss of an amenity they had enjoyed for a long time and paid for in their rent, but the landlord, empowered by this government, had the gall to try and charge tenants for the removal of their own swimming pool so he could increase the number of parking spaces he could rent out.

We've seen lobbies converted to apartments. We've seen community spaces in buildings converted to revenue-generating sources like retail stores. It's time to tip the balance back in favour of tenants.

The Acting Speaker: The member for Don Valley East has two minutes to wind up.

Mr Caplan: I'd like to thank all the members who participated in today's debate. I really hope that all members will be supporting this legislation. I'd like to point out that in the galleries we have Elinor Mahoney, Kenn Hale and other tenant activists. I'd like to thank them for coming and I'd also like to thank them for the help they gave me in putting Bill 36 together.

I've heard some very interesting comments and I'd like to address them. The parliamentary assistant to the Minister of Housing, the member for Carleton-Gloucester, mentioned all the gains we have made. That is an incredibly puzzling statement, given that there is virtually no activity at all in the construction of new rental housing in Ontario. I'm not certain what gains have been made.

He spoke about the process of the tribunal, and how it's working and it's very efficient. That is not the case at all. There is mounting evidence that people are being denied their fundamental right to access justice, their

fundamental right to defend themselves at a quasi-judicial body. That is contrary to everything that this democracy, this province, this country has been built upon. For God's sake, it is important, it is necessary that we preserve those rights so we ensure that people have the basic right to defend themselves.

He mentioned set-asides, and I should tell you that I have opinions from lawyers across this province who say it is more difficult to get a set-aside of a default order at the Ontario Rental Housing Tribunal than it is to get a set-aside of a court decision. That speaks volumes. This is a fatally flawed process. I agree with my colleague who said that. I can't change the whole thing and get the support of the government, or get the support of enough members, but for six modest proposals, six balanced ideas, I ask for the support of all members in the House.

The Acting Speaker: The time for this ballot item has now expired.

1100

MEDICINE AMENDMENT ACT, 1999

LOI DE 1999 MODIFIANT LA LOI SUR LES MÉDECINS

Mr Kwinter moved second reading of Bill 2, An Act to amend the Medicine Act, 1991 / Projet de loi 2, Loi modifiant la Loi de 1991 sur les médecins.

Mr Monte Kwinter (York Centre): I'm pleased, for the third time actually, to rise in this House to debate this bill, and I want to read the bill, which is sublime in its wording but profound in its impact.

It only has 68 words, and it says: "A member shall not be found guilty of professional misconduct or of incompetence under section 51 or 52 of the Health Professions Procedural Code solely on the basis that the member practises a therapy that is non-traditional or that departs from the prevailing medical practice unless there is evidence that proves that the therapy poses a greater risk to a patient's health than the traditional or prevailing practice."

This bill was first introduced on Thursday, May 8, 1997, as Bill 126. It was again introduced on October 29, 1998, as Bill 2. The genesis of this bill is really the World Health Organization's 1989 Helsinki agreement. It was signed on behalf of Canada and, by definition, on behalf of all the provinces and territories, by the Minister of Foreign Affairs at the time, and this is what it says:

"A registered practitioner shall not be found guilty of unbecoming conduct, to be found to be incapable or unfit to practise medicine or osteopathy solely on the basis that the registered practitioner employs a therapy that is experimental, non-traditional or departs from prevailing medical practice, unless it can be demonstrated that the therapy has a safety risk unreasonably greater than the prevailing treatment."

That is almost verbatim to the wording in my bill, a bill that was signed by the international World Health Organization.

Notwithstanding that, and after this bill received unanimous consent in this House on May 8, 1997, the College of Physicians and Surgeons, in their annual report to members as published in their Members' Dialogue, stated, and the headline says, "Bill 126—Monte Kwinter Private Member's Bill: Executive received an update in June on this bill, which received second reading in the Legislature and was referred to committee. Executive agreed that while the college has already made clear its opposition to the bill, we will prepare to speak out strongly against it again should it be called before the committee for further consideration."

Notwithstanding that, the College of Physicians and Surgeons established an ad hoc committee to take a look at the issues, and what happened? The ad hoc committee on complementary medicine, which studied the issue of regulating physicians who provide non-traditional diagnostic methods and remedies, met for two days of public hearings. The College of Physicians and Surgeons committee report concluded that patients have every right to seek whatever kind of therapy they want. In addition, the committee stated that regardless of the kinds of therapies or practices they choose, physicians are accountable not only to their patients but also to the college, and ultimately to the public at large. I have no quarrel with that; I agree.

Since my bill was introduced, another interesting thing has happened: The Ontario Medical Association has given permanent status to a section on complementary medicine.

Other things have progressed since the first debate on this bill. The United States Congress passed legislation that's going to change the face of health in that country forever. What they've done is pass legislation that allows for the Office of Alternative Medicine at the National Institutes of Health to be changed from being an office to a centre, which means it gets \$50 million worth of funding. In addition, the legislation provides \$1 million to support the establishment and operation of a White House Commission on Complementary and Alternative Medicine to study and make recommendations to the Congress on appropriate policies regarding research, training, insurance coverage, licensing and other pressing issues. Again, a very significant step forward.

"Almost two thirds of traditional US medical schools now teach alternative therapies, including chiropractic, acupuncture, herbal remedies and mind-body medicine, a survey found. With millions of Americans visiting alternative practitioners yearly, educators have no choice but to respond to this relentless challenge to evolve. The survey of 125 medical schools found that, of the 117 reporting, 75 of them now include in their curricula alternative medicine."

In our own country: "A new acupuncture program has been launched at Mount Sinai Hospital in conjunction with the Michener Institute and is heralded as the first of its kind in Canada. The program, part of the hospital's pain clinic, will be an important bridge between traditional Chinese and western medicine, said Michener Institute president Renate Krakauer."

Also, interestingly enough, there was a conference on traditional healing to treat menopause in Toronto. A researcher from Columbia University's medical school in New York stated that this is a process that has been tried for centuries and is something that mainstream doctors are now getting hold of. An interesting comment she made was, "In Europe, St John's wort, a botanical used to treat mild to moderate depression, another common complaint of premenopausal women, is outselling Prozac by leaps and bounds."

Another very interesting development is the statement by Dr Russell Joffe, the man behind McMaster University's proposed \$100-million centre for complementary medicine. Joffe said, "The centre will do something quite unique for a western university faculty of medicine, amalgamating research into western and eastern treatments while investigating the roles lifestyle, diet and stress play in keeping Canadians healthy. ... Nearly 50% of Canadians are using some form of alternative therapy, so it's important to better understand how it works and its place in the health care field."

An Angus Reid poll, which asked about Canadians' attitudes towards alternative medicine, found that the majority, 66% of Canadians, feels that the government should be advocating the use of alternative medicine and practices in order to potentially reduce the costs to the health care system.

I want to enter into the record a letter I received from Dr Linda Rapson, president of the Ontario Society of Physicians for Complementary Medicine. She says:

"I wish to thank you for bringing Bill 2 ... before the Legislature.

"Your bill comes at a time when there is even more urgent need to improve the knowledge and experience of the medical profession in the area of non-traditional medicine. The public will be best served by a medical profession that can take a careful, objective look at various forms of 'alternative' medicine, to best advise our patients. Our long-range goal should be to critically evaluate complementary therapies in the same way we are assessing traditional medicine, in order to provide the safest, most cost-effective and beneficial treatments. This would ideally be accomplished through interdisciplinary co-operation and collaboration, bringing the best of traditional and non-traditional care to the Ontario public.

"We are convinced that the sort of protection for Ontario physicians provided by this bill is urgently needed to ensure that all Ontarians receive safe, beneficial and cost-effective treatment."

It's signed by Dr Linda Rapson.

This is an issue that has been before this House twice. It has had unanimous consent twice, but there has been a dramatic sea change since this was first introduced. I read the quote from the College of Physicians and Surgeons, which was opposed to it. They have been silent. There has been no opposition to this at all.

It's also interesting to note that the current Minister of Health, in a letter to a constituent, wrote: "I want to assure you that this government supports freedom of

choice for patients for a range of care options, as long as people are not put at unnecessary risk. This includes physicians who use non-traditional treatments, as long as they maintain the standards of the profession and have the skills, the education and training necessary to provide such treatments."

That's exactly what this bill does. The time has come to move forward. The citizens of Ontario and of Canada are far ahead of the government. I think it's important that this provision be enshrined in the Medicine Act because what it will do is provide doctors with the freedom of choice and, more importantly, patients the freedom of choice to take a hand in the treatment they receive and to be able to access not only traditional medicine—and this is not a substitute; this is complementary—but to access treatments out there that are not necessarily mainstream but have been shown to be effective, safe and, in all cases, part of what the population seems to want. I encourage my colleagues once again to support this—this is the third time. If I can prevail on them, I'd like to get third reading today. Notwithstanding that, let's take one step at a time.

1110

Ms Marilyn Churley (Broadview-Greenwood): I'm very pleased to stand today in support of Mr Kwinter's bill. Today it feels like déjà vu all over again to me. I can only imagine what it must feel like to Mr Kwinter. He must be very pleased, even from the last time we debated this bill in this House, that we've moved even more forward. The public is ahead of us and it's time to move on. I don't think we should be in a position ever again in this House to have to begin this debate all over again. It's really good that we have this opportunity to have the debate once more and to discuss the merits of it and possible problems, but it really is time to move on.

As was pointed out the last time around, Statistics Canada says that 3.3 million Canadians see non-traditional practitioners, and the number is growing. I'm one of the statistics that I mentioned here and have been for a number of years, and so are a number of people in my riding. They're quite anxious to see me support this bill again and they're quite anxious for this Legislature to take ownership of it, particularly the government, because they have the power either to move it forward into committee or take over the bill itself, which I'm sure Mr Kwinter would not object to. His goal is to get this thing through. The government should take a stand today and do one or the other. Some amendments, I believe, would need to be made, and that could be done through the process of committee hearings or the government making it their bill.

We've been talking for some time now in this House, certainly before this government and when the NDP was in government, about new, integrated medical systems, the way we deal with all forms and types of medicine, not only after the fact when we're sick, but preventive medicine. This is an opportunity to deal with that in a planned way, so that it becomes part of what we're talking about, part of the system; so that the safeguards

we need to see in place are there and the regulations to protect people are in place. That's the kind of thing that people who use alternative medicine have been crying out for, for some time.

When the NDP was in government from 1990-95, I remember working with our ministers of health, Frances Lankin and Ruth Grier. We were, as governments before us, a part of regulating midwifery and nurse practitioners. We can all recall a time when a tradition that was with us many years ago became almost outlawed from the system and doctors took over. It took a while again for us to say that midwives have been around for eons doing that job and they can do it very well and it's time to bring them back into the system. It took a very long time before, I have to say it, the OMA and others agreed that it made sense in terms of cost-cutting and also in terms of the skills that midwives can bring. The kind of attention they can bring to their patients is really beneficial—to a woman when she is giving birth, to the family and to the whole process. It has become more and more accepted now. Midwives are back in the system; nurse practitioners are back in the system. There's still a lot more work to do but we've all agreed as a community that there's a very important place for them in the system. We have to move in that direction now.

I think it's urgent now because so many people use alternative medicine and have been for a long time. I commend the Toronto Star—I saw it in the weekend paper—for doing some work on testing some of the alternative medicine that's out there. I don't think a newspaper should have to do that. I think all of us who use alternative medicine would like to know there are more regulatory rules in place so that when we buy some of these alternative medicines we feel we're protected, that what it says on the label is actually in that bottle. That's an important step we have to take.

In closing, I want to say very strongly that today is an opportunity for all of us to say not only that we're going to support this resolution but that we're going to be done with this initial aspect of the debate, which we've had three times in this House now, and we're going to move it into committee or the government—I know the Minister of Health is very busy and I'm not suggesting that ministers have a lot of time to come to—

Mr George Smitherman (Toronto Centre-Rosedale): She's creating new ads.

Ms Churley: Yes, creating new ads, but I'm trying to be non-partisan this morning. It's possible at times, depending on what the government members say, of course. I was a minister once and I tried to come on Thursday mornings. But I wish in this debate that the Minister of Health could be here to participate in this and give us her assurances that she indeed—

Mr Garry J. Guzzo (Ottawa West-Nepean): Anybody comment on your absence?

Ms Churley: I'm not commenting truly on the minister's absence; I'm really not. I'm trying to be fair and say how difficult it is for ministers to have the time available to come to private members' hour on Thursday morning. This is an issue that I hope the minister is

paying some attention to and that she will give us her views on where she intends to take it. I believe she could have a lot of influence on the members of her cabinet and caucus in where they should go in terms of supporting this bill.

I would ask that everybody support this bill at the very least today and that it go into committee so we can take it to the next step and make it the law of the land.

Mr David Tilson (Dufferin-Peel-Wellington-Grey): I would like to make some remarks on the member for York Centre's bill. I agree; I think this is at least the third time it has been presented to this House and I have supported that bill on the former occasions. I congratulate the member and provide my admiration for him in his determination to bring this issue forward. You refer to the "Kwinter bill" and everyone knows what you're talking about.

I'm here as well, for the former speaker's information, as the parliamentary assistant for the Minister of Health, and I'm probably going to speak out of both sides of my mouth at the same time. I intend to support your bill, but obviously I have an obligation as the parliamentary assistant to express some of the minister's concerns, although it is private members' hour and I'd be voting in my personal capacity. I believe, as I hope members all around this province will, that the public supports the general principles of what the member has been saying.

I might as well get out of the way what the minister's concerns are. They give you these notes that you have to read and I'm not going to do that, but I will comment on some of them.

Ms Churley: He's rebelling. He's breaking free.

Mr Tilson: No, I'm not rebelling, because I think it's fair that members should know the ministry's position on this. You've read part of what she has said in a letter to her constituents and that's fairly accurate.

The ministry has worked with the College of Physicians and Surgeons of Ontario to ensure that physicians using alternative complementary treatments would not be the subject of quality assurance investigations solely based on their use of these treatments. The College of Physicians and Surgeons quality assurance regulation now has many procedural safeguards for these physicians. Finally, the minister has asked the Health Professions Regulatory Advisory Council to advise her on regulatory issues related to naturopathy and she will consider their advice carefully as it is received next year. Therefore, it is the position of the ministry, at least, that she cannot support moving forward with legislation in the absence of the Health Professions Regulatory Advisory Council's advice.

1120

The member indicated that he would ask for third reading today. He may be right, because it has been debated in this House so often. Because of a comment of the minister, however, I would hope he'd suggest it go to a committee and we would have again an opportunity to discuss it, perhaps have the College of Physicians and Surgeons representatives to come forward to the

committee and provide their comments. There are concerns with the bill.

"The ministry believes that the physicians and other health care professions who use the alternative or non-traditional treatments should be able to practise as long as they maintain the standards of practice of the profession, work within the scope of the practice, have skills, education and training for their practice and do not cause serious physical harm or put their patients at unnecessary risk."

I'm sure the member agrees with that. If it's safe, absolutely. If it's safe, if you're practising something, if there's some sort of regulation to make sure the public understand it, or if you're selling some sort of herbs or whatever—I don't want to appear too off on this—but if materials are sold, you want to know for sure that those people know what they're doing. Doctors tell me: "Well, if I have my patient under medication for something or I'm aware that my patient has some ailment and someone else prescribes something else, whether a treatment or some sort of medication, it could conflict. It may be something completely related, and we could have a tragedy." I'm sure the member agrees with that as well.

"The bill would enshrine in legislation professional misconduct guidelines which have historically been dealt with through regulation." I don't know whether that's a fair comment, but that would be up to the member to comment on that.

Finally, and this is an interesting point, "The minister is of concern that no regulated health professional legislation has these guidelines in legislation." I guess that's a fair comment. We're now putting into legislation what other professions have by regulation. This is the first time this has been put forward that I know of. He may know some other professions, but normally these sorts of things are not enshrined in legislation.

She goes on to say, "The College of Physicians and Surgeons has the mandate to regulate the practice of the medical profession to govern the members in the public interest." We're varying from that a little bit as well.

I didn't hear the member comment on the fact that the word "solely" does not appear in this legislation, whereas it appears in the other piece—

Mrs Lyn McLeod (Thunder Bay-Atikokan): It does.

Mr Kwinter: You're wrong. It says so. I read that today.

Mr Tilson: It does? OK. I apologize to the member. That's what I was led to believe.

Those are the concerns of the Minister of Health. Personally, as other members have spoken, we're into other things. We're into nurse practitioners. We're into midwives. My daughter gave birth to a little girl back in September.

Interjection: Congratulations.

Mr Tilson: Thank you very much. She lives in California and she had a midwife. In California, I understand, it's common practice, and it's gradually becoming more popular here.

There are many things that our health system simply can't afford. More importantly, there are people who completely support these alternative ways of dealing with things. I had a woman come into my office who had arthritis. She literally couldn't move her hand for fear of pain. Well, she took some sort of treatment, treatment that's being recommended in this amendment to the—is it the Medicine Act? Now she's fine; she's not perfect, but she's a lot better than she was.

So I believe, in my constituency at least, my people support that as long as it's safe. I will be supporting this legislation notwithstanding—and I hope the members realize that—the reservations of the Ministry of Health.

Mrs McLeod: I am pleased to participate in this debate in support of the bill that's been put forward by my colleague from York Centre, as indeed has been mentioned a number of times already this morning, the third time that this particular bill has been presented.

The bill does continue—I want to stress this fact, given the comments that the member for Dufferin-Peel-Wellington-Grey made on behalf of the Ministry of Health, who may have misread the third iteration of this bill—to contain the change that was brought in the second time when the member for York Centre, who was then the member for Wilson Heights, presented this bill, and that is to include the word "solely," so that it clearly states, "A member shall not be found guilty of professional misconduct or of incompetence under section 51 or 52 of the Health Professions Procedural Code solely on the basis that the member practises a therapy that is non-traditional or that departs from the prevailing medical practice" I did believe at the time the member made that change in his second presentation of this bill that it was an important change and I'm pleased to see that he has continued with that in this third presentation of the bill.

It was important, and the member for York Centre read a letter from Dr Linda Rapson, the chair of the complementary medicine section of the Ontario Medical Association, when he presented the bill the second time. I'm going to reread it again because I think it's important to be sure we recognize the importance of including the word "solely." "By adding the key word 'solely' to the bill, we believe you have gone a long way to answer the sincere concerns of some individuals and organizations with respect to the potential for this bill to weaken the traditional public protection we have come to expect from the College of Physicians and Surgeons of Ontario." I certainly do not believe that it's the intent of the member for York Centre or the intent of any member of this House to indeed weaken in any way the protection that Ontario citizens have from duly regulated health care practitioners.

The bill was unanimously supported in this House on the two previous occasions that it was presented. I suspect it will be supported unanimously again, and that leads me to say that it is time—past time, probably—for the Ministry of Health to bring this bill forward. If, as the member for Dufferin-Peel-Wellington-Grey has suggested, it's the preference of the Ministry of Health to see

the intent of this bill incorporated within existing health professions regulations legislation rather than stand as a separate piece of legislation, they have had ample time, and probably have ample time ahead of them, to bring forward the appropriate changes to the health professions regulations legislation. In fact, this is an extremely timely point at which to be revisiting this issue and to be opening up a debate about the regulation of alternative medicine and alternative therapy practices, because the entire health professions legislation is under review as we speak.

I believe that the government needs to open an even broader discussion on the issue of alternative medicine and alternative therapies than is dealt with in this particular bill. This bill deals with physicians, and solely with physicians. It opens the door for physicians who are conscientious and responsible users of alternative therapy, who are trained practitioners of alternative therapies, to have that as an option they can present to their patients. The bill really doesn't go beyond that at this point.

I think it's important that physicians recognize they have a responsibility to respond to their patients. Patients come into physicians' offices and ask about alternative therapies. They need to have answers from their physicians. I think it's a concern that so many Ontarians are using alternative therapies, seeking out alternative therapies, using alternative medicine products, and are hesitant to speak to their physicians about them because they believe the physician would disapprove or would not even be legally able to make any recommendations regarding these alternative medicines because they're not within their defined scope of practice now. I believe that the bill essentially allows physicians to accept a responsibility to respond to patients' interest in alternative therapies. This bill is really just one step towards the regulation of alternative therapies that are increasingly used by Ontarians.

I want to take just an extra minute or two and stress the fact that I think it's essential, given the reality of the demand for alternative therapies, that the government act in a way that consumers of health care have some protection against irresponsible practice and some guarantee of quality in the services and products that are offered.

1130

Probably the issue that stands out most clearly as one which demands regulation is the practice of acupuncture. We know that currently in Ontario virtually anyone can practise acupuncture. There are no regulations, there are no controls, there are no limitations. We know the practice of acupuncture has demonstrated its benefits when it is carried out by well-trained, conscientious practitioners. We also know it is a highly dangerous practice when carried out by people who are not adequately trained.

In order to get past the horror stories that start to emerge about the practice of acupuncture, for example, we have to have regulation. Good regulation obviously requires scientific evidence of the benefits of the practice, as well as a clear understanding of where there is poten-

tial harm. I think it is imperative that the Health Professions Regulatory Advisory Council review the need for the regulation of alternative medicine and alternative medicine practitioners and determine what can and cannot be regulated and how it can best be done.

I acknowledge that these issues are not easily dealt with. I know that the advisory council studied acupuncture for two years back in 1996. We have never seen the results of that report publicly. We know it's now under review again. We know there is a report on acupuncture expected yet again this spring. It is not easy to deal with it, and I don't think we want to avoid the most stringent criteria in terms of the evaluation of what is responsible and what is credible practice. But I think the greatest danger, the greatest potential harm to consumers of health care, is to ignore the issues altogether or to avoid dealing with them.

Where there are benefits, then the Ontario public should be able to access alternative therapies with confidence in the quality of care that they will receive. Where there is potential harm, the Ontario public must be made aware of it. Where untrained practitioners are posing dangers to the health of the population, they must be stopped from their dangerous practices. One of the great strengths of the bill that is presented today is that it opens the doors to addressing these very real issues in a responsible way.

Mr Carl DeFaria (Mississauga East): I am pleased to rise today in support of this bill. I am supporting this bill mainly because of the demands I have had from my constituents for alternative medicine and options in health care during the past five years. My position is that patients should have the freedom of choice from a range of care options. We should signal that, and I think this bill does that.

What is important is that physicians and other health care professionals who use what is called non-traditional treatment—it's non-traditional here, but it's traditional in many cultures of peoples who make up Canadian society today. What is important is that there is a standard of quality, a standard of practice, a standard of care that is maintained and that is similar to other standards in health care, and that the people practising have the skills, the training and the education to carry on the practice that they are carrying on.

I recall particularly a situation where one of my constituents was suffering from cancer, and he was in constant pain. He used to contact my office all the time, asking me to assist him because he needed acupuncture to help with the pain. He had constant pain. He just wouldn't be able to survive without it. He had to pay out of his pocket for this treatment, and it was very costly. He pleaded with me until his death that we look into ways of helping people with some sort of financial help to be able to pay for these kinds of alternative treatments that he required. He passed away a few months ago. The suffering that I saw in this constituent made it just so clear that there are other methods of treatment and other ways of treatment that we should look into. Especially now that we are looking at ways of easing the cost of

health care, sometimes a lot of the non-traditional treatments may be less costly than the treatments that we have in our traditional health care system.

I want to applaud the member for York Centre for pursuing this matter. I want to indicate to him that I'll be voting in support of his bill, and I'll be doing that with the support of the constituents of Mississauga East. I am pleased to support this bill today.

Mr Alvin Curling (Scarborough-Rouge River): I too want to thank my colleague from York Centre for bringing forth for the third time this bill, which I think is extremely important. I will emphasize the importance in a different light than many people have done. But I want to also commend my colleague from Thunder Bay-Atikokan, who has expressed most of the concerns that I sometimes hear expressed outside, and again emphasized it in a way that takes care of all those concerns. I have seen no other bill brought before this House that people have shown such interest in, not only inside but outside. But there is one other aspect of it. Let us move it along. I've seen the passage of quite a few bills in this House, and I think it's a comfortable way to move that process into place.

As you know, health care is one of the largest budgets that we have in our system and takes the biggest piece of the Ontario budget pie. I'm sure that looking at ways in which we can address health care in an efficient way will always be the largest and longest debate in this House, and I think this is a solution that can come to it.

One of the main things I want to emphasize is the fact that, especially in my constituency, we have quite a diverse cultural community that uses alternative medicine, and I can say to you that they feel very strongly about it because they have used this in their old country for thousands of years. There are billions of people in Asia, Africa and China, and people here in Canada, who have used what we call "alternative medicine." As a matter of fact, I don't even like the name "alternative medicine." It is medicine in those countries, and may be alternative here, but it has been around longer than the traditional medicine that we talk about here. I think it has been proven in many respects that this medicine not only would help the cost of medicare here but also has proven itself over the years and can be applied successfully in treating the citizens of this country.

We have seen also that almost 70% of Canadians feel that this could be supported and paid for by the government. I think that's one of the grave concerns. But we can see that sometimes this non-traditional medicine, if you want to call it that, can be introduced, and maybe at far less cost than traditional medicine. I know there's concern. A colleague from the government side stated that we've got to make sure this is safe and all that. Of course. The government must have regulations, and people who are practising this medicine must be educated in the field and of course follow procedures that can be monitored.

As my colleague from York Centre stated very well, although he should be disappointed that it has not progressed enough, he and many of us have learned

many things that can make this bill a better bill. This is now ready to move forward, because the longer we keep this out of the system, I'm quite sure there are people who will be deprived of proper treatment. We'll remove the fear so that when they go forward to get these medicinal treatments they don't feel that they are breaking any law and those who are administering it don't feel they are breaking any law. I think the government must act in a responsible manner and say, "Let's make sure that we move forward."

1140

As a matter of fact we now have seen that marijuana, which was completely outlawed at one time, today is legalized. That would be considered to be alternative medicine because it has been proven today to help those who have cancer and relieving the pain of those with other treatments. In the past, one would not only be charged with possession but charged with smoking marijuana itself. There are many areas, and I'm not only looking at marijuana but at many other things.

We also know that our parents have given us alternative medicine, and one would have questioned their authority a long time ago, whether they are able to administer that in any way. I've been healed by my mother's alternative medicine, and it did not come to light that she was doing anything illegal. But again, look how healthy I look and look how healthy millions of people around us look—very healthy. I would give that praise to my mother, who has practised alternative medicine—rest her wonderful soul, she made such a wonderful son—but again she did it in a way to look after me with her alternative medicine. There are many ways it has been applied. I'm just saying that we are prepared and poised in our society here in Canada, blessed by the fact of that diversity, that we can have hands-on individuals who have seen the practice of alternative medicine and who can institute that.

I know my colleague wanted to say a word, and I will leave a minute or so if he comes back.

Mr Tony Martin (Sault Ste Marie): I want to, as others have in this place this morning, offer my congratulations and support to the member who has brought this bill forward this morning, recognizing that it is the third time he has made the effort, and say that I'm happy to be speaking on it again. I spoke to it when he tabled it in May 1997 and I'm happy still to be here and willing and able with my caucus to support its intention, both in principle and in fact, and will be indicating this in the vote that will happen here later this morning.

I want to offer him some comfort in that I've had a bill before this House three times now, you'll note, my bill on franchising that I've worked through the system. We're at a point now with the government where we may have something. It won't be everything I've asked for. As a matter of fact, it will probably fall quite short of everything the people we've talked to at the public hearings we've had on this bill called for, but we will have something. I think that's always a step forward. In this place we make gains incrementally. We don't always

get everything we want, but if we get something, if we move the goalposts forward a distance in our time of service here, we feel we've done something for the general public and for the public good. I suggest that what has been proposed here today by Mr Kwinter is in the interests of the public good, will serve us all well and will move the question of how we deliver health care in this province forward quite substantially and significantly. It's an issue we've been looking at for quite some time. I think it's time to take some action and stop dithering and to ask some of those very important questions that need to be asked. Get out there, do a bit of a public consultation, hear what the public have to say about it and then ultimately get on with it.

I just want to put on the agenda today probably three things, some comment on three areas that concern me where this bill is concerned and where the whole agenda of this government is concerned.

One is the question of who's driving the agenda. Always, when things come before us in this place, I think it's important for us to ask the question and to understand, if we can at all, because it becomes quite confusing at times as you try to sort it out, who's driving the agenda? In whose interests is the government acting? Who is being served and, ultimately, at the end of the day, is the common good of the community of Ontario front and centre in the decisions we make? I suggest that if it is for the common good of the people of Ontario, and there's a desire to provide the best of health care, and to make an offering to the citizens of Ontario that is safe and well regulated and understandable and accessible, then we've done our job here; we've done our duties. I don't have any answers to that question, but it's something we all have to think about as we consider the subject before us today and as we vote: Who's driving the agenda? In whose interests are we acting? Why are we making the decisions that we're making?

The second thing that we have to take a look at in this instance and again in other instances as we work our way through different pieces of business before this House is, who is giving leadership around this place? It is no more important or obvious who is or isn't giving leadership than where we consider the question of the reform of health care and the reform of primary health care in this province.

I suggest to the members of the House and to the public out there who are listening that if this government had any real interest in moving the health agenda forward in this province, they would be doing a whole lot more than simply negotiating right now with the Ontario Medical Association a very narrow and, I would suggest, limiting set of proposals that will not do anything to further the agenda of the reform of primary health care or the presentation of different forms of health care to the public out there that will be preventive in nature and promote health in the province so that at the end of the day we don't have to spend the kind of money that is worrying so many as we look at the budget of health care in this province over a number of years now. As we look

ahead to what the cost of health care will be as we consider the aging of our population and the number of diseases we're discovering as each day goes by that are new and responsive to some of the things that we're doing, sometimes, because we haven't thought it out and we haven't allowed into the action more of the players who might have something to offer by way of understanding and alternative approaches, we've not been able to stem the tide or understand or get a handle on some of the new challenges from the health care perspective that confront us.

The question that needs to be asked, that we all need to be considering here this morning as we look at this piece of business, is, who's giving leadership? Where does responsibility for this lie? Ultimately this morning, we can give some leadership. We can take it upon ourselves, because this is private members' public business, to give some leadership, to ourselves indicate to the government by supporting this bill that we think they should be moving today in this way to recognize the contribution that so many of the alternative health care providers out there, or alternative processes in health care, can provide to the delivery of health care in this province.

We only have to look back over not a very long period of time to some of the changes that have come about that have recognized the contribution of professionals who for the longest time in this province for some unknown reason were not allowed to exercise the ability and training and concern they had in their particular profession. I only have to mention a couple: nurse practitioners and midwives. The progress that has been made over the last 10 years in this province has been quite exciting and phenomenal. There is no reason why we can't move forward in this area as well to recognize the contribution that can be made by alternative medicines so that they become part of the mainstream, so the people of Ontario who now are actually voting with their feet and taking advantage of some of these medicines can do that and know that it's regulated and safe and that what they are accessing is the best that's out there.

The third thing that I want to put on the record this morning is the real concern of this, which is the government's concern that if we pass this, it will cost them more money. Over the last five years, they have given all the money away. If this government had sat back, taken a deep breath, taken a sober second thought and considered the impact of their tax breaks to their rich benefactors and friends and how that would impact their ability to be government and offer services in this province over the long haul, they probably would not have done what they have done and impacted in such a negative way our ability as a government to offer the kinds of services that this member this morning is proposing we support here today. I will be supporting it.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I'm pleased to join the debate with respect to Bill 2. Certainly Ontario health consumers deserve reliable access to competent doctors who offer safe, beneficial and low-cost alternatives to conventional medicine.

That brings me to the point I'd like to make. I believe that consumers in our province should have choice. I note that in a pamphlet distributed by Citizens for Choice in Health Care, they claim that Alberta and eight American states have enacted legislation that protects consumer access to complementary medicine provided by physicians. So what we're talking about here is choice, and alternative medicine is clearly an option that people should have access to in our province.

1150

What I'm concerned about, however, is that the bill makes absolutely no reference to the issue of ensuring that doctors who would be practising alternative medicine would have the appropriate training and necessary background to administer that alternative medicine. We know that traditional Chinese medicine and acupuncture is an entirely different system of medical science. Complete training in the profession of TCM and acupuncture, for example, requires four to eight years of full-time study. What I'm concerned about here is that we would have western doctors simply moving into the area of practising alternative medicine without appropriate training. Bill 2 makes absolutely no mention of any training requirements, and I believe it would be absolutely essential that the training component be addressed. I look forward to participating in that discussion through the committee process to ensure that we address that.

Support on this side of the House would be in principle for the bill, based on the fact that the current legislation and regulations already allow alternative practitioners to practise within Ontario, and they can practise without the fear or perceived fear of reprisal. I believe that physicians and other health care professionals who use both traditional and alternative or non-traditional treatments should be able to practise as long as they maintain the standards of practice of the profession and work within the scope of the practice; have the skills, education and training for their practice; and do not cause serious physical harm or put their patients at or in unnecessary risk. Bill 2 would enshrine in legislation professional misconduct guidelines that historically have been dealt with through regulations.

Let me turn my focus to the College of Physicians and Surgeons of Ontario. The college has the mandate to regulate the practice of the medical profession and to govern its members in the public interest. The college decides what, if any, changes they want in their own bylaws, and it is the College of Physicians and Surgeons of Ontario which, if it still has concerns with Bill 2, may be affected with respect to the inclusion of the word "solely." Because what we're dealing with here is a procedure, in terms of what the member wants: "A member shall not be found guilty of professional misconduct or of incompetence under section 51 or 52 of the Health Professions Procedural Code solely on the basis that the member practises a therapy that is non-traditional or that departs from the prevailing medical practice unless there is evidence that proves that the therapy poses a greater risk to a patient's health than the traditional or prevailing practice." That's what we're talking about here.

The bill still places the burden on the College of Physicians and Surgeons of Ontario to prove negligence. There is a lack of research available today to evaluate the safety and efficacy of many alternative therapies—

The Acting Speaker (Mr Michael A. Brown): Thank you. Further debate?

Mr James J. Bradley (St Catharines): I join in supporting the bill by my colleague Mr Kwinter. It is a bill which is an adjunct to a previous bill he brought forward to allow more options for people to look at in terms of medical treatment. It has in it the safeguards that are necessary to alleviate some of the concerns that others might have.

I know that if he had time to put it in the bill, he probably would have talked as well about funding for the whole health care system and how next week in the provincial budget we will no doubt see the government forget about their latest tax cut and instead put the money into health care, because that option is there. When I hear the Premier say there is no money for health, it reminds me that some of the other provinces are giving tax cuts at the same time they say they have no money for health care.

I remember my friend from Peterborough nodding in agreement with me a few weeks ago when I mentioned in the House that the problem with transfer payments was that the provincial government would get the transfer payments and give them away in tax cuts instead of putting them into additional money for health care. I know my colleague from York would be concerned that, in addition to passing this bill, we would also want to see appropriate funding for health care, because at the present time we have people who have to go to the United States to get treatment; for instance, cancer treatment, radiation treatment and a number of other treatments. We have a long list of people waiting for heart bypass operations.

We have a lot of areas where money could be invested into the health care system, and that money will be there. The provincial Treasurer will get up and say that, for the first time since 1989, the last Liberal government budgetary surplus, they will have a surplus here. That money can be invested in paying down the debt. That money can be invested in health care, which everybody is concerned about. I'm convinced that the member who brought this bill forward would also want to see the provincial government forgo unnecessary tax cuts and invest that money in health care where it belongs.

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

Mr Kwinter: First, I want to thank all the members on all sides who participated in this debate for their support. I gathered from everything I've heard that even though there are some reservations on the side of the government, they're going to support it.

I just want to address those reservations. Number one, this bill addresses the medical profession. It's an amendment to the Medicine Act and we're only talking about licensed medical practitioners. They have the same

responsibility to the cause of physicians and surgeons as they have in every aspect of their practice. A doctor who is not qualified to be a surgeon does not start performing brain surgery. It's the same thing when we talk about alternative or complementary treatments. The doctor will still be responsible to the college for the way he practices medicine.

Those who want to investigate these complementary treatments will certainly have to get the necessary educational qualifications and take responsibility for it. It's important to know that this legislation is already in place in Alberta. It was given first, second and third reading on the same day. I'm hoping I can get third reading today. It is in place in several jurisdictions in the United States. Most importantly, it was signed by Canada in the Helsinki agreement of the World Health Organization with the exact same wording. Effectively, Canada is a signatory to that provision.

All this does is build a platform. It's a very small step but a very important step to allow freedom of choice for the doctor, and most importantly, freedom of choice for the patient. The idea that they can go to a licensed medical practitioner to discuss their concerns about their own personal health and the possibility of alternative—

The Acting Speaker: The time for debating this ballot item has now expired.

TENANT PROTECTION AMENDMENT ACT
(TOWARDS FAIRNESS
FOR TENANTS), 1999

LOI DE 1999 MODIFIANT LA LOI
SUR LA PROTECTION DES LOCATAIRES
EN VUE DU TRAITEMENT ÉQUITABLE
DES LOCATAIRES

The Acting Speaker (Mr Michael A. Brown): We will now deal with ballot item 19. Mr Caplan has moved second reading of Bill 36. Shall the motion carry?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the nays have it.

The division will take place after we deal with ballot item 20.

MEDICINE AMENDMENT ACT, 1999

LOI DE 1999 MODIFIANT LA LOI
SUR LES MÉDECINS

The Acting Speaker (Mr Michael A. Brown): Mr Kwinter has moved second reading of Bill 2. Is it the pleasure of the House that the motion carry? Carried.

Mr Monte Kwinter (York Centre): On a point of order, Mr Speaker: Can I move approval for unanimous consent for third reading.

The Acting Speaker: Mr Kwinter, you may ask for consent that the bill be ordered for third reading immediately. Is that what we're asking for?

Mr Kwinter: Yes.

The Acting Speaker: Mr Kwinter has asked for unanimous consent that the bill be ordered for third reading. I'm afraid we don't have it.

Pursuant to the standing orders, this bill will be sent to committee of the whole House.

Mr Kwinter: Mr Speaker, the general government committee.

The Acting Speaker: Mr Kwinter has asked that this bill be sent to the standing committee on general government. Is it the pleasure of the House that that happen? Agreed.

TENANT PROTECTION AMENDMENT ACT
(TOWARDS FAIRNESS
FOR TENANTS), 1999

LOI DE 1999 MODIFIANT LA LOI
SUR LA PROTECTION DES LOCATAIRES
EN VUE DU TRAITEMENT ÉQUITABLE
DES LOCATAIRES

The Acting Speaker (Mr Michael A. Brown): We will now revert to Mr Caplan's Bill 35. There will be a five-minute bell.

The division bells rang from 1200 to 1205.

The Acting Speaker: Will members please take their seats.

Mr Caplan has moved second reading of Bill 36. Would all those in favour please stand and remain standing until their name is called by the Clerk.

Ayes

| | | |
|-----------------------|--------------------|--------------------|
| Agostino, Dominic | Cordiano, Joseph | Martin, Tony |
| Bartolucci, Rick | Crozier, Bruce | McLeod, Lyn |
| Bountrogianni, Marie | Curling, Alvin | Patten, Richard |
| Boyer, Claudette | Di Cocco, Caroline | Peters, Steve |
| Bradley, James J. | Duncan, Dwight | Phillips, Gerry |
| Bryant, Michael | Gerretsen, John | Pupatello, Sandra |
| Caplan, David | Hoy, Pat | Ramsay, David |
| Christopherson, David | Kennedy, Gerard | Sergio, Mario |
| Churley, Marilyn | Kwinter, Monte | Smitherman, George |
| Colle, Mike | Lalonde, Jean-Marc | |
| Conway, Sean G. | Levac, David | |

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

Nays

| | | |
|------------------|--------------------|---------------------|
| Baird, John R. | Hastings, John | Ouellette, Jerry J. |
| Barrett, Toby | Johns, Helen | Runciman, Robert W. |
| Beaubien, Marcel | Klees, Frank | Sampson, Rob |
| Chudleigh, Ted | Marland, Margaret | Snobelen, John |
| Coburn, Brian | Martiniuk, Gerry | Sterling, Norman W. |
| Dunlop, Garfield | Maves, Bart | Stewart, R. Gary |
| Elliott, Brenda | Mazzilli, Frank | Tascona, Joseph N. |
| Flaherty, Jim | Molinari, Tina R. | Tilson, David |
| Galt, Doug | Munro, Julia | Turnbull, David |
| Gilchrist, Steve | Mushinski, Marilyn | Wettlaufer, Wayne |
| Guzzo, Garry J. | Newman, Dan | Wilson, Jim |
| Hardeman, Ernie | O'Toole, John | Young, David |

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 31; the nays are 36.

The Acting Speaker: I declare the motion lost.

All matters relating to private members' business now being complete, I will leave the chair and the House will adjourn until 1:30 this afternoon.

The House recessed from 1208 to 1330.

MEMBERS' STATEMENTS

AL PURDY

Ms Caroline Di Cocco (Sarnia-Lambton): It's with great pleasure that I speak in this House to pay tribute to one of Canada's most celebrated poets, Al Purdy.

It has been said that Al Purdy helped to define modern Canadian poetry. He encouraged many young writers, among them Margaret Atwood, George Galt and Susan Musgrave. A prolific writer, his poems spoke of his love of Canada and his working-class roots in small-town Ontario, as well as his many travels.

Alfred Wellington Purdy was born on December 30, 1918, in Wooler, central Ontario, and grew up near Trenton and Belleville. Through his poetry, Purdy left a legacy of life in rural, small-town Ontario. He wrote about everyday living and gave life to the images that define us. In the words of fellow poet Patrick Lane, "He returned poetry to the common man."

I take this opportunity to honour this man who took the images and the people of this province and immortalized them for us all. For me, the work of Al Purdy is an example of how writers depict everyday life, the essence of what has shaped us as a people. His poetry is about the places, the values and all aspects of life. Al Purdy has left us with a long-lasting gift of heritage for future generations.

RURAL ECONOMIC DEVELOPMENT

Mr Doug Galt (Northumberland): I am pleased to say that, just like the weather, Northumberland's economic outlook is sunny and warm with no chance of frost. People from the agri-food industry, the arts community, business and the municipal sector have been working hard to establish a Northumberland economic renewal initiative.

As a result, the Honourable Ernie Hardeman came to Northumberland last week and made the official announcement that \$1.6 million would be coming from the rural job strategy program to complement this initiative. This funding goes a long way to help promote Northumberland county as a tourist destination, and will help to create more than 1,000 new jobs.

Overall, this means the formation of new partnerships and alliances in all areas of Northumberland. It also means the agri-food, cultural, business and municipal sectors are all working together to build our community and strengthen the ties that bind.

I am indeed very proud of the many people who got this project off the ground and put the rural economic development proposal forward. Essentially, it is the private sector that will create more jobs and boost tourism in the county. I want to commend them for pooling their resources and expertise to put forward such a fabulous initiative.

PROTECTION OF PRIVACY

Mr John Gerretsen (Kingston and the Islands):

Further to the report of the Privacy Commissioner dealing with the unauthorized disclosure of personal information by the government savings office operated by the Minister of Finance, I'm sure you and the people of Ontario will be interested in knowing that the government continues to use a double standard with respect to its so-called snitch lines.

The Minister of Finance's tax-cheat snitch line was shut down over two years ago because, as one official put it: "It was not providing much. It was more innuendo than anything else." Yet at the same time, its snitch line to the Ministry of Health and the Ministry of Community and Social Services continues today. Information on individuals is kept for up to seven years, even in cases where individuals have been cleared of any allegation. This may very well be illegal and contrary to section 39 of the Freedom of Information and Protection of Privacy Act.

The Information and Privacy Commissioner, Ann Cavoukian, an independent officer of this Legislative Assembly, stated to the Kingston Whig-Standard, which has been featuring investigative reports on this important issue, that she is worried about the anonymity of the lines.

"An irate neighbour can call, an upset spouse. I have a great deal of difficulty with the anonymous snitch lines. ... You have to promote accountability and responsibility if you're going to the lengths of accusing someone."

We're all against fraud of any nature. It takes money out of our pockets, all of us, but the government must be fair to all citizens. Remove all snitch lines, government, and obey your own statute.

SENTENCING

Ms Marilyn Mushinski (Scarborough Centre): In February, members of the PC Party of Ontario had the privilege of hearing an address from Toronto's new police chief, Julian Fantino. In his speech, the chief spoke eloquently about many aspects of the justice system and offered some of his ideas for addressing personal safety concerns.

Chief Fantino's suggestions included making truth in sentencing and protecting law-abiding citizens the primary focus of the system, as well as removing judges from the policy-making process. The expectation is that elected representatives will remove unnecessary obstacles in the administration of justice, allowing police

officers to do their jobs and protect the public in an effective manner.

These initiatives represent a large challenge to the political will of elected officials. Our constituents expect us to lead the charge to create a safer Ontario. Chief Fantino, Scarborough law enforcement officials and the public have expressed frustration with the justice system. I've heard it in town halls and at the door. Thousands more expressed their concerns through my petition to keep Karla Homolka in prison. It is in response to these concerns that I introduced Bill 66, the Judicial Accountability Act. This bill begins to address some of these concerns.

Together, we can start to return truth to sentencing and create an Ontario where people feel safe in their neighbourhoods.

CITY OF TORONTO

Mr George Smitherman (Toronto Centre-Rosedale): Tonight the Toronto Maple Leafs, Canada's last team in the Stanley Cup playoffs, will take the ice against the New Jersey Devils. I'm confident they will do their best for Toronto. If only the same thing could be said of the Harris government. Yesterday Toronto took a drubbing at the hands of Montreal, which was awarded Canada's first dedicated marketplace for NASDAQ-listed companies. The score: Bouchard 1, Harris 0.

This is a significant slap in the face for Toronto, Canada's financial services capital. Imagine that NASDAQ itself had bypassed New York for Chicago or Charlotte. Heads would roll as those in New York who dropped the ball were held to account. Evidence is scant that the Harris government even lifted a finger to fight for Toronto and Ontario's place as a world leader in the sectors of the new economy. Outworked, out hustled, caught in the trap of their own press releases. Toronto needs a champion with a strategic vision.

This result demonstrates how much help Toronto needs to tell our story to the world. The Greater Toronto Marketing Alliance, an innovative public-private sector partnership, has been formed. The feds cough up cash. The municipalities in the GTA all participate. Big business and economic sectors are at the table. But there is an empty seat and it's got the name of the Harris government written all over it.

Who over there speaks up for Toronto? And where was Mike? To put this in perspective for the super-duper car salesman, you just lost the biggest fleet sale ever.

CLARINGTON BACKYARD FESTIVAL

Mr John O'Toole (Durham): It's my pleasure to invite all members of the House today to Clarington's Backyard Festival. I'd like to say that the Backyard Festival, which is the municipality of Clarington's way of celebrating the new millennium, is something that each of us should try to set time aside to participate in.

From April 29 to May 22, there are 21—just count them—special events of interesting attractions and workshops planned for the people not just of Clarington but all of Durham, indeed all of Ontario.

The Backyard Festival will be launched this Saturday afternoon with a celebration at the Clarke Museum and Archives where it celebrates its 30th anniversary as a museum in Ontario.

Some of the other events are the Kinsmen's Home Show; the May 6 Maple Festival in downtown Bowmanville; a fruit and wine festival scheduled for May 13 at Archibald Orchards and Wineries, a must-attend event; a workshop at the Visual Arts Centre; and the Courtice Lions Club Carnival on May 18. There will also be racing at Mosport Speedway on the last three Saturday nights in May. There will be a Mother's Day Festival at the renowned Bowmanville Zoo on May 14, and a special tea which will be hosted at the Bowmanville Museum by Charles Taws and Ellen Logan. This is another event that celebrates the traditions of our past.

The grand finale will be held on May 22, a great display of fireworks to be held on Victoria Day weekend. How appropriate.

I extend a sincere invitation to everyone here and everybody who is watching today.

1340

GOVERNMENT ADVERTISING

Mrs Lyn McLeod (Thunder Bay-Atikokan): The Mike Harris government is spending at least \$5 million in taxpayers' money to convince people that it actually has a plan for health care. But the only people who will be convinced are those who don't actually ask for a copy of the plan.

If you called the 1-800 number in response to the first \$3 million worth of ads, you could get your name put on a list to receive the plan when it was ready in, we were told, three to six months.

Somebody in the government's highly paid PR department must have pointed out that it might be a good idea, if they were going to run another \$2 million worth of ads, to actually have a plan they could send out to the few people who might not be convinced by seeing, "We have a plan," spelled out on their television screen several times a night in prime time.

So the current round of multi-million-dollar ads do indeed show a plan, and you can ask to have one put in the mail, which might seem to be an improvement over the blatantly false advertising of the first round. You might think so, unless you look at the plan: the same plan that was sent out just before the last election, also at taxpayers' expense, with a couple of interesting changes. Last April the government said they would move towards a four-week maximum waiting time for cancer treatment. They didn't hit the target, so they just removed that from the plan. The document they sent out last spring before the election said they would improve ambulance access to hospitals. Well, we've had more emergencies on

critical care bypass than in the history of this province, so they dropped that out of the plan too. And guess what else? They left out the graph showing the federal government was increasing spending for health care.

So the advertising continues, but is this advertising really about health care?

OCCUPATIONAL HEALTH AND SAFETY

Mr David Christopherson (Hamilton West): Speaker, you will know that in a very short time members from each party will stand in a relatively non-partisan way and speak to the day of mourning out of respect to workers who were injured or died on the job.

But I want to point out during this part of the proceedings that because this government has left so many injured workers and future injured workers out in the cold by virtue of killing the Occupational Disease Panel when they rammed through their anti-worker, anti-injured worker Bill 99, the Ontario Federation of Labour has decided that if the government won't do the job for injured-workers, they will. The Ontario Federation of Labour, under the leadership of Wayne Samuelson, has announced that it's going to begin a province-wide campaign called A Job to Die For. What they are doing is bringing to the attention of workers across the province—whether they work in a factory, a restaurant, an office or a hospital—that they are exposed to chemicals which could lead to things like to asthma, emphysema, lung cancer, liver cancer, breast cancer, colon cancer, heart disease, hepatitis C, tuberculosis, neurological damage—the list goes on—and yet it sometimes takes decades for these diseases and illnesses to show themselves.

If the public has questions about what they are exposed to, call 1-800-788-0227. The Ontario Federation of Labour is stepping in where this government has stepped aside.

HEALTH CARE FUNDING

Mr David Young (Willowdale): As the Toronto Maple Leafs prepare to do battle with the forces of darkness, I thought it would be appropriate to reflect upon the Toronto-Ottawa series, the so-called Battle of Ontario, as it parallels with the battle for Ontario's health care dollars.

Ontario's capital, Toronto, has a plan to improve health care for Ontario's citizens. All we need is the \$1.7 billion that the Liberals have cut on an annual basis since 1995. Ontario's nurses, doctors and hospitals agree with this position.

Canada's capital, Ottawa, on the other hand, has responded with a feel-good television ad depicting Canada as some kind of jigsaw puzzle. Despite the fact that the little girl in the ad is obviously well qualified for membership in the federal Liberal caucus, the fogginess of the message bears a distinct resemblance to the Ottawa Senators' trap. You'll remember the trap strategy in the

Battle of Ontario. Although the details of the trap are best left to hardcore hockey fans, suffice it say that the trap's purpose is to induce a kind of stupor in opponents and fans alike.

Despite their best efforts, the trap did not work for the Ottawa Senators, and it won't work for the wannabe senators in the provincial and federal Liberal caucuses.

Canadians want hockey, not hypnosis, and Ontarians want their health care dollars back now, not hackneyed Liberal symbolism.

One more thought: Go Leafs, go.

REPORTS BY COMMITTEES

STANDING COMMITTEE ON GENERAL GOVERNMENT

Mrs Julia Munro (York North): I beg leave to present a report from the standing committee on general government and move its adoption.

Clerk at the Table (Mr Todd Decker): Your committee begs to report the following bill without amendment.

Bill 28, An Act to proclaim German Pioneers Day /
Projet de loi 28, Loi proclamant le Jour des pionniers allemands.

The Speaker (Hon Gary Carr): Shall the report be received and adopted? Agreed.

This bill is therefore ordered for third reading.

INTRODUCTION OF BILLS

Ms Marilyn Churley (Broadview-Greenwood): I ask for unanimous consent to introduce a private member's bill for first reading on behalf of Ms Martel, who couldn't be here today.

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

OAK RIDGES MORAINÉ GREEN PLANNING ACT, 2000 LOI DE 2000 SUR L'AMÉNAGEMENT ÉCOLOGIQUE DE LA MORAINÉ D'OAK RIDGES

Ms Churley, on behalf of Ms Martel, moved first reading of the following bill:

Bill 71, An Act to freeze development on the Oak Ridges Moraine and to amend the Planning Act to increase and strengthen the protection of natural areas across Ontario /
Projet de loi 71, Loi imposant un moratoire sur les aménagements dans la moraine d'Oak Ridges et modifiant la Loi sur l'aménagement du territoire de manière à accroître et à renforcer la protection des sites naturels partout en Ontario.

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

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Does the member have a short statement?

Ms Marilyn Churley (Broadview-Greenwood): Yes I do, Mr Speaker. This bill is somewhat similar to the bill of the member for Eglinton-Lawrence, Mike Colle, and I congratulate him on his bill. Some Liberal members said when I introduced my bill that we've already done that. In fact, they haven't. What my bill does is place a development freeze on the Oak Ridges moraine, to continue until a policy statement dealing with the moraine is issued under subsection (3). But my bill also goes further than the Liberal private member's bill. It makes amendments to the Planning Act, to green the Planning Act again so that all environmentally sensitive areas across the entire province are dealt with under this act.

MOTIONS

PRIVATE MEMBERS' PUBLIC BUSINESS

Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader): I seek unanimous consent to put forward a motion without notice regarding private members' public business.

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

Hon Mr Sterling: I move that notwithstanding standing order 96(g), the requirement for notice be waived with respect to ballot item 23.

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

DAY OF MOURNING

Hon Chris Stockwell (Minister of Labour): On a point of order, Mr Speaker: I would like to seek unanimous consent for all three parties to make a statement with respect to the day of mourning.

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

Hon Mr Stockwell: Thanks, to the members, for that unanimous consent. Tomorrow is the national day of mourning for workers killed and injured on the job. This is an important opportunity to honour these workers and also to recommit ourselves to workplace health and safety.

As the flags outside the Legislature fly at half-staff tomorrow, let us recall tragedies such the Hogg's Hollow cave-in of 1960, which took the lives of five construction workers. Those deaths ignited public concern over workplace health and safety and paved the way for our modern-day Occupational Health and Safety Act.

1350

As the Minister of Labour, enforcing these laws and ensuring the health and safety of Ontario workplaces is one of my most critical responsibilities. Continual improvement of our health and safety record is a top priority for our government, and for me personally.

We made some major changes shortly after we took office, and with the help of our partners in the health and safety system, progress is being made. There is a single focus on prevention and a prevention strategy to help us reach our goals, occupational exposure limits are being updated for the first time in 13 years, and the number of inspections and orders issued has risen 35% and 57% respectively since we took office. The number of workers killed and injured on the job continues to fall every year. We are headed in the right direction, but obviously more needs to be done.

As we all know, one area needing special attention is young workers. They are often ignorant of the perils in the workplace, and many members of this House across all sides have brought this issue directly to my attention. The health and safety system is moving to protect these workers and to prevent future tragedies. It is educating them on what to expect and what to look for when they go to work for the first time. But we can't just rely on the health and safety system. We all have a role to play, as legislators, parents, employers and employees.

A balanced approach of prevention, inspection and enforcement has helped make Ontario's workplaces among the safest in the world. I am committed to taking us to the top, to seeing that we have the safest and healthiest workplaces and workforces on the globe. Today I ask for your help in that regard, and I ask you now to join me in honouring all dead and injured workers with a moment of silence. I'll withdraw that, Mr Speaker, and will wait until after the other statements are made. Thank you.

Mr Rick Bartolucci (Sudbury): I am honoured to stand here today and, with the workers and managers of our country tomorrow, to remember, reflect on and honour those workers who have been killed, diseased or injured on the job.

Tomorrow, many of us will be wearing the black armband. This one was given to me by Julian Dionne from the Workers' Health and Safety Centre, and it says, "Fight for the Living." That's the message that I think every one of us wants to get across today. We remember and we honour those who have passed away, but we must reflect on their tragedy and improve the future of every working person in Ontario.

I believe it is incumbent on us today to put aside ideologies and political differences. Today is about remembering, tomorrow is about reflecting, but always remember fighting for the living so that the workplace becomes safer, so that men and women can go to work and their loved ones can expect that they will return.

The statistics are frightening. According to WSIB officials, on an average working day the workers of Ontario suffer one fatality, three amputations, 70 perman-

ent disabilities and 500 lost-time injuries. If you look at the deaths over the course of the last five years, these are again alarming statistics. The total deaths in Ontario over the course of the last five years are 2,231. These statistics are supplied by the WSIB. Allowable deaths in Ontario are significantly less, and we must address that in good, sound legislation. There are only 1,444, far too many, but as you can see, there's a significant gap between the total deaths and the allowable deaths, and we have to address that.

The Minister of Labour pointed out the Hogg's Hollow tragedy. We must always remember that we have to learn from the tragedies. We can go to any sector of Ontario, any part of Ontario, and find those. For example, in my own home region in the last 164 months there have been 31 lives lost on Inco property; since 1984, 14 lives lost on Falconbridge property. Over the course of the last few years, too many men and women have died in the workplace; certainly at Falconbridge and Inco, to mention only two. We have Jacques Frenette, Joseph Cote, Michael Jess, James Mercer, Jerome Kieley, James Plummer, Bert Bottrell—all young people, all with an opportunity snuffed out because our workplaces are not safe enough.

So what must we do in order to improve this workplace? It's very simple. We have to pass sound legislation, and in order to do that we have to work cooperatively. We should commit ourselves today and tomorrow to doing just that. We have to look at what is being introduced in this House. I think of the legislation by the member for Thunder Bay-Superior North, Mr Gravelle's Bill 10 on health and safety. That's a very good bill, worthy of debate, worthy of discussion.

I look at programs. The United Steelworkers of America, District 6, offers a health and safety educational program that is without a doubt tops in this country and could form the model for anyone to follow. Anne Rinneard and Al McDougall must be commended because this week alone they will have seen 29 schools, 3,500 high school students, in Sudbury, North Bay, and this year they're including Timmins. They are teaching workplace safety. They are talking about the Dave Ellis story, the young student whose life was snuffed out the second day on the job at a bakery. We must learn from the video that his father, Rob Ellis, helped produce. We must learn from the programs such as District 6 of the United Steelworkers of America is providing the students. We must learn that opposition and government politicians alike have good ideas about ensuring their safety in the workplace.

In summation, I have two points. I pledge our party's support for co-operation in the establishment of a workplace carcinoma committee. I believe there has to be a multi-ministerial approach to this. I would ask the Minister of Labour, who answered the question in a very fair manner last week, to act on that answer and to establish that committee. That committee can save lives, can improve the workplace, and certainly we could all look back very proudly and say we have saved at least

2,100 lives because we chose to establish a workplace carcinoma committee.

Finally, we must ensure that we always keep mandatory inquests in place in mining and construction deaths so that we can learn from those needless, tragic deaths and so we can continue to say, "We fight for the living."

Mr David Christopherson (Hamilton West): On behalf of the NDP caucus, I'm also very proud to rise today and pay our respects to those workers who were injured and have died on the job. As we talk about the statistics here today and talk about the things that have been done or that need to be done, we need to remember that the reality and the history of health and safety legislation, workers' compensation, came about because there were people who fought for that right. There's no government that really can say they were bestowing things upon working people out of the goodness of their heart. It came about because working people joined together. The labour movement—the union movement—has played arguably the single most important role in ensuring that we have adequate and sufficient legislation to protect workers in the workplace.

So often people think about workplace accidents as just fatalities and injuries, and as shocking as those numbers are—398 fatalities in 1998 and 345,831 injuries, totally unacceptable—what this doesn't speak to, however, I say to my colleagues in the Legislature, is the number of people who die from workplace illness and disease.

1400

In 1998 there were 23,100 cancer deaths in Ontario. Research done by the National Institute for Occupational Safety and Health and the National Institute of Environmental Health Sciences in the United States estimates that between 20% and 40% of all cancer is related to occupation. But because sometimes it takes 20, 30 or 40 years for that illness to show itself, it's often very difficult to make the connection between cancer—and let me say parenthetically that far too easily in our society we say someone died of cancer as if it was normal or natural. There is nothing normal or natural at all about dying of cancer. The fact that it takes so long for these cases to show themselves means there are workers and their families who are experiencing injuries and death, and it's not being reported and it's not being compensated.

As much as I appreciate the Minister of Labour recognizing this is the 40th anniversary of the Hogg's Hollow disaster of 1960, which of course was a major impetus in ensuring we started down the road, it's far from over, far from completed. I say "respectfully" because we do this as much as we can in a non-partisan fashion, but I want to say to the government and all members of the House that we can't afford to say the job is ever done. When we have tens of thousands of Ontarians dying of cancer and a large percentage of those deaths are caused by exposure in the workplace, we still have as big a job in front of us as the labour movement had in 1960, and those labour leaders who came before then.

Let me close by saying that tomorrow, as has been mentioned, many of us will be at places of honour in our communities. I, along with colleagues I would think from all parties in this House from Hamilton, will be at Hamilton city hall where I'm proud to say I was a member of council when we introduced the first monument to injured workers ever allowed on city hall property in all of Canada. In fact, the Workers' Health and Safety Centre highlights our monument in the leaflet they put out for this year's Day of Mourning.

Members of the Legislature, it's not enough to stand up once a year and say, "We care." It matters every day. If you're talking to people who have faced death, if you talk to Rob Ellis in terms of what it meant to lose David from his life, then we're not just talking about middle-aged industrial workers when we talk about health and safety; we're talking about our children who need to be protected. They need to have laws there and they need to be advised of what those laws are. It's unacceptable that a 16- or 17- or 18-year-old goes out to do a part-time job in the summer so they can save enough money to go to school and they die on the job. Unacceptable. The ability to change that is in our hands.

Yes, let us mourn the dead. Yes, let us fight for the living. Let us put legislative action where sometimes all we hear is rhetoric.

The Speaker: I would ask all the members and our friends in the galleries to rise and join us in a moment of silence.

The House observed a moment's silence.

The Speaker: I thank all the members.

MEMBER'S PRIVILEGE

Mr David Caplan (Don Valley East): On a point of privilege, Mr Speaker: I rise today on a point of privilege. As prescribed by the standing orders, I filed the appropriate notice with your office yesterday.

I believe that the member for Etobicoke-Lakeshore has violated my rights as a member. With respect to my private member's bill, Bill 36, which was debated here in this chamber this morning, Mr Kells has said the following to a constituent in a letter, a copy of which I provided to you with my notice. He states: "This will acknowledge receipt of your letter regarding the private member's bill put forth by the member for Don Valley East. As you know, private members' bills never receive support from the government as they are designed to oppose existing legislation and embarrass the government. This is well understood because it is the prescribed purpose of the official opposition to oppose."

The standing orders provide that privileges are rights enjoyed by the House collectively and by members of the House individually conferred by the Legislative Assembly Act and other statutes or by practice, precedent, usage and custom.

One of my rights, and one of the most important practices that I undertake as a member, is to propose private members' legislation. I believe it is my right to

have it debated by the members of the Legislature under the assumption that it will be treated as all other matters of business are, and that's with respect. I think that you would agree that the right of members to propose bills and that the time we have set aside for private members' public business are in no way pro forma processes with preordained outcomes determined by party affiliations. To suggest that my matter will be dealt with in a manner other than one of an honest debate—the normal practice of this House—I believe impugns directly my rights and privileges as a member to submit these pieces of legislation.

I'd like to reference for you Speaker Stockwell's ruling of January 22, 1997. He stated that the writing in question conveyed "the impression that the passage of the requisite legislation was not necessary or was a foregone conclusion, or that the assembly and the Legislature had a pro forma, tangential, even inferior role in the legislative and lawmaking process, and in doing so, they appear to diminish the respect that is due to this House."

I believe that in sending this letter, the member from Etobicoke-Lakeshore has diminished the role of my right as a private member to propose legislation and has, through his statement, confirmed his contempt, not only for me but for my rights and for the rights of my colleagues and all members of this House to participate in this important aspect of the legislative process.

In the January 22, 1997 ruling, Speaker Stockwell said of the document in question at the time that "a reader of that document could be left with an incorrect impression about how parliamentary democracy works in Ontario, an impression that undermines respect for our parliamentary institutions."

I believe that the member from Etobicoke-Lakeshore has both violated my privileges personally as a member of this House and I strongly believe that he has clearly shown contempt for the proceedings of this House and for the very serious debate that takes place during private members' public business.

I seek your ruling on this matter, whether the member has in fact violated my rights as a member, and if you feel that he has not done so, if he hasn't done that to me personally, I request that you also rule whether or not the member has acted in contempt of this House.

The Speaker (Hon Gary Carr): The government House leader on the same point of privilege.

Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader): It's odd that the member opposite, in his debate or his presentation with regard to privilege, should in fact breach a most sanctimonious privilege that we all have in this Legislature—not sanctimonious. I'm sorry, I'll withdraw that. Sacrosanct. That was the engineer in me, sorry. The member opposite is suggesting that because one member in this Legislature expressed an opinion which he does not agree with, that member should be silenced, that member should be prevented from presenting his particular views on a matter before this Legislature or in this Legislature or about this Legislature. Surely the most

important privilege we all have in this Legislature is that we can speak our free mind and that freedom of speech is absolutely at the core of this Legislative Assembly.

Mr Speaker, this member is suggesting to you that you should have the right, or any member of this Legislature should have the right, to shut down debate, muzzle a member from making a statement on what he believes or what he doesn't believe. Mr Kells, or the member from Etobicoke West, may have been right or may have been wrong. That's not the issue. The issue is that Mr Kells and every other member of this Legislature has the right to express his views and should not be muzzled by another member of the Legislature. This particular point of privilege is a disgrace.

The Speaker: I thank the member for the point of privilege and the government House leader. I will reserve my judgment, and I will rule on that. I thank the member for advising me yesterday, and I thank both members for their input.

VISITOR

The Speaker (Hon Gary Carr): Just before we begin question period, we have in the members' west gallery the mayor of the town of Englehart, Bettyanne Thib-Jelly, with us today. Will the members join in welcoming her.

1410

ORAL QUESTIONS

ONTARIO REALTY CORP

Mr Dalton McGuinty (Leader of the Opposition): My questions today are for the Chair of Management Board. Minister, you now have had a full 24 hours to refresh your memory in connection with the matter I raised in this House yesterday, and in particular about a land deal that saw a 25-foot strip of land become attached to a second piece of land, an old cemetery which was surely worth less than \$500,000, which will now be worth close to \$25 million in terms of the amount of money that could be grossed with the business that is about to be established on that piece of land: an old, worthless cemetery converted into a \$25-million product as a result of a 25-foot strip of land.

My question to you is very simple: Was this 25-foot strip of land the subject of a public tender?

Hon Chris Hodgson (Chair of the Management Board of Cabinet): The Leader of the Opposition raises an important question. As he knows, or should know, this particular transaction is not closed. It was a sale that will be reviewed by the senior management team and the auditors. If there is anything that is not in compliance with the new policy, it will be rejected and will not close. If there is anything irregular that the police should have a look at, the police will investigate it as well.

Mr McGuinty: Speaker, you, like myself, will have heard that no answer was given by the minister just now, which confirms for me—and I can supply the information to this Legislature—that there was no public tendering of this 25-foot strip of land.

Now that we know there was in fact no public tendering of this 25-foot strip of land, the question becomes, why did you involve yourself in this matter, and why was there no public tendering involved in a 25-foot strip of land which rendered a relatively worthless piece of land into a very expensive piece of property which held tremendous economic potential for one bidder, and one bidder alone? Why were you involved, and why was there no public tender?

Hon Mr Hodgson: The first answer is that this transaction is not closed. It will be reviewed. If the forensic auditors feel there is a need to refer this to the police, the police will be involved. That is what you would expect of a government that wants to conduct its business in an open and accountable fashion.

Secondly, when you talk about my involvement, if you are talking about the memo that referred to the fact that there was a request for information, I explained that yesterday, and I'll explain it to you in some detail. It's quite routine and common that when members of caucus or of this Legislative Assembly phone for information, our office facilitates that through the Ontario Realty Corp. Bob Budd's was the signature on that memo. He has confirmed that it was a request from the member for Etobicoke-Lakeshore. He had a letter from his constituents asking for information, and that is what was arranged to get that information.

Mr McGuinty: If the minister wants to speak to the matter of the memo, then let me remind him of something he said yesterday. Under cross-examination by the media, he said the following: "The ... agreement was entered into a month before this briefing was requested."

You said that the agreement was entered into a month before this briefing was requested. Minister, you know and I know that this 25-foot strip of land didn't become the subject of an agreement until after your memo. Your memo came first, and then the 25-foot strip of land became part of a new deal, a 25-foot strip of land which was not put out for public tender.

Minister, my question to you then is—let's look at this now. We've got a memo. It talks about ministerial involvement. We've got a piece of land that was never put out to public tender. And now we discover that your memorandum came out before the 25-foot strip of land deal was put together. Are you telling me, are you telling Ontario taxpayers, that this is just a matter of pure coincidence?

Hon Mr Hodgson: Yes, exactly. The purchase and sale agreement for the cemetery, after it had been offered for sale, was entered into, I believe, on April 17. Mr Kells received a letter from his constituent, requested information from our office, and we arranged for that information to be provided by the Ontario Realty Corp board of directors. This transaction is not closed; it was

conditional on zoning. It will be reviewed, and if there's anything improper or if it doesn't comply with the new procedures, it will not close. Secondly, the matter will be referred to the police if there are irregularities around it.

I don't know why you're not comfortable with the fact that the police are qualified to do investigations. The forensic auditors are reviewing this. We're taking the steps that are proper to get to the bottom of this and get the answers.

Interjections.

The Speaker (Hon Gary Carr): Order. New question.

Mr McGuinty: Minister, if you had any real and genuine concern about what was happening with the ORC, the very first thing you would do is put a padlock on the door. You would freeze all transactions. And you'd do that yesterday, not today.

Let me draw to the minister's attention what this matter is really all about. We now know that there was no public tender. We now know that the minister himself was involved. We now know that the name of the buyer—

Interjection.

The Speaker: Order.

Mr McGuinty: The name of the buyer in this matter was one George Damiani. The minister will know that George Damiani is a long-time Conservative member. You will know that he has donated lots and lots of money to the PC party. You will know that he is a former business partner of one Frank Ciccolini. You will know that the Ciccolini family is a very important part of the fundraising process for the Conservative party. You will know that Mr Damiani is a friend and neighbour of Al Palladini's. It seems to me that any friend of Al Palladini is a friend of yours.

You know how this matter looks, Minister. We've got a memorandum, ministerial involvement, no public tender and a friend of the Conservative party. You tell me why we shouldn't come to another conclusion—

Interjection.

The Speaker: The Leader of the Opposition's time is up. Take his seat. Stop the clock for a quick moment.

The Minister of Education will come to order. I've yelled a couple of times. Yesterday I warned her. This is a warning again today. I won't warn her again; otherwise, I will name her. We can't continue on when you're shouting across while a member is trying to ask a question. When you receive a question, you don't like people to shout. I said it yesterday. It goes for today as well. It's your last warning. If you do it, I'm going to have to name you.

The Chair of Management Board. Start the clock, please.

Hon Mr Hodgson: Our government is trying to get to the bottom of a number of important questions. In the process, it's at work with a forensic audit team and with the police. This is the proper process to get the answers to these important questions and get to the bottom of this.

I don't think it's proper that you loosely throw around accusations which slander people with good reputations in this province. Our process is one that's open and accountable in trying to get to the bottom of this by using the proper authorities that are trained in these matters, such as the forensic accountants and the police.

Mr McGuinty: The problem with this minister trying to get to the bottom of this is that he himself is at the bottom of this. You know what I think, Speaker? I think that these people who sit on your right-hand side think they're in charge of one big candy store. They intend to dole out candies and dole out special favours and engage in secret deals and special deals for their friends. That's what I think this is all about. This is a secret deal benefiting their friends, and it's coming at the expense of Ontario taxpayers. If you really had an interest in doing the right thing in here, just prior to resigning you would put a padlock on the ORC so we can clean out the stink and the mess that's taking place there as we speak.

Hon Mr Hodgson: To the Leader of the Opposition, despite your partisan rhetoric we are trying to get to the bottom of these important questions. We have taken the steps necessary to get evidence that will lead to conclusions that answer these questions that have been raised and that make sure the taxpayers have been served well, and if not, that there are consequences taken.

The proper process for that is that we had the senior management team review past transactions. We went looking to see if there are ways we can improve the operation or if there has been anything that may be amiss in the way it conducted its past transactions. This investigation will go on until we are satisfied we've answered all the questions.

The auditor for the Management Board came in. When they noticed irregularities they hired forensic accountants, who asked the police to come in when they noticed irregularities. The police are investigating now. You know that and you know that is the proper thing for a government to do, to be open and accountable and get to the bottom of these issues.

1420

Mr McGuinty: I'm sure the minister feels the Pope should be declaring him to be a saint before he even dies, but the fact of the matter is that you have done nothing but get in the way of getting at the truth in this matter. I have put five questions to you today already and you have refused to answer those. I want to make that perfectly clear. I have given this guy lots of opportunity to bring out the truth in connection with this matter and he has refused to do so.

Let's take a look at the facts one more time. We have a memo that talks of ministerial involvement. After that involvement, one developer is given a secret deal to the tune of \$25 million. That developer happens to have friends at the cabinet and in the Conservative Party. If this doesn't stink, Minister, I don't know what does.

I think you guys have gotten carried away at the candy store and have lost perspective. You have forgotten what your responsibility truly is in this province and in

government. You're supposed to represent the interests of taxpayers, and these people are looking after their friends.

Hon Mr Hodgson: I know the Leader of the Opposition is desperately trying to get his name in the news again tomorrow on some partisan rhetoric, when we're trying to get to the bottom of these important questions and are just following the proper process.

If you're stating that you don't have confidence in the forensic accounting procedures and that you don't have confidence in police investigations, I disagree with you. I think this is what due process is all about: finding the evidence and then taking the appropriate steps. That's what we're attempting to do and that's what will be done under our government.

For you to stand up and say that you care about the taxpayers now is quite a conversion for a Liberal who, when your party was in power, hiked taxes every time you took a pause, over 30 times, and killed jobs in this province. To stand around now and say you care about the taxpayers is real hypocrisy.

PRIMARY CARE REFORM

Mr Howard Hampton (Kenora-Rainy River): My question is for the Acting Premier. For months we've been asking you what is going on in your closed-door negotiations with the doctors at the Ontario Medical Association. We now understand that within the last 24 hours a deal has been reached. We'd like to know the details. In particular, we'd like to know, does the deal continue the inadequate status quo where more and more communities, more and more families, don't have a family doctor, or are we going to see some real primary care reform? Are we going to see greater utilization of nurse practitioners? Are we going to see doctors, nurse practitioners and nurses working in teams, not on a fee-for-service but on a salary basis where we optimize all the skills? In short, we want to know, will the doctor now be in for all the people of Ontario and not just for some of them?

I expected an announcement today. Will you confirm that there is a deal with the Ontario Medical Association and will you tell us what the details of that deal are?

Hon Chris Hodgson (Chair of the Management Board of Cabinet): We are continuing to negotiate. I'm not aware of what he alleges to be true. My information is that we're still in negotiations and we will continue to negotiate for the best interests of the people of Ontario. We share your concern. We want to make sure that doctors and nurse practitioners are available to the public right across Ontario, not just in the urban centres. That's what we will be negotiating, to make sure our health system continues to improve and provide better service to the people of Ontario.

Mr Hampton: I want to ask the Acting Premier to re-examine his information, because we have been told that a deal has been signed. I'm going to ask you in particular here to either confirm or deny that. My fear is that we're

not going to learn about this agreement here, that we'll learn about it on the next series of television ads during the next hockey playoff game, because that's been the pattern of your government.

But the particular issue is this: Three years ago, your Premier and your Minister of Health made a lot of noise about primary care reform, how you were going to change the system, move from the status quo, move to a new primary care system where more families would have a family doctor. It didn't happen. In fact, what's happened in three years is this: We've gone from a situation where there were 100 family doctor vacancies in 68 communities to one where there are 415 family doctor vacancies in 100 communities. Even your expert, Dr McKendry, says the situation is going to get worse if you don't make some changes.

So tell us the details, please. What is in this deal? What have you signed?

Hon Mr Hodgson: The information I have is that there is no concluded agreement; negotiations continue. That's the information I have and that's what you directly asked me.

I think the record speaks for itself. We do share the concern of Ontarians; we want to see more people serviced by doctors and nurse practitioners. We set up the pilot projects for the primary care, and the record is quite clear. In 1992, the NDP government reduced entrance spaces to medical schools by 10% and reduced post-graduate training positions by 10%. This means fewer doctors are graduating now. We recognized that we inherited a mess and we're trying to negotiate to make it better.

The Speaker: Final supplementary.

Ms Frances Lankin (Beaches-East York): Acting Premier, it will be interesting to see how these negotiations come out and whether in fact we do make it better. I suspect one of the reasons this is being downplayed is because you're going to fall way short of what everyone knows is needed in terms of primary care reform.

One of the first problems you have is that it doesn't just deal with doctors and you've buried the whole issue in negotiations with the OMA. We heard today from Ontario's nurses. Over the next 10 years, we're going to be 60,000 to 90,000 nurses short. There's a crisis coming if you don't take action now. They've said the time for real change is now. That means changing the way we deliver primary care so that we can better utilize the skills of nurses and other health care professionals so we can focus on keeping people well instead of only treating them when they're ill.

Minister, your own commission developed a six-year plan to reform primary care. Your minister and your Premier keep saying: "We're not going to go down that road. It's only going to be voluntary." It may be our only way of truly sustaining public medicare. Perhaps that's why you're not interested. I think, once again, you've sold out the public on primary care reform. If I'm wrong, prove it. Table the deal. Tell us if it's been signed. If you don't have the information, get it before you go out to the

scrum, because Ontarians deserve to know whether this government has protected their interests, reformed primary care, or sold them down the river one more time.

Hon Mr Hodgson: As I mentioned before, my information is that we are continuing to negotiate with the OMA. In regard to the nurses, we agree with the Registered Nurses Association of Ontario. In fact, we helped fund their study—\$500,000—on ways to improve the condition in Ontario for nurses and with more nurses. Some of the recommendations have already been implemented. The facts speak for themselves. We've invested \$375 million to hire 12,000 new nurses. We've announced new mandatory four-year baccalaureate degrees in nursing, and we've allocated \$22.6 million in implementing new standards for nurses. We agree we want to see more nurses, and we agree with improving it.

PROTECTION OF PRIVACY

Mr Howard Hampton (Kenora-Rainy River): My question is to the Acting Premier. We know that the work of the privacy commissioner is fundamental to our democracy. Yesterday, the privacy commissioner issued a scathing report on your government's efforts to stonewall her investigation and cover up violations of the law by someone in your government who decided, as part of your privatization schemes, to use and abuse the personal financial information of Ontario citizens. My colleague Dave Christopherson from Hamilton West urged your government to change the law immediately to give the commissioner the powers she needs to complete this investigation and get to the truth.

Today, the commissioner has written to your government urging you to fast-track these changes in a short bill rather than a long, delayed bill review process. Will you commit right now in this Legislature to bring forward the changes, the amendments, that are being urged by the privacy commissioner so that she can properly do her work and the privacy of Ontario citizens can be properly protected?

1430

Hon Chris Hodgson (Chair of the Management Board of Cabinet): I think the Minister of Finance answered a question similar to this yesterday. We accept the Information and Privacy Commissioner's findings and we'll comply with her recommendations and will do so faster than she proposed, four months instead of six. In fact, Minister Eves indicated yesterday that four of the recommendations have already been implemented.

We fully accept the Information and Privacy Commissioner's call for a review of Ontario's privacy legislation, including the scope of the commissioner's powers. This act has not been reviewed for almost a decade, since 1991. A review is overdue, and we've committed to establish an all-party committee to undertake that.

The Speaker (Hon Gary Carr): Final supplementary.

Mr David Christopherson (Hamilton West): Minister, clearly what you're trying to do is dodge the issue and deflect attention. The commissioner's letter sent to

you today as a result of yesterday's discussion in the House says in part, "While your suggestion of referring the entire act to a legislative committee for review shows the importance you are placing on the need to add powers we require to protect the privacy of Ontarians, I respectfully ask that you consider a faster route." You say you want to comply with the commissioner. She goes on to say: "I believe that enough time has been spent studying this matter. The time for action is now.... Respectfully, for the reasons I have cited in my special report, I ask that the government proceed to bring in these amendments as quickly as possible."

Very clear, and I offered up on behalf of the NDP caucus yesterday unanimous consent to fast-track legislation. In one day, we can give the commissioner the powers she needs to get to the bottom of this.

Minister, either you want to agree with the commissioner and give her the power to get to the bottom of it or this is just an Ipperwash-like stonewalling. What is it, stonewalling or getting to the truth?

Hon Mr Hodgson: The NDP's policy is quite amazing in how it's flexible and can reverse itself. Back in 1991, you rejected an all-party committee's recommendations to give this commissioner exactly the powers she's looking for right now. When the Liberals passed this legislation in 1998—

Mr Christopherson: What are you hiding?

Hon Mr Hodgson: —they chose not to grant the Information and Privacy Commissioner powers that are now being called for.

Mr Christopherson: It's a cover-up.

Hon Mr Hodgson: This is a piece of legislation which is very, very important. It has been 10 years—

The Speaker: Minister, take his seat please.

Member for Hamilton West, you have asked a question. You can't then shout at him. You asked a very forceful question. It's the minister's time.

Mr Christopherson: Ask him to answer the question for me.

The Speaker: You can't keep going on like this.

This is his last warning. If not, I'll name him and he'll have to leave.

Chair of Management Board.

Hon Mr Hodgson: As I mentioned, the NDP rejected an all-party standing committee's recommendation to give the Information and Privacy Commissioner these powers she is asking for now. It has been 10 years since this legislation was opened up and looked at. There have been changes in technology. I agree it's important that we deal with this in as fast and appropriate a manner as possible. That's why we volunteered to have an all-party committee take a look at these proposed recommendations and changes to see if we can do it in as expeditious a manner as possible, but also in a manner—

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

ONTARIO REALTY CORP

Mr Dominic Agostino (Hamilton East): My question is to the Chair of Management Board. I want to go back

to a question asked earlier by my leader, Dalton McGuinty, with regard to your role in this deal that turned less than half a million dollars into \$25 million, at your hands, benefiting your friends. You said again yesterday outside the House that the agreement was entered into a month before the briefing was requested.

Minister, you know those “facts” are incorrect. You know that the 25-foot giveaway that made your friends millionaires was done after the memo was written. The memo doesn’t say “request from an MPP.” It doesn’t say “briefing from an MPP. It says very clearly “ministerial involvement.”

Again, you’ve had a day now. I’m sure your political staff, the Premier’s staff, the bureaucrats, have looked at this file. I find it incredible that you cannot stand in the House and tell us why this piece of property was not tendered, why any other developer was not given a shot and why your friend got special treatment. Did you look into it, Minister? Can you tell us why this property was not tendered, why the 25 feet that was given away was not up for public sale and was only available to your friend? Can you tell us, after 24 hours, the answer to that question?

Hon Chris Hodgson (Chair of the Management Board of Cabinet): I already answered that. The memo was written by an employee of the Ontario Realty Corp named Bob Budd. He has confirmed that it was in response to an inquiry from the constituents of the member for Etobicoke-Lakeshore. He was requesting a briefing from our office to give the information to him. The property the ORC had for sale, that purchase and sale agreement, was entered into on April 17.

I just want to remind you, though, that sometimes you’re kind of loose with what is actually accurate. The property has not closed. It will go through a process to make sure it complies with the new procedures. If anything irregular is found there, it will not close and it will be referred to the police to investigate.

Mr Agostino: The minister has not answered the question. You seem to be selective. Two days ago, outside the Legislature, when asked about freezing those deals or reversing those deals, you said, “There are some deals, because the agreement has been signed, that we can’t reverse.” Now you’re saying, “The agreement has been signed here, but we can reverse it if we don’t like it.” You can’t have it both ways. You said that outside the House and you repeated it.

Minister, the question is very simple. We know this property was not tendered. We know it was not put up for public value. We know it was not given to anyone else to look at. It was offered strictly to your friend, your fundraiser, your buddies in the Conservative Party, the buddies of your ministers. We clearly now that.

I just want to ask you a very simple question. You’ve had 24 hours. Your staff has looked at it. The Premier’s office has looked at it. Can you tell us clearly why this piece of property, the 25-foot addition, was not tendered?

Hon Mr Hodgson: I can tell you that the proper process is in place, where this property transaction will go to the forensic auditors and to the police. We’ll get to

the bottom of these questions. That’s the proper way to get evidence.

You’re talking about facts, and you come into this House every week and you state that something is categorically true. Last Thursday you came into this House, you had a purchase and sale agreement on 145 Eastern and you told this House I had signed it when you knew full well—you had it in your hand—that that wasn’t accurate. I had never signed that.

The Speaker (Hon Gary Carr): New question.

Mr Brad Clark (Stoney Creek): On a point of order, Mr Speaker: I would ask for unanimous consent for the member for Hamilton East to have an extra two minutes to explain to this House his role in advocating for and lobbying for—

The Speaker: Member take his seat. Start the clock. The member for Haldimand-Norfolk-Brant.

Interjections.

The Speaker: Stop the clock, please. Order. Government members.

Just before we begin, I would ask all members, as I have in the past, that points of order not be raised during question period. When it starts with the government benches, as it did there, then it will start with the opposition and we’ll be into time constraints. I did it because the member hasn’t done a point of order and I have tried to be lenient, but I am going to crack down. I say to all members, nothing in question period can be out of order. I listen very carefully to the questions. We’re not going to get into doing points of order during question period and wasting valuable time. I would appreciate it if the member would do that next time.

Now, the member for Haldimand-Norfolk-Brant. Start the clock.

1440

SCHOOL CALENDAR

Mr Toby Barrett (Haldimand-Norfolk-Brant): My question is for the Minister of Education. Farmers, parents and students in my riding are very concerned over recent events regarding school calendars in tobacco country.

For years, Glendale secondary school in Tillsonburg and Norris district high school, as well as two schools in the Grand Erie District School Board, Valley Heights district secondary and Delhi district secondary, have had modified calendars to allow students to work in tobacco harvest. That tradition is now threatened.

Minister, the tobacco harvest provides approximately 4,500 jobs for young people in my area, paying those young people approximately \$16 million in wages. The average young person will make anywhere between \$3,000 and \$5,000 in just one month. Much of this money goes to post-secondary education. The Grand Erie board has now decided not to modify its calendar for a late start and has put a lot of student jobs at risk.

Some are saying this change is because the government will not allow a late start next year and that ministry rules on modified calendars are too strict.

Minister, can you explain the rationale that is used when the ministry looks at these modified calendars?

Hon Janet Ecker (Minister of Education): I thank the member for the question, and I very much appreciate his advice and input on this important local issue.

I think we need to be clear here. First of all, the ministry has no problem with school boards being flexible in terms of how they organize their school year based on local circumstances. If the board is saying that in the community, they're misrepresenting the situation.

Secondly, we have set a standard of 190 instructional days that students deserve to learn the new curriculum. This board is proposing to shortchange their students by two days. We don't think that's appropriate. We also believe that it is not unrealistic to expect this board to find a way to have 190 good, solid instructional days for their students in a 365-day year.

Mr Barrett: Thank you, Minister. I appreciate your response. What I and many people are concerned about is the effect this situation will have on our young people, not only students working in the harvest but students who may well end up sitting in an empty classroom until the harvest is complete.

Minister, many people in our area are asking: "How did this happen? Why can't the problem be solved?" They're concerned that thousands of student jobs may be lost permanently. People in our area want the flexibility you mentioned to deal with local concerns. Why is the government adamant that boards meet the 190-day requirement? Are there other boards in the province that modify their calendars, and do they meet this 190-day requirement?

Hon Mrs Ecker: First of all, the reason we set the 190 days of instructional time for students is, of course, because of the demands of the new curriculum, which is going to better prepare those students for their future. We think 190 days is required to teach that curriculum.

Why this school board is having difficulty finding two days to ensure that their students get what they need, when other school boards are quite capable of managing this, I think is beyond the community and beyond the rest of us. There are other boards in this province, for example in northern Ontario, that actually break for a week during the school year because of local circumstances and they make that time up. So there is no problem with a board rearranging their school calendar to do the 190 days. This board, for whatever reason, seems to have some difficulty figuring out how to give their children two days that are required for those students to learn what they need to learn.

I'd like to close by welcoming representatives of the Durham public school board, both elected trustees and student trustees, in our gallery. Welcome.

FIREARMS CONTROL

Mr Dalton McGuinty (Leader of the Opposition): My question is for the Attorney General. Minister, guns have been used in more than half of the murders com-

mitted this year in the city of Toronto. Last year the rate was under 40%, and in 1998 the figure was just 23%. Police are telling us they are encountering more firearms on Ontario streets than ever before. For the first time in this province, we are staring into the face of a gun epidemic.

We put forward a six-point plan to make our streets safer when it comes to guns. Why is it that on your watch in our province, we are experiencing a gun epidemic in Ontario, and why are you not standing up to the gun lobby in the interests of Ontario citizens?

Hon Jim Flaherty (Attorney General, minister responsible for native affairs): I thank the Leader of the Opposition for raising the issue of violent crime. It's a very serious issue in the province of Ontario, as I'm sure the member knows. In fact, we've had recent incidents of the use of weapons in the school system. That is a matter of great concern to all parents across the province.

Interjection.

The Speaker (Hon Gary Carr): This is the last warning for the member for Toronto Centre-Rosedale. If he does it again, he'll be asked to leave.

Hon Mr Flaherty: As I was saying, we have had recent incidents of violence in Ontario, including one in the Ottawa area, some of them involving weapons, sometimes knives, sometimes guns.

I spoke this morning at a safe schools conference at the King campus of Seneca College, where educators, community members and the police are all trying to address this very serious issue of violent youth crime. It would be of great assistance to the people of Ontario if the federal Liberal government would repeal the Young Offenders Act. Even under the amendments to the Young Offenders Act, as the member probably knows, a young person committing a violent crime with a weapon would not face mandatory jail.

Mr McGuinty: I hear what this minister is saying when it comes to guns in Ontario, but let me tell you what he and his government are doing. First of all, we have one of their members appearing in an NRA infomercial that's being aired in the United States of America. The NRA, just so you know, opposes all gun controls and opposes a ban on armour-piercing, cop-killing bullets. If you want to know what this government stands for, those are the kinds of things that they stand for. This government co-operated with the NRA when it came to putting into our schools a book that teaches our children how to load and shoot a gun. That's what this government stands for when it comes to gun controls in Ontario.

We have put forward a reasonable and responsible six-point plan to curb the use of guns and to make our streets safer in this province. Again, Minister, when are you going to stop acting for the gun lobby and start acting to make our streets safer in our province?

Hon Mr Flaherty: I trust that the Leader of the Opposition knows that the use of weapons in the commission of offences is against the law, against the Criminal Code, and that we have firearms legislation in

this country. The Leader of the Opposition is a lawyer and he would know that the use of replica weapons is a criminal offence in this country. I assume he knows that part of it. But I assume he also knows that we have conditional sentences as a result of the federal Liberal government's resolution in 1996, that someone can commit a violent offence in Ontario and, because of the federal Liberal amendment, it's open to the courts to impose a non-custodial term. We think that's wrong. We think that serious violent crime requires custodial sentences. I hope the Leader of the Opposition can take that message to his Liberal friends in Ottawa and get that law changed during this session of the House of Commons.

LANDFILL

Mr Brad Clark (Stoney Creek): My question is for the Minister of the Environment. As you are aware, the Taro landfill in my community is highly controversial and at the present time it has become a hotbed of rumour and speculation again. The catalyst for these rumours is a letter that was sent to you from Philip Services, the landfill's parent company. The landfill's community liaison committee, my neighbours and myself all believe the letter was an attempt to change the makeup of the expert panel that was appointed by your predecessor, Minister Clement. This speculation is undermining the credibility of the six-point action plan and the expert panel. Will you verify the contents of that letter, or at the very least reassure my constituents that there will be no changes to the six-point plan or the makeup of the expert panel?

Hon Dan Newman (Minister of the Environment): I want to thank the member for Stoney Creek for the question. The makeup of the panel includes experts from varying fields of study, such as human health impact, hydrogeology, organic chemistry, water treatment, air quality and landfill design and operation, including waste processing. The panel has been tasked with the duty of providing me with recommendations regarding monitoring practices and safeguards currently in use at the Taro East landfill. In addition to the advice and recommendations that they will be providing to me, the panel is also required to report to the community liaison committee. I can tell you that on April 4 of this year I wrote to Philip enterprises stating my support for the members of the expert panel and their mandate.

Let me assure the honourable member and his constituents in Stoney Creek that there will be no changes to the composition of the panel and no changes to the six-point plan.

Mr Clark: The next most contentious issue in this landfill is the hazardous waste. The expert panel has been given wide latitude to review the operations of the landfill. Minister, as you are aware, the report of the investigations and enforcement branch of your ministry has stated that there is a high potential for hazardous waste in the landfill. The report also recommended that

proper sampling take place to identify the true composition of the waste. No other action will be acceptable to myself or my constituents. It's imperative that we get to the bottom of this and a paper chase won't do.

Will you give direction to the expert panel and authorize it to conduct proper sampling, either through deep-core drilling or excavation of the landfill site, and set the fears of my community at ease once and for all?

1450

Hon Mr Newman: Much of the work in the six-point plan has been completed or is near completion. Among other things, the expert panel will be making recommendations to me and the community liaison committee on the adequacy of existing measures used to monitor and control the impacts on human health, including air, water and soil quality.

Between November 1998 and March 31, 1999, my ministry conducted an extensive audit of the Taro East landfill. This included over 400 air, ground and surface water, landfill leachate and waste samples. No evidence of any off-site environmental impact was found.

This expert panel was designed to carry forward our commitment to determine what further steps, if any, may be necessary to ensure the protection of the environment and the local community.

I look forward to working with the member for Stoney Creek to achieve this goal. I also expect to be receiving the panel's report this summer and will review their recommendations at that time. I'm very supportive of the panel's work and look forward to reading their report.

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

AIR QUALITY

Ms Marilyn Churley (Broadview-Greenwood): I wish the Minister of the Environment would answer our questions that fully.

Minister, this morning you made a big noise about new smog forecasting plans. If you want smog forecasting, I'll give you smog forecasting. Guess what? It's going up. The question is: What are you going to do about it?

Hon Dan Newman (Minister of the Environment): First off, I think we need hot air warnings from the member opposite. I was disappointed that she wasn't at the announcement today, because it was a very good announcement about the launch of a new Web site, www.ontarioairquality.com. This Web site comes into effect on Monday, May 1. People from across Ontario will be able to go on to the Web site and get real-time readings of smog across the province. It will be updated six times daily, Monday to Friday, and three times daily on weekends. It's a worthwhile Web site, and you're going to see the smog improve in this province.

Ms Churley: That's a pitiful answer. I enjoyed it. My mind needed a rest. That was ridiculous. Do you know what I thought he was going to bring up today? Drive Clean. Let's talk about cars for a minute.

Let's get serious here. Drive Clean is something you usually bring up. I want to remind you again that despite any efforts you may make, if you do not convert the Lakeview plant from coal to natural gas, it will be the equivalent of one million cars on the road.

Smog season is upon us. Children are going to be sick, elderly people are going to be sick and some people are going to die. You can make a difference. I'm asking you today. You've said you've been thinking about it and considering it. That's not good enough. I want you to tell us today that you will make the conversion to natural gas from coal a condition of the sale of the Lakeview plant. Will you make that commitment today?

Hon Mr Newman: I know the member opposite doesn't want to hear about Drive Clean and how we're reducing greenhouse gas emissions through Drive Clean. If I've told her once, I've told her a million times that no decision has been made with respect to the question.

We have a different policy in this government. We take our time and think before we make decisions, unlike when their party was the government.

EDUCATION FUNDING

Mr Gerard Kennedy (Parkdale-High Park): I have a question to the Minister of Education. I want to ask you and, through you, your colleagues on the government benches about a dereliction of duty on your part towards the safety of schoolchildren affected by toxic mould. This week—

Interjections.

The Speaker (Hon Gary Carr): Just a minute, please. The member is asking a question. We can't have this shouting across. The minister won't be able to hear the question as well. Sorry for the interruption.

The member for Parkdale-High Park.

Mr Kennedy: Minister, as you know, this week you decided to financially penalize boards that were proactive in dealing with toxic mould. Across the province, your candidates in the election left the impression that your government was going to do something about toxic mould and about the safety of children in portables.

Minister, you know already that your government had a freeze on capital that exacerbated this problem and made it worse for children. Now the bills have come due, and what have you done? You've said to these boards that you will not pay the bills and you've left \$78 million unpaid to these boards.

I'm here to ask you, on behalf of the parents of those children, will you reverse that decision today? Will you, the Minister of Education, pay for the cost that surely is a useful and important cost for the classrooms for our kids to be taught in? Will you make sure that the boards receive their funds?

Hon Janet Ecker (Minister of Education): First of all, I'd like to correct the record that the honourable member has tried to put out here as being factual, because he is wrong. The Peel members of this caucus did push very hard for supports for not only their board

but other boards that had extraordinary costs above and beyond the normal expenses that school boards are responsible for. He may think \$50 million of the taxpayers' money to help school boards is a pittance. I think that's a significant commitment. We announced that \$50 million would be available, above and beyond the billions of dollars that are available to those boards for school accommodation. We have a very clear set of criteria about how boards qualified for that, and that money has indeed gone to the Peel board and the other boards that have qualified for that additional extraordinary funding.

Mr Kennedy: You have penalized the boards that decided to protect kids. You penalized the Peel board \$12.2 million. On average, you're stealing \$1.3 million for which you left a clear impression that your government would be there. Your predecessor said money would flow to protect children. Instead, you've decided not to provide—

Hon Margaret Marland (Minister without Portfolio [Children]): Is "stealing" parliamentary?

Mr Kennedy: I hear the member from Mississauga South, agreeing with you. It's a shame that the Peel board of education is losing the equivalent of two schools, that other boards will have to cut other programs. Minister, I want to say to you today, as the Minister of Education, you're sending a terrible message and penalizing boards that want to have safe classrooms for kids and saying that you will not be there at the end of the day to take care of things.

Your government controls all the financing, and if you're not going to come up with the money to keep kids safe, then you should stand in your place and tell these boards where they're going to get this money from, where they should cut and take away from kids, because you're leaving them hanging out to dry and you're leaving kids unprotected.

Hon Mrs Ecker: Perhaps the honourable member might want to question the record of his own government that allowed the proliferation of portables on school properties, because that is an absolutely unacceptable way to educate our children. Under the funding that is available to school boards for building new buildings, for maintaining those buildings, we are seeing a reduction of over 9% in just two years of the number of portables out there. In some communities, like mine in Durham, and in Peel, we had more portables than classrooms.

Mr Kennedy: You won't pay for that.

Hon Mrs Ecker: Who do you think is building the schools, Gerard? It's our taxpayers' money that's going to those boards. We're having the biggest school construction season we've ever seen.

The other thing I would like to remind the honourable member of is that we were very clear that there would be money available for these boards. We said up front there was going to be \$50 million on top of the many other millions they get for this, and that \$50 million is indeed—

The Speaker: The minister's time is up.

1500

EDUCATION FUNDING

WINE INDUSTRY

Mr Bart Maves (Niagara Falls): My question is for the Minister of Consumer and Commercial Relations. As you are well aware, Ontario produces some of the highest-quality wines and icewines in the world. My home riding of Niagara Falls is the heartland of Ontario's wine industry. Our wines have won award after award at both European and North American competitions. Despite these incredible successes, Ontario wines are not currently exported to most members of the European Union. Could you explain to the House why Ontario wineries are having problems exporting their fine products to Europe?

Hon Robert W. Runciman (Minister of Consumer and Commercial Relations): I want to thank the member for Niagara Falls for the question. I want to say too that the wine industry is very fortunate to have a representative like Mr Maves as a spokesperson and an advocate for the Ontario wine industry. He makes their case at every possible opportunity.

Indeed, he's right. There are artificial barriers in place which are virtually eliminating access for world-class Ontario products to the European Union market. We'll use just two examples. France and Italy, through LCBO outlets in this province, sell over \$200 million worth of product to Ontario residents. What do they allow into Italy and France? Fifty thousand dollars worth of product into France and absolutely nothing into Italy. This is not a level playing field, and we are committed as the government of Ontario to changing that.

Mr Maves: I agree with what you say about the fine wines of Ontario being treated unfairly by the members of the European Union. In fact, I'm not the only one. I know that many of our grape growers and wineries agree with you also. However, could you please explain to the House what you plan to do to overcome these unfair trade barriers that have been put into place?

Hon Mr Runciman: I understand very much, as well as Mr Maves understands, the frustration of the wine producers in this province. A few weeks ago Mr Palladini and I met with the ambassador for France. I know my predecessors, Ministers Tsubouchi and Sterling, have also made representations to the European Union governments to at least open up the doors a little bit to outstanding Ontario products.

It's my intention and the government's intention to put this at the top of our agenda in terms of trade relationships. We're going to be meeting with officials from the European Union, the French government and the British government within the next few weeks. As I said, this is going to be a very top priority. The federal government has put it on the back burner. The Ontario government is going to put it on the front burner and we're going to fight for a fair deal for Ontario wine producers.

Mr Michael A. Brown (Algoma-Manitoulin): I have a question for the Minister of Education. My question is regarding the Algoma District School Board. It's one of the three public school boards within the constituency of Algoma-Manitoulin. It is continuing to face financial crisis. There's a very real threat that schools in single-school communities will be forced to close.

Minister, you fund under your formula the Algoma District School Board as if it were a high-density school board. Your own formula says that's not correct. Your own formula states that if the student population, divided by the area, is less than one, then it is a low-density board. In Algoma, that works out to 0.2. In other words, there are 15,000 students occupying 70,534 square kilometres. Why are you not following your funding formula?

Hon Janet Ecker (Minister of Education): I appreciate the expression of concern on behalf of the member's constituency. First of all, this is a school board that has great geographic distances, that is in the northern community. It has specific and special needs because of that in servicing the students within its community. Financially, the funding formula does indeed recognize that. If there are any mistakes that have been made, I'd be quite happy to take a look at that and review that if that's what it takes. But this is a board that represents and deals with a northern community, and the funding formula is specifically designed to support boards that have those particular challenges.

Mr Brown: No one would agree with the minister on that account. I would ask the minister to come to Algoma and maybe go for a drive with me. We could start in Searchmont. We'd go to Heyden. We'd stop in Batchawana. We'd jaunt up to Hornepayne. We'd stop and visit the public school children in White River, slip over to Wawa, slide over to Chapleau, shoot down to Thessalon, drive along the North Shore to Spanish, up to Elliot Lake. We'd come back down on to the shore, visit Blind River, stop at Thessalon, Iron Bridge, St Joe's Island, Desbarats, Echo Bay, and finally we'd get back to Sault Ste Marie. You know, we would have covered over 2,000 kilometres on the road and we'd have spent 25 hours in the car bonding.

Minister, this is a large geographic board. Your funding formula does not take into account the needs of these communities. Minister, fix it.

Hon Mrs Ecker: I'm not quite sure if I've had an invitation to tour his riding or start a relationship. Anyway, I appreciate the seriousness with which he asked this question, because I do understand. I have been in the north on many occasions and to take the particular trip the honourable member just described would probably take us days or more, I suspect, because of the size of his riding. That is, indeed, why we do provide additional monies to boards in northern communities, for example, to recognize that. If there are any mistakes that have been made in the funding formula for this particular board, I

would be very pleased to look at any information or evidence he has and I'd be quite prepared to have staff take a look at that.

MUNICIPAL ELECTIONS

Mr R. Gary Stewart (Peterborough): My question is for the Minister of Municipal Affairs and Housing. It's with regard to mail-in ballots for municipal elections.

Many permanent residents in my riding believe voters should only vote where they permanently live. It's my understanding there are people who are filling out ballots just by signing a cottage property owner's name. For instance, people who are in Florida for the winter have relatives pick up their mail and then just sign the owner's name and forward it to the municipal office. Balloting and voting should be the same for municipalities as it is for provincial and federal. Minister, would you please advise this House if you are thinking of making the requirements for voting in municipal elections similar to those of the federal and provincial elections?

Hon Tony Clement (Minister of Municipal Affairs and Housing): First of all, it's clear in Ontario law that you've got to reside in the municipality or you've got to be an owner or a tenant of land there, or a spouse of an owner or tenant. In a sense the law is similar because you have to qualify to vote, whether provincially or federally or municipally, in order to vote in a particular location. The way you qualify municipally is through residency, through property ownership or tenancy, or through payment of your municipal taxes.

In 1996, we passed the Municipal Elections Act in this House and we said that there could be alternative voting methods: voting machines, voting recorders, vote tabulators, or voting by mail or telephone. I agree with that act. I think it was a good act to do that.

In the fourth place, the honourable member has some concerns about voter fraud. We're concerned about that, too. There are penalties in the act. If there are any illegal practices or activities, we should get to the bottom of that, and that I think is the proper way to deal with the situation.

Mr Stewart: I believe the mail-in vote only helps cottage owners. Many cottagers have control of the townships with little regard for regular ongoing issues such as roads, garbage, agriculture issues. There are many people in my riding who want change in the way municipal voting is done. How can their concerns be addressed?

Hon Mr Clement: One of the ways that we want to help to deal with these local issues—because this is very intensive local issue, as the honourable member has said—is to have some flexibility in the act to allow the local municipality to make these kinds of decisions. In the Municipal Elections Act that we passed in 1996, we said that the decision to use alternative methods of voting lies with the individual municipalities. An individual municipality can pass a bylaw either to accept or reject alternative voting methods. If the honourable member wants to work with his local municipality to meet the

concerns of his constituents, I think that's the best way to handle that issue.

1510

HOSPITAL RESTRUCTURING

Mr David Christopherson (Hamilton West): My question is the Acting Premier, in the absence of the Minister of Health. Today the headline in the Hamilton Spectator is "Henderson Saved." Now, that's based on the words of a senior government official, not necessarily something that's on the record or that we have written confirmation of.

First of all, we would like to hear you state unequivocally that indeed the Henderson has been saved, but let me also say to you that that's only part of the equation. To give the people on the mountain relief from their concern about losing their hospital with the potential that McMaster University Hospital could close, or the General, still leaves our community very much in the air. I'm asking you today to confirm that the Henderson will stay open and that the other three acute care facilities in our community will also stay open.

Hon Chris Hodgson (Chair of the Management Board of Cabinet): This is an important issue and we fully understand and have heard the concerns of Hamilton residents. The continued delivery of quality patient care is our government's top priority. Today a supervisor has been appointed, Ron Mulchey, CEO of Toronto East General. The supervisor will develop a strong recovery plan to meet the needs of Hamilton residents. The supervisor will work towards keeping the Henderson open as an acute-care hospital.

I'm assuming that's the good news you're referring to.

Mr Christopherson: Thank you for that, Acting Premier. It's good to hear that you're saying, "He's going to have a mandate to try and do it." All the legal words that a government needs, you've got in there. So yes, it's helpful to hear that, but what I am saying to you as clearly as I possibly can is that keeping the Henderson open but shutting down McMaster or shutting down the General, or St Joseph's, for that matter, is unacceptable. That only shifts the problem from the Hamilton Mountain residents being concerned about their medical services to people in the west end or downtown being concerned about theirs. This is only good news, Minister, if Henderson is saved, McMaster is saved and the General is saved. That's the message we need to hear; that's the announcement I need you to make. Please, Minister, tell us that Henderson, McMaster and the General are all off the chopping block and that they will be there to serve the health needs of the people of my community of Hamilton.

Hon Mr Hodgson: I will pass on the member's request to the Minister of Health. I'm sure he'll realize we don't want to have two good-news announcements today, so she'll probably be saving that for some other time.

I'm not sure how you can fearmonger over a good-news announcement like this. The ministry, the minister and this government have listened to the concerns of the residents of Hamilton. We recognize that this is an important issue, and we're taking the steps to make sure that we respond accordingly to deliver quality health care in the Hamilton region.

GRAPE AND WINE INDUSTRY

Mr James J. Bradley (St Catharines): I have a question which is for the Minister of Agriculture and Food which is within the provincial jurisdiction, not the federal jurisdiction, in this case. So I'm not asking you to ask the federal government for anything.

I want to talk about the Wine Content Act today. You know the Wine Content Act was put into effect during the free trade agreement in order to give a bridging time for wineries to be able to obtain locally grown grapes. My question to you is this: First of all, would you support the grape farmers of Ontario in their bid to have those wines which are in the LCBO stores in the Canadian and Ontario sections and in other wine retail stores 100% Ontario content if they're to be marketed as Ontario wines?

Secondly, would you tell us what you intend to advocate on behalf of farmers in relation to the extension of the Wine Content Act? Are you going to extend it as it is, which allows 25% Ontario content, 75% foreign content and still allow it to be marketed as an Ontario wine?

Hon Ernie Hardeman (Minister of Agriculture, Food and Rural Affairs): Thank you for the question. As it relates to the Wine Content Act, it would be better answered by the Minister of Consumer and Commercial Relations, but I do want to assure the member opposite that as Minister of Agriculture, Food and Rural Affairs I very strongly support the increased content of Ontario grapes in the making of all wines and encourage the appropriate mechanism to do that so as much as possible we can use the quality Ontario grapes that are produced in the Niagara region and increase the availability of that product to the people purchasing the wine. I think it's very important that we encourage everyone in the province who buys wine to understand that when they buy VQA, they're buying Ontario grapes. When they buy other products of Ontario, they are not necessarily Ontario product. I think it's very important that we increase that awareness to make sure that our people can buy the high-quality product that our farmers produce.

PETITIONS

DEVELOPMENTALLY DISABLED

Mr Gerry Phillips (Scarborough-Agincourt): I have a petition here to the Legislature of Ontario:

"Whereas Ontarians with a developmental disability are in growing danger of inadequate support because compensation to staff of not-for-profit agencies is, based on a recent survey, on average, 20% to 25% less than compensation for others doing the same work in provincial institutions or similar work in other settings; and

"Whereas there are hundreds of senior parents in Ontario who saved the Ontario government millions of dollars by keeping their child with a developmental disability at home, and who are still caring for their adult child; and

"Whereas there is no place for most of these adults with a developmental disability to go when the parents are no longer able to provide care; and

"Whereas these parents live with constant anxiety and despair; and

"Whereas these adult children will end up in Ontario nursing homes and hospitals if there is no appropriate place to provide care;

"We, the undersigned, petition the Legislature of Ontario as follows:

"To significantly increase compensation for workers in not-for-profit agencies so that it is comparable to the compensation of government-funded workers in identical or similar occupations; and

"To provide the resources necessary to give appropriate support to Ontarians with a developmental disability who at present have no place to go when their parents are no longer able to care for them."

I have signed that myself.

LORD'S PRAYER

Mr R. Gary Stewart (Peterborough): I have a petition to the Legislative Assembly of Ontario:

"Whereas the Lord's Prayer, also called Our Father, has been used to open the proceedings of municipal chambers and the Ontario Legislative Assembly since the beginning of Upper Canada in the 18th century; and

"Whereas such use of the Lord's Prayer is part of Ontario's long-standing heritage and a tradition that continues to play a significant role in contemporary Ontario life; and

"Whereas the Lord's Prayer is a most meaningful expression of the religious convictions of many Ontario citizens;

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

"That the Parliament of Ontario maintain the use of the Lord's Prayer in its proceedings, in accordance with its long-standing established custom, and do all in its power to maintain use of this prayer in municipal chambers in Ontario."

I indeed affix my signature.

Ms Marilyn Mushinski (Scarborough Centre): I have a petition addressed to the Legislative Assembly of Ontario that reflects the previous petition just read.

"Whereas the Lord's Prayer, also called Our Father, has been used to open the proceedings of municipal chambers and the Ontario Legislative Assembly since the beginning of Upper Canada in the 18th century; and

"Whereas such use of the Lord's Prayer is part of Ontario's long-standing heritage and a tradition that continues to play a significant role in contemporary Ontario life; and

"Whereas the Lord's Prayer is a most meaningful expression of the religious convictions of many Ontario citizens;

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

"That the Parliament of Ontario maintain the use of the Lord's Prayer in its proceedings, in accordance with its long-standing established custom, and do all in its power to maintain use of this prayer in municipal chambers in Ontario."

I'm pleased to affix my signature to this petition.

HEALTH CARE FUNDING

Mr James J. Bradley (St Catharines): I happen to have a petition that just came in. It's stamped and approved, appropriately. It's to the Legislative Assembly of Ontario:

"Whereas cancer patients in Ontario requiring radiation treatment face unacceptable delays and are often forced to travel to the United States to receive medical attention;

"Whereas many prescription drugs which would help patients with a variety of medical conditions such as multiple sclerosis, arthritis, diabetes and heart failure are not covered by OHIP;

"Whereas many assistive devices that could aid patients in Ontario are not eligible for funding from the Ontario Ministry of Health;

"Whereas community care access centres have inadequate funding to carry out their responsibilities for long-term and home care;

"Be it resolved that the Legislative Assembly urge Premier Mike Harris to sell the two new turboprop luxury aircraft just purchased by this government and quietly announced just before the Easter weekend and use the money derived from the sale to meet the aforementioned health care needs."

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

1520

AFFORDABLE HOUSING

Mr David Christopherson (Hamilton West): I have a petition that reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas the Harris government's plan to force the sale of subsidized housing in Hamilton-Wentworth will create a crisis for 700 local families; and

"Whereas in addition to these 700 families there are 3,700 other families on waiting lists who will be left without affordable accommodation; and

"Whereas the Harris government's housing sell-off is mean-spirited and targets the poorest families who are now threatened with possible eviction;

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

"That the Legislative Assembly of Ontario direct the Harris government to save these affordable housing units for low-income families, and support new affordable housing to help the 3,700 families on waiting lists in our community."

I add my name to this petition.

KARLA HOMOLKA

Mr John Hastings (Etobicoke North): I have a petition to the Legislative Assembly of Ontario that reads as follows:

"Whereas Karla Homolka and Paul Bernardo were responsible for terrorizing entire communities in southern Ontario; and

"Whereas the Ontario government of the day made a deal with the devil with Karla Homolka resulting in a sentence that does not truly make her pay for her crimes; and

"Whereas our communities have not yet fully recovered from the trauma and sadness caused by Karla Homolka; and

"Whereas Karla Homolka believes that she should be entitled to passes to leave prison with an escort; and

"Whereas the people of Ontario believe that criminals should be forced to serve sentences that reflect the seriousness of their crimes;

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

"That the government of Ontario will:

"Do everything within its power to ensure that Karla Homolka serves her full sentence;

"Continue to reform parole and make it more difficult for serious offenders to return to our streets;

"Fight the federal government's plan to release up to 1,600 more convicted criminals into Ontario's street communities;

"Ensure that the Ontario government's sex offender registry is functioning as quickly as possible."

I hereby affix my signature as I would hope the member for St Catharines might someday.

NORTHERN HEALTH TRAVEL GRANT

Mrs Lyn McLeod (Thunder Bay-Atikokan): I have a petition to the Legislative Assembly of Ontario.

"Whereas the northern health travel grant was introduced in 1987 in recognition of the fact that northern Ontario residents are often forced to receive treatment outside their own community because of the lack of available services; and

“Whereas the Ontario government acknowledged that the costs associated with that travel should not be fully borne by those residents and therefore that financial support should be provided by the Ontario government through the travel grant program; and

“Whereas travel, accommodation and other costs have escalated sharply since the program was first put in place, particularly in the area of air travel; and

“Whereas the Ontario government has provided funds so that southern Ontario patients needing care at the Northwestern Ontario Cancer Centre have all their expenses paid while receiving treatment in the north which creates a double standard for health care delivery in the province; and

“Whereas northern Ontario residents should not receive a different level of health care nor be discriminated against because of their geographical locations;

“Therefore, we, the undersigned citizens of Ontario, petition the Ontario Legislature to acknowledge the unfairness and inadequacy of the northern health travel grant program and commit to a review of the program with a goal of providing 100% funding of the travel costs for residents needing care outside their communities until such time as that care is available in our communities.”

I have yet another 83 signatories to this petition. I affix my signature in agreement with their concerns.

Mr James J. Bradley (St Catharines): “To the Legislative Assembly of Ontario:

“Whereas the northern health travel grant was introduced in 1987 in recognition of the fact that northern Ontario residents are often forced to receive treatment outside of their own communities because of lack of available services; and

“Whereas the Ontario government acknowledged that the costs associated with that travel should not be fully borne by those residents and therefore that financial support should be provided by the Ontario government through the travel grant program; and

“Whereas travel, accommodation and other costs have escalated sharply since the program was first put in place, particularly in the area of air travel; and

“Whereas the Ontario government has provided funds so that southern Ontario patients needing care at the Northwestern Ontario Cancer Centre have all their expenses paid while receiving treatment in the north which creates a double standard for health care delivery in the province; and

“Whereas northern Ontario residents should not receive a different level of health care nor be discriminated against because of their geographical locations;

“Therefore, we, the undersigned citizens of Ontario, petition the Ontario Legislature to acknowledge the unfairness and inadequacy of the northern health travel grant program and commit to a review of the program with a goal of providing 100% funding of the travel costs for residents needing care outside their communities until such time as that care is available in our communities.”

I affix my signature, as I am in agreement with the contents of this petition signed by 28 individuals.

Mr Dwight Duncan (Windsor-St Clair): I have a petition to the Legislative Assembly of Ontario.

“Whereas the northern health travel grant was introduced in 1987 in recognition of the fact that northern Ontario residents are often forced to receive treatment outside their own communities because of the lack of available services; and

“Whereas the Ontario government acknowledged that the costs associated with that travel should not be fully borne by those residents and therefore that financial support should be provided by the Ontario government through the travel grant program; and

“Whereas travel, accommodation and other costs have escalated sharply since the program was first put in place, particularly in the area of air travel; and

“Whereas the Ontario government has provided funds so that southern Ontario patients needing care at the Northwestern Ontario Cancer Centre have all their expenses paid while receiving treatment in the north which creates a double standard for health care delivery in the province; and

“Whereas northern Ontario residents should not receive a different level of health care nor be discriminated against because of their geographical locations;

“Therefore, we, the undersigned citizens of Ontario, petition the Ontario Legislature to acknowledge the unfairness and inadequacy of the northern health travel grant program and commit to a review of the program with a goal of providing 100% funding of the travel costs for residents needing care outside their communities until such time as that care is available in our communities.”

Being a member from a truly far north riding, I'm proud to affix my signature to this petition.

ORDERS OF THE DAY

DIRECT DEMOCRACY THROUGH MUNICIPAL REFERENDUMS ACT, 2000

LOI DE 2000 SUR LA DÉMOCRATIE DIRECTE PAR VOIE DE RÉFÉRENDUM MUNICIPAL

Resuming the debate adjourned on April 25, 2000, on the motion for second reading of Bill 62, An Act to enact, amend and repeal various Acts in order to encourage direct democracy through municipal referendums, to provide additional tools to assist restructuring municipalities and to deal with other municipal matters / Projet de loi 62, Loi édictant, modifiant et abrogeant diverses lois en vue d'encourager la démocratie directe au moyen de référendums municipaux, de fournir des outils supplémentaires pour aider les municipalités restructurées et de traiter d'autres questions municipales.

The Speaker (Hon Gary Carr): Further debate? I believe the member for Hamilton West has the floor.

Applause.

Mr David Christopherson (Hamilton West): Well, I thank you for that, the member for St Catharines. I won't comment on why. I don't know, but it was nice. I appreciate it. Maybe it's just because we're the only two here and there are, like, two over there.

Mr John Hastings (Etobicoke North): Different names; same outlook.

Mr Christopherson: Similar outlook—I don't know about the same. We don't drink the same brand of Kool Aid that you pass around the crowd over there on that side but, yes, I would think representing a working-class, hard-working community like St Catharines, you would have similar views—should have similar views, I might say to you.

However, the issue at hand is speaking to the question of municipal restructuring, and I obviously want to focus a bit on what has happened in the new city of Hamilton, because we're mentioned in this bill, along with a number of other communities. At the outset, let me say that there's one good thing in the whole bill that I will comment on, and that is that there are an additional two seats being added for the rural municipalities that are part of the existing region, the old municipality of Hamilton-Wentworth, and will be a part of the new city. Having said that, I'm not 100% sure about the last part of what I said, which was that they'll be a part of the new city, because we've got this huge piece of land mass, a stand-alone municipality called Flamborough, that may or may not be a part of the new community.

The minister says he hasn't looked at all the numbers yet and that's why a decision hasn't been made. We, of course, believe very strongly that what is really dictating his delay in making a decision is that they don't want to make any waves before the by-election in Wentworth-Burlington. That would seem to be the game plan, simply because if they were planning to do what the people of Flamborough want, which is to split that community off into other regional communities in the surrounding area, I would think that would be a boost to their Tory candidate, who to date, unless I've missed something recent in the last few hours, has only said that she hasn't yet got a position on Flamborough.

1530

The government obviously is faced with two choices. One is to say to the candidate, "We're going to announce that Flamborough is not going anywhere, and you are going to have to defend that door to door." I think we can appreciate how appealing that might be to a candidate. Or we could just delay the whole thing; it only has to be by a few weeks. We still are, I am convinced, on the brink of calling the by-election. If you can just hang tough long enough without a decision getting out there, then arguably, from the Tory perspective and from that candidate's point of view, it may be considered easier to go door to door and spin the issue: that the minister is looking at the numbers and they haven't yet made a decision and all the other nonsense they have thrown into this. As tough as that might be, and as squirmy as that might leave the candidate, maybe that's better than saying to people at

the door, "Yes, I believe my government did the right thing by denying you what you want." That's the essence of the issue.

I also think that if they had good news in terms of what Flamborough wants, we would already have heard it, and right on the heels of that, we would have had the by-election call. In the absence of that announcement, one has to conclude that at the cabinet table they looked at the two scenarios they had—what they were going to do defending it in a by-election or defending the delay of a decision—and decided they would rather tough it out and live with criticism of delaying the process, knowing that at the end of the day, the end of the by-election, whether or not the Tory candidate won, they'd have an answer to the Flamborough residents that they wouldn't want to hear.

That is cynical enough in and of itself. But we're all politicians here, so I'm not going to pretend there aren't political discussions in the Liberal caucus and NDP caucus; of course there are.

Mr Dwight Duncan (Windsor-St Clair): On a point of order, Mr Speaker: The member for Hamilton West is always well worth hearing, and I would have thought there would be a quorum in the House in order to do that.

The Speaker: Clerk, check for the quorum, please.

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

The Speaker ordered the bells rung.

Clerk Assistant: A quorum is now present, Speaker.

The Speaker: The member for Hamilton West has the floor.

Mr Christopherson: Thank you, Speaker.

Let me pick up where I left off. I have informed my counterpart, the Liberal House leader, that I will surely return a similar favour, but that is next week's business.

The issue I was referring to was the politics of what is happening, and I was about to comment that of course there are political considerations in all our caucuses when we discuss matters, none so lively as perhaps in the cabinet room where the cutting edge of government decision-making is taking place. Having been there myself, I have a pretty good sense of the kind of dynamics that happen.

However, what makes this extraordinarily unacceptable is that we've got a municipal election this November, and not just any municipal election, an election that will create the council that will govern the new city of Hamilton. We will go from individual mayors in each of those municipalities and a regional chair to one mayor. This is obviously a historic occasion for the people of Hamilton and it is totally unacceptable, I would argue, as well as unfair and undemocratic to be delaying a decision as fundamental as the one that's in front of the government. That decision, of course, is, what will the boundaries of the new city of Hamilton be? We don't know. We don't know at this point.

We've got Marvin Ryder, the chair of the transition board—and as much as I still think the makeup of that board could have reflected better the community that we

are, I have no compunction in saying that I believe the members of the transition board are doing the best they can. Does that mean I agree with every decision? No. But I do believe they are trying and have the best interests of the community at heart. But even Mr Ryder has pointed out that the delay is costing money. Money is being wasted. For a government that talks about “taxpayers” as opposed to “citizens,” “bottom line” instead of “health care,” and “discipline” instead of “education,” we have the apparent hypocrisy of wasting money, just blowing it right out the window, to accommodate a cynical political strategy.

Further to that, we have on the horizon the possibility that the government may say: “No, Flamborough, you can’t go elsewhere. You were part of the original regional municipality of Hamilton-Wentworth in 1974 and we’re going to keep that intact as the boundaries for the new city of Hamilton. However, over the next couple of years we’ll let you reconsider the issue or we will reconsider it. We’ll allow this issue to be reopened.” That would be just about as bad—not quite, but almost as bad—as splintering off one of those communities from the new city of Hamilton. I say this in large part because the interests of the citizens of Flamborough are not going to be well served by that kind of a decision.

Why? Well, if you’re sitting on the new city council and you’re making transportation decisions, environmental decisions, waste disposal decisions, firefighting decisions, virtually all the big-ticket items, particularly engineering and other infrastructure decisions, given the wrangling over how much money Hamilton-Wentworth region has invested in the township of Flamborough—because there has been such a battle over that—how keen does anybody really think the new council of the city of Hamilton would be to make decisions that would see millions of dollars invested in the Flamborough community if there’s still the possibility one, two, three years down the road that they’re going to leave? I can’t see how the interests of the citizens of Flamborough are served by that.

It does happen to be one of the greatest growth areas of the region. Infrastructure decisions in terms of water lines, sewer lines and road access are expensive but important decisions to the future of that community. You know, we may not hear those arguments around the Hamilton city council chamber, but it’s going to be in the back of their minds. It’s only human nature, if they’ve got a \$5-million decision in front of them and there are options A, B and C, and one of those options has that money being spent in Flamborough, money that would have to be fought for to get back if they left and even then they might not get the full amount, if anything.

How keen are those councillors going to be to say, “Yes, of these three options, even though I think that for the broader benefit of our new city of Hamilton, the money ought to be invested there.” How comfortable are they going to be making that kind of decision knowing that \$5 million could be going right out the door if they make a decision in one, two or three years to leave the new city of Hamilton?

1540

When the city of Hamilton is interacting with the province or with the GTA or the GTSB, the Greater Toronto Services Board, which has responsibility for public transportation and the transportation network for which ultimately, at the end of the day, the western connection is Hamilton—it doesn’t stop at Burlington; it’s the Wentworth connection. As Hamiltonians, where do we think our boundaries are and what are we fighting for? They may be very different than what Halton, Brant or any other community—Flamborough—would think. They are obviously different perspectives depending on their relationship, geographically, fiscally and philosophically, with Queen’s Park and the GTSB.

When Hamilton councillors are making these decisions, are they making them based on seeing the Hamilton boundary here or there? It may sound like semantics or perhaps inside baseball, but these are crucial decisions. These transportation decisions, engineering decisions, planning decisions, waste disposal decisions and emergency services decisions are the heart and soul, the foundation, of building a community. Obviously the new city of Hamilton council wants to make the best decisions in the best interests of the entire new city. But how do you do that when you don’t know whether the boundaries you have are going to be there three years down the road?

This decision should have been made a long time ago. For that matter, this should never have got to this point. First of all, I still can’t understand why the citizens of Dundas and Ancaster, and to some degree Stoney Creek, although they didn’t feel as strongly in terms of numbers about the decision to create one city out of the region—Dundas and Ancaster weren’t given the same option that was given to Flamborough. Why was Flamborough given that option? Not because it’s good government, and not because this government believes in democracy. Quite the opposite.

It was a sop to then MPP Toni Skarica. The government, in a miscalculation so huge that I find it hard to believe they made it, but obviously they did, felt that if they offered Toni this little carrot that Flamborough could make its own decision, somehow he would say: “OK, I guess I’ve been wrong. This really is a democratic government that is keeping its word. I guess I was wrong when I criticized them for fudging on the issue of amalgamation,” and he went further than that. I can’t use language that describes that in this place, but I think people understand basically what Toni’s message was.

How could he possibly have accepted that deal when he was also the MPP for Dundas and Ancaster, who feel maybe not as strongly but certainly noticeably strongly about this issue? It’s such a horribly miscalculated political strategy that I really am surprised it was offered. When it was rejected by Toni Skarica, which was the only obvious outcome of that kind of game plan, we were left with Toni Skarica still resigning, a by-election that is going to be called any day now for Wentworth-Burlington, and Flamborough sitting out there sort of all alone

having the right, if one wants to put it that way, to decide to customize what should happen to their community. Meanwhile, the rest of Hamilton, the new city of Hamilton, is left hostage to this indecision. And why are we being held hostage? So the government can buy some time for the by-election.

The minister stands in his place and says: "I need more time to look at all the numbers. There are a lot of numbers here and some of them conflict. I need to sift through this carefully and make sure I make the right decision." Funny how they didn't think that was necessary when they changed the election laws, the financing of elections, the labour laws, the environmental protection laws they gutted, all kinds of legislation where they didn't have any public hearings or take any time at all to reflect on anything. That's their real pattern.

Oh no, in this case they just want to take their time. It's always that way when they're pressed for a decision and won't make it: It's because they want to do it right. When that kind of pressure isn't on them, they just ram things through here. Ontarians are beginning to notice that fewer and fewer bills are actually being discussed here or anywhere because they're whipping through here so fast.

The minister says that he's got all these numbers, that it's so complex, oh my. He's staying up late at night, I'm sure, pulling his hair out trying to figure out how to work his way through this quagmire that he personally created, and yet it was OK to say to Flamborough and all the other affected municipalities, including Hamilton-Wentworth, "You've got a deadline"—I think the date the first time around was March 17, something close to that, which was then extended by a measly two weeks—"to give me all this complex, conflicting information," which the minister now says is the reason he can't make a decision.

None of it adds up or makes any sense unless you take the template of an argument off the shelf that this is about the Hamilton-Wentworth by-election. When you superimpose that on top of this situation, everything gets nice and clear.

What happened? The minister already knew that given the conditions placed on accepting Flamborough by the host municipalities, there was no way he was going to be able to meet all those conditions, and therefore his recommendation to his cabinet colleagues had to be, "No, Flamborough stays." The political battle heated up in cabinet where the damage this was going to do to their prospects in the by-election was pointed out, and next thing you know, the minister is zipping out the door of the cabinet room, bypassing the media and only coming up with a very poor, thinly veiled excuse here in the House that he had to look at the numbers some more. Nonsense. Partisan politics is ruling the day. The absolute shame of it is that it's affecting in a very serious way the election of a new council for a brand new city.

One of the other things that is in this bill, or isn't in this bill actually, that affects Hamilton-Wentworth directly is the request by Hamilton, specifically led by Alder-

man Tom Jackson and supported by Mayor Morrow, that there be one other seat in addition to the two for the rural, which I was very supportive of and criticized the report when it came out, saying that there was not enough balance here in terms of the city of Hamilton because we're 70% of the population, not enough representation from the rural areas to give the new council the best chance of having the credibility and the proper makeup of different voices from different parts of the new city for it to be successful. They did that and I've given them the credit for it.

But the other piece of it was Alderman Jackson's and Mayor Morrow's contention, rightfully so, that because of the population on the south mountain and the numbers of people who will be moving into those areas over the next while, there's a disproportionate representation, meaning that the individuals who live on the south mountain, by virtue of their numbers, don't have the same representation as the rest of the city of Hamilton.

So the request was that in addition to the two rural seats, there also be a further Hamilton seat to reflect and respect the numbers of citizens who live on Hamilton Mountain. Unfortunately, that argument didn't go anywhere and it would be most appropriate for the minister still at this late date to recognize that oversight and move an amendment that would ensure Hamilton has the kind of balance on its new council that it needs to be successful.

1550

The last thing I want to point out while I'm on my feet, Speaker, and I have less than two minutes, is the fact that the Henry VIII clause is being removed. This didn't get as much attention as it should have, and there's an obvious reason why the government pulled back, so they could stand up and say: "Why are you even raising it as an issue? We've pulled back." I think it's important to point out where this government's mindset is in terms of democracy. Again, it sounds like inside baseball, but I'll tell you this is crucial.

This government put as part of their legislation creating the new supercities, if you will, the new merged cities, a clause that said that a regulation from that law had the power to override not only any other regulation in any other law, but override any other law in order to give effect to this law—terrifying kinds of power, a further concentration. If I had time, I could talk about how this government has already concentrated incredible power into regulations, and regulations are made in the cabinet rooms behind closed doors, as opposed to here on the floor of the Legislature where we can debate it and people can watch it on their own TV or see it, hear about it or read about it through the media reporting.

A clause like this surely would have been challenged constitutionally. I can't imagine a Supreme Court of Canada saying that this is acceptable. Obviously, the word got to this government. They had to pull this back or they'd have a major tiger by the tail. But the story here is that it fits with the mindset of a government that believes whatever they want to do is OK, whatever that

is. That's why we called it the Henry VIII clause, because of that mentality.

Thank you, Speaker, for the opportunity to address the House on this issue.

The Speaker: Questions and comments?

Mr Mike Colle (Eglinton-Lawrence): It was certainly a worthwhile exercise listening to my colleague from Hamilton West. I think he made some interesting points in terms of the contradiction about giving people a voice, yet we see the political manipulation in Flamborough, where they're not following through with their promise to give people in Flamborough a voice.

The one comment I found interesting that the member made was in reference to the Henry VIII clause. Certainly the blatant Henry VIII clauses in there basically saying that the minister had power above the law have been taken out, but I should inform my honourable colleague from Hamilton that they have left three other clauses, which are what I call sons of Henry VIII, in there. The clauses are still in Bill 62, and these clauses read as follows about three or four times in the bill. It says, "In the event of a conflict between a regulation made under" this act and a provision of this act or of another act or regulation made under an act, "the regulation" made under this act "prevails."

In other words, the minister by regulation, without this Legislature, can supersede anything this Legislature has passed. That power behind closed doors, which is by definition no different than the Henry VIII clause, still exists in this Bill 62. So Henry VIII is alive and well in Bill 62, and on four different occasions the Henry VIII clause has been repeated in another form in Bill 62. So democracy is still thwarted in a bill that pretends to be about democracy. The Henry VIII clause is repeated there four more times, so it's still there.

Mr James J. Bradley (St Catharines): I thought the member's contribution to the debate was a very positive one, and he brought to our attention some of the deficiencies that exist in this bill. He recognizes, quite obviously, that what the bill does in effect is allow the provincial government, the Minister of Municipal Affairs, to dictate the wording of any referendum in Ontario. In other words, if a local municipality or the people within a local municipality want a question placed on the ballot that they believe to be valid, it impacts upon the community, they're not allowed to do so if the Minister of Municipal Affairs says it doesn't fit the criteria.

There are times when municipalities do want to get an opinion on something the provincial government has done, for instance, on downloading. But the member for Hamilton West will recall when this same government would not allow the municipalities to put information on the tax bill explaining why the tax bill had increased. That was when they had passed one of their nine bills on assessment. For instance, instead of proceeding with this bill, which is so flawed and needs a lot of amendments, one would have thought the Minister of Municipal Affairs and the Treasurer would try to rectify the situation for cultural clubs in our communities, which are now

being assessed at a commercial rate. I must say that the member for Hamilton West probably recognizes this and with the confined time he had in his remarks was unable to get to the point, and perhaps in Oakville we have the same thing happening. There are cultural clubs, ethnic clubs in the community, that used to be designated as residential for assessment purposes that are now designated as commercial. One simple move has to be made by this provincial government: Simply issue an interpretative memorandum reverting to the way it was before, and the problem is solved; the municipalities don't have to do anything about it.

The Speaker: Further questions and comments? Seeing none, to reply, the member for Hamilton West.

Mr Christopherson: I thank the contributions of the members from Eglinton-Lawrence and St Catharines.

Specifically, I'd like to just address the issue of the referendum. I didn't spend too much time on that because obviously local issues will dictate that my time be focused on that since my community is mentioned in this bill. You hear this government talk about referendum, and they talk about it like it's the one simple solution to how democracy ought to be in the new millennium, and they put forward the bumper-sticker slogan arguments about it. But at the end of the day, it's interesting that they have created a framework for municipal referendums which, first of all, as my friend from St Catharines points out, doesn't even allow municipalities the autonomy to decide their own question in their own election to their own citizens. No, no. Big Brother Mike Harris will be the one to tell municipalities what can and can't be put on a referendum ballot, totally dispelling their argument that they believe that government closest to the people is the best. Nonsense. Control, control, control.

Further to that, you've made the threshold so high as to make the likelihood of any referendum actually being binding almost impossible. The turnout has to be 50% and then the vote has to be 50% plus one. Well, let's just take a look at the city of Toronto in their last election when they were electing their new mayor, a hugely contested election. They had a turnout in 1997 of 45.6%. Had they had a referendum on there, under Mike Harris's law it wouldn't have counted. The truth is always in the details.

The Speaker: Further debate?

Mr Ted Arnott (Waterloo-Wellington): I'd like to inform the House that I'm going to be sharing my time with the member for Niagara Falls.

It's always a pleasure to speak to the House when it's so crowded and everybody is here. I'm glad the media were able to make it back from the Tom Long announcement to hear my speech. I am very glad to hear that—

Mr Bradley: Both galleries are full.

Mr Arnott: Yes, I see that. I'm glad you're here, member for St Catharines, to hear my speech. I'm glad to have this opportunity to speak about Bill 62, the government's municipal affairs bill, on behalf of my constituents in Waterloo-Wellington.

At the outset, I want to commend my friend the Minister of Municipal Affairs and Housing on the sterling job he has done in recent months. You will recall that last fall the minister was asked to do double duty within the government as Minister of the Environment and interim Minister of Municipal Affairs and Housing—a considerable challenge to say the least. I think most of us in this House expected that arrangement to be very temporary. But as it turned out, this dual and daunting responsibility lasted several months, until early March, when he was relieved of the environment job and installed as the permanent Minister of Municipal Affairs and Housing.

The minister has, throughout this time, confronted his responsibilities with a good degree of dedication, addressing the issues he has faced with the public's interest foremost on his mind. In addition to his heavy legislative responsibilities, he still found time to reform the Reform Party of Canada, which in and of itself is another considerable undertaking.

1600

This Bill 62 has the minister's signature on it in many ways, in particular, his ideas about the need to advance the cause of direct democracy and to advance the populist notion that a reduction in the number of elected positions in government, to show we're serious when we talk about smaller government, is a desirable thing.

In 1995 I served as chairman of the standing committee on the Legislative Assembly, a job I enjoyed very much, before I became the parliamentary assistant. In those heady early days of our government, when the revolutionary zeal was still at its zenith and everything seemed possible, our committee was assigned the task of exploring the issue of referendums, with an obligation to report back to the House on how we could expand the use of referendums in Ontario.

This minister at that time served as the government's point man during the hearings we conducted and made it very clear that his position was that more had to be done to involve Ontario's voters in the decision-making processes of government.

As chairman of this committee, I was unable to participate in the debates which ensued. While I had reservations about binding referendums in a general sense—I know the minister will recall that—I agreed and continue to agree that we need to continue to challenge the electorate to take a greater interest in political discourse, the work that we do here, and that we need to provide mechanisms whereby informed public involvement is invited. If we're successful in this, government will be more accountable and responsive, and ultimately more likely to succeed in improving the lives of Ontario's families, which surely must be the goal of every member in this House.

This bill, whose short title is the Direct Democracy Through Municipal Referendums Act, is intended to make local government more responsive and accountable to the electorate, and is well-intentioned in its scope and goals. As such, I support it in principle, I support its general thrust, and I intend to vote in support of the bill at second reading.

Through this bill we're creating binding municipal referendum legislation. There are a number of rules that are going to be set down according to which municipalities will have referendums if they choose to. There will be rules concerning how questions are placed on the ballot. There will be rules established as to what the nature of the questions can be. Of course, we want to make sure that municipalities have referendums on issues that fall under their jurisdiction. We'll have rules to make sure that the language is clear and concise, that the language is unbiased, and that there will be a process of appeal, if the question is inappropriate, to the Chief Electoral Officer of Ontario. Of course the opposition is saying that it's the minister who's going to write the question, which is quite inaccurate.

We establish a definition of what is a binding referendum. If there's a significant turnout—a more than 50% turnout at the polls for a referendum—assuming that the rules are followed, the question and the response from the electorate would be binding upon the council. There are rules governing the registration of the question and rules governing the campaign that would ensue when one of these questions is put to the electorate.

The other significant part of the bill I want to make reference to this afternoon is the changes it proposes to the Regional Municipality of Waterloo Act, significant changes undertaken at the request of regional council last year.

Since June 3 of last year, it's been my great privilege to represent a big part of Waterloo region in this House, including the townships of Wellesley, Wilmot and Woolwich and the southwestern part of the city of Kitchener, including the urban neighbourhoods of Laurentian Hills, Country Hills, Brigadoon and Pioneer Park. While redistribution and the downsizing of the House from 130 to 103 MPPs has represented a challenge, I think, to most of us in this Legislature, it has been a pleasure for me to get to know the new parts of my riding and the people who live in it.

The issue of regional government reform in Waterloo goes back many years, predating my time as one of the members of the Waterloo caucus. In recent months, challenged by the government to reduce duplication of effort and the cost of municipal government in Waterloo region—a challenge which, incidentally, has been extended to local governments across the province—there has been a great flurry of activity in an attempt to build a consensus around the model of local government that Waterloo region requires for the new millennium.

Our local elected municipal councillors deserve credit for their persistent efforts to advance the local government reform agenda. Leaders such as Regional Chair Ken Seiling, mayors Carl Zehr of Kitchener, Frank Friedmann of Wellesley township, Wayne Roth of Wilmot township and Bill Strauss of Woolwich township, supported by most of their councillors, all have been steadfast in their efforts towards positive change. Their goal has been to ensure that our region is in a strong position to capitalize on the opportunities of the new century, particularly in

terms of economic development, as our area continues to emerge as one of the dominant high-technology clusters in Canada, if not yet the world. I want to thank them for their good work.

There will be some in Waterloo region who will say that this bill doesn't go far enough, that a special adviser should have been appointed early in the new year to force a change in the structure of our local government. To them, I say that Bill 62 represents real progress towards a more streamlined, efficient, effective and accountable structure, which can be implemented with certainty and which will serve our area well.

This does not suggest or even imply that further reforms to regional government in Waterloo region cannot take place in the next few years. Indeed, the minister has challenged our local councillors to renew their efforts in this regard, and as the MPP for Waterloo-Wellington, I want to be helpful in this ongoing assignment. I intend to work to ensure that the provincial government continues to work co-operatively with our local governments which, of course, is the level of government closest to the people and administers and delivers important services to ensure that Waterloo region is well prepared for the boundless opportunities of the future as we build our communities for the generations to come.

Mr Bart Maves (Niagara Falls): It's a pleasure for me today to rise and join the debate on Bill 62. I'm going to direct most of my comments to the referendum portion of the bill.

I've listened to members on the opposite side of the House, so far in this debate, quite often talk about previous referendums, most notably, of course, the referendum on the amalgamation of the city of Toronto, when we moved the six cities into one. I've heard the members opposite, actually for quite some time now, not just during this debate but over the last few years, go on at length about how shocking it was that government didn't pay attention to that referendum result.

Now I hear the members opposite, as several years have gone by, stand up and say, "You didn't pay attention and 76% voted against it," and so on and so forth. Anyone listening at home and not really recalling the events at the time, might be—I don't want to say the words "be misled"—might wonder: "I wonder what happened way back then. I wonder how that came about."

I went back and looked up a couple of articles, because if I remember correctly, at the time there were ballots that were found in dumpsters around the city prior to the ballot; there were ballots found en masse in apartment buildings, which anyone could just pick up, take home, fill out and send in; there were ballots being sent to children that they could send in; and there were ballots being sent to people from out of the voting area.

I also remember a few problems with that referendum, in that I think the six mayors got together and sat down in a room and came up with ballot questions. Not all ended up being the same, but they weren't really clear and concise questions. If I recall correctly, the cities, once

they came up with the referendum question, actually spent taxpayers' money in an effort to get the vote that they wanted on the referendum, not, of course, financing the other side. Obviously, it skewed results. It's a terrible way of doing business. I think we're trying to legitimize the process a little bit with this bill.

As I said, I didn't want to just go by my recollection. I went back and did a little bit of research, and I pulled out a few articles from back in February 1997 and a little bit afterwards to see if my memory was correct. One of the articles is from the Toronto Sun:

"Four young brothers got ballots in the mail this week asking them to vote in Toronto's referendum on amalgamation City of Toronto employee Tom Lenathen said four of his five boys—aged seven to 14—all received ballots in the mail. 'How much faith can you put in this?'" There is a clear example, and my memory was pretty good there, I think.

1610

Another example was that of a retired Stoney Creek couple who have never lived in the city of Toronto and who received ballots. When asked about this, the lady said: "'If Jack and I can vote in Toronto this is really, really sick,' she said. 'Why should people pay attention to the results?'"

Councillor Tom Jakobek, who we see today is going to leave city politics—I am dismayed about that. He was excellent at what he did and I think the city of Toronto and the province in general are not going to be well served by his exit from politics. The hospital that I understand he is going to work at will be well served, but the city of Toronto and, by extension, the province of Ontario are not well served by his exit. I really wanted to see him remain in politics.

At the time, "Councillor Tom Jakobek said he'll demand an investigation into the way the city has conducted the balloting. 'Not only is it not legally binding, but it isn't even being done properly,' he said." He's got several quotes in other articles.

Here's another quote: "I just hope the sham and discreditation they're doing to it doesn't contaminate the public's mood for legitimate referendum in the future."

Another article that I went back and looked at came out of the Toronto Sun on February 21, 1997. "If ever an electoral campaign was tailor-made for practising that old piece of ballot-box stuffing advice to 'vote early and vote often,' Metro's amalgamation referendum would seem to be it. In Scarborough, for example, people can clip a so-called ballot out of a community newspaper and send it in to the civic administration building to be counted along with those the municipality sent out to local residents, whether or not they were legally qualified to vote...."

"Then there's the Toronto mail-in ballot, which has come in for considerable criticism this week because ineligible kids and non-residents have been extended the franchise via Canada Post."

The Sun said it was a scandal and a disgrace, and they were right. That's why, if you go back and you look at

the times, you look at the context, you look at how the whole thing was conducted, you can see why people were less than anxious to embrace that referendum result, unless of course you were one of those people, a No voter and a municipal politician at the time, who openly campaigned and agreed to spend taxpayers' money to support their preferred side of that referendum question.

I went back to March 4, 1997, and looked at some articles to see what were some of the comments afterwards. "Metro Chairman Alan Tonks says the megacity referendum results are not an accurate reflection of public opinion because the voting process was skewed to produce a No vote. 'To conclude that it's people overwhelmingly opposed to the unified city would be an exaggeration of interpretation.'"

It goes on, "He noted that ballots were sent to voters along with literature urging them to vote No, but there was no campaign to muster supporters of a unified city or sell the public on the advantages of the plan."

There is former Metro Chairman Alan Tonks, who watched this process and who said afterwards, "This is a sham." He gave a good reason why it was a sham—getting ballots and, along with a ballot, getting literature from the people who are conducting the ballot telling you which way to vote. That, I might say, is something that with this legislation we're bringing in can't happen any more, and that is vitally important.

There were also no spending limits on referendums in the past, and now this bill brings in spending limits. It makes it a little bit more legitimate. When referendums, Yes and No campaigns, get out there on referendum questions with a spending limit, you have a little bit more legitimate system.

It also says that a city that puts a question on a ballot cannot spend taxpayers' money to campaign in that referendum campaign for whatever side the current municipal politicians decide they want to support. I think that's vital. As Chairman Tonks pointed out clearly, and the record shows, that did happen in that 1997 Toronto amalgamation. This bill is going to stop that, and I very much applaud that.

I found another article. Toronto's city clerk, Syd Baxter, complained about the process afterwards, saying, for instance, that 9,000 residents in the city's ward 12 did not receive their ballots. An extensive investigation was "inconclusive" and failed to determine, quite frankly, where the ballots ended up. They could have ended up anywhere—mailed in, counted. Who knows who marked them; who knows how they were marked.

Another article: Tom Jakobek produced 500 referendum ballots which he said were discarded in city apartment building mailrooms. That's prior to the referendum happening. A councillor was able to come up with 500 ballots himself. So I'm sure if those who were out in force on one side of the issue were really out trying to grab a bunch of ballots, they could have done better than Mr Jakobek's 500.

I remember at the time hearing about the North York system of voting, where people would all get PINs. It

seemed pretty secure to me. All the residents get a PIN, and you phone in your vote. You give your PIN, and you register your vote. I thought that was a good system. I didn't see how there could be a problem with that. It ended up that one Toronto Sun columnist at the time just went around and asked people for their PINs. He said, "I was able in about an hour to come up with 10 PINs and vote 10 times any way I wanted."

So the reasons why someone wouldn't endorse that as a legitimate referendum result are clear, and many of those things that were problems with that referendum result are addressed by this bill. I'm very happy that the minister has done that. He has said that the bill says that now the question has to go through the chief electoral officer, which is vitally important; it must be a clear, concise question; it must be a question that has a yes-or-no answer, which is vitally important.

We've been through referendums in Quebec where the questions were bizarre questions, not yes-or-no questions on separation. The question they ask in Quebec has never been that straightforward. Of course the rest of the world, the rest of Canada, has sat on the edge of their seats during these referendums, thinking that the referendum was on separation, yes or no, but in neither referendum was it a yes-or-no question. That is, again, also addressed in this bill, something that I think is vital.

I'll reiterate. When a city puts a ballot question on there, they can't go out with taxpayers' money and campaign in support of the result they want. There are limits on spending money by either side. I think that's vitally important. We've had that for many years when we have provincial, federal and municipal elections, and of course that should be something that we look after when we're having referendums. So it's a good piece of legislation.

You've heard from other members a lot more on the bill. I know Ms Lankin in particular supports the part of Moosonee, which I support, and I appreciate her support of that part of the legislation. I rise today to talk about the past. As I said at the outset, people may have been sitting at home wondering why the government wouldn't have paid attention to that referendum result. I wanted to remind them of what really happened back then. I want to congratulate the minister on some of the changes he brought forward in the bill that are going to address a lot of the problems we back in 1997.

The Speaker: Questions and comments?

Mr Colle: I know it's very fashionable in this House for the government members to beat up and bash Toronto, and it seems to be fair game. I just want to set the record straight, though, that it was this government that was admonished by the former Speaker for spending \$360,000 of taxpayers' money on promoting the amalgamation of the city of Toronto. The Minister of Municipal Affairs was found in contempt of the House for doing that. Some \$360,000 was spent.

The second thing is that the member quoted from newspapers that were all pro-amalgamation. He didn't quote from the small newspapers that were for the people

on this issue. He also quoted politicians who were in the minority of being for amalgamation. In fact, he quoted one politician who was being paid by the government to push amalgamation. He was a member of the transition team. He was on the government payroll. What else was he going to do but say that the people were wrong?

But the people in Toronto, despite this government's attempts to muzzle them, got up from the grassroots and organized referendum questions in the six city halls. They did it despite this government's thousands of dollars being spent to try to stop them and suppress them. I think they should be given credit for participating in this process.

1620

If the member is talking about legitimate elections, in the last provincial election the chief electoral officer said there was sabotage during the provincial election. Are they going to recognize that election that took place provincially when the chief electoral officer said there were cases of sabotage that were rampant in the province during the election process? They accepted that because they liked the final result.

But in Toronto they didn't like the fact that people spoke out and said they didn't want the megacity. They didn't like the result, so they went ahead and attacked the people of Toronto for not doing as they were told by this government, because they had the guts to stand up to the government and say, "We want to protect our communities and at least have the right to express ourselves." That's all they did. Sure, it wasn't a perfect election and process, because it was done in a hurry and this government tried to block it at every opportunity. But I say to the people of Toronto, you did the right thing. You expressed yourselves, and you should continue to speak out and not be afraid of these bullies.

Mr Christopherson: It's so typically ironic during a debate where the government members are proudly standing up and boasting about how they feel this bill is all about democracy that right in the midst of one of those little chants about democracy what do we get tabled? Time allocation motions. One of them allows a whole day of hearings; the other one, none.

Let me point out that this is becoming a pattern of this government. The House leader tries to cut a quick deal that the opposition can't possibly accept, and then the next thing you know there are one, two or three different options tabled with the clerks that then have the effect of putting a threat over the opposition, "If you don't agree with the little piece of the loaf that we've offered you over here, then these motions would have the effect of taking all of the bread off the table." In fact, one might allow a few crumbs to be left, but there will always be another one that even takes away the crumbs of democracy.

Many of us, certainly in the NDP caucus, have maintained that this government talk, talk, talks democracy, progressiveness, fairness and equity, and yet all of their actions are the opposite, opposite, opposite. Here is the best example you could possibly see—you couldn't

orchestrate this better—where one of the members of the government stands up and talks about democracy, democracy, democracy, while one of his colleagues quietly tables the end of democracy by saying: "You're finished talking. We're going to do what we want."

Hon Dan Newman (Minister of the Environment): I want to commend the members for Waterloo-Wellington and Niagara Falls for their comments today.

I want to touch on what the member for Niagara Falls talked about, and that was the ballot system that was used in the former cities in the new city of Toronto. I can tell you that in Scarborough the ballots were distributed through a local newspaper, the Scarborough Mirror, and they were distributed three ballots per household. It didn't matter how many people lived in the house, how many people were of voting age, if they were even eligible to vote in a municipal, provincial or federal election, it was three ballots per household.

The interesting thing about the distribution of these ballots is that the Scarborough Mirror is only delivered to houses in Scarborough. In other words, the people who lived in condominiums and apartments in Scarborough at first were cut out of the process, totally left out and had no opportunity. But the thing that I despised about that ballot more than anything was the fact that individuals had to actually sign their names on the ballots to be counted. Can you imagine that in Canada, having to sign your name on a ballot? Ballots should be secret. No one should know how anyone else votes. That's something that I was opposed to in 1996 when this was brought forward, and it's something that I am opposed to today, anything involving signing ballots, whether it's in the workplace or in any sort of election.

I also didn't like the idea that the city of Scarborough was funding one side of the issue. They chose to fund groups who were anti-amalgamation and left out individuals who were in favour of amalgamation. These are taxpayers as well and they were left out of the process.

The NDP today talks about democracy. In 1994 a referendum question was put forward by the city of Toronto with respect to doing away with the Metro level of government, and they didn't listen to the people then.

Mr Alvin Curling (Scarborough-Rouge River): To follow my colleague from Scarborough, I think he forgot that our wonderful mayor, Frank Faubert, who was a great mayor, tried his best to meet with the minister in order for us to participate. What did you do but shut him up, and they were unable to participate in any way. This is the same government that is bringing forward democracy, openness to the people and allowing the municipalities to participate. But here was a respected mayor saying, "Our people would like to participate," and what they did was shut him down. This is the same government that, when all the citizens were saying, "We would like to express our views," said to them: "No, we will tell you. We will amalgamate you all without any questions and without any directions." They just came down with this kind of hammer, no matter how they protested and no matter what kind of referendum they put in.

I will get an opportunity to speak later on, but I'm so disappointed that the minister who is now in place, a person I respect a lot, is bringing forward a referendum bill about direct democracy but there is no direct democracy. "Direct democracy" comes out of the mouth of the minister, and then he says to the municipalities, "You do it or else." Is that democracy? Is that the democracy of Scarborough, when our Scarborough member stands up and talks about how he remembers putting all this into the Scarborough Mirror? I'm not concerned about the Scarborough Mirror. I'm concerned about individuals in the Scarborough area who want to participate in the democratic process and who have been shut down and denied the opportunity to participate and be involved in the democratic process.

I want to say to the member from Scarborough that I know you're quite busy as a minister and all that, but when you go back, ask those people if they were given those opportunities, or were they denied by this government, by your government? They will tell you something completely different than what you said today.

The Speaker: Response?

Mr Maves: I will respond first to the member for Eglinton-Lawrence. He made the statement that he endorses all the things regardless of which paper wrote about him and who complained about him. They happened. The fact of the matter is that all those things happened. What the Minister of the Environment is talking about happened. I don't know how anyone can endorse that and say it's OK.

Quite clearly, I have not taken shots at the city of Toronto. In fact, I lament on behalf of the city of Toronto that they are losing one of their brightest councillors today.

The member opposite also gave everyone credit for getting up and voting, and I do too. Everyone should get up and exercise their right to vote. But please, do it once. That's the gist of my comments. It wasn't everyone who did it over and over again, but there were many who did. My comments today were about, yes, get up and express yourself, exercise your right to vote, but do it once.

He also said that he thought we didn't like the fact that people express themselves. This bill not only gives people the right to express themselves in a referendum, but makes it possible that the referendum can actually be binding on a municipality. That has never been there before. That is something new, and gives a great deal more support to those who do get up and express themselves and who do go out and vote.

The member opposite from Hamilton complained again about getting a time allocation motion. I note to him that when his party was in office from 1990 to 1995, they were known as the kings and queens of time allocation. For those at home, what happens here is that the three parties try to agree to a timetable. If they can't and people don't want the vote to go forward, eventually the government has no choice than to move on to other business.

The Speaker: Further debate?

Mr Mario Sergio (York West): As I rise to make my comments on Bill 62, let me say that I have been waiting for almost five years and am totally disappointed with Bill 62, introduced by the government, which is An Act to enact, amend and repeal various Acts in order to encourage—I would say discourage—direct democracy through municipal referendums, to provide additional tools to assist restructuring. The bill as it is takes away more tools, rights and powers from the people and from local municipalities.

1630

I have here a document with respect to referendums, Your Ontario, Your Choice, put out by the PC government elected in 1995. This came out in August 1996. I haven't heard the Premier or anyone from the government side address this document. To be kind to the Premier and the government, this is a total flip-flop. What is in the bill today is a total divestment of this. It does not speak one word about giving a voice or giving power to individuals, groups, agencies or organizations in Ontario when it comes to referenda. There is zilch, nothing whatsoever.

The only people who maybe can do that, if they are being nice, are local municipalities or the government. How about that for democracy, Madam Speaker?

While I am addressing the matter, we are being told that our time to speak on this very important issue, on this flawed bill, is being curtailed as well. Again, this is part of the democratic process according to the gospel of Mike Harris. They cut the debate when they don't like what the opposition has to say. They cut the debate when groups, organizations and individuals attack the government. They cut the debate to practically nil.

The amendments that are being proposed in Bill 62 really discourage participation by the people of Ontario. They provide fewer tools and opportunities to approach the elected people, the government that represents them, to do their will. I believe that democracy works when the governing majority gives the minority an opportunity to be heard and then listens to it. Only then will democracy be alive, working well and serving the people of Ontario.

What we have seen in the last five years is a total travesty. It's a total reversal of what they said then and what they are planning to do now with the introduction of Bill 62. I have to read a couple of lines from this document produced for the government of Mike Harris in August 1996. It says, "Your Ontario, Your Choice." I'm saying to Mike Harris: "If you want to give them a choice, give them the opportunity to choose. With this document, you are not giving the people of Ontario any choice."

One of the comments here is, "We're looking at the possibility of government-initiated, opposition-initiated and citizen-initiated referendums." Premier, I dare you to tell the people of Ontario and this House where in Bill 62 you are giving the opportunity you talk about in this document. You are mum when it comes to giving citizens an opportunity to be heard through referendums.

"We also feel—unlike other politicians—that referendums are a good idea and do not limit the ability to

manage a government. We don't think it is unreasonable for people to have those alternatives." I would agree if they had that opportunity, that alternative. But again, in this document Mr Harris and his government are not giving the people any choice or any alternative. I have to say, "Shame on Harris and shame on his government."

A very nice quote from this document—of course this was in 1996, and we are now in another century: "What makes direct democracy so important, particularly now?"—back in 1996, not now—"Many people tell us they feel disenfranchised by the process of modern government. Many don't believe government can work for them. The manner in which important public policy issues are decided often appears to be dominated by special interest groups"—oh, yes, special interest groups—"that seem to enjoy preferred access to the media. Moreover, the gap between those with power and those without seems to be widening."

I have to agree wholeheartedly with the Premier on this quote from 1996. That gap between the people and the Premier and the politicians with the power has been widening and widening. The people have no power when, on an important document such as this one, we are being cut as we deal with the issues.

He goes on to say, "Some suggest that this vicious circle eventually leads to a divided society composed of actors and spectators." Isn't that nice? Who would be the actors and who would be the spectators here? It's fascinating that they provided a document we managed to hang on to, and it has come back to haunt them. "Those who make public policy, and those who watch it being made"—isn't that nice? "The new environment of 'ins' and 'outs' has the potential to create a frustrated, mutually hostile, and often polarized society." Again, I congratulate the Premier for polarizing the people of Ontario in exactly this way.

I have to go back a bit more, to August 13, 1990: "No constitutional reform should be imposed on the people of Ontario unless they have first had the opportunity to pass judgment on it through a binding province-wide referendum. Only if approved by such a referendum should any amendment resolution be presented to the Legislature." This was Mike Harris on August 13, 1990.

There is nothing in this silly piece of legislation presented by the government that speaks directly to the people of Ontario. I say it's a sham.

"So must be the question of responsibility," he goes on. "Some have negatively suggested that the referendum mechanism is an abrogation of a government's responsibility to govern." I have to agree with that as well. "This Ontario government believes otherwise. Our concept of governing arises from a strong belief in individual choice"—there are no individual choices if Mr Harris and his government pass this piece of legislation as it is; there are no choices for the individual—"collective stewardship, and distributed responsibility for the future. In other words, we believe that individuals should decide their futures." I challenge any member of the government and I challenge Mike Harris, the Premier, to find in this

document that he has introduced—and he has cut debate to 10 minutes each today, and only for today—where he is giving individuals the right, the possibility, to decide their future. It's not in this document.

1640

Enough of this, because I want to add something of my own. This is a document I have kept since it came out in 1996. It was done when they were thinking of introducing a referendum. Why would they be thinking of introducing a referendum? I would have supposed, on some important issues where, being politicians, maybe they were too hesitant to use a sledgehammer, so they said, "Let's have a referendum." But in a way I would say they were smart. They said: "Let's put it on paper. Let's do our homework—our dirty homework—and then we'll come back to it when the time is right." My goodness, isn't it nice that as soon as Mike Harris took government, he slashed and burned every sector in Ontario: school boards, hospital closings, imposing penalties on seniors, increasing taxes in a number of ways. He has done all of that. Now he comes back and says: "You know what? I will even take away your right to complain about something that really bothers you." It may be, as we heard before, the environment, municipal taxes, seniors and pensioners, double-billing or even garbage disposal, whatever—anything that would make the people say, "I want to do something about it; I want to speak up." Their right has been taken away here.

The Premier and the ministers have amassed all kinds of responsibilities and power for themselves and they can pass those responsibilities to whomever they want on behalf of the government, without a single citizen having the opportunity to say: "I think it's wrong. I'd like to have a say." If you really want to talk about democracy, then you have to give those people an opportunity to be heard, and once you hear them, you have to abide by that majority because they have spoken. But we have seen, under the Mike Harris government, where the majority stands. It doesn't stand anywhere. Last year the six or seven municipalities now forming Metropolitan Toronto said: "Premier, we don't want 1700 slot machines at horse racing track at Woodbine. We don't want it." Not only was it against their zoning bylaws—so what did Harris and his government do? They said, "To heck with you; we're just going to give it to them," and that's what they did.

You know what? Again, using the back-door type of policy, having no regard for people's concerns—families, poor people, seniors, whatever—now they are talking about even allowing gaming tables. Can you imagine that?

It has been said, but it's worth repeating: 78% of the people in Toronto said: "Look, not only do we not want amalgamation here in Toronto; we don't want the way you're doing it. So stop, take your time, and let's do it right." What did Harris do to the long gone and beloved former Minister Leach? They shoved it down their throats the way they wanted. I have to tell you that not too many people are very happy with the way the amalgamation has been done and is working now.

In California back in the fall of 1996, I believe, which I think is the mecca of referendums, they had some 15 referendums on the ballot in that particular year. Those were all kinds of varied questions. They were not curtailed by the higher power, by the state, as to what they could ask. Even though they had all kinds of referendums, at least they had the freedom, the choice to put on the ballot whatever they felt was important for their community, for their municipality.

With this bill, the way it is presented, we don't have a choice. With Bill 62, the people of Ontario don't have a choice. Why don't they have a choice? First of all, they haven't got the right to ask for a referendum. Second, it's only up to the province. The Premier, the cabinet, the minister, or whoever they want to appoint, will have the final say. I don't want to pick on the Premier needlessly, but let me say this. If it's going to go through, it's going to go through, no fuss or mess. Let's be realistic here. Mr Harris has the majority, and if he wants to do it, he's going to do it, and we can holler all we want. I can make my sore throat even worse than it is now.

But the question is this: On such a very important issue, we can't say that the question has to be so clear, so concise, that the answer can only be a yes or no. Is that common sense? I beg not. What kind of question can we ask the public that would get us a yes or no? That is very unfair.

A piece of legislation like this, yes, probably will go to one of the committees to be debated and probably will come back into this House and be introduced again, as it is or changed in such a way that fits solely the aims of the Premier and his government. If that is the final thing, so be it. But to curtail debate, to curtail the people's voice, and not give them the opportunity to say, "I'd like to see a question and I'd like to have some input," is totally unfair. I think this is the last straw. It really muzzles the people of Ontario; not only people but local organizations, local groups, local agencies and school boards as well.

Who are the people really? Is it possible that when we sit within these four walls we say we are speaking on behalf of the people but then we do what ever the heck we want? I am sure, Madam Speaker, that you as a member of this House and the other members of the House—through our community works, involvement in constituency work—do hear on a regular basis from our local constituents, and we have a lot of complaints. They may complain about high taxes, hospital care or the high cost of drugs, but when it comes to saying, "I won't allow you to speak," that's another story.

Even my seniors, I have to tell you, are enraged. They say: "You have been hammering on us. We have a measly pension, we can't afford to live in our homes, and now we can't even express our views any more?" I think that is totally unfair.

We can't support this piece of legislation as it is, but I do hope that the members who are in the House, and the Premier out there, truly, seriously will consider changing it or even abandoning it, because we believe that a

responsible Premier, a responsible government, does not have to resort to this type of referendum, to this type of governance, if you will.

In completing my remarks—I have gone through maybe a quarter of what I wanted to say and my time is up—I do say thank you, and I hope that when the bill comes back it will be a much better and improved bill.

The Acting Speaker (Mrs Elliott): Further debate? Comments or questions?

1650

Ms Frances Lankin (Beaches-East York): I guess there's much I'd like to say. I had an opportunity earlier to speak to this bill, but I want to comment specifically on the fact the member has raised about debate being cut off and moving forward.

I had an opportunity in my participation in the debate to raise a question with respect to one section of the act that appeared to me to place limitations on the ability of a municipal candidate to continue to fund-raise to pay off a campaign debt. The parliamentary assistant at that time attempted to answer my question and didn't quite, and I asked for some further information. I'm very grateful that the minister came into the House the next day with a letter for me setting out what the section does. I went back over and talked to him because in fact it does set a new limit. It says that seven months after the election is over, November to June of the following year, a candidate can no longer continue to fund-raise essentially with receiptable or rebatable donations to pay off a campaign debt. I pointed out to the minister that this is a very serious barrier for individuals who may not have the financial wherewithal, and as we see amalgamated municipalities, larger wards and more expensive campaigns, for those people entering into municipal politics who don't have the backing of political parties and riding associations to pay off debts, many people will be limited or there will be a perceived financial barrier.

The minister, to his credit, said, "Thank you, and let me take a look at that." I really appreciated it and would not even be raising it now if there hadn't been a time allocation motion tabled which has no time for either hearings or the clause-by-clause process which would allow us to deal with amendments. Even if the minister goes back and says: "You know what? Lankin's got a point. In fact, this is unfair. In fact, this is treating municipal politicians in a very negative way, creating a financial barrier," even if he agrees with me and wants to change it, this time allocation motion, if the one is passed with no hearings and no clause-by-clause, would prohibit that. That's not democracy.

Mr Gerry Martiniuk (Cambridge): I'm very pleased to have the opportunity to speak to the Direct Democracy through Municipal Referendums Act. This particular bill—and I don't think it's a matter that has been touched on yet—also includes a provision for the region of Waterloo in particular. There has been continuing debate in our region regarding a restructuring, and the municipal councillors, whom I happen to have a great deal of faith in as to their integrity and their hard work, made a few

recommendations to this government. This government and the Minister of Municipal Affairs listened to their recommendations and facilitated, and first unified, the bus service in the region of Waterloo, which is most important. As our municipality grows, many individuals have to cross municipal lines in order to go to work or go to school, and that was facilitated some time ago by this government.

The second recommendation that is contained in this bill will permit for the direct election of regional municipal councillors for the first time. To date, the mayors and regional councillors were elected by the municipality, and now they will be elected directly. I think this is the first big step for major municipal reform in our region and I'm pleased to support this bill.

Mr Colle: It's interesting, the reference in this bill also to restructuring and changing some of the governance in Waterloo region. In the city of Toronto we were told, "If you really want to save money, you should have one level of government." They got rid of the upper level and just had one level. All of a sudden there's a double standard. In Waterloo they're saying, "No, no, you need two levels," so in Waterloo they're creating another level of government with direct election. I just don't get the rationale here. Then in Toronto we were told, "Use the provincial riding as your basis for municipal elections." They're doing neither in Waterloo. So what's good in Waterloo, where the Tories hold power, is much different from what supposedly happens here in Toronto. It's part of the double standard Toronto is treated with, but around here we're used to having Toronto kicked around.

Second, there's another interesting clause which says that if you want to put a question on the ballot—the elections are coming up in November—you have to have the question approved six months in advance. That means that municipalities across Ontario would have to get this approved within a month. It's just not possible, it seems, unless the minister extends the time for municipalities across this province to get any questions on the ballot in November. So this bill, which supposedly is about democracy, makes it very cumbersome and difficult.

In fact, as the member for York West said, it's ironic that as we're talking and the government is trying to pose as being very democratic, it's invoking closure again. This government has invoked closure more times than any other government in the history of this province. It invokes closure every day, saying there's a mad rush, yet it never wants to sit. So you have to ask, why all the closures? Why do they always want to stifle debate? Here they're pretending. This is a pretend democracy bill, because their true actions with closure speak louder than this bill.

The Speaker: Further questions and comments? Seeing none, response?

Mr Sergio: In my final remarks, I'd like to thank the members who have addressed my comments.

I have just a couple of things to add. Saying it's going to be binding only if we get 50% plus one—Mr Speaker, I don't have to tell you; you've been here long enough

and you have municipal experience, and we have a lot of members on the government side as well with municipal experience. To get 50% during a municipal campaign is almost impossible, I would say. Sometimes it goes from a low of 20%, 22% or 25% to 30% or 35% of the eligible voters. So that's one, and the major, stumbling block of saying, "We're going to give them a choice and we'll make sure that 50% plus one will make do," and we go to a referendum. Darn it, we know very well that it's impossible, especially in a municipal election, to get 50% of the eligible voters to come out to vote.

I believe that our system is democratic. It could be better, let's face it, because we're being curtailed on a daily basis, but our system is democratic. It's a fair system. Yes, it has some faults. Yes, it could be improved. But it still protects the individual, individual rights; minorities and ethnic minorities as well. It gives us protection; it gives us peace; it gives us a good sense that we are a well-governed community. I would like to see it that way.

The Speaker: Further debate?

Mr Toby Barrett (Haldimand-Norfolk-Brant): It's a pleasure to address Bill 62 today, An Act to enact, amend and repeal various Acts in order to encourage direct democracy through municipal referendums, to provide additional tools to assist restructuring municipalities and to deal with other municipal matters. Today I'll be speaking about this bill in relation to Bill 25, the Fewer Politicians Act, how direct democracy could affect my riding and how this bill will enhance municipalities' ability to govern.

As we know, this bill, if passed, would allow local communities to hold binding referenda as long as at least 50% of eligible voters turn up and a clear yes-or-no question is asked. This bill was meant to improve upon Bill 25 and other municipal acts by not only fine-tuning restructuring but also firming up the rules surrounding municipal referenda and making them binding upon the municipality. This is something that has never been done in a formal way in this province.

What it means to the everyday person is that there is light at the end of the municipal restructuring tunnel and at the same time the Harris government is now going to give citizens the right to self-legislation on matters that are purely within local municipal jurisdiction. Let's face it, the primary vehicle for service delivery in Ontario has always been local government. Municipalities can pinch pennies in places where the province could not and still maintain quality services. This is certainly the case in the new united Brant county, which has an admirable record for holding the line on property taxes. This will soon be the case for the soon-to-be-formed counties of Haldimand and Norfolk.

1700

I applaud the Minister of Municipal Affairs, Tony Clement, and the Ontario government for choosing the right course of action in bringing forward this piece of legislation that will enhance democracy in Ontario at the most important level, the local level, and give local

governments the tools they need to respond to the needs of their communities.

Citizens in Ottawa-Carleton, Hamilton-Wentworth, Sudbury and Haldimand-Norfolk have endured countless studies, petitions, discussions and referenda, non-binding referenda, as we know, concerning restructuring, without any real results. I'm proud to be part of a government that is committed to keeping those broken promises of yesteryear, of previous governments, and doing what we said we would do.

There has long been a consensus, a non-partisan consensus, that government in these four municipalities is too big, cumbersome, inefficient and costly. There has also been significant public debate in all four regions for too many years on how local government should be restructured. Our government has acted, and acted swiftly, and will ensure there is a smooth transition to the new municipalities to be created January 1, 2001.

I want to talk a bit about referenda that have been held with respect to regional government in my riding. I feel we can learn from the past. Much has been revealed over the past 27 years of debate on regionalism in my riding. Attitudes towards regional government were first revealed to me in 1971 when I volunteered to conduct focus groups for what was referred to as the Earl Berger study. At that time, Haldimand-Norfolk region was just a gleam in a bureaucrat's eye, but what people were saying then did not differ greatly from opinions today.

Back in 1971 a man from Caledonia told the Berger study, "I just think of more and more men up there doing less and less ... and taxing the farmers higher and higher just to keep them there." Another Caledonia farmer said 27 years ago, "The most frightening thing about regional government, as a farmer, are the taxes."

The idea of municipal referenda in my area is not new. In fact, in 1994 there were two municipalities that had non-binding referenda affixed to their ballots.

I would like to read an article from the archives of our local daily paper, the Simcoe Reformer. This was an article concerning the November 14, 1994, election. The title of the article is: "Regional Ballot has no weight—Simcoe and Nanticoke will ask the question about dismantling the region, but who will listen to voters' answer?"

"Thousands of Simcoe and Nanticoke voters will go to the polls Monday to vote on whether to dismantle regional government, but the plebiscite may carry little weight.

"It's a moot point," said Norfolk New Democrat MPP Norm Jamison of the vote. Last month, the Ministry of Municipal Affairs released its review of regional government, calling for fewer local politicians and outlining more responsibilities for a lower-tier government."

This is 1994, under the NDP. It's a little hard to believe just from what I've been hearing in the last few days. As is indicated, that was then and this is now.

Minister Ed Philip is quoted as saying: "We've studied and listened to as many people as possible ... It's now in the hands of councils" He also stated, "Referendums

are only valuable when there is a clear question." That's in 1994.

"However, if the NDP is defeated in a spring election, some local politicians say the recommendations outlined in this third provincial study of Haldimand-Norfolk government in 12 years may never be implemented."

During that election and that referendum: "Both Simcoe and Nanticoke voters will be asked if they favour the elimination of regional government and the support of one-tier local government. The results are not binding"—I'm quoting from the newspaper—"since provincial government legislation is required to make the changes.

"Local challengers in the next provincial election say they do not favour a fourth review of the region. But Liberal candidate Rudy Stickl and Progressive Conservative candidate Toby Barrett say they are interested in Monday's results.

"Stickl said such a complex and contentious issue won't be resolved with a one ballot question.

"It's only a couple of municipalities that have it on the ballot," Stickl said. "You could have a question, 'Are you in favour of abolishing the federal government,'" and I think 60% of the people would vote yes. It's too complicated an issue."

That was the Liberal view of the day.

"Tory candidate Toby Barrett was also interviewed, 'A one-question referendum is a bit of a blunt instrument,' he said." I did have some cautionary concerns. And quoting myself again: "Once the viable and feasible alternative is costed out," Barrett said, "I'm more than willing to take it to Queen's Park when and if a change in legislation is needed at the provincial level." Again, when a promise is made, a promise is not broken.

"The Barrett quote continues: 'I don't think any form of government is here to stay. The structure of government is continually evolving and hopefully improving itself over the years.'"

I would not dream of leaving the members of this House without information as to how that municipal referendum question turned out. Again, from the 1994 Simcoe Reformer: "Then we must tally the great regional question. The vote in Simcoe and Nanticoke combined shows 10,721 want to get rid of that level of government, and 3,831 said, 'No, let's keep it,' and it means nothing." Again, that referendum was non-binding.

Another article of the day addressed the non-binding referenda in both municipalities:

"Simcoe residents want to eliminate the regional municipality of Haldimand-Norfolk but their votes likely won't make much difference to the province.

"During last night's election, 3,983 people voted to get rid of the region ... Council will have to take a look at the results of the referendum, but (Municipal Affairs Minister) Ed Philip has already told us what he's going to deal with the referendum, and basically that's nothing."

That was a quote from mayor, Rick Kowalsky, who is quoted as saying he wasn't surprised at the results of the abolishment question.

"In the city of Nanticoke, 6,738 people voted in favour of abolishing the region in favour of a single-tier level of local government, while 2,070 were opposed."

At that time, Nanticoke Mayor Rita Kalmbach, on hearing the results, called the vote "moot."

"Even Mary Field, president of the Norfolk Taxpayers' Coalition—a group instrumental in getting the question put on the ballot—said the vote is meaningless. 'It means absolutely nothing,' Field said. 'We haven't put the people in place to make a change.'"

It is the intention of this government to fix this sad type of situation and make it possible for local communities to hold a binding referendum, to ask a yes-and-no question and to have the municipal government take action on that question. I think this kind of legislation is a long time in coming, and I can certainly attest to the fact that local people and a number of local municipal politicians support this legislation.

Mr Colle: I appreciate the member for Haldimand-Norfolk-Brant's survey of all the press coverage of the issues in his area. I really would like to know what he thinks and I hope he would do that in a summation.

The interesting thing about this piece of legislation is section 8.1(1)(a) which says, "A bylaw to submit a question to the electorate under clause 8(1)(b) or (c) shall be passed at least 180 days before voting day in the election."

I wish the minister would clarify how this is going to be possible with the election this November. In other words, is it going to be physically possible for municipalities, which sometimes meet just once a month, to pass a bylaw without public discussion and getting a question on the ballot for the 2000 election? I hope he clarifies that. If I read it this way, this is impossible for this coming election year. I hope he would make that amendment or change; maybe it's an oversight.

The critical and most damning part of this bill is in section 8.1 again, where it speaks very clearly about the authorized question under clause 8. It says, "It shall concern a matter within the jurisdiction of the municipality." Again, who has the power to determine that? It says, "Despite rule 1, it shall not concern a matter which has been prescribed by the minister as a matter of provincial interest." In other words, the minister has the power to decide what the question is going to be and what the question is going to be on. That has to be taken out of this bill for it to have any kind of credibility. As you know, the Association of Municipalities of Ontario, which represents 95% of the municipalities across Ontario—also in Haldimand-Norfolk-Brant—has condemned this bill as having no credibility whatsoever. So it has to be amended dramatically to have any kind of chance of having any use.

1710

Ms Lankin: I am pleased to respond to the member from Haldimand-Norfolk-Brant. I recognize some elements of what he is talking about in terms of moving municipal referenda into some realm of a legitimate nature, a binding nature. There could be some merit in

that. The problem is in terms of some of the limitations within this bill itself. We have spoken in terms of the participation rate and whether that's sufficient, but I think the point that was just made, that you're only allowing municipalities to put questions on that are "within their jurisdiction," and that that jurisdiction can be prescribed or changed by the minister—the minister can declare a provincial interest and therefore prohibit a municipality from canvassing their own citizens on an issue of relevance.

It also begs the question—because another section allows the minister to place a question on the local ballot—why you would be prohibiting municipalities from pursuing any question that they're interested in putting to their people, even if it is outside their jurisdiction. It may not be binding, therefore, but they may want to seek an opinion from their people with respect to some provincial initiative, like the downloading that has been taking place, as an example. You're stopping that and yet you're giving yourself the power to put your own question on that municipal ballot.

So while there are elements here where I can see a glimmer of where we might go in a brave new world in terms of direct democracy, there are real limitations in terms of the way this bill is constructed. It has more in terms of its flair and rhetoric than it does in terms of its substance, unfortunately, because I think the day has come where citizens do want more participation in direct democracy. Unfortunately, this bill doesn't provide that.

Hon Tony Clement (Minister of Municipal Affairs and Housing): I'm happy to join in the debate and thank the honourable member from Haldimand-Norfolk-Brant for his commentary. By giving some local flavour and some local experiences, he has enlightened all of us as to some of the local effects and local needs with respect to this particular piece of legislation when it comes to direct democracy.

I would say to the honourable members of this House that this is a step in the direction that we all want to take. I'm particularly perturbed by the honourable members of the opposition who, in the course of the debate this afternoon, have suggested on one level that this bill doesn't go far enough, when in fact it was their party that filibustered the consideration of direct democracy at the committee level on the basis that we went too far. That was good enough a couple of years ago, to say that we were going too far when it came to direct democracy and in particular when it came to citizens' initiatives, and now they're saying we're not going far enough. I'm quite happy to take on the record their current position, but I have no confidence that it'll be their position next week. That's the big problem.

The honourable member indicated that he was concerned that the current piece of legislation could not be effected in time for the 2000 elections. I encourage him to read on in the bill, because there is a specific section, which I'd be happy to give to him at the close of debate today, that deals specifically with his concern. It is something that we have thought of. We want this bill,

should it gain the confidence of this Legislature, to be in place within an appropriate period of time so that municipalities and their citizenry have the advantage of the rules in place, the credibility in place, to ensure that any referendums on the 2000 ballot have the credibility, have the rules in place, have the legitimacy that we all want to see, I would assume, on both sides of this Legislature.

Mr Duncan: I'm pleased to comment on the member for Haldimand-Norfolk-Brant's statement. A couple of issues: First of all, again to the minister, we suggest your position has changed quite dramatically too. As I recollect, in those hearings you talked about citizen-initiated referenda, and what this bill does has absolutely nothing to do with democracy or referenda. What it deals with is muzzling municipalities, muzzling the ability of communities to speak on issues they perceive to be of some importance.

I find it somewhat ironic, and I can tell you, as House leader of the official opposition I'm now faced with the threat by this government of bringing closure in on their democracy debate. That's what we talked about. The last thing I was told was that we're going to have closure. I challenge the government: If you're really intent about democracy, and this bill is all about democracy, then don't shut it down. Don't allow this nonsense to go on. Allow us to have meaningful debate and, most important, let us have committee hearings. If you're truly interested in democracy, as you say you are, if that is where you're going, I suggest to you that you won't use the great mallet of closure to stifle this Legislature and to prevent public input into this bill. If you're all about democracy, you ought not to be afraid of that.

We'll find out on Monday, I suppose. Earlier today we thought we were going to have hearings. We thought this was agreed to. Then all of a sudden, "Well, we may have to bring in closure"—just another example of the government saying one thing and doing quite another, and that's a great irony in this particular bill. I stress that this bill has nothing to do with democracy and has everything to do with the province trying to control and muzzle municipalities.

The Speaker: Response from the member.

Mr Barrett: I appreciate the feedback from the members, and from other members who also wish to provide feedback. It's regrettable they now have to leave. I'm very appreciative of Minister Clement's close monitoring of the riding of Haldimand-Norfolk and also of the new united Brant county, which encompasses part of my riding.

I want to just make reference to some very recent comments from local municipal politicians, again quoting from our daily paper. The headline on the front page is, "Politicians Optimistic About New Referendum Legislation." This is written by Monte Sonnenberg. It leads off: "The Harris government's plan to introduce binding referendums at the municipal level is playing to generally favourable reviews in the local area."

I wish to quote from a Simcoe councillor. You will recall the town of Simcoe had that non-binding referen-

dum in 1994: "My gut feeling is this is a good thing," Simcoe Councillor Charlie Luke said. "But I could see it being very important that the public is well informed on what they are voting on."

Another councillor down in the township of Norfolk, Roger Geysens, "likes the legislation's 50% threshold for voter turnout. Municipal elections rarely attract 50% of the electorate, he said, meaning the question would have to be of great importance before it attracted the required interest." Back in 1980 that township had a referendum on regional government. It was non-binding, so of course nothing happened.

"Nanticoke Mayor Rita Kalmbach"—they also had a non-binding referendum—"says there are many potential benefits to putting questions directly to voters. Often with contentious issues, Kalmbach says the public hears only the views of a vocal minority, prompting some to conclude that this is how the community feels."

The Speaker: Further debate?

Mr Curling: Indeed it's a pleasure to rise and speak in respect of this Bill 62, which talks about direct democracy. I feel this government feels that they could better serve the people if there were no people there to serve. In other words, the government here feels that if they could just go away, it would make it much easier because people get in the way of their governing.

1720

Remember when this government came into power. The Premier said, "Listen, I am here not to be government; I'm here to fix government." In other words, "I'm not the government." In other words, "I'm going to disregard all the democratic processes that are there; I'm here to fix them," and he surely put the fix to them.

Democracy is about people participation. This government is about making sure that people do not participate. The direct democracy that we see here is basically not allowing people to participate. It is obvious. If you read Bill 62, it tells you that. It tells you: "We will tell you when to speak, how to speak and what to say. We will tell the municipalities when to speak, how to speak and what to say at a certain time. If anybody crosses over the line of provincial interest, we will then tell you that's it."

The fact is that we know that democracy is better served when we have people fully participating. We know better laws are made when people fully participate, because laws have impact on people. Laws are about people. Laws are for the people and must be made by the people. This is what I tell the young people in my constituency of Scarborough-Rouge River and all across the province when I see them. I say, "We live in a wonderful country, and any laws that have been put forward by a government, you should make sure that you participate." But this government, ever since its inception, is making sure that all the people do not participate.

I think they started off with the people here in the House, in the opposition. You can recall, Mr Speaker, you were very adamant about that too. I could see the expression on your face when you were a member sitting over there, before you were Speaker, when they were

ramming through this amalgamation, this omnibus bill, this bill that asked that no one participate: "We will do it when we want, as fast as we can, without any kind of consultation at all, and we will amalgamate every city when we want just by regulation, by the back door of cabinet" and saying, "Let's do it" without any participation at all.

Then my colleagues here sat up and said, "No, this will not happen." The people outside were responding in that manner. They said, "We can't believe that a government would come in that had just got the mandate of the people"—not 50% really; less than 50%—"and now is dictating to every single one of us, saying, 'We will put a bill through without any consultation.'" It's the norm of the day.

This government refused to come back to meet after a long session, from December 23 to April 3. Normally the rules say that we should be back by March 9—a long session, while members of the opposition were ready and prepared to bring issues before the House to be debated, to be heard, concerns of their constituencies. But this government felt they would take their own sweet time and come into the House late.

After all the built-up frustration and with all of those issues to be discussed, what happened? The first bill that they brought in here, they put closure to it. All this time we were waiting to have a debate and they said: "Enough. We don't want to hear from you within the House here." Closure also means that in the closure bill they're saying they will not go for public hearings, for the people to participate. "We don't want the people to participate to make the laws of this country." We are told, very much so, what to do.

Democracy, as far as this government is concerned, happens every four years, and then they say, "Will the opposition, the municipalities and the people just go away and let us do what we want to do, when we want to do it." It's another "D"—not democracy; it's dictatorship that we have here in this province, this wonderful province where the participation of people is completely limited and restricted.

For instance, I was prepared today to speak for about two hours on this issue, because it is very close to my heart and very close to the people of Scarborough-Rouge River, very close to the young people who will be taking over the reins, ruling in some time. In a short time, some of our pages will be ministers. Of course they want to see the democratic process proceed. But no, this government will tell you, "We will restrict people from speaking," and it is awful. It is awful that even in my constituency, in my riding, in my area, in my city of Scarborough, where we have almost half a million people residing, we can be so completely ignored, people ignored who are calling my office every day to participate in this democracy, saying, "When are we going to have public hearings on this legislation?" I have to tell them, sadly so, "It will not happen." It will not happen because this government has put closure and it restricts any public participation in this kind of debate. It's a sad day. It's an extremely sad day for Ontario. It's a sad day for Canada.

Why people don't participate any more is that they feel they can't make a difference. When we do that we are in a situation where they will do whatever they want. Who is more vulnerable in a society like this? The government must represent all the people, especially those who are the most vulnerable in our society, those disenchanting and disillusioned individuals, those who are disabled, those who are poor, those who don't have access to justice like those who have money, who are hoping that government will give them an opportunity to come and say: "Here are my concerns. If you make laws, I would like to have some participation to tell you what impact this legislation will have on me."

But this government says: "No, we don't want to hear from you. We heard from you when we had an election and that is enough." So they ask further. They say, "Would you hear from our municipality, then, those local elected individuals?" They said yes in a very soft way, but with a lot of restrictions. "We will tell them when and how and if they cross the line." Then they said: "In a referendum we will put it forward. We'll debate the referendum all the time." But what has happened now with all these referendums? People are restricted.

I understand they have to put it about 180 days before the government can even consider it and then they will decide if that is a good question or not. That's not a democracy. It's the people who decide, all along, over the hundreds of years democracy has been around. The fact is that we have proven, very much so, that the people seem to be quite ahead of the government. When governments or parties get out of line, they replace them. As a matter of fact, they would like to know—to wait four years or five years or whenever they call the election is a long time—"In the meantime, in the process, could we put together laws that reflect us in our society that we have in Canada that we boast so much about, our diversity?"

It is much more complex to make laws, because the fact is people have different motivations and directions in their lives and it's better for a government to understand that, to understand that we are dealing with a diverse community, a community that raises their children in different manners, a community that has a diverse religious background, so they see their values in slightly different ways.

It is important for government and representatives to listen very carefully, to give access to their representatives, access to their ministers. We don't even have access to many ministers here. They're not even here very much at times for us to put questions to them, and even when we do put questions, we don't get answers. So what has happened? We don't have representation so the people can come forward and see their representatives speak in the House and say, "Here it is." We're restricted. We're restricted by closure. We don't meet for a long time in this Parliament and when we do meet we are restricted when we wish to speak. When that happens, we also cannot get the opportunity to put the questions to the ministers here, because they don't answer those ques-

tions. When the people say, "Take them back outside so we can have some public hearings and air this," oh no.

What has happened is they feel there should be no public hearings, because the fact is people do get in the way. As far as this government is concerned, if we only can have people out of the way, their democracy can operate better. They don't have to consult. They don't have to get to the people for any dialogue. Whatever they say is right. Whatever laws are put here by someone, at night or somewhere where they've read it, that's the law of the land. That's not democracy. That's not direct democracy.

The Speaker: Questions and comments?

Ms Marilyn Churley (Broadview-Greenwood): It's my pleasure to have this opportunity to have two minutes to respond to the member for Scarborough-Rouge River. I can even take this opportunity to respond to the member for Haldimand-Norfolk-Brant, and I apologize for my indiscretion before. I thought I did have two minutes.

Democracy: When I spoke for a brief two minutes about this same bill the other day, I said that what we're seeing here is the death of democracy in this province. We've seen it incrementally since 1995, bit by bit being taken away from the opposition and indeed being taken away from our municipalities and from the people we represent. The member for Scarborough-Rouge River, I think, spent most of his time talking about that.

1730

What I want to say to the government—and I'm glad the Minister of Municipal Affairs is here today—is that it's very interesting that the government is proposing in this bill to make sure there's a clause in it that makes them able to declare a provincial interest. What I would say to the minister, in response of course to the member's comments, is that the Oak Ridges moraine issue is before us and the people of Richmond Hill and others in that area would like very much for this government to declare a provincial interest in that case. They're pleading with the government to declare a provincial interest. In fact, it is of great provincial interest, and yet the government made a decision in that case to not do that.

You can't have it both ways. This is a situation where the municipality is saying, "We need some help with this. We've got a big problem. You took away some of our tools under a previous act and we need your support and help with this," and he's saying: "No, no, you've got the tools. You take care of it yourselves." I believe that is a serious contradiction here.

Mr John O'Toole (Durham): Mr Speaker, I'm looking forward to the hockey game which starts in about an hour. You would know that because you're participating.

But I want to respond to the member—not Broadview-Greenwood but more the member for Scarborough-Rouge River. No, I'm going to skip that and go right back and rewind to Haldimand-Norfolk-Brant. The member there really, I believe, touched on the most important point of participation in democracy.

I personally want to thank the Minister of Municipal Affairs and Housing, Mr Clement, who's here this after-

noon listening—and responding, I might add—to the comments made here in the debate today. I can assure you that minister is well known for his ability to participate directly in the governance of the province, and I commend him for that. I'm waiting on every opportunity to directly speak with him on this new Direct Democracy through Municipal Referendums Act. As many people watching would know, I've spoken on this and almost every act that's been before this House today, and I mean this in all humbleness. The member from Hamilton West earlier today—and I'm taking exception, although he's not here. Not to point that out, Mr Speaker, but he isn't here. It's late in the day and only the really reliable members are here. But he took exception with the clause dealing with the Henry VIII provision, which I might repeat for the press here is section 11.10. Members with some experience would know actually, the member for Renfrew-Nipissing-Pembroke would know that almost every bill has within it some sort of empowerment of the Lieutenant Governor in Council to make regulations authorizing the city to do anything that is not—

The Speaker: Order. The member's time is up, I'm afraid. Order.

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): I want to compliment my colleague from Scarborough, whose speech I heard in its entirety, some of it in my office and some of it here in the House. His comment and the bill of course invite citizens to think about the relationship between themselves and government.

I just want to say personally how annoyed and angry I am this week to read the report of the information commissioner. I see the Minister of Municipal Affairs is here. I say this also as somebody who's been a long-time customer of the Province of Ontario Savings Office. I think I'm pretty tolerant about the mistakes that governments sometimes make, but I am mad as hell about this one. In 1997 or 1998—it's recent, a couple of years ago—an agency of the government of Ontario, led by Mike Harris, entered into an arrangement with not one but two private companies, CIBC Wood Gundy and the Angus Reid polling company, to take very important, sensitive records of mine and thousands of other customers and just give them out. Then, having been caught at this, they mount in the Ministry of Finance, according to Ms Cavoukian, a very sturdy resistance to an investigation.

I have to say to my libertarian friends on the treasury bench, and I hope to all members, we should be mad as hell not just about the fact that it occurred in the first place, but at what happened, according to Ms Cavoukian, at Finance when she went to investigate. I know the people at Finance and I have a great deal of regard for the Deputy Minister of Finance. I find it very hard to believe that those people on their own wanted to put up the wall of resistance about which she has complained so rightly.

The Speaker: Further questions and comments?

Mr Duncan: I too want to join in congratulating my colleague from Scarborough-Rouge River on his very

astute remarks about democracy, and to respond again notionally about what the bill is all about. The bill is not about democracy in municipalities. It has nothing to do with that. It's about control. We look at the rule changes this government brought in to stifle debate in this Legislature. We haven't talked much about those.

I can think of referenda questions in my city that have been passed by the people of our community, and my guess is that this government would have never allowed those questions on the ballot. I wonder if there is a referendum question on Tecumseh's ballot this fall with respect to the appointment of a commissioner, which I am strongly opposed to—and let me say that again to the minister and to the people of Windsor—if the Minister of Municipal Affairs will allow that question to stay on the ballot. We'll see, because I suspect there will be a question on the ballot. There may be a question on the ballot in the city of Windsor, or at least the desire on the part of a number of us to put those questions on the ballot. That will be the true test of this so-called democracy bill. Again, the challenge is not just talking the talk but walking the walk, and the government has not been able to do that. I say to my colleague the Minister of Municipal Affairs that I know he will approve the wording of the question we are going to put on Tecumseh's ballot. He's shaking his head no, which doesn't surprise me. But we will attempt to get that, and we can talk about it further in the House at that time.

Mr Curling: I would follow up on what my House leader said. This Bill 62 has a litter of undemocratic processes in it. As a matter of fact, it openly states that if any municipality brings about a referendum that challenges the province, it will not be allowed. Here are questions they would have concerns about in their municipality and want to put them forward in a referendum. They will also say it's direct democracy, a democratic way of saying, "Let the people decide about these challenges we have for the province." The province, Big Daddy with a big stick, will say, "It will not happen."

But I'm not at all surprised about that, because this government has consistently shown that it will not allow the democratic process to happen, meaning it will not allow the people to participate. As I continue to say, once we disallow that, once we deny the people participation, once we deny that full participation, we will have lost the democratic process.

Even the minister himself in his municipality had to bow to the fact that the participation rate within his municipality is about 23%. Therefore, no question will come forth and live very long. As a matter of fact, I don't think we have three municipalities, among the thousands of municipalities that we had at one stage—maybe hundreds now—that will ever have 50% plus one of their people participating. It is our duty to represent all people, to make sure they get involved in government. The manner in which this government has proceeded is to make sure that people do not get involved, so people are very apathetic about things and they do not participate. They feel that big daddy has a big stick and they continue to bully their way in governing.

1740

The Speaker: Further debate?

Ms Churley: People may have noticed that I'm feeling a little bit edgy today. The Minister of the Environment might have noticed that earlier. Some of the talk I'm hearing in the House this afternoon since I've come back in is making me feel even more edgy. I'm hearing discussion going on back and forth that the government may be bringing in closure on this bill. I would say to the Minister of Municipal Affairs, talk to the House leader and tell us it ain't so. We haven't had an opportunity to debate this bill yet. Most of the members of my tiny caucus—there are only nine of us—haven't had an opportunity to speak to this bill yet. I know that the member for Nickel Belt would very much like that opportunity because she has a direct interest in this bill. I hope very much that at the very least today we can appeal to the minister to talk to the House leader, Mr Sterling, and tell him that we need more time to debate the bill so that all members who want an opportunity to voice their concerns, and perhaps even offer some constructive advice for amendments the minister may want to participate in, will be given that opportunity.

Minister, I wish you could indicate right now to me by a nod of your head that you're not going to impose closure on this bill. Can you do that? No, nothing. It looks like it's going to happen, so we will get an opportunity again to have another discussion, I suppose, during that time. But this is outrageous. This is why I want to talk about the lack of democracy and why I say again that we're seeing the death of democracy in this province, bit by bit. It's not a laughable matter. We saw it, and the government likes to dismiss the referendum that the city of Toronto, or all of the cities, participated in during the whole mega-city so-called debate. We made it very clear to the province that we didn't want amalgamation.

Mr Hastings: And you got it.

Ms Churley: Yes, we got it, and that's exactly my point. We said we didn't want it. Referendums were held, and the question was extremely clear, and the government said, "No, we're not going to listen to you." That's just one issue I want to talk about today. I also want to talk about Bill 26. Remember Bill 26? Remember the implications of that? It amends the public utilities act and the municipal franchises act to remove the requirement to hold referenda when granting a company the right to supply such services as public transit, water and electricity. So that's right; the government doesn't want the people of Ontario to have the right to have a say when a local government sells your utility or privatizes public transit. That's absurd. That's of direct interest to the citizens within our municipality. That has already been taken away from the citizens of our ridings.

Let's not forget the rule changes, which had a profound negative effect on democracy in this chamber.

Mr Hastings: Give us the money back.

Ms Churley: I would say to the member that he should get his nose out of his newspaper and stop grunt-

ing at me and listen to what I have to say. What I'm saying is extremely important. We're talking about democracy here, and what do we have before us but another placebo Tory initiative to make people feel good, to make them think they're actually giving them more democracy. Municipal referendums already exist; we all know that. The government is trying to impose some rules. But in some ways this bill is actually going to make it harder for municipalities to put forward a question on the ballot or to hold a referendum. By now, that has been expressed many times by many members in this House.

Let me come back to rule changes. Our time and our ability to speak to bills has been greatly watered down. We now have situations, and we've seen it in this House—I can't remember which bills they were. A couple of bills came to this House, or I should say ministers have come to this House asking us to debate a bill before it was even printed, before it was even before the House and we had an opportunity to look at. Ministers have come forward with bills they say are fairly innocuous, that there's nothing too controversial in them and that we should just pass them. Lo and behold, after they've been out there for a while, stakeholders take a look at them and have their legal counsel take a look at them and find all kinds of problems in those bills that, had we had the opportunity to debate those bills and take a good look at them, those problems could have been found and corrected before the bill was passed. That is the kind of thing that has been happening in this House.

We see almost no committee hearings anymore. We have to beg and plead for a couple of days, which means that essentially, if we get any hearings at all, they're here in Toronto. That is fine for me; I'm a Toronto member. But we have to remember that most of the members in this House don't come from Toronto. They represent people from outside Toronto, especially in rural areas, who sometimes have very different perspectives and issues to raise. They no longer have an opportunity to participate in discussions on bills that are going to have a profound effect on their lives.

I appeal to the government to allow longer and more comprehensive committee hearings so that our constituents—if they truly believe in democracy and more direct democracy, one of the ways to do that is to give people an opportunity to participate in the debates and discussions around these bills. I think that perhaps one of the most important components, one of the most important things we as a legislative body can do is give people an opportunity to read bills, speak to legal counsel, come and speak to committees and have their say, have an opportunity to make changes to bills.

The rule changes have rendered the opposition almost powerless, and I find it depressing. I find a lot of my colleagues are feeling depressed these days, because one after another—

Interjections.

Ms Churley: And I'll tell you why. You're raring to go over there. You're happy; you have the power. But

believe it or not, one day, the way things work, some of those people will be over here and they're going to have to deal with their own rule changes and they're going to get depressed too. Let me tell you something: When somebody's in government—it doesn't matter which party stripe it is—it's very hard to change the rules to give the opposition more power. No government likes to do that. Once those rules are made, once they're changed, they're here for ever unless there's a minority government, and that could make difference. Those rules are probably here to stay for a while, and the implications of that are profound.

It's very difficult when you have a lack of committee hearings and no opportunity like we did on the filibuster, or when Alvin Curling sat in his seat and refused to vote and all of us, including the NDP and other Liberals, surrounded and protected him and made sure that that debate was allowed to be carried out, and allowed the communities to mobilize more and to get involved. That's what we were forced into doing even before the rule changes. So what did the government do? They said: "We can't have that. We're going to change the rules so it doesn't happen anymore."

Then, the NDP staged the nine-day filibuster, and I remember it well. I sat day and night at that table with some of my friends who are sitting at the table right now. As soon as we got through that, what did the government do but take that ability away from the opposition.

Practically every opportunity that used to be there for opposition members, if they felt—and I don't think, in the cases I mentioned, that the opposition was acting in bad faith. We had two very controversial bills that the majority of our communities were opposed to, and the government would not allow sufficient debate or community involvement. What that meant was that the opposition had some ability to prolong the debate in this House. That has been taken away now. So we're in a position where we have a bill before us today which supposedly gives municipalities more power to operate direct democracy. In fact, it takes some of the power that's already there away. It's nonsense. This bill doesn't do what the minister says it does. Once again we have an attack on democracy in this province.

1750

The Speaker: Questions and comments?

Hon Chris Stockwell (Minister of Labour): It's always helpful to hear from my friend from Broadview-Greenwood.

Ms Churley: Soon to be Toronto-Danforth.

Hon Mr Stockwell: That's an equally good name as well. I know the people on the Danforth, the Greek community particularly, will be very pleased about that name change. Some won't, I suppose.

Rule changes: That's often been here in this discussion on the table before this Legislature, and everyone comes to it with this pristine attitude that they themselves are the keepers of the rules. "The rules won't change because we can protect the rules that are here to protect me as a member of this Legislature." So be it, but let us under-

stand where everyone comes from. It's one of the few chances we get to measure governments and parties in the same way, because we've all had that same kick at the cat.

I know my friend from Renfrew was in the government when they changed the rules—some would say less dramatically than we did, but certainly there were rule changes there that were opposed in some circumstances by opposition members. I accept that fact. Sometimes rules need to be changed. The NDP were in power and they changed the rules very dramatically. It was as if they'd never introduced a time allocation motion. I sat in this place in one week where three were introduced—three time allocation motions in the same week.

The whole rule issue drives me a bit crazy. Yes, we did, but ultimately they also changed the rules in this place. Why did we change the rules in this place? Because the NDP didn't have enough members to warrant a party, so we had to change the rules, which they petitioned for, to allow the members opposite to stand in their place at this very moment and speak. If we didn't change the rules that day, you wouldn't have been allowed to speak like you just did for 10 minutes previously.

Ms Churley: Ten whole minutes. Thank you.

Hon Mr Stockwell: "Ten whole minutes," the member said. Well, if we hadn't changed the rules, you would have had no time to speak.

With great respect, we've all had this opportunity to be in government; we've all changed the rules. It's a pointless debate. I think we should focus on the substantive issues within the bill before us, rather than going on ad nauseam about rules changes we all made.

Mr Conway: I want to say a few things in response both to the speaker and to the Minister of Labour.

On this question of the rules, I think the Minister of Labour makes some very telling and good points. He's absolutely right: We've all been in government in the last 10 or 15 years and we've all changed the rules. It's really, for me, not an issue any more of the rules; it's the culture that informs—

Mr O'Toole: It's a deeper issue.

Mr Conway: And it is. As the member for Durham says, it's a very serious cancer with which we are dealing. I walk around this place since the renovations, and I tell you, this place has never looked better. I say to anybody watching, if you haven't been to the Queen's Park legislative precinct in the last couple of years, you should come, because the building looks spectacular after all of the public monies have been properly spent to renovate it. But there's a tragic irony. While the Legislative Building has never looked better, it has never been more irrelevant. Our parliamentary culture is in deep trouble, and we're all responsible in some ways. There are no easy fixes. There are no quick cures.

I said the other night, in speaking to this bill, that I am increasingly disturbed by what I see. I never thought I would live long enough to say that Ross Perot was more right than wrong. Ours is increasingly a plebiscitarian

democracy. The politicians of most stripes don't care, and they probably shouldn't care, about forms that reflect the attitudes of a bunch of upper-middle-class Victorian gentlemen.

Time doesn't allow me, but let me say again: Our politics are diseased by big money, our parliamentary culture is in deep trouble, and it's going to take more than rule changes to fix it.

Mr O'Toole: Respectfully, I think I should respond to the member for Broadview-Greenwood, but rather than do that I think I'll respond to the member for Renfrew-Nipissing-Pembroke. I think he raises the level of the debate, and we all accept that.

I do want to go back to the member for Hamilton West—earlier I was pre-empted from completing—it's the order that the Lieutenant Governor in Council may make regulations authorizing certain decision-making processes. This is not new. This is enshrined in almost every piece of legislation. I'm going through our legislative manual here at random, if time permits. I only have an hour left—I wish.

I'm looking here under Bill 7 at a writ of referendum. This bill has to do with the balanced budget act. It's just one, but it says that the Lieutenant Governor in Council may issue a writ of referendum and shall fix the date. Ultimately, the buck stops with our Lieutenant Governor, who is the Queen's designate here in the province, and indeed in Canada as our Governor General. I think it's important to recognize that the very fundamental thing here we're debating is the referendum, which is the participatory democracy issue. The most important thing is the participatory democracy aspect of this bill.

I have to go back on the record and comment that our Minister of Municipal Affairs and Housing has the courage to bring forward this to empower the people of Ontario to get off their seats, their comfortable pew, as it was once said, and participate. Take control of your community by participating. Now, we have to redefine what the municipality's rights and authorities are. That's what this bill does. Everyone here should support it.

The Speaker: Further questions and comments? Seeing none, responses?

Ms Churley: I thank the members who responded. The Minister of Labour, in his usually histrionic way, did make some good points, and I agree that sometimes rules have to be changed. I would say the rule changes to give this caucus the ability to participate as a caucus were important changes. I have to remind the member that this Parliament was downsized, and we're still higher than the national average proportionately in terms of the size of a caucus to reach party status. I think the member knows that. We really should have done that when the law was changed to reduce the size of Parliament.

The reason I raise democracy—you know this bill is about democracy. It's my constituents who are telling me this; it's not just me who's feeling depressed about it. Constituents are feeling that they have less and less power to participate and more and more the feeling that nobody is listening to them. They don't know what's

going on, it's all happening so fast, but nobody listens anyway.

I do want to say, speaking of democracy, that I have a problem with the federal Liberals as well that I want to put on the record. The member of Parliament for Broadview-Greenwood went ahead and arbitrarily changed the name of my riding—it's also his riding—without even picking up the phone to talk to me about it. Suddenly I see through the Internet—I believe that's the way the other parties found out about this as well—that the name of my riding has been changed. I know your Fewer

Politicians Act implies that right away, automatically, the riding name has to change here as well. There are costs associated with that, but also I don't support the new name. I don't think it's the best appropriate name to reflect the new riding of East York and Riverdale. Perhaps that should be the name. But what I'm saying here is once again the federal Liberals—I mean, what is happening to democracy in this country?

The Speaker: It now being 6 of the clock, this House now stands adjourned until 1:30 of the clock on Monday.

The House adjourned at 1759.

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lieutenant Governor / Lieutenante-gouverneure: Hon / L'hon Hilary M. Weston
Speaker / Président: Hon / L'hon Gary Carr
Clerk / Greffier: Claude L. DesRosiers
Clerk Assistant / Greffière adjointe: Deborah Deller
Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman
Sergeant-at-Arms / Sergent d'armes: Dennis Clark

| Constituency Circonscription | Member/Party Député(e) / Parti | Constituency Circonscription | Member/Party Député(e) / Parti |
|---|---|--|--|
| Algoma-Manitoulin | Brown, Michael A. (L) | Hamilton Mountain | Bountrogianni, Marie (L) |
| Barrie-Simcoe-Bradford | Tascona, Joseph N. (PC) | Hamilton West / -Ouest | Christopherson, David (ND) |
| Beaches-East York | Lankin, Frances (ND) | Hastings-Frontenac- Lennox and Addington | Dombrowsky, Leona (L) |
| Bramalea-Gore-Malton- Springdale | Gill, Raminder (PC) | Huron-Bruce | Johns, Hon / L'hon Helen (PC) Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women / ministre des Affaires civiques, de la Culture et des Loisirs, ministre déléguée aux Affaires des personnes âgées et à la Condition féminine |
| Brampton Centre / -Centre | Spina, Joseph (PC) | | |
| Brampton West-Mississauga / Brampton-Ouest-Mississauga | Clement, Hon / L'hon Tony (PC) Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement | | |
| Brant | Levac, Dave (L) | Kenora-Rainy River | Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique |
| Broadview-Greenwood | Churley, Marilyn (ND) | | |
| Bruce-Grey | Murdoch, Bill (PC) | Kingston and the Islands / Kingston et les îles | Gerretsen, John (L) |
| Burlington | Jackson, Hon / L'hon Cameron (PC) Minister of Tourism / ministre du Tourisme | Kitchener Centre / -Centre | Wettlaufer, Wayne (PC) |
| Cambridge | Martiniuk, Gerry (PC) | Kitchener-Waterloo | Witmer, Hon / L'hon Elizabeth (PC) Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée |
| Carleton-Gloucester | Coburn, Brian (PC) | | |
| Chatham-Kent Essex | Hoy, Pat (L) | Lambton-Kent-Middlesex | Beaubien, Marcel (PC) |
| Davenport | Ruprecht, Tony (L) | Lanark-Carleton | Sterling, Hon / L'hon Norman W. (PC) Minister of Intergovernmental Affairs, government House leader / ministre des Affaires intergouvernementales, leader parlementaire du gouvernement |
| Don Valley East / -Est | Caplan, David (L) | | |
| Don Valley West / -Ouest | Turnbull, Hon / L'hon David (PC) Minister of Transportation / ministre des Transports | Leeds-Grenville | Runciman, Hon / L'hon Robert W. (PC) Minister of Consumer and Com- mercial Relations / ministre de la Consommation et du Commerce |
| Dufferin-Peel- Wellington-Grey | Tilson, David (PC) | | |
| Durham | O'Toole, John R. (PC) | London North Centre / London-Centre-Nord | Cunningham, Hon / L'hon Dianne (PC) Minister of Training, Colleges and Universities / ministre de la Formation et des Collèges et Universités |
| Eglinton-Lawrence | Colle, Mike (L) | London West / -Ouest | Wood, Bob (PC) |
| Elgin-Middlesex-London | Peters, Steve (L) | London-Fanshawe | Mazzilli, Frank (PC) |
| Erie-Lincoln | Hudak, Hon / L'hon Tim (PC) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines | Markham | Tsubouchi, Hon / L'hon David H. (PC) Solicitor General / solliciteur général |
| Essex | Crozier, Bruce (L) | Mississauga Centre / -Centre | Sampson, Hon / L'hon Rob (PC) Minister of Correctional Services / ministre des Services correctionnels |
| Etobicoke Centre / -Centre | Stockwell, Hon / L'hon Chris (PC) Minister of Labour / ministre du Travail | Mississauga East / -Est | DeFaria, Carl (PC) |
| Etobicoke North / -Nord | Hastings, John (PC) | Mississauga South / -Sud | Marland, Hon / L'hon Margaret (PC) Minister without Portfolio (Children) / ministre sans portefeuille (Enfance) |
| Etobicoke-Lakeshore | Kells, Morley (PC) | | |
| Glengarry-Prescott-Russell | Lalonde, Jean-Marc (L) | Mississauga West / -Ouest | Snobelen, Hon / L'hon John (PC) Minister of Natural Resources / ministre des Richesses naturelles |
| Guelph-Wellington | Elliott, Brenda (PC) | | |
| Haldimand-Norfolk-Brant | Barrett, Toby (PC) | | |
| Haliburton-Victoria-Brock | Hodgson, Hon / L'hon Chris (PC) Chair of the Management Board of Cabinet / président du Conseil de gestion | | |
| Halton | Chudleigh, Ted (PC) | | |
| Hamilton East / -Est | Agostino, Dominic (L) | | |

| Constituency Circonscription | Member/Party Député(e) / Parti | Constituency Circonscription | Member/Party Député(e) / Parti |
|--|---|---|---|
| Nepean-Carleton | Baird, Hon / L'hon John R. (PC) Minister of Community and Social Services, minister responsible for francophone affairs / ministre des Services sociaux et communautaires, ministre délégué aux Affaires francophones | Scarborough Southwest / -Sud-Ouest | Newman, Hon / L'hon Dan (PC) Minister of the Environment / ministre de l'Environnement |
| Niagara Centre / -Centre | Kormos, Peter (ND) | Scarborough-Agincourt | Phillips, Gerry (L) |
| Niagara Falls | Maves, Bart (PC) | Scarborough-Rouge River | Curling, Alvin (L) |
| Nickel Belt | Martel, Shelley (ND) | Simcoe North / -Nord | Dunlop, Garfield (PC) |
| Nipissing | Harris, Hon / L'hon Michael D. (PC) Premier and President of the Executive Council / premier ministre et président du Conseil exécutif | Simcoe-Grey | Wilson, Hon / L'hon Jim (PC) Minister of Energy, Science and Technology / ministre de l'Énergie, des Sciences et de la Technologie |
| Northumberland | Galt, Doug (PC) | St Catharines | Bradley, James J. (L) |
| Oak Ridges | Klees, Hon / L'hon Frank (PC) Minister without Portfolio / ministre sans portefeuille | St Paul's | Bryant, Michael (L) |
| Oakville | Carr, Hon / L'hon Gary (PC) Speaker / Président | Stoney Creek | Clark, Brad (PC) |
| Oshawa | Ouellette, Jerry J. (PC) | Stormont-Dundas-Charlottenburgh | Cleary, John C. (L) |
| Ottawa Centre / -Centre | Patten, Richard (L) | Sudbury | Bartolucci, Rick (L) |
| Ottawa South / -Sud | McGuinty, Dalton (L) Leader of the Opposition / chef de l'opposition | Thornhill | Molinari, Tina R. (PC) |
| Ottawa West-Nepean / Ottawa-Ouest-Nepean | Guzzo, Garry J. (PC) | Thunder Bay-Atikokan | McLeod, Lyn (L) |
| Ottawa-Vanier | Boyer, Claudette (L) | Thunder Bay-Superior North / -Nord | Gravelle, Michael (L) |
| Oxford | Hardeman, Hon / L'hon Ernie (PC) Minister of Agriculture, Food and Rural Affairs / ministre de l'Agriculture, de l'Alimentation et des Affaires rurales | Timiskaming-Cochrane | Ramsay, David (L) |
| Parkdale-High Park | Kennedy, Gerard (L) | Timmins-James Bay / Timmins-Baie James | Bisson, Gilles (ND) |
| Parry Sound-Muskoka | Eves, Hon / L'hon Ernie L. (PC) Deputy Premier, Minister of Finance / vice-premier ministre, ministre des Finances | Toronto Centre-Rosedale / Toronto-Centre-Rosedale | Smitherman, George (L) |
| Perth-Middlesex | Johnson, Bert (PC) | Trinity-Spadina | Marchese, Rosario (ND) |
| Peterborough | Stewart, R. Gary (PC) | Vaughan-King-Aurora | Palladini, Hon / L'hon Al (PC) Minister of Economic Development and Trade / ministre du Développement économique et du Commerce |
| Pickering-Ajax-Uxbridge | Ecker, Hon / L'hon Janet (PC) Minister of Education / ministre de l'Éducation | Waterloo-Wellington | Arnott, Ted (PC) |
| Prince Edward-Hastings | Parsons, Ernie (L) | Wentworth-Burlington | Vacant |
| Renfrew-Nipissing-Pembroke | Conway, Sean G. (L) | Whitby-Ajax | Flaherty, Hon / L'hon Jim (PC) Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones |
| Sarnia-Lambton | Di Cocco, Caroline (L) | Willowdale | Young, David (PC) |
| Sault Ste Marie | Martin, Tony (ND) | Windsor West / -Ouest | Pupatello, Sandra (L) |
| Scarborough Centre / -Centre | Mushinski, Marilyn (PC) | Windsor-St Clair | Duncan, Dwight (L) |
| Scarborough East / -Est | Gilchrist, Steve (PC) | York Centre / -Centre | Kwinter, Monte (L) |
| | | York North / -Nord | Munro, Julia (PC) |
| | | York South-Weston / York-Sud-Weston | Cordiano, Joseph (L) |
| | | York West / -Ouest | Sergio, Mario (L) |

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

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

**STANDING AND SELECT COMMITTEES OF THE LEGISLATIVE ASSEMBLY
COMITÉS PERMANENTS ET SPÉCIAUX DE L'ASSEMBLÉE LÉGISLATIVE**

Estimates / Budgets des dépenses

Chair / Président: Gerard Kennedy
Vice-Chair / Vice-Président: Alvin Curling
Gilles Bisson, Sean G. Conway, Alvin Curling,
Gerard Kennedy, Frank Mazzilli, John R. O'Toole,
R. Gary Stewart, Wayne Wettlaufer
Clerk / Greffière: Anne Stokes

**Finance and economic affairs /
Finances et affaires économiques**

Chair / Président: Marcel Beaubien
Vice-Chair / Vice-Président: Doug Galt
Ted Arnott, Marcel Beaubien, David Christopherson,
Doug Galt, Monte Kwinter, Tina R. Molinari,
Gerry Phillips, David Young
Clerk / Greffier: Tom Prins

General government / Affaires gouvernementales

Chair / Président: Steve Gilchrist
Vice-Chair / Vice-Présidente: Julia Munro
Toby Barrett, Marie Bountrogianni, Ted Chudleigh,
Garfield Dunlop, Steve Gilchrist, Dave Levac,
Rosario Marchese, Julia Munro
Clerk / Greffier: Viktor Kaczkowski

Government agencies / Organismes gouvernementaux

Chair / Président: James J. Bradley
Vice-Chair / Vice-Président: Bruce Crozier
James J. Bradley, Bruce Crozier, Leona Dombrowsky,
Bert Johnson, Morley Kells, Tony Martin,
Joseph Spina, Bob Wood
Clerk / Greffier: Douglas Arnott

Justice and Social Policy / Justice et affaires sociales

Chair / Présidente: Marilyn Mushinski
Vice-Chair / Vice-Président: Carl DeFaria
Marcel Beaubien, Michael Bryant, Carl DeFaria,
Brenda Elliott, Garry J. Guzzo, Peter Kormos,
Lyn McLeod, Marilyn Mushinski
Clerk / Greffière: Susan Sourial

Legislative Assembly / Assemblée législative

Chair / Président: R. Gary Stewart
Vice-Chair / Vice-Président: Brad Clark
Marilyn Churley, Brad Clark, Caroline Di Cocco,
Jean-Marc Lalonde, Jerry J. Ouellette, R. Gary Stewart, Joseph N.
Tascona, Wayne Wettlaufer
Clerk / Greffière: Donna Bryce

Public accounts / Comptes publics

Chair / Président: John Gerretsen
Vice-Chair / Vice-Président: John C. Cleary
John C. Cleary, John Gerretsen, John Hastings,
Shelley Martel, Bart Maves, Julia Munro,
Marilyn Mushinski, Richard Patten
Clerk / Greffière: Tonia Grannum

**Regulations and private bills /
Règlements et projets de loi privés**

Chair / Présidente: Frances Lankin
Vice-Chair / Vice-Président: Garfield Dunlop
Gilles Bisson, Claudette Boyer, Brian Coburn,
Garfield Dunlop, Raminder Gill, Pat Hoy,
Frances Lankin, Bill Murdoch
Clerk / Greffière: Anne Stokes

continued from overleaf

TABLE DES MATIÈRES

Jeudi 27 avril 2000

AFFAIRES D'INTÉRÊT PUBLIC ÉMANANT DES DÉPUTÉS

| | |
|--|------|
| Loi de 1999 modifiant la Loi sur la protection des locataires en vue du traitement équitable des locataires, projet de loi 36, <i>M. Caplan</i> | |
| Rejetée | 2486 |
| Loi de 1999 modifiant la Loi sur les médecins, projet de loi 2, <i>M. Kwinter</i> | |
| Adoptée | 2485 |

PREMIÈRE LECTURE

| | |
|---|------|
| Loi de 2000 sur l'aménagement écologique de la moraine d'Oak Ridges, projet de loi 71, <i>Mme Martel</i> | |
| Adoptée | 2489 |

DEUXIÈME LECTURE

| | |
|--|------|
| Loi de 2000 sur la démocratie directe par voie de référendum municipal, projet de loi 62, <i>M. Clement</i> | |
| Débat présumé ajourné | 2525 |

CONTENTS

Thursday 27 April 2000

PRIVATE MEMBERS' PUBLIC BUSINESS

| | |
|---|------------|
| Tenant Protection Amendment Act (Towards Fairness for Tenants), 1999, Bill 36, Mr Caplan | |
| Mr Caplan | 2469, 2476 |
| Mr Kennedy | 2470 |
| Mr Tascona | 2471 |
| Mr Curling | 2472 |
| Mr Coburn | 2472 |
| Mr Sergio | 2473 |
| Mr Marchese | 2473 |
| Mr Gilchrist | 2475 |
| Mr Bryant | 2476 |
| Mr Smitherman | 2476 |
| Negatived | 2485 |
| Medicine Amendment Act, 1999, Bill 2, Mr Kwinter | |
| Mr Kwinter | 2477, 2484 |
| Ms Churley | 2478 |
| Mr Tilson | 2479 |
| Mrs McLeod | 2480 |
| Mr DeFaria | 2481 |
| Mr Curling | 2482 |
| Mr Martin | 2482 |
| Mr Tascona | 2483 |
| Mr Bradley | 2484 |
| Agreed to | 2485 |

MEMBERS' STATEMENTS

| | |
|---------------------------------------|------|
| Al Purdy | |
| Ms Di Cocco | 2486 |
| Rural economic development | |
| Mr Galt | 2486 |
| Protection of privacy | |
| Mr Gerretsen | 2486 |
| Sentencing | |
| Ms Mushinski | 2486 |
| City of Toronto | |
| Mr Smitherman | 2487 |
| Clarington Backyard Festival | |
| Mr O'Toole | 2487 |
| Government advertising | |
| Mrs McLeod | 2487 |
| Occupational health and safety | |
| Mr Christopherson | 2488 |
| Health care funding | |
| Mr Young | 2488 |

REPORTS BY COMMITTEES

| | |
|---|------|
| Standing committee on general government | |
| Mrs Munro | 2488 |
| Agreed to | 2488 |

FIRST READINGS

| | |
|--|------|
| Oak Ridges Moraine Green Planning Act, 2000, Bill 71, Ms Martel | |
| Agreed to | 2489 |
| Ms Churley | 2489 |

MOTIONS

| | |
|---|------|
| Private members' public business | |
| Mr Sterling | 2489 |
| Agreed to | 2489 |

ORAL QUESTIONS

| | |
|--------------------------------|------------------|
| Ontario Realty Corp | |
| Mr McGuinty | 2492, 2493 |
| Mr Hodgson | 2492, 2493, 2496 |
| Mr Agostino | 2495 |
| Primary care reform | |
| Mr Hampton | 2494 |
| Mr Hodgson | 2494 |
| Ms Lankin | 2494 |
| Protection of privacy | |
| Mr Hampton | 2495 |
| Mr Hodgson | 2495 |
| Mr Christopherson | 2495 |
| School calendar | |
| Mr Barrett | 2496 |
| Mrs Ecker | 2497 |
| Firearms control | |
| Mr McGuinty | 2497 |
| Mr Flaherty | 2497 |
| Landfill | |
| Mr Clark | 2498 |
| Mr Newman | 2498 |
| Air quality | |
| Ms Churley | 2498 |
| Mr Newman | 2498 |
| Education funding | |
| Mr Kennedy | 2499 |
| Mrs Ecker | 2499, 2500 |
| Mr Brown | 2500 |
| Wine industry | |
| Mr Maves | 2500 |
| Mr Runciman | 2500 |
| Municipal elections | |
| Mr Stewart | 2501 |
| Mr Clement | 2501 |
| Hospital restructuring | |
| Mr Christopherson | 2501 |
| Mr Hodgson | 2501 |
| Grape and wine industry | |
| Mr Bradley | 2502 |
| Mr Hardeman | 2502 |

PETITIONS

| | |
|-------------------------------------|------|
| Developmentally disabled | |
| Mr Phillips | 2502 |
| Lord's Prayer | |
| Mr Stewart | 2502 |
| Ms Mushinski | 2502 |
| Health care funding | |
| Mr Bradley | 2503 |
| Affordable housing | |
| Mr Christopherson | 2503 |
| Karla Homolka | |
| Mr Hastings | 2503 |
| Northern health travel grant | |
| Mrs McLeod | 2503 |
| Mr Bradley | 2504 |
| Mr Duncan | 2504 |

SECOND READINGS

| | |
|--|------------------------|
| Direct Democracy Through Municipal Referendums Act, 2000, Bill 62, Mr Clement | |
| Mr Christopherson | 2505, 2508 2512 |
| Mr Colle | 2508, 2511, 2516, 2518 |
| Mr Bradley | 2508 |
| Mr Arnott | 2508 |
| Mr Maves | 2510, 2513 |
| Mr Newman | 2512 |
| Mr Curling | 2512, 2519, 2522 |
| Mr Sergio | 2513, 2516 |
| Ms Lankin | 2515, 2518 |
| Mr Martiniuk | 2515 |
| Mr Barrett | 2516, 2519 |
| Mr Clement | 2518 |
| Mr Duncan | 2519, 2522 |
| Ms Churley | 2521, 2522, 2524 |
| Mr O'Toole | 2521, 2524 |
| Mr Conway | 2521, 2524 |
| Mr Stockwell | 2523 |
| Debate deemed adjourned | 2525 |

OTHER BUSINESS

| | |
|---------------------------|------|
| Day of mourning | |
| Mr Stockwell | 2489 |
| Mr Bartolucci | 2489 |
| Mr Christopherson | 2490 |
| Member's privilege | |
| Mr Caplan | 2491 |
| Mr Sterling | 2491 |
| The Speaker | 2492 |
| Visitor | |
| The Speaker | 2492 |

continued overleaf