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of Ontario**

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**Official Report
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des débats
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Thursday 28 September 2000

Jeudi 28 septembre 2000

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

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**LEGISLATIVE ASSEMBLY
OF ONTARIO**

Thursday 28 September 2000

**ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO**

Jeudi 28 septembre 2000

*The House met at 1000.
Prayers.*

PRIVATE MEMBERS' PUBLIC BUSINESS

SAFE DRINKING WATER ACT, 2000

LOI DE 2000 SUR L'EAU POTABLE SAINTE

Ms Churley moved second reading of the following bill:

Bill 96, An Act to restore public confidence in the quality of drinking water in Ontario / Projet de loi 96, Loi visant à rétablir la confiance publique dans la qualité de l'eau potable en Ontario.

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

Ms Marilyn Churley (Toronto-Danforth): This is perhaps the most important bill, or one of the most important bills, that we will be debating in this Legislature this session.

After what happened in Walkerton and the deaths of up to six people and the illness of up to 2,000, it's becoming increasingly obvious that this province needs a comprehensive Safe Drinking Water Act. This is something I had been working on before the outbreak in Walkerton, and obviously it is all the more timely now.

It goes without saying that the people of Ontario have the right to clean and safe drinking water. Clean, safe drinking water is a basic human entitlement and is essential for the protection of public health.

To ensure that the people of Ontario have safe drinking water, drinking water standards should be reviewed and revised frequently, information about drinking water quality should be freely available, drinking water issues should be dealt with by the provincial and municipal levels of government working in partnership and the process for making decisions about drinking water issues should be transparent and accountable.

In the few minutes I have, I want to run through the most important components of this bill before us today, for the public who may be watching this but as well for members who may not have had the opportunity, shall I kindly say, to actually read the bill.

Water testing: water shall be tested by a water testing lab that is accredited. Results of all tests must be reported to the Ministry of the Environment. There must be immediate notification of water users, the medical officer of health and the MOE where a test reveals that a con-

taminant or substance exceeds the maximum permitted level, a test is delayed or cannot be performed for any reason or equipment for testing or purifying water is malfunctioning. Those are some aspects of that.

Water testing labs: only water testing labs that are accredited by the ministry can test water. Water suppliers must advise the MOE of the name of the lab that is conducting water tests and when a different lab is used, and there are strict requirements for reporting water test results to the MOE and the medical officer of health.

Community right-to-know provisions are a very important aspect: immediate notification of water users where a test reveals contamination or a substance that exceeds the prescribed standards, a required test is delayed or cannot be conducted or if water equipment malfunctions; open access to the public of water test results regularly; summaries of tests results provided to water users with their water bills; creation by the ministry of an electronic water quality registry that would be available to any person without charge and would include test results on a community-by-community basis, copies of all certificates of approval issued to public water suppliers, a list of all accredited water testing labs, details of any water advisory notices issued, information about convictions under the act and information about civil action judicial reviews under the act.

Water offences: the act makes it an offence for a public water supplier to supply water that exceeds the maximum permitted level for any contaminant or substance, that contravenes the prescribed standard. It makes it an offence to pollute the water, with fines up to \$1 million for each day an offence occurs or continues.

Judicial remedies: the minister can apply for a restraining order to stop any individual from contravening the requirements under the act, regulations or a certificate of approval. A person who suffers damage under the act may bring an action for damages against any person who has contravened or failed to comply with the provisions of the act.

A water advisory council: when I asked the minister in the House whether he would support this bill, he referred to it as more red tape, but I want to say why this part is so important. The purpose of the council is to conduct research on water issues and advise the minister of the results of that research. Research would include drinking water quality, prescribed standards, contaminants and substances and their effects or any other matters that affect drinking water quality.

This bill addresses the responsibility of the minister. The minister is required to conduct research on methods

of purifying and conserving water and sources of surface and groundwater contamination. The minister shall annually table with the Legislature a state of safe drinking water report. The report contents include information on the work of the water council, a summary of the information added to the water registry, a report on the review of drinking water regulations, a report on the operation of the safe drinking water fund, a summary of measures taken by the government to address water quality issues and a statement of measure to be taken by the government to address water quantity issues.

The minister shall conduct an annual public review of the regulations made under the act in order to evaluate their adequacy in protecting human health.

Water regulations: Ontario drinking water objectives immediately become interim regulations. This is something that a number of environmental organizations—CELA, CIELAP and the Toronto Environmental Alliance, or TEA—have called for. Within one year of passage, the interim regulations shall be replaced by comprehensive new regulations, and the minister is required to conduct an annual public review of the regulations to evaluate their adequacy in protecting human health.

Finally, a very important component of this bill is a safe drinking water fund. It establishes a fund for the purposes of providing technical and financial assistance to public water suppliers to ensure they are able to meet their obligations under the act and regulations. This fund could be used to provide technical and financial assistance to maintain and improve drinking water quality, improve water delivery systems, provide employee training and establish programs to assess and protect source areas.

1010

These are some of the key elements and highlights of the bill we have before us today. We know that the minister, when asked yesterday if he was willing to support this bill today, continued to give the answer that he has been giving frequently, which is that he has brought in regulations, the best regulations in the country. Well, I have to say to the minister that, as we all know, Dr Murray McQuigge has said openly and publicly that the minister's regulations don't cut it, that they don't do what is needed to protect the drinking water for the people of Ontario. I would say to all members in the Legislature today that Dr Murray McQuigge should be listened to. He is the one who blew the whistle in Walkerton. Surely the government at this time, after Walkerton, would listen to one of the experts in the field who has warned the government that their regulations would not in fact prevent another Walkerton.

A number of key environmental groups—these are non-partisan environmental organizations—have publicly endorsed Bill 96. Indeed, CELA has sent a letter, in a non-partisan way, to all three leaders in this House calling on all members to be in the House to support this bill today so it can go to committee, so that we can have committee hearings and improve on this bill. I can say to

you, Mr Speaker, that this is a fine guideline, a beginning of one of the most comprehensive and perhaps best clean drinking water acts we could have in North America. We have taken some of the best of some of the most progressive safe drinking water legislation in the US. Indeed, through my very able assistant, Sean Morton, who is a lawyer and also has an M.A. in environmental studies, an expert in this area who put a lot of work into this bill, it is indeed a comprehensive bill and a made-in-Ontario bill that, if passed, will be a fine framework for us to go out to committee and, all together in this House, hear from experts outside and come up with the most comprehensive legislation in Ontario.

Mr Toby Barrett (Haldimand-Norfolk-Brant): I want to begin by stating the obvious: there is not an MPP in this House who is not concerned about the tragedy in Walkerton and what those people have been going through for the past several months. For these reasons, it is important that we are debating Bill 96 today.

However, Bill 96 really offers nothing new. In fact, the bill duplicates many efforts already underway to ensure safe water. In some areas, it doesn't go as far as the government has already gone. It does nothing to improve water safety that the province is not already doing. The force of law has already been given to these proposals through the drinking water protection regulation. Again, really nothing new or of value is added through this legislation. We have already given the force of law to everything Bill 96 proposes, and then some.

The Ontario government supports and is actively working to make the quality of drinking water in Ontario second to none. I want to explain to the House a number of steps the Minister of the Environment has taken to achieve this goal.

Restoring the public's confidence was taken by the Premier when he appointed Mr Justice O'Connor to conduct an independent public inquiry into the events at Walkerton and to advise the government on how to avoid this type of tragedy in the future. In addition to the O'Connor inquiry, there is also a coroner's investigation, an OPP investigation and a consultation on small waterworks, and we are currently reviewing the internal workings of the Ministry of the Environment.

The member for Toronto-Danforth proposes to create a water advisory council to do research on water issues and advise the minister. It raises the question: does Ms Churley presuppose the work of the Mr Justice O'Connor inquiry?

Another action was to launch Operation Clean Water, and we announced \$240 million through the OSTAR program, the Ontario small town and rural initiative, for the purpose of helping municipalities bring their waterworks activities in line with our tough, new standards. Bill 96 proposes to create a safe drinking water fund to provide technical and financial assistance to public water supplies. Some \$240 million in OSTAR funding has already done this; again, no new idea here.

As part of Operation Clean Water, we have already enacted our drinking water protection regulation. This

adopted Ontario drinking water objectives as regulations, and mandatory reporting and notification requirements. But as part of Operation Clean Water, not only did we adopt the old drinking water objectives, but we have also enhanced them, we have added strict, new criteria and we have already given them the force of law. Bill 96 proposes mandatory reporting and notification requirements. This has already been done.

There are several more points.

Under the Ontario Water Resources Act, fines range from \$20,000 to \$2 million. I personally feel they should be higher than that. Bill 96 calls for maximum penalties of \$1 million. I see this as a step backward.

The right to sue already exists. We know this from lawyers launching a class-action suit in Walkerton. Yet MPP Churley proposes in Bill 96 that we enact the right to sue.

As part of the Ontario drinking water protection regulation, the owner of a large waterworks must publish their test results quarterly, not yearly, and at no cost to the consumer. With respect to small waterworks, Minister Newman and I have launched consultations with respect to how these small waterworks will be affected by our tough, new standards. Now we see that Bill 96 calls for an annual report to the Legislature.

To conclude, in my view Bill 96 is old news with respect to water quality issues. Bill 96 has the right spirit, but what it proposes is really water under the bridge. Our government's actions to date—Operation Clean Water and its several parts, the new regulation, the OSTAR funding, continuing consultations and the findings of the O'Connor inquiry at its conclusion—will give Ontario the safest water in Canada.

Because of the intention of this bill and the fact that it mirrors much of what the government has already done, I will be voting for this bill. Again, Ontarians realize that with Mike Harris as Premier, a promise made is a promise kept.

Mr Mike Colle (Eglinton-Lawrence): Certainly Bill 96 is a comprehensive and reasoned response to a tragic example of mismanagement by this government. You heard from the last speaker, who continues to deny the reality of what the people of Ontario are facing. The people of Ontario have lost confidence in this government's ability to protect their drinking water. Wherever you go in the province, people agree with that. They don't believe this government understands or appreciates what has happened to water in this province.

For anyone on the other side to basically pick apart this proposal is, to me, a reflection of this government's lack of appreciation of what has happened. No action better demonstrates this government's lack of appreciation than when you see that one of their most significant responses is to hire the most expensive spin doctor in the country—I don't know what he's getting; \$1,000 a day—to basically spin the government's position on this. We don't need spin doctors; we need doctors like Dr McQuigge. That's who the government should be hiring: more doctors like McQuigge who have

the guts and the backbone to stand up and tell this government that its feeble attempts so far are not adequate.

1020

Member Churley's bill is an attempt to basically do what you should be doing. Stop denying reality. People in this province are saying that it is a provincial responsibility to protect drinking water. Drinking water is not just something that happens in one isolated community or home or area. Drinking water is interconnected in the aquifers, in the recharge functions; it is something that is like a web of underground wells that are all interconnected. So you can't have it in the hands of one municipality which this government tries to download on. This is not a downloadable responsibility. It's your job to protect drinking water.

Here we have a member who presents an honest attempt to say, "Do the right thing." I hope the members opposite would not only vote as individuals in favour of it, but would vote to have it unanimously passed today, for Pete's sake, if possible.

At what point do the members on the other side start to listen to their constituents and stop listening to the spin doctors hired by Premier Harris? Talk to your constituents. Ask them if they believe that your government has a handle on the drinking water problem. I'm sure all of them will tell you that you don't.

So listen to member Churley's suggestions in Bill 96, which is an intelligent, comprehensive approach to a very, very complex and serious problem. It's a meaningful contribution. So let's not just patronize it and say, "Oh yes, all these things are wrong with it, but I'm still going to vote in favour of it." We should be, all members on both sides, pushing for unanimous consent to get this bill passed within 24 hours, if we really understood the gravity of what's happening in Ontario and to people's drinking water. Whether it's their own individual wells, or whether it's municipal water systems, there is, in essence, a state of chaos in something as fundamental as drinking water.

In some cases it's worse conditions than are in Third World countries. Walkerton still—how many months has it been? Four months, and they still can't drink the water. If that doesn't tell you that your government doesn't know what it's doing, what else would tell you that? At what point do you wake up and stop posturing politically? At what point do you say, "Let's listen to Dr McQuigge instead of the spin doctors?" At what point do you come to that realization?

I really wonder what it would take to make you understand that it isn't business as usual with water. We have an imperative here, a health imperative. It's not a political issue, it's a health issue. Every Ontario citizen, in small rural hamlets or in big cities, has a right, as a result of their paying of taxes, to have you as the government do your job and protect something as fundamental as drinking water.

This shouldn't even be debated. You're still debating it. Your minister still stands up in the House and says his feeble attempts are good enough, when everybody says

the opposite. You're not doing enough. You are more interested, as I said, in propaganda and pretending that you're doing enough than in actually doing your job.

This is not about red tape. This is not about bureaucracy. This is about a fundamental mandate you have as government. You are the government, whether you believe it or not. Do your job and protect people's drinking water. This bill should be supported by everyone in this House, without question. I'd like to see anyone who would dare vote against it, for what reason.

The Acting Speaker: Further debate?

Mr Howard Hampton (Kenora-Rainy River): Mr Speaker, I'd like to raise a process issue at this time. I'm asking for unanimous consent to do the two-minute reply and windup on behalf of Ms Churley at the end of this debate. She has been asked to attend a very important safe drinking water conference, and, just because of the scheduling, she may not be here for the two-minute wrap-up, so I'm asking for unanimous consent that I can do that.

The Acting Speaker: Mr Hampton has asked for unanimous consent to do the two-minute windup. Agreed? Agreed.

Mr Hampton: I'm asking all members to support this legislation today. I am asking all the members to recognize the current situation in this province, where there are a number of communities in this province that are now directed to boil their water, where there are a number of communities in this province that have been told, at long last, by either medical officers of health or by provincial authorities or by independent testing agencies that they have serious water quality problems.

We know that Walkerton continues to be in a crisis, but we also know that there are literally over 100 communities in this province that now have significant problems with their drinking water and that cannot, with any degree of certainty, assure their citizens of the ongoing safety of their drinking water. So I am asking all members to recognize that we have a province-wide problem here. I am asking all members to recognize that there are a number of features in this bill which will go a very significant distance in terms of aiding not only the citizens of Ontario but aiding the current government in terms of dealing with this very serious problem.

Briefly, what is in the bill that is so important is to set in legislation so that it is very clear for everyone—for municipalities, for municipal officials, for provincial officials, for private organizations—to set very clearly in legislation that water testing can only be conducted by accredited labs, to put in place strict notification requirements.

Two of the problems in Walkerton that we already know about were that there was a switch from one lab to another, which caused some inconsistency, and the second problem that we already know about is that, because there were no strict notification requirements, people who should have known didn't know. The medical officer of health wasn't notified. Can you imagine that? The officer in the public health system who is

supposed to have some control, who can issue directives about boiled water, wasn't notified. This needs to be in legislation.

Having it in a regulation somewhere is not sufficient. We have seen over the last five years how easily this government will pass and then get rid of regulations. We have seen how they will often do away with regulations without any public consultation whatsoever, without any reference to those groups or organizations or the public health of citizens who might be affected. This needs to be in legislation.

Strong community right-to-know provisions: we already know that one of the problems of Walkerton was that there were a series of incidents where people were going to the hospital with flu-like symptoms but the community at large had no strong community right-to-know provisions that they could rely upon. People who should have known, who deserved to know, were kept in the dark. Again, this can't be covered by some obscure regulation somewhere. This needs to be in legislation so that at all levels all levels of government and private organizations which might from time to time be involved with this would clearly know what the law is.

Again, other provisions: judicial review of actions of the Minister of the Environment with respect to clean water and safeguarding drinking water. We need to have a forum whereby citizens or a medical officer of health, if he believes that wrong decisions have been made or that enforcement is not proceeding as it should—we need to have another level of accountability here.

Establish a water advisory council. Let us recognize that Ontario is a very diverse province, that what may not be a problem in Toronto could be a problem in Walkerton, or in areas that are rapidly developing in terms of suburbanization or industrialization or intensive farm operations. We need an ongoing water advisory council which requires the minister to undertake research on water issues.

With all of the warnings that were issued pre-Walkerton, with all of the concerns that have been raised by the Environmental Commissioner, by the auditor, all of the concerns that were being raised by municipalities concerned about intensive farming, if there had been a water advisory council that was looking at these issues and if there had been a requirement by the ministry to undertake research, I think we would agree we'd be in a much better position today.

1030

Annual state of safe drinking water report: I can only say to members that we know when the Environmental Commissioner releases the annual report, it holds government and it holds outside authorities accountable. When the Provincial Auditor issues a report, we know that it holds not only government but outside bodies accountable. That is why we need an annual safe drinking water report.

And finally, a safe drinking water act fund: all the members here know that a private member's bill cannot require the government to expend money. A private member's bill cannot require the government to set aside

a fund. But what this bill does is puts in place all of the things, all of the kinds of measures which would then allow government and give government a strong basis upon which to set up such a drinking water act fund.

Why is such a fund necessary? I invite all members of the Legislature to go out there and talk to small municipalities across this province, whether in rural Ontario or northern Ontario or suburban Ontario, and you will find out that virtually every one of them recognizes that they have to do something in terms of either assuring proper operation, better operation of their sewage treatment plant or an upgrading of their water treatment plant, yet they don't have the money. They could tax local residents to the nth degree. They could sell off their water treatment plant or their sewage treatment plant to a private operator, but in any case, the cost of doing this will be beyond, and is beyond, the capacity of local ratepayers and beyond the capacity of local consumers to finance this kind of operation. There must be a provincial safe drinking water fund.

To say that SuperBuild will do it, I'm sorry, members should know that SuperBuild doesn't provide as much capital funding as was provided before. SuperBuild is open to things like hockey arenas or community centres or streets and roads, a number of projects which in effect hive down, severely decimate the amount of money that is available for drinking water protection. SuperBuild is not the answer. SuperBuild has far too wide a scope and isn't a dedicated fund.

If we recognize the seriousness of the problem, we will recognize the need for a drinking water fund. This bill doesn't provide that, but it puts in place all of the kinds of measures which would then make it much easier for a government and much more coherent for a government to put in place that kind of safe drinking water fund.

Members of the government have said, "Well, we have the regulations put in place by the Ministry of the Environment." I want all members of the government to listen very carefully to what Dr McQuigge said. Remember, Dr McQuigge was the person who blew the whistle on this; otherwise we may have had more people dying and hundreds more people sick. He said that there's a real problem in that the regulations put in place by the government don't tell municipalities or anyone else what must be done once a problem is identified.

Let's go back and revisit Walkerton for a minute. There were lab test reports telling people at the municipal level that there was a problem with their water. However, with the breakdown in regulatory authority, with the reductions at the Ministry of Environment, no one knew what to do. No one was required by law to report to the medical officer of health or to report the urgency to the Ministry of Environment. That is still the case, Dr McQuigge says, with the regulations put in place by the government. They don't address one of the central issues that arose in Walkerton. They just don't meet the test.

I'm urging all government members and I'm urging all members of the House, recognize the need for this

legislation; recognize that it addresses one of the most serious and most widespread problems in Ontario today; recognize that it will assist municipalities, it will assist municipal officials, it will assist outside agencies, it will assist provincial officials, it will assist provincial organizations and it will assist the government itself, but most of all it will aid the citizens of Ontario in acquiring once again confidence in the quality of our drinking water and confidence that governments, whether municipal, regional or provincial, have more of the tools that are necessary to take on this very important issue.

I urge all members, recognize what this legislation does, that it is a very big step forward, and not only is it a big step forward but it does a lot in terms of enabling governments of the day—municipal, regional and provincial—to do more of what must be done and to do it very quickly.

Again, Mr Speaker, I'm asking all members of the Legislature for support and I thank you for the opportunity to participate.

Mr David Tilson (Dufferin-Peel-Wellington-Grey): I only have a few minutes to comment with respect to this bill and I'll say initially that I intend to support it in principle.

I think all of us in this House are concerned that the public in this province are confident in our water supply, that it's safe. Any of us who travel to the Caribbean or Mexico or even some of the European countries are told, "Don't drink the water." We don't have that here and we don't want that here. We want it to be safe.

I think all members of the House will do whatever they can to make our drinking water safe, and this member is trying to do that, although the bill appeared to have been introduced shortly after the Walkerton incident and it may be premature because we do have Justice O'Connor, who has a public inquiry underway which may reveal a number of things. It may reveal some problems with the provincial regulations, the municipal testing procedures. We don't know. So in that respect the bill may be premature.

I don't intend to repeat the comments that were made by the member from Haldimand-Norfolk-Brant, who commented that Bill 96 does duplicate efforts that are underway to ensure water safety. In fact, he said that many of the sections don't go as far as what we're already doing. But that doesn't say that I don't support the member in what she's trying to do.

The leader of the third party has indicated he's going to take her place in response, or that someone in the New Democratic caucus is going to take her place, and I'd like some comments. I'm only going to comment on a couple of sections, with the time allowed, including sections 11, 12 and 13, dealing with an advisory council, and section 14, which deals with the testing of the private water system.

Section 14 says, "The minister shall, at the request of any user of a private water system, cause the water to be tested in accordance with subsection 4," and then it goes on to deal with establishing "regulations to establish

contaminant and substance levels.” If I understand what that section means—the member is from the city and isn’t from the country—I can tell you there are thousands of private wells around this province, and if that section means that all the private wells in this province shall be tested by the province of Ontario—I mean, as a result of Walkerton, as I understand it, between May and September of last year, there were 27,884 water samples tested in labs across the province.

1040

Walkerton has got everybody scared out of their wits and now, in that same period, over the same time period, that number has risen to 467,968. When you go to have your water tested, for the benefit of my friends who live in the city, you go to the health unit, you get a little bottle and you go home and take the sample and you take it back and it’s tested. That’s how it works. That isn’t what section 14 says. Section 14 says that the province, the state, will test all the private water systems. I must confess the state doesn’t test the septic systems. It doesn’t test my car. It doesn’t test a whole slew of things. The onus is on me, as an owner of a private well system. My time is already almost expired; I don’t have time to talk about—

Mr George Smitherman (Toronto Centre-Rosedale): Your time is up.

Mr Tilson: It’s not quite up, to my friend.

I must say, although I support in principle the water advisory council, that creates a whole slew of bureaucracy, of things that we’re doing now. The province of Ontario, through the Ministry of Health, the health units, does all of these things. They do all of these things that are outlined in sections 11, 12 and 13. We’re creating a whole new level of bureaucracy which, I must confess, the Liberal and New Democratic caucuses have done in the past, which is why we ended up in this economic mess in this province.

Mr James J. Bradley (St Catharines): As you may suspect, I will be supporting the bill before us this morning, because I think it will make a significant contribution to improving the water safety in Ontario and reducing the risk to our water supply. The overall issue that we have when we deal with the role of government is: what role should government play in our personal lives? Most people would recognize, for instance, that government shouldn’t build cars, that government shouldn’t be involved in the steel industry in terms of the manufacturing of steel. In other words, there are many areas where the private sector should be involved and government should not be involved.

One area clearly where government has a role to play—and this would be felt by people of all political persuasions except the most extreme of ideologues—is in the protection of our environment and, specifically in this case, the protection of our water supply.

I was as concerned as, I’m sure, many others on this side of the House when we heard about the Red Tape Commission being established. Governments in the past have reviewed regulations on an ongoing basis to estab-

lish which regulations would no longer be necessary. This government established the Red Tape Commission. One of its primary initiatives was to make recommendations to weaken both legislation and regulations related to the environment and to remove some of those regulations which I know some people found cumbersome and annoying but which were there to protect the environment. This commission has been re-established; ironically, it was on the same day as the Walkerton story broke. The government had put out a press release that Frank Sheehan, former member for Erie-Lincoln, and Bob Wood, member for London, were both going to co-chair this particular initiative.

What we have emerging from that is a weakening of legislation and a weakening of regulations. What the public of this province want—yes, I know there are some people who do not, and to those on the government side who went around telling people, “We’re going to get the Ministry of the Environment out of your face.” I must say you’ve delivered on that promise, because the Ministry of the Environment is out of the faces of a lot of polluters right now. But the public—regardless, again, of political affiliation—want to see legislation of this kind passed and want to see the government play a central role in the protection of the environment.

There will be some who would say this is intrusive. Indeed, it is intrusive, but it is intrusive in a good cause. For instance, the creation of a water council whose mandate will be to conduct research on water issues and advise the minister is excellent, particularly if you can get people who are experts in the field, who are well schooled in the issues of waste water and drinking water.

It calls for the creation of a safe drinking water fund. Certainly we know that the fund which was established by the government of some \$240,000, I think it is, is very important if it had more money in it. I’m going to turn this over to a colleague of mine in a moment.

I’m going to indicate my strong support for this particular piece of legislation, which has many areas in it that are of great significance and which will improve the water supply in the province of Ontario—as I drink some water in this province.

I should note that there are so many areas where people say government shouldn’t be involved, but I want to make this point to you. In the field of the protection of the drinking water in our province, the government has a role to reduce that risk. It seems to me what happened when the government cut one third of the staff of the Ministry of the Environment and about 45% of the budget is that it increased tremendously the risk of a situation such as Walkerton arising in our province, and that is most unfortunate.

This bill contains, as I say, a number of provisions which will help to protect the water supply in this province. There have been other initiatives that people have advocated in this House, in this party, on the government side and in the New Democratic Party, which can also have a major effect in that regard. I simply want to add, as the critic for the official opposition, the Liberal

Party, my strong support for this legislation and any other initiatives which will protect water safety in this province.

Mr John O'Toole (Durham): It's my privilege this morning to address the member's bill, Bill 96, the Safe Drinking Water Act, 2000. I can say right off the bat that certainly each one of us here would support the whole idea of the purpose clause in the bill, and I will, for the sake of the record, read that. The purpose is "to recognize that people who use public water systems in Ontario have a right to receive clean and safe drinking water from them; to restore public confidence in the quality of drinking water throughout Ontario; and to protect and enhance the quality of drinking water in Ontario."

It goes on to mention the use of accredited labs and accountability to the Ministry of the Environment, and not only to the Ministry of the Environment but to the people of Ontario.

Minister Newman's initiative, I would admit, was in response to Walkerton. We all received a wake-up call, not just in my riding of Durham but I believe across the province of Ontario. I can tell you that the Operation Clean Water initiative that Premier Harris and Minister Newman announced was clearly in response to that. I believe it was fast, decisive action, and I respectfully say that the member's bill goes almost all of the way to support the initiatives within that bill. So you could say for the record I will be supporting the initiatives recommended in the purpose clause. But, as the member for Dufferin-Peel-Wellington-Grey mentioned, there are certain sections in the legislation that perhaps don't go as far as our own initiatives. I believe that our government's measures are the best way to ensure continued safety of provincial drinking water.

Some of the initiatives involved a series of consultations on small water treatment facilities, consultations on nutrient management which are ongoing under the Ministry of Agriculture as well, which involve strict environmental safeguards for agricultural practices and consultations on groundwater management.

I won't go over some of the details that my colleagues have already touched on. I know the parliamentary assistant, Toby Barrett, from Haldimand-Norfolk-Brant, certainly has been out in the field working. I know for sure that he's actually been to Walkerton and in his own riding has made a point of informing himself of the ongoing concerns of our own need to have confidence in the water systems in Ontario. I believe the initiatives announced by Minister Newman, Minister Clement and the Premier are among the strongest in Ontario's history and I believe they're the strongest in Canada.

I would like to take a moment to read a few comments from my own observations within the riding of Durham. It's already one of the stringent requirements listed in Operation Clean Water, and here's what's been said within Durham. Ron Motum, supervisor of technical support for the regional municipality of Durham's works department, recently reported in one of my riding's local newspapers on Operation Clean Water: "A lot of these

things, we're already doing. In some cases we're doing more than indicated in the new regulations."

So I think that in most cases the public civil servants in the riding of Durham, and I would dare say those people working in those very important public roles, take their jobs very seriously.

1050

Mr Motum added that Durham region reports its findings to the Ministry of the Environment and the information about water quality is frequently provided to the public. In fact, I think Operation Clean Water goes one step further. It not only says that it will be frequent; it says it will be required.

Durham region also has information links for the public on water safety and instructions on well testing throughout the Web site, www.region.durham.on.ca.

Also, last spring, the Durham region associate medical officer of health, Dr Donna Reynolds, told the public about the tight rules that are followed in my area. She said: "In addition to testing that is required by the Ministry of the Environment, Durham region public health inspectors are responsible for the collection of random samples of municipal tap water throughout the region. The inspectors involved in water testing collect a minimum of 500 samples a year to test for E coli and other bacteria."

It's clear that the public needs that assurance and that confidence. I can tell you, not just in response to Walkerton, that each one of us has to take some responsibility.

The issue in my riding that's very important is the whole issue of private wells. This has been a wake-up call for each of us. They should test their wells regularly and respond accordingly. Those have been the instructions from the medical officer of health, and I can assure you, the message is that we want to support this legislation in the sense that it goes most of the way in which Operation Clean Water intends to move.

Mr Rick Bartolucci (Sudbury): I too stand in support of this bill and I commend the member for introducing it. I would hope that everyone in the House supports it.

I'm from northern Ontario and I have a deep passion for northern Ontario and I never apologize for that. We have a problem in northern Ontario when it comes to our water. The problem is not solely in Sudbury. This is a problem throughout northern Ontario, so it's no small wonder that we, as the Liberal caucus, are opposed to the Adams mine project, which certainly does anything but guarantee clean water for future generations.

But let's talk about the more immediate concerns we have. Certainly my leader, Dalton McGuinty, travelled the province extensively over the course of the summer and visited places like Bruce Mines and White River; they are on boil-water orders. What a sad commentary on pristine northern Ontario that they have to be on boil-water orders. It just didn't happen naturally; it happened over a course of time by neglect of this government over the course of the last five years with its massive down-

loading. The pressure that they've put on municipalities is incredible, and this government will be held accountable by future generations for what they've done in the past and in the present.

In my home jurisdiction, in my city of Sudbury—and this will even shock the government members—there are 40,000 residents who cannot drink the water that comes out of the tap, because it isn't clean. Our region has brought in interim measures. We have four tanker trucks located in various areas in the south end of the city that people can come to and get water from this tanker truck so that they'll have drinking water. That's disgusting. That's a crime, and it's because this government over the course of the last five years has not lived up to its responsibilities, as the Ministry of Natural Resources, the Ministry of the Environment, the Ministry of Northern Development and Mines and as a government as a whole.

Last night our very progressive regional council passed a resolution to fix this problem that's going to cost a lot of money. Part of that resolution was to ensure that the government and, in particular, the Minister of Northern Development and Mines come to the table with money, because that's what's needed to fix the problem. We need an upgraded water filtration system at the David Street pumping station, we have to look at the Wahnapeitei plant, and we have to make incredible modifications over the course of the next while to ensure that the 40,000 residents who are now getting their drinking water from tanker trucks will no longer have to do that. Imagine bathing in the following water: you can't bring graphics into the House any more, but you get a bottle of water, you colour it, you make it dirty brown, you put particles in it, and that's what comes out of the taps in the south end of the city.

Our community has had enough. The south end residents have told regional council very clearly and very distinctly, "We want it upgraded. We want to be able to turn on our taps and get clean water, not mud." In order to do that, this government is going to have to come to the table with money. I challenge you to do that.

Mr David Christopherson (Hamilton West): First of all, let me compliment my colleague from Toronto-Danforth in bringing forward such a crucial bill. I can't think of anything more timely. When we look back and try to determine what was the biggest single advancement in public health in the history of civilization, it really wasn't new technology, it wasn't new miracle drugs, it wasn't new methods of surgery; it was the provision of clean drinking water, the single biggest advancement in public health. Now, in one of the richest countries in the world with one of the highest standards of living that we've ever seen, that very public health issue is threatened, threatened to the point where people have died. When I hear the member for Dufferin-Peel-Wellington-Grey talk about the fact the bill may be premature—no, I say through you, Speaker; quite the contrary. This bill is long overdue. Perhaps if we had had this bill in place, we wouldn't have had Walkerton.

I want to mention something else while I'm on my feet. Virtually every member of the government caucus who has spoken this morning has gone out of their way to say that they agree with the intent, or they agree with the preamble. There are words there to say that they agree; then they proceed to show where they disagree, where they've got criticisms. I predict, and we believe in this caucus, that the Tory members today will actually vote for this bill. That is not the real issue. If we follow the bouncing ball, what really matters is, will this bill find its way into committee and will there be public hearings to debate the issue? Because if that doesn't happen, all the words in the world mean nothing; the vote today means nothing. It's just camouflage.

We need to hear from this government, from every one of you who is going to stand in your place today and vote for this bill, that you intend to see the bill carried through into committee so that it has some real life. Without that, they're just performing a public relations exercise this morning. Certainly the people of Ontario, when it comes to clean drinking water, deserve more than a public relations exercise. They deserve the protection that is contained in Bill 96. So vote for it, yes, speak to it, yes, but make sure it gets to committee so it has life.

The Acting Speaker: Response?

Mr Hampton: On behalf of Ms Churley, the member for Toronto-Danforth, I want to thank members for their support, but I want to echo the words of my colleague Mr Christopherson. We're asking members here today to vote for this legislation because it is good legislation, because there is no other legislation like it in Ontario today, because it is overdue legislation, because it will go a great distance in equipping municipalities, regional governments and the provincial government with the tools that are necessary to protect and safeguard our drinking water. But above and beyond that, we're asking members to support this bill going to committee and support this bill being subject to public hearings.

If we are really serious about protecting and safeguarding the drinking water of Ontario citizens, nothing else will do. If we're really serious about this and we are listening to the concerns of not only the citizens of Walkerton who have had their tragedy to deal with, but all of those other communities that are living now with boil-water directives and all of those other communities that are looking at multi-million-dollar costs in order to safeguard their drinking water, we can do nothing less.

This is legislation that needs to be passed here today and needs to go to committee and needs to be set forward for public hearings now so that citizens, wherever they may live in Ontario, will have an opportunity to take part in this debate, will have an opportunity to outline the problems, the solutions they would prefer, and the general direction that must be taken.

I implore all members, do the right thing. Listen to your conscience; listen to your constituents.

The Acting Speaker: The time for this ballot item is now expired. The question will be decided at 12 o'clock.

1100

INTERCOUNTRY ADOPTION
AMENDMENT ACT, 2000
LOI DE 2000 MODIFIANT LA LOI
SUR L'ADOPTION INTERNATIONALE

Mr Cordiano moved second reading of the following bill:

Bill 116, An Act to amend the Intercountry Adoption Act, 1998 / Projet de loi 116, Loi modifiant la Loi de 1998 sur l'adoption internationale.

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

Mr Joseph Cordiano (York South-Weston): Let me say that I am pleased to be debating this bill today, but I am very discouraged by the fact that we even need such a bill to be introduced. The reason this bill is required is because the Intercountry Adoption Act has imposed a head tax on orphans who are adopted from abroad.

In this province today, we do a great disservice to families. What we're talking about here is the desire on the part of many people to create a family, to form a family. Families in this province face all kinds of difficulties. It's a great struggle to raise children today. It's not easy. I can speak from experience. Many parents out there are having a tough time. The fact that these parents would desire to create their own family should be honoured by this Legislature, should be honoured by every single one of us.

How do we in Ontario honour these families today? We honour them by placing a head tax on the heads of the children they want to adopt: \$925 on top of the huge burden these families already face. Many of these families go into debt to finance the adoption process, up to \$20,000. It is a huge sum of money. These are not wealthy families. These are families from a broad cross-section of Ontario with incomes ranging from low to middle to high income. What we're doing is imposing yet another hardship on these people. I can't for the life of me understand why any of us in this Legislature would support this most odious head tax. That's the only way you can describe this; it's a head tax.

The minister would respond by saying that this is a fee designed to recoup some of the costs associated with this adoption process. False. That is entirely false, because international adoptions that are finalized in another country are the adoptions that are required to pay the \$925 head tax. Adoptions that are finalized in Ontario are not required to pay that head tax.

Let's examine that for a moment. If the process is conducted in the foreign country, all of the paperwork is done there. Therefore, I ask the minister, what additional costs are incurred by the ministry for this process to be completed in Ontario? The same home study that is conducted for Ontario adoptions—and that home study, by the way, is paid for by the adopting family—is conducted for foreign adoptions. There is no additional paperwork that is required to be done by the ministry.

The safeguards that were in place that were brought about as a result of the Hague convention are there to protect all adoptions and all children who are adopted.

For the life of me I cannot understand what additional costs there are with an adoption that is finalized in a foreign country. There are none. The simple reason that there is this head tax imposed on these children, on these families, this hardship, is that the government decided that they could get away with it, and so they had a cash grab.

This is not a huge amount of money, but it is significant; it's symbolic. The \$925 amounts to, I think, about \$700,000 per year in revenue. But at the end of the day, it's not justifiable. These fees, this tax, are simply not justifiable. For a government that has defended itself by proclaiming it is tax-fighting and helping working families, nothing could be further from the truth. You're not helping working families by imposing this head tax. You have punished families who desire to create a family of their own.

We should, as legislators in this assembly, honour those families. Because, by God, they're taking on huge responsibilities. I can't justify this, and I don't think any one of us should stand up and be able to justify this. At the end of the day, there is no justification.

Let me examine a further fact. In other jurisdictions, they are supportive of family formations by way of adoption. In the United States, there are tax credits of up to \$5,000 granted for families wishing to adopt abroad. The only debate that's taking place is how to increase that tax credit; not to eliminate it, but how to increase it. I think it's disgraceful that here in Ontario the opposite is true. I think it's shameful. Frankly, in other parts of this country—in Quebec—they have non-refundable tax credits that encourage family formations, that encourage adoption from abroad.

There is really no support for this to be a fee. I've asked the minister repeatedly, and frankly, I would have thought by now that the minister would have rescinded this tax, knowing that it was wrong. In fact, there is in the act a requirement that the minister review the tax after one year, and he promised to do that. I say to the minister, "Act now. Don't wait for a year to go by. Act now and rescind the tax," because many people would be grateful and thankful, and it would be a gesture to the people of this province that this government, this assembly, cares about families.

1110

As it stands right now, this government is saying to families, "We really don't care. It's an additional burden. You're going to have to pay it. You want to adopt children from abroad, then that's a luxury. We don't care. We simply have no regard for that, and you're going to have to pay an additional \$925 on top of the huge burden that exists and the costs associated with that," up to \$20,000 to adopt children from abroad, and that's after-tax dollars. That is a huge amount of money.

We should, in this province, be encouraging family formation. We'd be encouraging couples that want to

adopt from abroad. We are doing ourselves a great service, we are doing the people of this province a great service, we are acting in a very valuable way if we do that and encourage families. Let's go in the opposite direction. Let's provide additional support for people who wish to adopt children. That's what I'm asking the government to do eventually.

Today, we're dealing with the elimination of a head tax. That's all my bill asks the government to do. I implore the members opposite, I implore the backbenchers, particularly in the government, to consider what I'm saying. It is a simple act. It is a simple amendment that would eliminate the head tax. There's simply no reason in the world that this tax exists, as I've tried to outline for you. There is no justification for this additional head tax.

The minister is incorrect when he says he needs this to recoup costs. As I've demonstrated today, there are no additional costs to the ministry. This is simply a cash grab, and it cannot be justified by this government, or for that matter, any other government. In this province, we should be proud, we should be standing up and defending family formations and defending the right of individuals, because it is a right, to create their own families. So let's honour those families. Let's not disrespect them. Please support this bill.

The Acting Speaker: Further debate?

Mr Bart Maves (Niagara Falls): I'd just like to take a few minutes to talk about the Intercountry Adoption Act and give some background. When we implemented the Hague Convention on Intercountry Adoption, including all of its requirements under this convention, our government was required to pass an Intercountry Adoption Act. Under this act, the Ministry of Community and Social Services became the central authority for Ontario, with responsibility for a number of functions and processes related to international adoption. The purpose of us becoming the central authority was really to have some procedural safeguards in place to protect the best interests of the children and families that were involved in intercountry adoption.

At the time we passed the act, all three parties agreed with the act. In the act was the ability for the director to charge a fee for services incurred by the ministry in fulfilling its roles. At the time, neither of the two parties raised this as an issue. We don't need legislation to adjust a fee. Right now the fee is \$925. You don't need legislation to adjust the fee, because it's up to the director, right now in the legislation, to remove the fee if he wants, to reduce the fee if he wants. So it's not necessary to pass a piece of legislation to effect that change if the House decides that's the change it wants.

But I would say that at the time of the legislation, which got all-party approval, it was contemplated and it was in the act that there could be a fee for services provided by the ministry. What types of services does the ministry provide in order to justify this fee? One of the key things is licensing of people who facilitate adoptions, and being involved to make sure that all the guidelines

are followed and procedures are followed to make sure that we don't have some of the horror stories that we've had before.

When we had the debate about this, the member opposite who is proposing this bill had some experiences himself, some horror stories that he talked about in intercountry adoptions. The reason why he wanted that act, along with the rest of the House, was to stop that from happening, involve the government in a way that they could safeguard things from happening again.

Many things have happened over the past with facilitators taking and extorting money from people, saying they are going to come up with a child for them from a foreign country. There has been misrepresentation of medical assessments of the child. The government, not being allowed to help with that, has allowed that to go on. There has been falsifying of documents, colluding with individuals. There is story after story about country after country about these things occurring.

So the ministry now, by the Intercountry Adoption Act, which this House unanimously agreed to, does several things and is responsible for several functions: they have to receive adoption applications from persons resident in Ontario; they have to determine that applicants are eligible and suited to adopt; they have to prepare reports on the applicants and transmit reports on applicants to the central authority in the child's country; they approve the proposed adoption and agree that it may proceed; they obtain permission for the child to enter and reside permanently in Ontario; they ensure that transfer of the child takes place in secure and appropriate circumstances; they keep the state of origin informed of the progress of the adoption process; and they take measures necessary to protect a child during a probationary placement. These are all new roles that the ministry has undertaken.

Toward that they have already, for instance, hired four full-time staff. They are in the process of hiring another staff. They've already developed new standards and guidelines and procedural manuals and public information documents. They've licensed nine international adoption agencies, and there's a process to make sure that it can verified whether those agencies should be licensed.

So there is a whole variety of functions that have been undertaken, and that is the purpose of the fee. It's a fee for service, in effect. It was, as I said at the outset, contemplated when the legislation was approved by all three parties. There is a service that's being provided by the government, there is cost being incurred by taxpayers, and that's why today that fee is there.

As I said at the outset, all three parties agreed with this act, and this was in the act, contemplated by the act. It can be changed by regulation. If this House decides that there shouldn't be a fee, if this House decides that it should be a higher fee, if this House decides it should be a lower fee, that can all be done by regulation. An act doesn't have to be passed to change the Intercountry Adoption Act.

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): I am very pleased to speak this morning on the act that has been presented to this House by my colleague.

I listened with some interest to the member for Niagara Falls. He did provide some history with regard to the act. He would indicate that all parties were in agreement with that part of the act that gives the power to the director to establish a fee to recover costs. I would suggest, however, that what is in place right now is not a fee to recover costs, because there is no difference in terms of the cost of processing intercountry adoptions. The cost is the same. Where there is the discriminatory practice by this government, the government, the director, has decided that for those adoptions that are finalized outside of Ontario, the government would impose a \$925 head tax. The government has not been able to demonstrate that, for those adoptions finalized outside of Ontario, there is \$925 in administrative costs.

I think that it is important for this House to understand that as recently as August of this year, a family has filed a formal complaint with the Ontario Human Rights Commission on this issue. It's important for the members of this House to understand that when families are adopting children from other countries, they have no choice as to where the adoption is finalized. It is the country of origin of the child that makes that determination. So this government is penalizing parents on an issue that they have absolutely no control over: where the adoption is finalized.

I find it interesting that a government that so regularly prides itself on cutting taxes is so quick to implement such an unfair and onerous \$925 tax on families. My leader, Dalton McGuinty, has said that by imposing a head tax on children, Mike Harris has gone too far, and I agree with him wholeheartedly. I believe that we have an opportunity today in the Legislature to support legislation that will remove that part of the act that permits a director to make those kinds of decisions. Certainly we on this side of the House, when we support those kinds of provisions, it's with the very clear understanding that any levy of such fees would be justifiable, and what my colleague has brought to the attention of our caucus is that in fact these fees are not justifiable.

1120

The member for Niagara Falls has described part of the process, and certainly there is a variety of steps that must be taken to ensure that the families that receive children from other countries do that with the very best of intentions and with the ability to provide good homes for those children. But what this government has not been able to demonstrate is how they can justify that, in those cases where adoptions are finalized outside of Ontario, there is \$925 in additional costs. Whatever costs are associated with adopting children outside of the country, they are the same whether the adoptions are finalized in the province or in the country of origin.

I believe, ladies and gentlemen, it is important that we as legislators take this opportunity to correct that part of

the legislation that has enabled the director of this ministry to impose what I believe is an unjust and inequitable tax on people who look to build families in this country.

I thank you very much for the time this morning.

Mr David Christopherson (Hamilton West): Let me begin by commending my legislative colleague the member for York South-Weston, Mr Cordiano, on introducing such a bill. I realize that the member for Niagara Falls says that we don't need this bill, it doesn't need to be legislation, and technically it may or may not be so. But the fact is that somebody has to do something because the government has the power already to do something about it and they haven't. So somebody had to provide some mechanism to put the force of this House behind the effort to remove this head tax. I compliment Mr Cordiano on bringing it forward, because it is outrageous.

I heard, again, the member for Niagara Falls say, "All members of the House supported the original bill, the Intercountry Adoption Act, 1998." Somehow, by virtue of having supported that bill, we're now culpable in this \$925 cash grab head tax. What nonsense. What absolute nonsense. We supported the bill because it was a good piece of legislation. Contrary to the government's line that all we ever do is oppose, oppose, oppose, that we never do anything positive over here in the opposition, well, there are numerous examples, and this is yet another.

Yes, we supported the original bill. I'm proud that we did. We will be supporting this bill, and I'm equally proud we will do that, because I don't think there is one of us in this House, and I go so far as to say including members of the government backbenches, who believed that by virtue of enacting the Intercountry Adoption Act, 1998, we were going to burden Ontario families with a \$925 head tax. This is after many of those families have already paid up to \$20,000. They've already put forward up to \$20,000 to bring a child from another country, in many cases a war-torn country, an emerging democracy, benefiting the child, benefiting in many cases the original country because they may not have the means to provide for all of the children, all of the orphans in many cases. Certainly it's beneficial to the families here in Ontario. For a government that says they want to be about family, it's difficult for those of us on this side of the House to understand how a \$925 head tax is of help to Ontario families, particularly when, as has been mentioned by the author of the bill, in the United States many of those states provide up to \$5,000 in a tax credit to assist American families to do exactly the same thing.

In our own country, Alberta has refused to take the step that you've taken. Quebec actually provides up to \$3,000 as a tax credit to assist families, because their government recognizes that it is beneficial to everyone. It's a win-win-win, until you get to Ontario, and then you get this bucket of cold water thrown on this wonderful activity that is bringing so much joy to so many people. For the government to say that there are added fees

involved—my understanding is that the adoption agencies are already paying an annual fee of about \$1,800. Further to that, I remember when this government came into power in 1995, one of the first things they did was roll back a filing fee that had been imposed on businesses in Ontario to recover some of the costs of filing the corporate papers that have to be done within the Ministry of Finance. Their position at that time was that this is a user fee that business ought not pay. But today it's OK to put a \$925 head tax on kids. Now, when did this government decide that children are a goods and service to be taxed at the whim of any government? When did we make that shift? When did you decide that children are a commodity that can be taxed on a whim?

I find it particularly disturbing that on a day when earlier this morning we talked about families, about individual health, about community health, about safe water, about what happened in Walkerton, the very next bill we're dealing with after that is one where we're trying to get the government to recognize that we want Ontario families to be able to adopt. And we want, if they choose, for them to go to other countries. I defy any one of you to stand up and say where this is a bad thing, where there's something wrong with that. For somebody outside Ontario, you can't but take in the message that somehow we don't want children from anywhere other than Canada.

I have to say that I like to believe that's not the case, that's not what this government wants to say, but I say to the members in the government who are here today, what else can people determine when you've got the United States, Quebec and Alberta, about as diverse a political philosophy among governments as you're ever going to find, who decide to go in exactly the opposite direction and we tag Ontario families with almost a thousand-dollar tax to bring a child into Canada, into our province and into our communities?

1130

It's going to be interesting to see how many members of the government actually stand up and defend the \$925 head tax by virtue of voting against this bill. For any of you who are planning it, I say this to you, a cautionary note: I don't believe that this \$925 head tax will stand the test of time. There will be enough pressure, there will be enough letters to the editor, letters to members, editorials, continuing public pressure that eventually it will be eliminated. Whether we're successful right off the bat with Mr Cordiano's bill or not, that is going to be the end result.

For every one of you who stands up today and goes on the public record saying that you support this, I believe you're going to regret it down the road when it's eliminated, and let me say probably with great fanfare. The minister of the day will probably stand up and make a great pronouncement about how they care about families and how they care about what's going on around the world and that this is a wonderful thing that happens when a child is brought from another country here into Ontario and therefore, because they care so much about

Ontario families and because they care so much about children, they're going to remove that awful \$925 head tax, and every one of you that stands up here today is going to be left with egg on your face.

So I urge you to think very carefully, because this is one of those issues that you think really doesn't matter, that people aren't watching, but that has a way of coming back around a few years later and biting you, right when you're not expecting it and right where you don't want it.

Helen Christensen from Sault Ste Marie, my friend Tony Martin's riding, wrote to your minister. In her letter she said, "This fee clearly discriminates against families adopting and finalizing the adoption outside Canada. It appears to violate the Ontario Human Rights Code which provides for equal treatment without discrimination on the basis of family status and place of origin." I think Helen Christensen nailed this right on. For her to quote from the Ontario Human Rights Code, which makes reference specifically that there should not be discrimination based on your place of origin—we're talking about babies born in a place other than Canada. You don't charge this amount to adopt from within Ontario, but you are charging this \$925 head tax if the child is born somewhere other than Ontario.

I agree with Helen. If ever there was a clear violation of the Human Rights Code, this is it. I suspect, if you don't back off this head tax, this anti-child tax, you're going to find that you'll be forced to by law, and that wouldn't be the first time either. How many times have we seen human rights issues being taken to the courts because the only way Ontarians can get their rights under the law with this government is to take them to court? And you've lost, time after time after time, and not based on some obscure technicality. You were told right up front, "You're violating the law. It's unconstitutional. You're violating our charter. You're violating our Human Rights Code." You were told those things. You're being told those things again today.

Now, we've only heard one Tory backbencher speak. I assume, since the member for Niagara Falls is a parliamentary assistant, that he is probably speaking for the government, for the cabinet. But this is private members' time. This is that one rare, unique opportunity that each of us has as individual members elected to this honourable place to speak and vote our mind, our heart and our conscience. I implore every one of you to please move away from these sterile, technical arguments about why this is justified.

If you stand back and look at what other jurisdictions are doing, right next door to us, in the western part of Canada, south of the border—look at the direction they're going in. Stand back and look at the broader picture. For a government that says they care about families, it's wrong. It was wrong to bring this in, and it's wrong to leave it in.

Let me say that I believe this is also one of those moral issues, that if every government backbencher joined with us here in the opposition benches and voted unanimously—you don't have to make a speech today,

you don't have to burn your political bridges within your caucus. We understand. We're in caucuses; many of us have been in government, been in cabinets. We understand the pressure that each of you is under. But you can use that right that each of us has to stand in your place. By silently joining with us, you will speak louder than any other speech or method of communication you could use today. You know what? You'll feel good about yourself, you'll feel good about it, because this is wrong—it's wrong, it's wrong, it's wrong. There's no other way to look at it.

Let me close my comments by saying that the Children's Bridge is an organization that has lobbied strenuously on this issue, and their slogan is, "Making families happen"—making families happen. Why does it seem to be that your motto is, "Making families pay"?

Now is the time to do something that's important. This may not be the issue that's going to be on the front page of the paper tomorrow—I bet it's not—and it won't be the lead story in the newscast, but you know, for those families in Ontario that are going through this adoption process, this is probably the most important thing that will happen in their lives. They want to know that their parliamentarians and their government supports them in bringing a child here into Ontario and helping to raise them in the benefit of an Ontario family. Do the right thing. Vote for this bill.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I'm very pleased to join in the debate with respect to the Act to amend the Intercountry Adoption Act, 1998, brought forth by the member from York South. Certainly the member is very well intentioned. He has been a supporter of the legislation that was brought in much earlier. Certainly, when he was speaking on this legislation, he said, "I'm very happy to speak on this issue, a very important piece of legislation that is before us that, yes, I have advocated for. I'm glad to have this opportunity, because I want to talk about some of the things that members have been alluding to with respect to this legislation going further than the Hague convention. In fact, let me start by congratulating all members of the House, because this is one of those times when all of us can take some pride in the fact that we've all worked together on it. I want to congratulate the minister—yes, I'll do that, on one of the rare occasions that is possible—to say that she has brought forward a piece of legislation that we can all support."

Those were the very words of the member from York South. I believe him, that at the time he meant those words.

He goes on to say, "I just want to say in conclusion that I again thank all the members for being involved in this debate and for the support and consensus we've built around this issue.

"Two things come to mind. First, and the member for St Catharines had mentioned this earlier, the ministry needs to devote enough resources to ensure that this bill is implementable in our own jurisdiction. Further to that, the ministry, because of its contacts and the dealings it

will have and has had with other jurisdictions, should be encouraging the adoption and the ratification of the Hague convention in other countries. I think you can work with other countries to ensure that happens. By the way, the standards that are being proposed in this piece of legislation that was brought forward by the minister for Ontario are contained within the Hague convention. It's very important to recognize that."

So the member is essentially saying that he's a very strong supporter of the bill, and he's also saying, "Make sure you put enough resources in place to make sure it works."

So one of the tools that were put in place—it doesn't say "tax"; it's a case processing fee. It's basically that, a case-processing fee for something, an adoption that occurs within the borders of another country. Let's keep that in mind. And it can be waived in financial hardship.

1140

What the member is essentially saying with regard to this particular fee—and I think his intentions in terms of how he supports the bill are understandable—the spin that he's trying to put on this with respect to this amendment that he's trying to put, which he could have put when it first came forth, is the tax issue. It is totally divorced from what this is about. The fee that has been put in place is for the purpose of making sure that we have the resources to do what is necessary.

For example, what do they do? The creation and maintenance of file of an adoption application; review of the adoption home study based on Ontario and foreign country requirements; preparation of a letter of approval for foreign authorities; checking of documentation and preparation of correspondence for forwarding to appropriate adoption authorities; liaison with the licensed agency; approval of adoption practitioners, adoptive applicants, government authorities; review proposed adoption correspondence with foreign adoption authority; preparation of notice of agreement for immigration purposes; review and tracking of adoption process; and follow-up reports.

The members out there say there's no justification, there's nothing done, that this is just a punitive measure with respect to a potential adoptee. That couldn't be further from the truth. I think the process that has been put in place with respect to a case processing fee is just that, something which is happening within another country and is designed with the intent and purpose of putting the best interests of the children and the families first.

We put the resources in place to make sure that this works in terms of staff and a procedure. That's what the member wanted; that's what's been put in place. For him to say here today that this is a tax is completely not in line with what everybody unanimously agreed with when this act was passed.

Mr Alvin Curling (Scarborough-Rouge River): I am very happy and proud to stand and commend my colleague from York South for bringing forward this private member's bill, because it is extremely important.

This Intercountry Adoption Act was passed, as my good friend from Barrie-Simcoe-Bradford said, in 1998. The fact is we must remember that before this was done, it was my colleague from York South who had actually encouraged, coerced, done everything, so that this government could bring this forward. This was done a long time ago, and we know that these things are provincial matters to be endorsed the Hague convention.

In my limited time I won't dwell too much on the role of the Hague convention, but it's important that we recognize that a convention is there to standardize adoption requirements and therefore improve the processing—not, in itself, that other countries can charge processing fees, as my good friend from Barrie-Simcoe-Bradford said.

The record of this government has been extremely poor when it comes to this. It's awful. Because after my colleague from York South-Weston tried his best to bring it forward—he was very gracious when the minister brought this forward in the manner that he commended them for doing so, after years of doing that—that came in 1998.

We didn't know that it had taken them almost two years to bring a regulation in force. In that regulation, what this government has done is levy \$925 as a head tax on children who are being adopted outside. It is disgraceful.

Canada is known over the world as a compassionate and caring society, a society that reaches out sometimes when other nations have problems and also that we accommodate those. One of the greatest things we can do too is how we treat our children, abroad or here. Those who want to develop a family are being encouraged, but this government, at any opportunity it gets, taxes individuals. Here we are now with a process that has been done outside of this country. No domestic adoptions are being charged any fees, but right here in Ontario those adoptions that are done outside are now being charged \$925 an opportunity to do so.

The member for Niagara Falls said it's a regulation and we can change it any time we want. It is surprising that he said that. I presume the minister sent him to give the ministry line here. The fact is regulations can be changed. I was a cabinet minister. I know that. They can sit around the cabinet table and change it like that. Then my colleague who brought this forward will have to bring a bill in, in order for the government to change its mind.

Many of the private members who have an opportunity to speak and change their views on this, an opportunity to show some compassion and an opportunity to show that we are not discriminating in any way with other people, are now taking the party line, the ministerial line of saying that there is a processing fee they have to go through. It is surprising enough that those who are adopted here don't have any processing fee, those that are done domestically right here in Ontario, but those processes that are done outside are now charged \$925. I think it's rather disgraceful.

We must understand too that they are saying we must make protection, that these individuals are following the

procedures and laws laid down by the Hague convention. The fact is, this government also has agencies licensing that form and those agencies which are processing the adoption here are charged \$1,800 just to exist, to make sure they follow those regulations.

The individuals who are doing the adoption sometimes have a cost of over \$20,000. They are not only paying \$20,000 in all kinds of expenses to get the adoption here, but the government sees an opportunity in which to charge \$925 again.

I strongly support this and I hope that we all, as private members here today, support this in eliminating this head tax that we have placed on children today who were adopted outside of this country. I want to commend the member for York South-Weston for doing so.

Mr Wayne Wettlaufer (Kitchener Centre): I am pleased to speak to Bill 116, the Intercountry Adoption Amendment Act.

Adoption is a very serious issue and it's one that has been important to me for a long time. It's an issue that our government considered important as well. That's why we passed the Intercountry Adoption Act in 1998. Our government was motivated, regardless of what the members of the opposition say, by the intent to protect the children and the families who were adopting them.

There is an emotional commitment made by these families, and we wanted to protect that. We wanted to protect the interests of the children and the families. That is why we implemented the Hague convention on international adoption. It's a very serious issue.

You people on the opposite side, the Liberals and the NDP, want to talk about this as a head tax. They want to talk about this as a head tax, they want to talk about it as passing on costs. Let's talk about it, OK? You differ from me on where these costs should be passed. I don't believe they should be passed on to the taxpayer. The taxpayer is already overburdened. We don't need to pass on any more taxes. This is not a head tax; this is a straight cost recovery issue.

You seem to think that we can hire additional civil servants and it doesn't cost anything, that these civil servants work for nothing when they process the papers. I've got news for you. They don't, and the people of Ontario know it.

When the member for York South-Weston spoke to the Intercountry Adoption Act on October 1, 1998, he said, "These families are not asking for anything. They're not asking for resources. This is not going to cost any additional dollars. They are not asking for the state, the government, to help them.... They're simply asking for the chance to create and form their own families."

I ask the member, what has changed in two years? Now you think the state should contribute. You're a typical Liberal. You think you can suck and blow at the same time.

Interjections.

Mr Dwight Duncan (Windsor-St Clair): On a point of order, Mr Speaker: Clearly that language is unparliamentary and ought to be withdrawn.

The Acting Speaker: Member for Kitchener Centre.
1150

Mr Wettlaufer: Thank you, Mr Speaker, I appreciate that. I applaud the member for bringing the issue of international adoption forward. But when he does it in this manner, I'm sorry but I can't support it. I cannot support it. You're playing politics with it. You people in the Liberal Party think you're experts at the art of political gamesmanship. That's all you're doing here. But the public knows better.

You think that people who are adopting these children from out of the country, and who pay \$10,000 or \$20,000 a year, shouldn't be saddled with the additional \$925 cost—not a head tax, a cost. So you think the rest of the people of Ontario should pay that cost. This can be waived in the case of families that can't afford it, but in general the families who are paying this \$10,000 and \$20,000 can afford it. I don't think the people of Ontario should have to fork over \$925 so you can play political games.

Mr Michael Bryant (St Paul's): The member from Kitchener Centre has raised a couple of issues that I think need to be directly addressed. Firstly—

Interjections.

The Acting Speaker: We need to have some quiet in here. If we're going to have private conversations, let's take them outside. I'm sorry for interrupting. The member for St Paul's.

Mr Bryant: The member from Kitchener Centre said the sponsor of this bill, the member from York South-Weston, was playing politics. I urge all members in this House who have been sitting here and listening, and those who did not hear the member's initial speech, to ask their colleagues what he said. He is not playing politics with this. He is saying we need to make an amendment, all right? Whether or not the members here want to call it a process fee, as it has been described, or a head tax, we can all make intellectual arguments until the cows come home. Fewer processing fees create jobs. Read my lips: no more processing fees.

In all seriousness, the families of Ontario see this as a head tax. If it walks like a duck and it talks like a duck, it's a duck. This is a head tax. That's how it's perceived by Ontarians.

That's how it's perceived by a constituent in my riding, Erica Kerr, who brought this issue to my attention. She came to my office in March this year and told me there was a \$925 head tax on the child she wanted to adopt from China. She told me that if you adopt domestically, there is no head tax. Interestingly, she told me that if you adopt from Korea or Haiti, there is no head tax, as the result of other legislation.

I'm not suggesting for a moment that we adopt a head tax for those countries. It doesn't make any sense that the Canadian baby, the Haitian baby or the Korean baby is not subject to the head tax, but all other babies are. This doesn't make any sense, and we know that. A mistake has been made. We're not playing politics. We brought forward a private member's bill; this is the way we do it

in the Legislature. Obviously there's going to be a vote. It's going to send a message to the minister that it's time to get rid of this head tax.

Erica told me that she was willing to devote time and energy to this issue, but she told me that she was afraid to speak up because she didn't want to jeopardize the adoption. So we have to do that in this House, because many families feel they are silenced. They don't want to jeopardize the adoption from the foreign country. So now is the time for us to get rid of the head tax.

She has written the minister a number of times. She addressed a number of things the member from Kitchener Centre raised. Firstly, he said the cost should be passed on to the taxpayers. Well, the same point was raised by the minister. Obviously the member was reading from speaking points.

Here is what she wrote back to the minister on June 4: "You wrote that 'the taxpayers will be required to partially subsidize the process.'" Here is her response: "We adoptive families are taxpayers, Mr Baird! Exactly what part of the process are we, the taxpayers, subsidizing?"

The member from York South-Weston has already made the point that this processing fee is a myth. All the processing is paid for already by these parents through their adoption agencies. Sometimes they invest \$18,000 to \$20,000, sometimes \$20,000 in fertility treatments even before they walk down this path.

I wish I could go further and read through Ms Kerr's letter, but time is of the essence. Let me just say that we know young families in Ontario today are increasingly turning to adoption. I know this. I have adopted members in my family. When my brother was adopted in the early 1970s, it was very different from today. Younger families are waiting until later in their lives before they decide they want to have children. As a result, many find that they can't, so they turn to adoption. Not enough local adoptions? They turn to international adoptions. They need help from governments in building these families.

These families and these children are miracles. My brother and my niece are miracles. My niece was adopted from a foreign country. Mercifully, my sister and brother-in-law live in British Columbia, so they were not subjected to this head tax.

I say to members of the government: put it in neo-conservative terms if you wish and say you want to cut the tax and cut the red tape here, but I appeal to you as human beings, for goodness' sake. People see this as a head tax; let's get rid of it. Congratulations to the member from York South-Weston.

The Acting Speaker: Further debate?

Mr Garry J. Guzzo (Ottawa West-Nepean): In the few minutes—seconds—allowed me today, I just want to—

The Acting Speaker: It is a few seconds. In response, the member for York South-Weston.

Mr Cordiano: I want to thank all the members who participated in this debate, and I want to remind the members of the governing side particularly—the back-

benchers, if you will—that they have truly an extraordinary opportunity here to do the right thing.

The Minister of Community and Social Services is present in this chamber at the present time. He will recognize that we will eliminate the power of the director to impose this fee, and that's why this amendment is called for. If we do the right thing, we will be granting adoptive families a real benefit and, more importantly, we will be honouring them and honouring all Ontarians by stating very clearly, symbolically, that we are very supportive of the formation and creation of families in this province and, whether they come from foreign countries or they're adopted in Ontario, we do not make any distinction. We are not going to discriminate against those families by imposing an odious head tax on the children of those families.

Members, let's stand up today and do the right thing. There are few opportunities in this House to act honourably by doing the right thing. We are all honourable members in this House, but there are few occasions when we can rise above the partisanship of this House. I implore you to understand that this is not a partisan issue. We will be doing those families a great justice by doing the right thing and supporting this bill I have brought forward.

Thank you, Mr Speaker, and again, thanks to all those members who participated.

The Acting Speaker: The time allotted for ballot item 36 is now over.

SAFE DRINKING WATER ACT, 2000

LOI DE 2000 SUR L'EAU POTABLE SAINTE

The Acting Speaker (Mr Michael A. Brown): We will now revert to ballot item number 35.

Ms Churley has moved second reading of Bill 96, An Act to restore public confidence in the quality of drinking water in Ontario. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

INTERCOUNTRY ADOPTION AMENDMENT ACT, 2000

LOI DE 2000 MODIFIANT LA LOI SUR L'ADOPTION INTERNATIONALE

The Acting Speaker (Mr Michael A. Brown): We will now deal with ballot item number 36.

Mr Cordiano has moved second reading of Bill 116, An Act to amend the Intercountry Adoption Act, 1998. Shall the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

We will call in the members first for ballot item number 35, second reading of Bill 96. This will be a five-minute bell.

The division bells rang from 1201 to 1206.

SAFE DRINKING WATER ACT, 2000

LOI DE 2000 SUR L'EAU POTABLE SAINTE

The Acting Speaker (Mr Michael A. Brown): Ms Churley has moved second reading of Bill 96. All those in favour will please stand and remain standing until their name is called.

Ayes

Agostino, Dominic	Galt, Doug	Newman, Dan
Arnott, Ted	Gerretsen, John	O'Toole, John
Baird, John R.	Gilchrist, Steve	Ouellette, Jerry J.
Barrett, Toby	Gill, Raminder	Palladini, Al
Bartolucci, Rick	Gravelle, Michael	Patten, Richard
Bisson, Gilles	Guzzo, Garry J.	Peters, Steve
Bountrogianni, Marie	Hampton, Howard	Phillips, Gerry
Boyer, Claudette	Hardeman, Ernie	Pupatello, Sandra
Bradley, James J.	Hodgson, Chris	Runciman, Robert W.
Bryant, Michael	Jackson, Cameron	Ruprecht, Tony
Caplan, David	Johns, Helen	Sampson, Rob
Christopherson, David	Johnson, Bert	Sergio, Mario
Chudleigh, Ted	Klees, Frank	Smitherman, George
Churley, Marilyn	Kormos, Peter	Snobelen, John
Clark, Brad	Kwinter, Monte	Spina, Joseph
Coburn, Brian	Lankin, Frances	Sterling, Norman W.
Colle, Mike	Levac, David	Stewart, R. Gary
Conway, Sean G.	Marchese, Rosario	Tascona, Joseph N.
Cordiano, Joseph	Marland, Margaret	Tilson, David
Cunningham, Dianne	Martel, Shelley	Tsubouchi, David H.
Curling, Alvin	Martin, Tony	Turnbull, David
DeFaria, Carl	Martiniuk, Gerry	Wettlaufer, Wayne
Di Cocco, Caroline	Maves, Bart	Wilson, Jim
Dombrowsky, Leona	Mazzilli, Frank	Witmer, Elizabeth
Duncan, Dwight	McLeod, Lyn	Wood, Bob
Dunlop, Garfield	Molinari, Tina R.	Young, David
Ecker, Janet	Munro, Julia	
Elliott, Brenda	Mushinski, Marilyn	

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

Nays

Hastings, John

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 82; the nays are one.

The Acting Speaker: I declare this motion carried.

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

Ms Marilyn Churley (Toronto-Danforth): Mr Speaker, here's the real test for government members. I direct it to the general government committee for public hearings.

The Acting Speaker: Ms Churley has requested that this be referred to the standing committee on general government.

All those in favour will please stand and remain standing until you're counted.

All those opposed will please stand.

You may be seated.

The ayes being 35, the nays being 48, a majority is not in favour, so pursuant to standing order 96, this bill is referred to the committee of the whole House.

We will now open the doors for 30 seconds to permit members to come in and go out.

INTERCOUNTRY ADOPTION
AMENDMENT ACT, 2000

LOI DE 2000 MODIFIANT LA LOI
SUR L'ADOPTION INTERNATIONALE

The Acting Speaker (Mr Michael A. Brown): Mr Cordiano has moved second reading of Bill 116. All those in favour will please stand.

Ayes

Agostino, Dominic	Curling, Alvin	Martel, Shelley
Arnott, Ted	DeFaria, Carl	Martin, Tony
Bartolucci, Rick	Di Cocco, Caroline	McLeod, Lyn
Bisson, Gilles	Dombrowsky, Leona	Mushinski, Marilyn
Bountrogianni, Marie	Duncan, Dwight	O'Toole, John
Boyer, Claudette	Gerretsen, John	Palladini, Al
Bradley, James J.	Gravelle, Michael	Patten, Richard
Bryant, Michael	Guzzo, Garry J.	Peters, Steve
Caplan, David	Hampton, Howard	Phillips, Gerry
Christopherson, David	Klees, Frank	Pupatello, Sandra
Churley, Marilyn	Kormos, Peter	Ruprecht, Tony
Clark, Brad	Kwinter, Monte	Sergio, Mario
Colle, Mike	Lankin, Frances	Smitherman, George
Conway, Sean G.	Levac, David	Witmer, Elizabeth
Cordiano, Joseph	Marchese, Rosario	
Cunningham, Dianne	Marland, Margaret	

The Acting Speaker: All those opposed will please rise.

Nays

Baird, John R.	Jackson, Cameron	Spina, Joseph
Barrett, Toby	Johns, Helen	Sterling, Norman W.
Chudleigh, Ted	Johnson, Bert	Stewart, R. Gary
Coburn, Brian	Martiniuk, Gerry	Tascona, Joseph N.
Dunlop, Garfield	Maves, Bart	Tilson, David
Ecker, Janet	Mazzilli, Frank	Tsubouchi, David H.
Elliott, Brenda	Molinari, Tina R.	Turnbull, David
Galt, Doug	Munro, Julia	Wettlaufer, Wayne
Gilchrist, Steve	Newman, Dan	Wilson, Jim
Gill, Raminder	Ouellette, Jerry J.	Wood, Bob
Hardeman, Ernie	Runciman, Robert W.	Young, David
Hastings, John	Sampson, Rob	
Hodgson, Chris	Snobelen, John	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 46; the nays are 37.

The Acting Speaker: I declare the motion carried.

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

Mr Joseph Cordiano (York South-Weston): I'd like to refer the bill to the standing committee on justice and social policy.

The Acting Speaker: Mr Cordiano has asked that the bill be referred to the standing committee on justice and social policy.

All those in favour of Mr Cordiano's request will please stand.

You may be seated.

All those opposed will please stand.

You may be seated.

A majority is not in favour. This bill will be referred to the committee of the whole House.

All matters relating to private members' public business now being complete, the House will recess until 1:30 of the clock.

The House recessed from 1218 to 1330.

MEMBERS' STATEMENTS

HOSPITAL FUNDING

Mr Rick Bartolucci (Sudbury): The Minister of Health has abandoned her responsibility to the Sudbury Regional Hospital, and today I stand here to insist that she honour her commitment made to my community.

Minister, let me bring to your attention the desperate plight of the Sudbury Regional Hospital administrators, who, despite their very valiant attempt, can no longer make do with your negligent underfunding policies. Our hospital's deficit for this fiscal year has ballooned from \$10 million to \$15 million due to your restructuring costs. Our hospital is not alone; hospitals across this province are bleeding deficits because of your negligent policies. Add to this our operating deficit since 1997, and this presents a \$30-million deficit.

It doesn't end there. This spring our hospital announced a severe physician shortage, to the point that operating basic emergency room services came into question. You and your ministry turned your backs on our community, and in a desperate 11th-hour move our hospital had to commit \$6 million to keep doctors in Sudbury, bringing the deficit to \$36 million.

Minister, you committed to covering 85% of our restructuring costs. To date you owe our hospital \$10.6 million. This debt has been ongoing for three years. The fact is, you don't pay your debts and you don't live up to your commitments.

My constituents want quality health care in a quality hospital for a quality community. Today they want some quality from you and your Premier.

KYLE PETTEY

Mr Doug Galt (Northumberland): I rise in the House today to extend best wishes and good luck to Kyle Pettey, a world-class athlete and resident of Northumberland.

Kyle's story is nothing new to members of this Legislature. When I last brought this outstanding young man to your attention, he had just set a new world record in the discus competition. Kyle, his friends and his family were keeping their fingers crossed that he would soon

qualify for the Canadian Paralympics team. I'm pleased to announce today that on Monday, Kyle will be leaving for Australia, representing Canada at the year 2000 Paralympics. Kyle's pursuit of an Olympic dream is now a reality.

Despite being diagnosed with cerebral palsy and breaking his back in a farming accident, Kyle has become one of Canada's top amateur athletes. I admire Kyle's tenacity, hard work and dedication, as they have earned him the honour of being the Canadian record holder in the javelin, shot put and discus competitions. He is ranked among the top 10 in the entire world.

Mr Speaker, I know that you join with me in extending our best wishes to Kyle as he competes in Australia. To Kyle, his coach John Potts, and his family, may outstanding success be the least that you achieve.

WASTE MANAGEMENT

Mr David Ramsay (Timiskaming-Cochrane): I am going to basically applaud a newspaper that's not in my riding but from the riding of Ernie Parsons from Prince Edward-Hastings county. The Belleville Intelligencer today did a two-page, in-depth study on Waste Management Inc of the United States, highlighting all the criminal and environmental convictions that company has had in the United States that total over \$300 million in fines, not only EPA fines in the United States, but also crimes including wire tapping.

That is the type of corporate culture we have in waste management in the United States, and this is the very company—its Canadian subsidiary—that is expanding landfills in Ontario. They are the ones who will take over if Toronto signs a contract with the Adams mine consortium—we'll have to see about that—and also Napanee; they're trying to expand the landfill there to take garbage. They have landfills all over. I think our Ministry of the Environment must be on guard against companies such as this invading our province of Ontario.

I say to the Minister of the Environment, because the environmental assessment for the Napanee site has not been completed, that the ministry should be giving full due diligence toward the parent company of Canadian Waste Management to make sure that any landfills in this province that are sited are managed by responsible and environmentally caring companies.

LABOUR DISPUTE

Mr Peter Kormos (Niagara Centre): The staff of the Canadian Mental Health Association perform an incredibly important role in all of our communities. Down in Niagara South, the 16 staff persons work on a daily basis with some of the most vulnerable people in our community, people who have been released from psychiatric hospitals, people who suffer disabilities and ailments, people who are indeed members of our families, our sisters and brothers, our spouses, our parents, our children. The workers of the Canadian Mental Health

Association are diligent, professional and committed in their work with these incredibly vulnerable people.

The workers at the Canadian Mental Health Association in south Niagara over two years ago exercised their right to form a collective bargaining unit, CUPE local 1287. In over 26 months, they still don't have a first contract, and they've been forced out on strike with no return to the negotiating table by their employer, the board and the executive director of the Canadian Mental Health Association, Niagara south.

I was pleased to join these 16 workers last week where we spoke to the community about the plight the board is creating for these incredibly vulnerable people. I'm going to be joining them again tonight, along with Wayne Samuelson from the Ontario Federation of Labour and Sid Ryan. We want to impress upon the community how important it is for their employers to get back to the bargaining table and end this strike. It's a strike the workers don't want and the community doesn't need. It's up to the board to end it.

RED CROSS

Mrs Julia Munro (York North): I rise today to pay tribute to an international organization that plays an important role in all our communities. The Red Cross is celebrating 100 years of helping others. Ever since Swiss businessman Henri Dunant initiated services of the Red Cross Society in 1859 to help the injured on the battlefield of Solferino, the vivid Red Cross emblem has grown to be a universal symbol for help and humanity. The International Red Cross and Red Crescent movement is alive in 165 countries.

In York region, the Red Cross will be celebrating its 100th anniversary, saluting its many volunteers and workers who make the programs a success. Ildiko Luxembeerger of Newmarket, a nurse who has volunteered since 1992, has spent time in Puerto Rico helping residents rebuild their lives after the devastation of Hurricane Georges. Donna Chanda of Newmarket is working as a project leader at an orthopaedic centre providing prosthetics to landmine victims in Tajikistan, one of five former Soviet republics that has been besieged by years of civil war. The region of York has the strongest youth representation for the Red Cross in Ontario.

Although the Red Cross promotion of a humane bond has still not stopped war and other tragedies from occurring, knowing there is never a shortage of caring, devoted workers to lend a helping hand gives hope for a better future.

AGRICULTURAL FUNDING

Mr Steve Peters (Elgin-Middlesex-London): It was with great interest that I listened to the Premier's fall action plan. "More to do to keep Ontario strong" is the supposed basis of this government's agenda. I would suggest that Mr Harris get his head out of the office

towers of Bay Street and realize what is happening in rural Ontario and to the agricultural industry in this province. What Mike Harris and his government fail to realize is that agriculture and Ontario farmers have been left behind as the rest of the Ontario economy moves forward.

If Mike Harris and his Common Sense Revolutionaries were truly committed to a “strong economic plan and a vision for a prosperous Ontario,” they would realize that you cannot ignore the economic impact of agriculture to this province’s economy. Agriculture is the second-largest industry in this province. The agri-food sector contributes \$24.4 billion to Ontario’s GDP and employs nearly 682,000 people.

This government has failed to realize that our farmers have faced one of the worst years ever: unprecedented rainfall, countless acres left unseeded and commodity prices that continue to fall. The farmers of this province can compete with anyone in the world if they have a level playing field. They cannot compete with the treasuries of the European Union, the United States, or Quebec for that matter. Farmers across this province spoke loudly and clearly in public meetings throughout August. Did Mike Harris and his government listen? Did they even hear the voice of rural Ontario? Our agricultural industry is in crisis. The time for action, Premier, is now.

LIBERAL PARTY

Ms Marilyn Mushinski (Scarborough Centre): As the new school year moves forward, students in about two dozen schools are actually being greeted with the smiling face of a Liberal MPP. The Liberal leader issued a challenge to members to return to the classroom to see what a day in the life of student is like. Perhaps Liberal members should spend a day on a workfare placement to see what that is like. Perhaps Liberal MPPs should spend a day with our hard-working police officers to learn about the challenges they face.

1340

The reality is, while we need to interact with our constituents, what we really need to do is to listen to them and to act. This Liberal stunt is meant to distract Ontarians from the reality that the Liberal leader still has no policies and no vision for Ontario—truly a triumph of process over substance.

You know what the member for Ottawa South’s hometown paper, the Ottawa Citizen, called his idea? “Grade A loopy.” Sounds about right to me. Our students, all Ontarians, need no Liberal media stunts in our children’s classrooms. The Liberal leader obviously just doesn’t get it.

BREAST CANCER

Mrs Lyn McLeod (Thunder Bay-Atikokan): On Sunday thousands of people will join in the Run for the Cure, to raise money against breast cancer.

It’s time for the Ontario government to step up its part in that fight. It is a tragic, unacceptable fact that the mortality rates for breast cancer are higher in Ontario than in seven other provinces and 45 states. There is no excuse for that.

If we want to understand why more women die of breast cancer in Ontario, we might start with the intolerable fact that many women in this province are waiting as long as seven months for radiation treatment. Seven months—when the recommended time for treatment is within four weeks.

This is a crisis with no short-term solution, other than to send more and more people away from home to get the treatment they need. It is a disaster that could have been prevented, and the tragic reality is that unless the government acts quickly to put more staff and resources in place for the future, there will be even more cancer patients sitting on waiting lists for agonizing lengths of time.

If we want to start reducing the death rate from breast cancer, we need to give women access to treatment much sooner. We also need more effective screening programs. The Harris government could begin by requiring that all mammography machines meet accreditation standards. The women of the Liberal caucus asked for this six months ago. We’ve had no response at all from the Minister of Health. Some 60% of mammography machines in Ontario are not accredited. Surely there’s enough money in the budget of the province of Ontario to make sure that women can at least get an accurate diagnosis. Surely the minister cares enough to at least respond to our concerns.

All those who join in the Run for the Cure on Sunday will be there because they care. Let the Ontario government show that it too cares.

CARE FOR KIDS

Mrs Tina R. Molinari (Thornhill): It’s an honour for me to rise today in this House to tell you about Care for Kids, Toronto, a fully registered charitable organization founded by Sonny Goldstein, who is a constituent in my riding of Thornhill.

As we all know, the threat of losing a child from a life-threatening illness or the untimely death of a child is one of the hardest moments in a family’s life. Care for Kids, Toronto, helps to make this journey a little easier. Care for Kids was established to provide additional assistance to the palliative care program of Sick Children’s Hospital that is so capably headed by Maria Martin, the palliative care coordinator at the hospital. Through their generous fundraising campaign, Care for Kids is able to provide that extra assistance to families who require nursing support at home, life-sustaining equipment, access to resources for emotional support, and support programs for siblings who have lost a brother or sister.

On behalf of the people of Thornhill, I would like to congratulate Sonny and Michelle Goldstein of Care for Kids, Toronto. They are to be truly commended for the

charitable foundation that they have established. I would like to wish them every success as they begin to plan for their fourth annual fundraising event in the year 2001.

Please join me in recognizing Sonny Goldstein, founder of Care for Kids, Toronto, who is with us in the Legislature today.

STATEMENTS BY THE MINISTRY AND RESPONSES

YOUNG OFFENDERS

Hon Jim Flaherty (Attorney General, minister responsible for native affairs): The people of Ontario are concerned because the federal government is ramming through Bill C-3, the Youth Criminal Justice Act, its proposed replacement for the Young Offenders Act.

Ontario has asked the federal government repeatedly to give us the opportunity to present our concerns with this flawed legislation. These requests have been denied. The people of Ontario have been demanding real reform to the federal young offenders legislation for years. They want effective legislation. They want violent youth to be held—

Interjections.

The Speaker (Hon Gary Carr): Come to order, please. Attorney General.

Hon Mr Flaherty: The people of Ontario want effective legislation. They want violent youth to be held responsible for their crimes and face meaningful consequences. Instead, Ottawa is giving us the same book with a new cover.

In the new bill, as with the existing legislation, young people can commit adult crimes and not face adult consequences. There are no fundamental improvements over the existing Young Offenders Act. Bill C-3 will not increase jail sentences, it will not automatically try 16- and 17-year-olds as adults when they commit adult crimes, it will not require mandatory jail time for youth convicted of offences involving weapons, it will not guarantee that youth convicted of serious crimes such as murder will serve adult sentences, and it will still place the onus on the crown to move cases involving more serious violent offences to adult court.

The government of Ontario has voiced its objections to Ottawa time and time again. Ordinary citizens have voiced their objections as well. Petitions have been signed by thousands of Canadians, not only here in Ontario but in other provinces. Despite these protests, Ottawa is pushing ahead. This week the federal government has brought this legislation back to the House of Commons. The federal Minister of Justice may have introduced a number of amendments, but there are no significant changes that will add new protections to the public.

I am calling on Ottawa to hear the people of Ontario, especially the victims of crime, and sooner or later the

people will be heard. As I told the federal justice minister in Nunavut at the recent federal-provincial-territorial meeting, “If you’re not prepared to make meaningful changes to this bill, then ultimately the voters will decide if you are right.” This may be the last opportunity for the current federal government to give the proposed Youth Criminal Justice Act some teeth.

Therefore, the government of Ontario condemns the weakness of the current federal Young Offenders Act and urges that it be scrapped and replaced with a tough new law that holds young criminals accountable for their actions; rejects the changes proposed by federal Bill C-3 because they do not go far enough to address the concerns of law-abiding citizens but merely repackage the flawed, weak Young Offenders Act under a new name; particularly condemns the federal government’s attempt, through its legislation, to shorten some jail sentences for crimes committed by young offenders; asks that 16- and 17-year-old persons charged with serious, adult-type offences should automatically be tried as adults; and demands that young people convicted of violent, adult-type crimes should be subject to adult-length sentences.

I call on all members to speak up on behalf of the people of Ontario and victims of crime. Unfortunately, I believe that it’s going to take a change of government at the federal level before Ontario’s concerns are addressed and meaningful legislation is introduced.

The Speaker: Responses?

Mr Michael Bryant (St Paul’s): I thought it was bad enough that Tory MPPs would engage in infomercials for the NRA, but that a Tory minister would use this Legislature as an infomercial for Stockwell Day is a disgrace.

Well, well, here we go again: a government bankrupt of ideas when it comes to issues of safety of our streets, a government bankrupt of ideas in terms of a mandate to fulfill for their constituents. “Nothing else to do? What’ll we do? Let’s bash the feds,” they say. “That’ll work; that’ll get us some help.”

1350

Here’s the problem: I’m a member of the provincial Parliament. I’m proud to be a member of this Legislature. There are 103 of us here. We have an honour. We fill our seats. We try to do our best for our constituents, and we have a legislative jurisdiction. Yet this government would like to turn this Legislature into the farm team for our national federation. This ain’t the farm team. We have business to do in this province. If you want to be the official opposition critic for justice, go right ahead.

I can’t imagine greater hypocrisy when it comes to crime. Here the government has wanted the federal government to bring forth legislation. It’s happening. OK. What is the government doing about crime in this province? We all know their first shot was the famous squeegee bill. What was more important to this government? Was it youth crime? Was it domestic violence? Was it organized crime or squeegees? We know the answer. The answer was squeegees.

Then, what we had for a year from this minister was that 80% of the time he stood up he would talk about either squeegees or the federal government. No substance, all talk, no action. What do we have here as we return back in September? Do we have the reinvigorated Common Sense Revolution that was promised by the Premier? No. What we have is more talk about other levels of government.

I'll tell you something. I'm not going to stand here and defend another level of government. I don't want the federal government and the provincial government to be fighting over crime. Let's start fighting against crime in this province.

Meanwhile, you want to talk about youth crime and this government's contribution to it. Let's talk about guns. This is the government that would put guns in the hands of 12-year-olds. This is the government which didn't think it was at all important to deal with the issue of imitation firearms. "No, no, no," said the Attorney General and the Solicitor General when an initiative was introduced by the official opposition, "dumbest thing I ever heard."

In any event, I'd like to say that there is so much more that we need to be doing in this province. Let's pass Bill 6, Rick Bartolucci's bill, because in this province we have young victims of prostitution every day in our streets infecting our society. There's something that the provincial Legislature could be doing instead of blaming the federal government.

Let's right now pass the phony gun bill instead of going through the political charade of rereading another bill that's already before us so that we can deal with an issue which—by the way, in addition to being a nightmare for victims and being a nightmare for victims of crime, BB guns and pellet guns are the number one cause of blinding in who? Youth.

If this government was serious about youth crime, would it continue to be a participant in a province which has the highest incarceration rate among youth in the western world? Obviously, that by itself is not enough. If you listen to the minister, you'd imagine that they had tried 500 times to have youth tried in adult court and failed because of the legislation. In fact, do you know how many times this minister had his prosecutors take a youth and transfer it over to adult court in 1998?

Mr David Caplan (Don Valley East): How many?

Mr Bryant: Try eight. This statement does not belong in a provincial Legislature.

The Speaker: Responses?

Mr Peter Kormos (Niagara Centre): The New Democrats have no qualms about criticizing the federal Liberals. But we're not going to be a party to a promotion of the new sheriff in town, one Mr Day, who has already revealed that Ottawa's a far cry, that being in the capital of Canada is a far cry from being the big fish in the small pond out in Alberta.

Let me put this to you, though: the Attorney General wants to talk about the Young Offenders Act, and we were eager to talk about the Young Offenders Act. He

introduced a resolution before the House shut down for the summer. During the course of debate, not a single Tory participant indicated any familiarity whatsoever with Bill C-3. Not one of them who participated in the debate—and you'll recall they became fewer and fewer as the debate progressed in rotation, fewer and fewer Conservative backbenchers wanted to engage in the debate around this resolution of criticism of Bill C-3 and the Young Offenders Act. The participants on the Tory back benches became fewer and fewer.

The Attorney General talks about people in Ontario being concerned. You bet your boots they're concerned. They're concerned about the fact that we've got fewer cops per capita in Ontario today than we had in 1994. That's a real concern to people in communities across this province who see response times being delayed beyond mere minutes and literally to hours, and you see fewer and fewer property crimes, especially, simply not being investigated.

It's of great concern to people across this province to see police forces, like the Niagara Regional Police force, engaged in fundraising activities like Option 4 because they're perpetually undefended by this government, which talks a big game about law and order but simply doesn't deliver, notwithstanding revenues that it brags are unprecedented in the last 10 years.

People are concerned about the fact that this Attorney General's mismanagement of our courts has resulted, over the course of the summer, in provincial offences courts being shut down for weeks at a time, including in the Hamilton region, score upon score, literally hundreds of serious driving offences being tossed out of court because this Attorney General can't administer his courts.

The people of Ontario are concerned about the crisis being generated in Toronto right now in the provincial offences courts vis-à-vis bail hearings. Bail hearings are being delayed week after week to the point where we're confident that justices of the peace, under-resourced, understaffed, are feeling compelled to process more and more bail hearings during a given period of time, inevitably resulting in judgment calls that are less than ideal and putting the community at great risk.

This Attorney General, regrettably or not, is not responsible for the Criminal Code of Canada. He's got to understand it is basic constitutional law that the Criminal Code of Canada, for better or worse, is the prerogative of the federal government.

Interjection.

Perhaps, as has been suggested, he should throw his hat into the ring. I would enjoy seeing him in a contest as an Alliance candidate, allying himself with Stockwell Day and taking his chances in an upcoming federal election.

But this Attorney General does have control over consequences for young people. The Attorney General's got a lot of nerve. It's been suggested that it's hypocrisy—I'm not going to engage in that sort of labelling because it would be unparliamentary for me to

call the Attorney General a hypocrite; I won't. But the facts speak for themselves. This Attorney General has control over the correctional portion of young offender processing and treatment. This Attorney General and his government have handed over young offender facilities to some of the wackiest, most irrelevant lack of programming seen anywhere in North America. This Attorney General is part of a government that is the author of Camp Getaway, where their solution to youth crime is to leave the door unlocked, leave the keys in the van, more than half a tank of gas and probably a few Canadian Tire bucks in the glovebox so they won't be put out when they have to replace the battery.

This Attorney General and his colleague the Minister of Correctional Services have been embarking on their process of privatization of corrections here in Ontario. They've abdicated any responsibility they could have had for ensuring adequate response to young offenders, for ensuring there are adequate programs, that there are real consequences and that the consequences have a rehabilitative component.

This Attorney General has de-staffed probation offices. He has de-staffed crown attorneys offices, with crown attorneys under increased pressure to plea bargain. This Attorney General administers a regime that has actually created quotas for plea bargains, where crown attorneys are gauged or assessed on the number of deals they resolve by way of plea bargain as compared to pursuing them through a complete trial so the crown attorney can seek the full and proper penalty or consequences for given criminal behaviour.

This Attorney General enjoys—relishes—the front page of the Toronto Sun when it reveals catastrophic crime with great consequences for the community, because it nurtures and feeds his campaign of fear, rather than acknowledging and accepting responsibilities for what he and his government can and ought to be doing with respect to youth crime and adult crime here in Ontario.

1400

Mr Dwight Duncan (Windsor-St Clair): Mr Speaker, I rise on a point of order relating to standing orders 30(a), 31(a), 35, 36(a) and 37(c), and it has to do with the minister's statement today.

I'm appealing to you, first, on the basis of standing order 35(a), and if you'll permit me, I'll read that clause to you: "A minister of the crown may make a short factual statement relating to government policy, ministry action or other similar matters of which the House should be informed."

I realize that you ought not to be put into a position of making a determination with respect to the factual nature of a statement. Those sorts of things ought best to be left to the debates of this House. However, I have reviewed this statement and nowhere is there reference to legislation or provincial policy.

I should further state that under standing order 35(d), the only thing the government could hang its hat on in this statement is that it is somehow a statement of the

government's policy. If that's the case, standing order 35(d) requires, "After any policy statement the minister shall table a compendium of background information." No such compendium has been tabled here.

I suggest that this is nothing more than another form of heckling, and I would ask you to review this statement, sir, to see if it meets the tests set out in standing orders 35(a) and 35(d).

It is the opinion of the official opposition that this House has been used for what amounts to nothing more than a political statement that does not relate to any of the tests that are provided and have been agreed to by all sides of this House.

By way of conclusion, Mr Speaker, I should point out to you that this government routinely abuses the authority of the House and, quite frankly, you, in not doing ministerial statements related to major pieces of government information. The government, of course, doesn't want the opposition to have that five minutes to respond. Bill 23, the Ministry of Health and Long-Term Care Statute Law Amendment Act, is but one example of this abuse.

Mr Speaker, I ask you to review this statement in the context of the specific tests provided for in standing orders 35(a) and 35(d), and if you agree with the opposition that this rant we just heard from the Attorney General, which has nothing to do with provincial law, states no provincial policy we can discern—and even if it did, even if that case could be made, there was no compendium provided as called for in the standing orders—to please use the authority of your chair and your office to prevent this kind of absurd political hijacking of the Legislature and to apply to the government the same standards you apply to us, and if a minister attempts this kind of political stunt again, to name him and remove him from the House or apologize.

Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader): Mr Speaker, I've been here some time and, generally speaking, the opposition wants the government to come into this place during ministers' statements to state the position of the government, to state the position of policy, to state our views with regard to matters which concern us.

I must say to the member opposite that notwithstanding that the federal government has responsibility for criminal law, we have the responsibility for implementing it. Therefore, every decision which is made at the federal level impacts on the Attorney General when we have to implement it.

This point of order, in my view, is specious. It has no grounds. The minister has stated a very important position on a very important matter to the people of Ontario, and I am really aghast that the member opposite doesn't want to hear our position on this very important matter.

The Speaker: The member for Hamilton West on the same point of order.

Mr David Christopherson (Hamilton West): Thank you, Speaker. I would like to suggest to you that the point raised by my counterpart, the House leader for the official opposition, has great merit. The fact of the matter is that there is absolutely no initiative. There's not even a suggestion here that this is a policy outline that is being presented for the House to comment on so that something can go forward. It was meant for public consumption in terms of a political message but has nothing to do with any kind of direction.

I think the House leader of the official opposition makes an excellent point. Further, under (d), where is the compendium, where is the information? I think, on a technical basis only, there is merit in the argument.

Speaking to the point that the government House leader raises, how many times have we stood in our places and asked you, Speaker—knowing that your powers are somewhat limited—to try to do something to encourage, maybe force, the government ministers to announce major initiatives in this place rather than somewhere outside for the photo opportunity and not here where they're answerable to the people?

We're going in the wrong direction in this place. Every time we want a little more democracy, a little more transparency and a little more accountability, we end up with less. And when we want the ministers to come in and talk about policy, they don't. They come in and talk about political spin doctoring rather than dealing with issues of the day. Things are getting very murky. Democracy is what's losing here, Speaker, and we add our voice to that of the official opposition in asking you, urging you, imploring you, to please look at this as seriously as possible. We're getting further and further away from the fine traditions of this House.

The Speaker: The Attorney General on the same point of order.

Hon Mr Flaherty: In response to the criticism levelled by the opposition benches, I understand that they support the Young Offenders Act as it is, and I appreciate that.

Interjections.

Hon Mr Flaherty: But let me add that this is—

The Speaker: Order. The member has the floor. I'm listening to his point of order. I've said before, when we get into a debate, the members can heckle back and forth on the issue. I need to hear the point of order, and I will say, with all due respect to the House leader for the Liberal Party, the other side sat in silence and let him hear. It is not acceptable to me to sit and try to hear the other side, the other point of view, when members are heckling over the statements.

When we get into question period, I can understand disagreements, but when it comes to a point of order, I need to hear very clearly the points being made. I would ask all members' indulgence in being quiet so I can hear the Attorney General, who may want to clarify some points.

I will need to investigate about the attachments and so forth. He may have something to clarify, and I need to hear that. I would ask all members' kind indulgence.

Attorney General, if you can make the point fairly quickly.

Hon Mr Flaherty: This is the very week in the Legislature in which I introduced a bill that, if passed, would create a statutory Office for Victims of Crime. Surely the members opposite realize that our concern for victims of crime relates to young offenders.

The usual victims of youth violent crime, regrettably—and there's more and more of it, and there's more gang crime and there are more weapons being used—are other young people. That's the crucial relevance when one is dealing with young offenders.

Interjections.

Hon Mr Flaherty: Not only is it a concern, Speaker, to the—

Interjections.

The Speaker: I'm not going to sit here, when the point of order is raised by the Liberal Party, and have them heckle me now. I'm going to hear the point of order. Some could say that about the House leader of the Liberal Party, that he added some politics into it. That occasionally happens. But I am going to hear it in silence.

Hon Mr Flaherty: The concern for victims of crime is probably the most important change in the criminal justice system in the next 10 years. I know the opposition doesn't understand that. I know they don't understand the need to balance the rights of victims with the rights of accused persons.

The Speaker: I think I've got the point from you, Attorney General. I will read the statement. I will also investigate the circumstances of the statement going back and forth to ensure that they complied with the House.

Let me say this, though: there is plenty of opportunity for debate over a lot of these issues during debate without getting into points of order over circumstances like this. I appreciate and thank the member, the Liberal House leader, for raising this point of order and I will investigate the circumstances to make sure that they did in fact comply with the standing orders.

1410

Ms Marilyn Churley (Toronto-Danforth): Mr Speaker, on a point of order: In light of the fact that Bill 96, the Safe Drinking Water Act, passed second reading this morning, and in light of the fact that the government members refused to let it go to committee for public hearings, I would ask for unanimous consent to have the bill go to third reading for debate.

The Speaker: I'm afraid I heard some noes.

Mr Bryant: Mr Speaker on a point of order: I would like to seek unanimous consent for third reading immediately for Bill 67, given the Ontario government's new-found interest in youth violence.

The Speaker: I heard some noes.

ORAL QUESTIONS

SCHOOL TEACHERS

Mr Dalton McGuinty (Leader of the Opposition):

My first question today is for the Minister of Education. I have something to say to you on behalf of Ontario parents. We are, quite frankly, sick and tired of the bickering and infighting and the sabre-rattling and the advertising campaigns that have come to characterize public education in Ontario today on your watch.

We believe that our kids are entitled to nothing less than the very best education. Part of that means we need the best teachers. I can tell you as a parent of three kids in Ontario public high schools today, I want my kids' teachers to be nothing less than enthusiastic every single day in the classroom.

My question to you on behalf of Ontario parents is, why have you robbed our kids' teachers of their enthusiasm?

Hon Janet Ecker (Minister of Education): I would like to say to the honourable member that I couldn't agree more that we need the best teachers we can have for our students in Ontario. I'm very pleased to report to the honourable member, in case he had missed it, that we have some exceedingly excellent teachers out there in Ontario schools today, who are going above and beyond for their students on a daily basis.

For example, today we have teachers who are choosing to go above and beyond and provide extracurricular, co-instructional activities for our students that are very, very important for the quality of their education. They are choosing to do that because they care about the kids. Thousands of schools, thousands of teachers, are choosing to do that, and I think that says something wonderful about the quality of teachers that we indeed have in this province.

Mr McGuinty: Why don't you open your eyes to the fact that we have a serious morale problem today in Ontario public education? Parents want you to take responsibility for that. You may not recognize this, you may not understand this, but you set the tone in our schools in Ontario. You set the mood when it comes to what our teachers are feeling.

Again, as a parent, I want a teacher at the front of my kids' classrooms who is feeling good to be there, who's feeling proud to be a teacher today in Ontario, who wants to get up every morning, who wants to get into the classroom, who wants to be with students and who wants to participate in extracurricular activities. Again, why have you robbed my kids' teachers of their enthusiasm?

Hon Mrs Ecker: What has robbed our teachers of their enthusiasm is the constant refrain from some of our critics and some union leaders that every quality improvement this government does, every quality education reform that we promised the voters we would do, is turned into an attack on teachers; not by me, not by all of the hundreds and thousands of people who have

participated in making these changes, but by our critics and by the union leaders who say that implementing a new curriculum, implementing standardized testing, bringing in teacher testing, bringing in higher standards—everything, they say, is attacking teachers.

I am sick and tired of that kind of criticism. I think our teachers deserve better than what they have given. That's why we are going to continue to move forward with reforms that make our education system better for our kids and for the good teachers who are in that system.

Mr McGuinty: At some point in time it would be nice if the Minister of Education began to show a bit of that passion on behalf of Ontario's children. Put down the advertising guns, Minister. Let's establish a respectful dialogue between educators and government. It has been missing for five years, and our kids are paying the price.

Minister, I don't know if you have ever had the opportunity to participate in amateur sports or in coaching. But if you look at the best coaches, they don't undermine, they don't berate, they don't criticize and they don't take away the confidence of their players. They encourage, they celebrate excellence wherever they can find it and they champion it. You have failed to do that when it comes to Ontario teachers, and I say to you again that our kids are continuing to pay the price.

Frankly, parents don't give a damn about how we got here. All they know is that it's not working today. I'm asking you, on their behalf, what are you going to do to restore enthusiasm to our teachers so that our kids can get the very best education, which we happen to believe they are entitled to?

Hon Mrs Ecker: One of the first things I did as the new education minister was to sit down with all of our education partners, to be very clear about the promises and commitments we had made to the voters, the things we said we would do: carrying on with curriculum reform, bringing in a comprehensive teacher testing program, continuing with standardized testing, a code of conduct for safer classrooms. Those were the priorities we promised to voters. And I said to all those individuals, "Give me advice about how best to do them." I have a long list of changes, improvements and funding enhancements that we have made in response to that advice.

But if the honourable member is saying that if an education partner comes in the door and says to the elected government of the day, "We don't care what you promised the voters; we want you to get rid of that, to not do that"—Mr Speaker, we take the commitments we made to the people out there much more seriously than the honourable member obviously does.

INTENSIVE FARMING PRACTICES

Mr Dalton McGuinty (Leader of the Opposition):

This question is to the Minister of Agriculture. Minister, we have a serious problem in Ontario today when it comes to our intensive farming operations. As you well know, there is a very real risk in the case of some of

those operations that manure is going to get into the underground water and end up inside taps, and people are going to become very sick or worse.

Mr Galt and Mr Barrett prepared a report, and we have discovered that there were, in fact, 24 prior versions of this report—24 versions of a report. At the beginning, these versions made it very clear that the province should take responsibility to regulate intensive farms. But in the final version that was released to the public, you have indicated that this responsibility should fall to our municipalities, our small cities, towns and hamlets, which don't have the resources and don't have the people and the expertise. You want to foist on to them the responsibility for making sure our water is protected against intensive farming practices.

Why did you do that?

Hon Ernie Hardeman (Minister of Agriculture, Food and Rural Affairs): I do want to acknowledge the report we have done, the extensive consultation we have done in the agricultural community to deal with the issue of nutrient management, to make sure our farming community does everything it can to deal properly with nutrient management so that it is used for growing our crops and prevented from getting into other areas where it doesn't belong.

As to how many or how extensively the panel dealt with the report, I'm not privy to that. On March 31, I received the report the member refers to. In fact, the items he is referring to in the report have again been put out for public consultation to make sure that what we come forward with will be in the best interests of the environment and of our agricultural community. Since the consultation, we have been working together with the Ministry of the Environment, the Ministry of Municipal Affairs and the agricultural community—

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

1420

Mr McGuinty: Minister, if you're not familiar with the 24 drafts, I'll be pleased to provide you with a copy of them. It is remarkable, absolutely remarkable, to see the evolution in the approach that was ultimately recommended in your report. In draft 5 it says that factory farms "will require provincial approval"; in draft 8, they "might require provincial approval"; in draft 15, they "should require municipal approval with provincial assistance"; in draft 18, "all approvals will be at the municipal level."

We happen to believe that ultimate responsibility for protecting our drinking water in Ontario, whether it's from intensive farming practices or anything else, should fall to the provincial government of the day. Why is it that you want to foist this responsibility on to communities that are unable to look after this, like the community of Walkerton?

Hon Mr Hardeman: Again, I want to point out that the consultation process produced many different options. The panel reviewed all those options. In fact, they made a number of recommendations in the report

that I received, and we are reviewing that report. In fact, the main recommendations which are being referred to, we have again put them out for further consultation to make sure that the options presented and the opportunity presented will be fleshed out to make sure we're doing it in the best interests, along with the Ministry of the Environment, to make sure we are coming up with best possible solution to deal with the situation.

Mr McGuinty: Minister, why don't you come clean? You're not interested in more consultation. It's been made perfectly clear—24 drafts. Is this about intensive farming or is it about intensive drafting? You've made it perfectly clear that the fix is in. You and your government are not prepared to take final responsibility for protecting drinking water in the province of Ontario. You continue to fail to draw the single most important lesson that the Walkerton tragedy offers: our small communities, our hamlets, and our towns simply don't have the resources, they don't have the people, and they don't have the expertise to protect groundwater. That's your job. That's the job of the provincial government.

I am asking you once more, why is it that you've ignored the recommendations of people who made submissions to your committee and decided that the province is not going to take responsibility for protecting safe drinking water in Ontario?

Hon Mr Hardeman: I wish to point out that the report is recommendations to me after the committee received input from the public. No decision has been made yet as to what the final result will be or how the province intends to deal with the situation, but I can assure the member opposite that we need more information. We need to find out from all the participants, and the most appropriate way to deal with this matter—if the member opposite, as he seems to indicate, already knows the answer, maybe he would be willing to forward that to us and we will take that as part of the consultation. But I can tell you, we have not yet made a decision on how we are going to deal with the matter and we need to do more consultation. We need to make sure we find the best possible solution to be implemented so that we can deal with the farming community, the second largest industry in this province, in an effective manner, to make sure we protect the environment and make agriculture sustainable.

SAFE DRINKING WATER LEGISLATION

Ms Marilyn Churley (Toronto-Danforth): My question is for the Minister of the Environment. This morning you and your government voted to kill the NDP's Safe Drinking Water Act. The people of Ontario want to know why. Why did you do that?

Hon Dan Newman (Minister of the Environment): I thought it was private members' business this morning, that a private member was bringing forward a bill that she cared about. In fact, she spoke in her bill about testing and sampling and fines. She wanted to see a fine

of \$1 million. We want to see fines obviously go beyond that through the Ontario Water Resources Act.

She also spoke about public reporting and the need for an annual report. The fact of the matter is, we're going far beyond that. We have a requirement under our Ontario drinking water protection regulation that actually requires quarterly reports for municipalities and major waterworks in our province. In fact, October 30 is the due date of the first quarterly reports that will be needed in this province.

I don't think the issue really is whether this is legislation or a regulation. The real issue is, is there protection there for the people of Ontario in the environment? I believe our strong, new, tough drinking water protection regulation does just that.

Ms Churley: Minister, who do you think you're fooling? How dare you play these cheap, cynical political games after the deaths of six people in Walkerton. Dr Murray McQuigge, the medical officer of health in Walkerton, said your regulations won't work. Most of the environmental groups and experts across Ontario said that your regulations aren't worth the piece of paper they're printed on, that they won't work, that they would not have prevented Walkerton and will not prevent future Walkertons.

I am sick, and the people of Ontario are sick, of those cheap, cynical political games. I am asking you again, will you listen to the people of Ontario and the experts, do the right thing and support a comprehensive, real safe water drinking bill in this province?

Hon Mr Newman: The issue is protection of the people of Ontario, and that's what the drinking water protection regulation does. In fact, it came into effect on August 26 of this year. It provides for new standards for treatment, testing and sampling of Ontario's municipal water systems. It calls for mandatory qualification standards for waterworks operators. It also provides for tough new notification standards to the Ministry of the Environment, the medical officer of health, as well as the owner of the waterworks, whenever there is an adverse water sample discovered. As I mentioned, it does require full public disclosure of all testing results so that local residents can remain up to date on the status of their water.

The very things she's fighting for are already in place today. In fact, our 65-member SWAT team, which I announced last week, is going to be equipped with state-of-the-art technology to improve environmental enforcement. That also means looking after our water facilities in the province. Also, let's not forget that there is \$240 million through the OSTAR program so that smaller municipalities throughout Ontario can have access to upgrade their systems.

Ms Churley: Minister, you insult the people and diminish the tragedy in Walkerton with your tiny list of half measures. When are you going to start listening to the people of Ontario? The Toronto Environmental Alliance said, "In our view, the new regulation does not displace the need for special drinking water legislation in

Ontario." All of the experts are saying you need comprehensive legislation. You kill the water protection fund and then you dribble out dollars for treatment plants and filtration systems when we know a flood of investment is needed. You fire 900 environmental inspectors, front-line people and scientists and then you hire back 65 on a part-time, short-term basis.

Minister, what you did today was cynical. You voted for the bill and then you voted to keep it from going for public hearings. I am asking you again, will you bring forward the Safe Drinking Water Act that got full support in this Legislature today for public hearings so that the people can have their say?

Hon Mr Newman: I take the issue in Walkerton very seriously, as do all members on this side of the House. I want to tell you that my colleagues and I have been to Walkerton to do everything possible for the people of Walkerton. We're continuing to work here at Queen's Park with that new regulation I spoke about that does provide protection for the people of Ontario.

To have the member opposite say we have not taken any real measures is absolutely false. I've outlined the new drinking water protection regulation. She now calls \$240 million a dribble. I don't know where the member opposite is coming from. These are real dollars going to real communities in Ontario to help them upgrade their water systems. This is very important. We already have that protection in place with the tough new drinking water protection regulation.

1430

WASTE MANAGEMENT

Ms Marilyn Churley (Toronto-Danforth): My question is for the Minister of the Environment. Minister, despite what you did this morning, I'm going to give you another chance to at least do the right thing about Toronto's garbage. I don't know if you've heard this, but this morning the negotiations between Rail Cycle North and the city of Toronto broke down and there will be no contract for city council to vote on next week.

In light of this news and the news we gave you yesterday about the dangers of this project and, unless you deny it, the fact that the proponents don't even have a permit to take water that is required for the daily draining of contaminated water from the pit for years and years, I'm going to ask you, with all the evidence before us and now that the deal has broken down, will you do the right thing and commit to banning organics from landfills so that Toronto and all of us can put the era of mega-landfills behind us and move to more responsible waste management?

Hon Dan Newman (Minister of the Environment): The Premier asked the leader of the third party and he asked the Leader of the Opposition on Monday what their plan was for Toronto's garbage, and we still haven't had an answer from either of the opposition parties.

With respect to the Adams mine landfill site, I want to remind everyone that there was a full environmental

assessment that took place in accordance with the Environmental Assessment Act. The Minister of the Environment requested that the Environmental Assessment Board review the hydraulic leachate collection and containment system to ensure that the groundwater contamination could be prevented. There were hearings that lasted for six months, and the board actually attached 26 conditions to that plan. There was a certificate of approval issued after further technical analysis of the project and with it the certificate carried 66 conditions that had to be met. There were also eight independent peer reviews that carefully analyzed the details of the plan, and those reviews were submitted to the Environmental Assessment Board.

Ms Churley: Minister, when are you going to realize that the Adams mine deal is doomed and start taking some real action on the 3Rs? They can't even agree on a contract to vote on right now, and even if they did, they don't have the permit to take the water.

It is over. Don't you get it? There's got to be another way, and there is another way. The Waste Diversion Organization told you to ban organics from landfills. There is all kinds of new and emerging technology to treat the waste that's left over. We believe that we should be taking care of our waste in the GTA and we should be moving aggressively on composting and keeping organics out.

Minister, you have it in your power to take leadership and help Toronto move in that direction. The Adams mine deal has floundered again and it is not going to happen. Will you commit today to composting, getting the organics out of the waste stream and putting the money where it's needed to make that happen?

Hon Mr Newman: The Waste Diversion Organization did indeed submit its final report to me on September 1. My staff and I are reviewing that report, and we'll be making a response to the people at the Waste Diversion Organization, whom I want to commend for all the hard work and effort and time that they put forward to produce that report—a lot of time spent as a result of many people's efforts there to produce that report.

To be lectured here by the NDP when it comes to waste management is quite funny. In fact, I want to bring to her attention the Lindsay-Ops landfill site, that in 1991 they exempted the Lindsay-Ops expansion from an environmental assessment. I have pages and pages—

Interjections.

Ms Churley: You lied to the people of Lindsay, and you want to talk about Lindsay-Ops. You're a bunch of hypocrites.

The Speaker: Order. The member will come to order. She will need to withdraw that.

Ms Churley: No, Mr Speaker, I will not withdraw it, because I mean every word of it. You—

The Speaker: Take your seat. Order. I have no alternative but to name the member and ask the member, Marilyn Churley, to withdraw from the chamber.

Ms Churley was escorted from the chamber.

The Speaker: It is time for a new question.

LONG-TERM CARE

Mrs Sandra Pupatello (Windsor West): My question is for the Minister of Health. Yesterday, the minister seemed, by all accounts, baffled and finding it quite a mystery as to why we were having such an overcrowding in our emergency rooms.

Minister, my question is this: why is it that all of the professionals acknowledge that one of the most significant reasons is the lack of new long-term-care beds in the system in Ontario? Please explain to the House today why, after five and a half years of your government, we have not one new bed for long-term care in Ontario.

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): I would be pleased to respond. As the member well knows, and if she doesn't I would just remind her, it was her government in 1988 that made the decision not to award any more long-term-care beds. The NDP continued the policy. It was not until our government introduced a plan in 1998 and invested \$1.2 million that we now have a long-term-care strategy to build 20,000 beds in this province.

We originally made a commitment that they would be built in eight years, but I am pleased to say we have expedited the timelines and they will all be ready by the year 2004 instead of 2006.

Mrs Pupatello: What all of Ontario would appreciate is that our Minister of Health would actually work in this current century. What's more important is that right now in Ontario there are 2,500 patients who are sitting in hospital beds who are waiting for long-term-care beds, almost 2,500 people. That's why we have such overcrowding in our emergency rooms—one major reason.

My question is still the same: how, after five and a half years, do we not have one new bed, when you appear to make announcement after announcement after announcement and yet not one new bed in Ontario? We could appreciate that you would've said that answer after year one; maybe after year two; potentially after year three. But Minister, you have been there, that party in government, for over five years. Surely, Minister, this is not too baffling and too much of a mystery. Why have you not one new long-term-care bed after five and a half years?

Hon Mrs Witmer: The first thing the member should do is probably check her facts, because we do have beds that are up and operating.

Secondly, the member needs to appreciate that if they had continued to build beds and if the NDP had built beds, we would have beds opening on an ongoing basis. As it is, our timelines are two years faster than we had originally predicted. We were the ones who had a solution for the emergency room pressures. You talked about the problems; we have a comprehensive strategy. We realize that we need to expand our emergency rooms, and we have 57 new emergency rooms being built. We

realize that we need long-term-care beds, and we have 20,000 beds that will be opened by 2004.

Again, I would remind the member, please check your facts, because there are beds that have already been opened.

CORRECTIONAL FACILITIES

Mr Garfield Dunlop (Simcoe North): I'd like to thank the Minister of Health for coming to Hillcrest Village in Midland to open a 100-unit facility back in August. I guess Midland isn't in Ontario.

My question today is for the Minister of Correctional Services. Minister, Ontarians and indeed all Canadians were sickened to see pictures of Karla Homolka in the newspapers, living the high life at a federal medium-security prison in Joliette, Quebec, referred to by many as Club Fed. Apparently, even prisoners refer to this so-called detention centre as the Love Shack. I believe Club Fed is the location where murderers of Metro Police Officer Hancock were sent by the federal corrections department until they were shamed into moving them to a higher-security facility.

Minister, can you reassure this House that your transformation of the Ontario correctional system will not include the country club atmosphere that exists in our federal system?

1440

Hon Rob Sampson (Minister of Correctional Services): I'm very pleased to respond to the member, and I actually hope to hear more, perhaps, about that home care facility that was opened up in his riding. It would be nice to hear a little bit more about that.

But I do indeed want to speak to the issue of the correctional facilities that are operated by the federal Liberals and the way in which they believe that that particular facility should pamper criminals. I want to assure the member and I want to assure those opposite, who I know don't believe in our view of corrections, that we in fact believe we should have a correctional system in this province that's accountable, safe and secure, but no frills, and publicly accountable. You see, we, unlike Liberals, don't believe in the evening gown approach to corrections. We believe that corrections should be a form of punishment and rehabilitation together. To throw the balance completely in the form of "rehabilitation," in the pictures that we saw in the paper not too long ago, and I should say not for the first time, I believe is an insult to Ontarians and an insult to the victims of those very serious, heinous crimes.

Mr Dunlop: Thank you very much, Minister, and I might inform you that if you're interested in long-term care beds, there's another facility opening in March in Orillia, at Leacock Point, 112 beds.

I thank you for reassuring this House that in Ontario's correctional system, offenders will wear prison clothing, not evening formal wear. Still, I am upset to read that all federal prisoners, including the high-profile offender Karla Homolka, are eligible for statutory release.

Interjection.

The Speaker: Will the member take his seat. This is the last warning to the member for Elgin-Middlesex-London. If he continues with that, he will also be named.

Mr Dunlop: I am aware this remains the federal Liberal policy, that discounts one third off the sentence that a criminal receives before that offender has even entered the prison gates. Does this policy exist in Ontario's correctional system?

Hon Mr Sampson: Unfortunately, we have been campaigning aggressively to encourage the Liberals to change their view about the discount law in this province and this country, a discount law that is established and governed by federal legislation. Liberals believe that if you're sentenced to 12 years, that only means eight. That's what Liberals believe. Unfortunately, most of the people in this province believe that a 12-year sentence should mean 12 years. We've been campaigning aggressively to encourage the Liberals to change their view of corrections, to change their view of sentencing, to change their view of the tremendous insult that they are applying to victims of crime in this province by not enforcing the full length of sentences in all correctional facilities across this country.

I want to say to the member that we'll do our best to make sure that when we reform Ontario corrections, we will have a facility that will deal with crime, deal with criminals, and deal with criminals who are prepared to and should serve their full sentence in Ontario correctional facilities. The time that has been allocated by law should be served.

GTA TRANSPORTATION

Mr George Smitherman (Toronto Centre-Rosedale): I have a question for the Minister of Transportation, or the minister of gridlock, as he's increasingly known in the greater Toronto area. Ontario Liberals believe that the provincial government has a role to play in supporting public transit in the greater Toronto area. We've launched an initiative, GTAGridlock.com, and we have a Web site related to it and cards are being sent back. I want to read from one from Joanne in Mississauga, who says, "Approximately 3.5 hours of my day are spent in my car, commuting from Mississauga. I leave my home at 7:30 ... and I get home at 6:30 or 7. There's not much time left of the day (or night) to spend with my children. Evening programs for the children are avoided because the offered times are far too early for commuting parents."

Mr Minister, what is your solution to get Joanne home to her family earlier?

Hon David Turnbull (Minister of Transportation): This is a tremendously important question. I think we've got to understand the circumstances around where we are today.

When your party was the government of Ontario, you starved investment in the highways of this province. We have record investment in this province and indeed we

are spending money at record amounts in the GTA. In the GTA alone this year, we are investing \$200 million, far and away more money than you ever spent on this in all the years you were in government.

With respect to transit, during local services realignment, one of the specific agreements that were made with the AMO was that as part of the uploading of the cost of education to the province, municipal transit would be an exclusive area for—

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

Mr Smitherman: I find it interesting that the minister mentions the AMO. I hope that soon Ann Mulvale, the new president of the AMO, will get hold of this minister, because he needs to understand that if you live in the south part of Halton region or the south part of Peel region, the capacity to build highways is awfully limited. Perhaps when we tear down the Gardiner, the minister will be seeking to have it stacked on top of the QEW through Mississauga and Halton.

Joanne didn't just write about the challenges of her commuting time. She wrote about the challenges of using a public transit system that is increasingly busy: "Three years ago, before I decided to drive in, I was paying \$2,200/year ... for GO train and TTC—most of it was GO train. The services declined, while ridership increased, meaning that there weren't enough trains or seats to accommodate everyone. I'm sure the cost has escalated.... It is becoming impossible to find parking at the station—even as early as 7:30 am."

Minister, will you abandon your solution of roads only and recognize once and for all that investments in transit are essential to eliminate gridlock in the greater Toronto area?

Hon Mr Turnbull: We have clearly signalled, with respect to the tax room we created through local services realignment, some \$2.5 billion in this province, that if municipalities are not in agreement with that arrangement they can come back to us and tell us what arrangement they want to make; however, it has to be revenue-neutral. They've got the benefit of the uploading of the cost of property taxes from residential for education. If they now want to renegotiate that, let them come back with a proposal. We have already signalled that to this date, but they have not come back with any proposal which is revenue-neutral.

However, during our term in office, we have transferred \$829 million to the TTC and \$106.5 million to GO Transit. We have put our money where our mouth is, unlike—

The Speaker: Order. The minister's time is up. The member for Durham.

Interjections.

Mr R. Gary Stewart (Peterborough): Mr Speaker, I get to ask the odd question ahead of the member from Durham. My God, we've got to be proud of the decorum in this House, eh?

POST-SECONDARY EDUCATION FUNDING

Mr R. Gary Stewart (Peterborough): My question is to the Minister of Training, Colleges and Universities. Like all members of the government party, I believe it is essential that taxpayers get value for their dollar. That's why I took particular notice of your announcement of the Investing in Students Task Force to examine the post-secondary education sector. Getting the most efficient service and highest quality from our post-secondary institutions is vital to the long-term health of the system. My constituents, especially those with children now in secondary school, would like to know about our government's plan to ensure that the system remains healthy in a time of growing demand and changing need.

1450

This is of interest to me because of Trent University and Sir Sandford Fleming College, both fine facilities located in my riding. Would you please tell the House about the mandate of the task force and the kinds of questions that will be asked—

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

Hon Dianne Cunningham (Minister of Training, Colleges and Universities): I'm pleased, of course, to respond to my colleague the member from Peterborough.

The Speaker: Take a seat.

The member isn't helpful making gestures like that. There are going to be situations, and with all due respect to the member, the heckling that was going on was my fault. I recognized the wrong person. There was some laughing as a result and, as you know, the member for Durham asks a lot of questions. The heckling that was going on was friendly and it was actually rather humorous with laughing over my mistake. It wasn't all that loud. This place is not going to be like a church. It's not going to be totally silent in here. In circumstances like that, when you yell across—quite frankly, it was already quiet, and then you yelled across and it started up.

I will deal with it in here and I would appreciate it if all the members would recognize that. It isn't helpful when you start shouting across for quiet. It is not going to be totally silent in here when you're asking some of the questions.

Hon Mrs Cunningham: I'd be happy to respond to the question from my colleague from Peterborough. We did, indeed, announce an Investing in Students Task Force for the post-secondary sector. This task force will be looking into the ways that our students will continue to have access to a high-quality post-secondary education.

As you know, this is a time of considerable growth and a time of excitement, and I will say that we're enthusiastic because we know that we have to make sure our public funds are spent well, are spent efficiently and, above all, that we retain and maintain the high quality of education of our post-secondary institutions.

The task force will consult with students, faculty, institutions, staff associations, the business community to look for great examples in other jurisdictions and in our own and to share this information and make recommendations back to the government.

Mr Stewart: I'm glad that our government's efforts to deliver accountability in Ontario will continue. As you know, colleges and universities play a role in our province's life beyond simply educating our children. These institutions play an important role in individual communities, supporting the local economy and improving the quality of life for citizens.

In addition, I know you will agree that knowledge and skills are becoming increasingly important and the strong colleges and universities are an essential part of Ontario's future growth and prosperity. It is imperative that education be accessible to Ontario's students today and that the system be prepared for the demands of the future. Will the task force be taking into account the important role that post-secondary institutions play in individual communities across the province, and as savings and more efficient ways of doing business are found through this process, what will happen to those funds?

Hon Mrs Cunningham: The Investing in Students Task Force will, indeed, be taking into consideration the importance of our colleges and universities within their own communities. They contribute significantly, not only to the quality of life, but to the economic growth and satisfaction of every community across this province.

I will add that in this exercise the association of colleges and universities of Ontario, both the COU and ACAATO are our partners. They are going to be very proud, I know, and excited about working with this task force. I will also say that if, in fact, any dollars are found that could be spent more efficiently and effectively, they will be reinvested into the post-secondary system. This is a time when all of us want to ensure our young people that there will be a space for every qualified and willing student who would like to move into our post-secondary system.

I want to close by saying we're very fortunate in this great province to have the kind of system we have. Every single member in this House should be proud of our colleges and universities and the contribution they make to this great province and to our country.

EMERGENCY SERVICES

Ms Frances Lankin (Beaches-East York): My question is to the Minister of Health. I want to know, if you're so baffled by the ongoing crisis in our emergency rooms, why you are continuing merrily along to close emergency rooms in this city. Yesterday I called on you once again to put a halt to the closure of emergency rooms.

Today, you can take a first step and issue a stay of execution for the Wellesley ER. In three days, there will be one less emergency room in a city where emergency backlogs have gone up 66% in the last year. In three days, there will be one less emergency room in a city where on Monday and Tuesday of this week, all 24 ERs

were on redirect or critical care bypass. In three days, you could keep an emergency room open that accommodates 36,000 additional patient visits a year.

While you are puzzling over why your plan isn't working, will you exercise a little preventive medicine and issue a stay of execution for the Wellesley emergency room?

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): As the member knows, we are constructing about 57 expanded emergency rooms throughout Ontario. I'm very pleased to say that St Michael's Hospital is one of the newly expanded facilities in this province. The move to bring Wellesley and St Michael's together will actually allow for the strength of both sides to be in one new facility.

There is an innovative layout within the emergency room. I've had the opportunity to visit it. It creates a very effective and efficient system for triaging patients. It includes a fast-track area for less urgent cases, for intermediate and major treatment areas and for trauma facilities. This emergency department at St Michael's is one that will respond specifically to the needs of that community, and it's larger and better than ever before.

Ms Lankin: Minister, everyone looking at this understands why it makes no sense, common or otherwise, to close the Wellesley right now. I don't understand why you don't. You talk about the new St Mike's being larger than the other two. There were 44 beds between the two. In the new St Mike's, there will be 47, three additional beds. Is that your answer to the clogged ERs all over this city?

The current Wellesley, if it operates, accommodates over 36,000 patient visits a year. That's a lot of sick people when ERs are backed up and people are waiting four to six hours after their triage to actually see a doctor.

Today, you're saying to us that it's your decision that the Wellesley ER will still close on Sunday. How are you going to explain that decision if, on Monday, all the hospitals are on redirect again? How are you going to look a family in the eye and tell them you didn't have a choice, that there wasn't a decision you could make, that there was nothing you could do and you were baffled and puzzled? Come on, Minister, take a bold stand that could save lives. Save the Wellesley ER. Issue a stay of execution.

Hon Mrs Witmer: We have been assured by St Michael's Hospital that they will certainly have a facility that is quite capable of meeting the needs of the community. I just want to tell you about some of the new emergency department features. There will be initiatives specifically designed to serve the inner-city population, including a number of programs brought from the Wellesley Central side. These services include a formal protocol to guide the treatment of victims of gay-bashing, a rapid-access system for HIV/AIDS patients, the mental health crisis team and the 24-hour needle exchange, a harm reduction program that is unique in Canada.

Furthermore, the new emergency department houses the Rotary Club of Toronto transition centre. I will tell

you it's a centre I have seen, and it is a special facility for patients who are homeless or under-housed. I can assure you that St Michael's is prepared to deal with the needs of that community.

1500

PARTICULATE EMISSIONS

Mr Dominic Agostino (Hamilton East): My question is to the Minister of the Environment. I want to ask you about the Swaru incinerator in my riding of Hamilton East. As you're aware, recently citizens including Linda Lukasic and Mark Muldoon filed a request under the Environmental Bill of Rights asking you to review the emissions and operating certificates at this facility. Your response to them was less than adequate. You allowed a very narrow review, which would not include a review of air-emission levels and, more importantly, a review of dioxin emissions from this plant.

Minister, you allow this incinerator to operate with standards that are 15 years out of date. You've even exempted them from meeting your own 1995 standards. You are giving them permission to intentionally release more dangerous dioxin to the air than even the standards of five years ago.

I don't understand. This is a serious health issue. Will you today, in the Legislature, commit to ordering a full review of the emission standards at Swaru and particularly dioxin emissions and how they are impacting on the residents of Hamilton East?

Hon Mr Newman: In fact, we've done a lot with respect to air quality in this province. I want to take the opportunity to share that with the member. We've done a lot, through a 45% reduction of NO_x emissions and VOCs by the year 2015, based on 1990 levels, and a 50% reduction in SO₂ emissions by 2015. We've introduced environmental regulations for the new, competitive electricity market in our province. There is the moratorium in place on the sale of all coal-fired facilities in the province.

There's also, again, the proposed mandatory monitoring and reporting of harmful air pollutants in all industry sectors. So we have done a great deal with respect to air quality in our province.

Mr Agostino: Speaker, it's clear this minister doesn't have a clue what he's talking about. Focus for a second. Put away Paul Rhodes's speech and listen to me.

Let me remind you, minister, this facility—last year—

Interjection.

Mr Agostino: Last year, dioxin emissions from this facility were six times higher than what is allowed under your standards. Do you know that this facility is the single largest dioxin polluter in the country? It's within a stone's throw of schools and residential neighbourhoods.

All the residents asked you to do was simply undertake a review and take the steps necessary to fix this problem. You failed miserably, minister. You've learned nothing from Walkerton, you've learned nothing from Plastimet and now you continue to expose my residents

to deadly dioxins and you're being irresponsible by not being willing to take the steps to fix the problem.

I'm going to ask you again—what it is going to take, another tragedy? Will you today take the right steps to step in and review and fix the problems at Swaru?

Hon Mr Newman: In fact there are new incineration guidelines that provide industry with clear, performance-based requirements which protect human health and the environment in our province. These are consistent with the mandate of the government. That would include all sites in Ontario.

There are a number of guidelines currently in use that require updating. The existing guidelines are prescriptive in nature and do not allow the use of new—

Interjection.

The Speaker: Would the minister take his seat. The member has asked the question. He can't just shout across. Last warning for the member from Hamilton East. Minister.

Hon Mr Newman: I'm simply pointing out that there are a number of guidelines currently in use that require updating. The existing guidelines are prescriptive in nature and do not allow the use of new or innovative incinerator designs or operating procedures.

The new guidelines establish emission limits applicable to each type of incinerator. That would apply to all facilities in Ontario, based on demonstrated and cost-effective technologies for the various types of incinerators. Where applicable, emission limits for particulate matter, acid gases, heavy metals, dioxins and furans are established.

The Speaker: New question. The member for Brampton North.

McMICHAEL CANADIAN ART COLLECTION

Mr Joseph Spina (Brampton Centre): Brampton Centre. My question is for the Minister of Citizenship, Culture and Recreation—and I'm disappointed that less than half the Liberal caucus is here today to hear question period.

In July this year the minister announced the appointment of David Braley to the chair of the McMichael art gallery. In light of the difficult financial position faced by the gallery and given the significant investment in the gallery by the people of Ontario, what assurances can the minister give me that Mr Braley is the man for the job?

Hon Helen Johns (Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women): I want to make sure that everybody knows that it's Braley. I'd like to thank the member for Brampton Centre for the question.

David Braley is a native of Hamilton, and I know he is well known by a number of the members in the House. Let me tell you right off that he's a very well respected patron of the arts. He's well known in his community, and he's certainly a leader in his community, a successful entrepreneur, too.

He is the owner of a successful auto parts manufacturer which is called Orlick Industries. He has financial experience which I'm very excited about having on the board. He has helped to aid institutions, and he has also been involved in this organization for a little while. I know that all members in the House know that the deficit in this organization is about \$1.6 million this year. We're quite concerned about it.

Mr Braley is a governor of the Art Gallery of Hamilton, and he's a chair of McMaster Manufacturing Research Institute. Let me say that we're just lucky to have Mr Braley, who has accepted this wonderful position.

Mr Spina: I was really pleased to have met Mr Braley, but I didn't know a lot about him until now.

Minister, given the significant investment in the McMichael gallery on behalf of the taxpayers and considering the escalating deficit situation that occurred there, what is our government doing to help the McMichael out and make sure that this mess never happens again?

Hon Mrs Johns: I'm pleased to answer this question because I want to make sure that everyone knows that the McMichael is a unique situation in the province of Ontario.

They informed me in March that they had a projected deficit of approximately \$300,000. In April or May, the audit committee came to me and said it was \$750,000 and asked me to send in an audit committee. When that audit committee came in, they recognized that the deficit was approximately \$1.6 million, and so the government, of course, reacted to this. We have moved the legislation to go back to the original mandate because we recognize that there's conflict as a result of the original mandate and the many changes that have happened over the years. We're certainly committed to making this institution strong financially. We've made a commitment to put \$2 million into infrastructure, and we're looking to restore the financial health of this wonderful institution so we can preserve this art gallery for our children and our grandchildren.

ACCESS TO PROFESSIONS AND TRADES

Mr Alvin Curling (Scarborough-Rouge River): My question is for the minister responsible for skills training.

Minister, your government reminds us daily, and we heard that today, that we are experiencing a boom in the economy, yet many Ontarians cannot benefit from this boom because their trade and professional qualifications obtained from outside Canada are not being accepted in Ontario.

We're losing many of these skilled professionals to the United States, and those who stay here are being penalized, as you know. Can you tell me, Madam Minister, what you and your government are doing to provide access for these individuals to their trade and profession?

Hon Dianne Cunningham (Minister of Training, Colleges and Universities): You should have clapped, this was his first question as my new critic and you didn't clap for him.

This government has taken many steps, I would advise my colleague, to help skilled newcomers enter the labour force quickly and contribute to the economy. We have improved access to education and training opportunities for many of our immigrants, and we continue to work with our community partners. We continue to work with the occupational regulatory bodies, which are of great concern, educational communities and agencies, to work with people who are new to Canada and to upgrade their skills and recognize their skills where appropriate.

I don't know how much time I've got, but in the May budget we in fact provided \$3.5 million to help foreign-trained nurses and other professionals obtain their Ontario licences.

Mr Curling: Let me just remind the minister that over the years I've heard a lot of talk, and I have a great respect for you, that you want to do some stuff, but I need action more than words.

These individuals, as I said, need concrete action. They need access to their trades and professions that they are qualified in.

Can I obtain from you a commitment that the report we have, Access to Trades and Professions in Ontario—that you will implement those recommendations made through the report way back, that you will have that report implemented before the end of this fall session? Can I get a commitment from you to have that done?

1510

Hon Mrs Cunningham: The member and I go back a long way. I'm not quite sure which report he's referring to, but I will find out. I do want to assure him that the academic credential assessment service, which was long overdue in being established, that his government and the NDP did not get started, is up and running this fall. That means we do assess the foreign credentials of people who have been trained in other countries. It wasn't there before. It was a recommendation of the report that I think you're talking about. It has taken it a while to get implemented because we wanted to do it right.

I will say that these qualifications that we're looking at that the member is interested in are from over 180 countries across the world, and we're spending money to make that happen. It's so long overdue. It is so frustrating for the people the member is talking about. We will definitely work with him to make sure that we get his questions answered.

PETITIONS

INTERNATIONAL ADOPTIONS

Mr Joseph Cordiano (York South-Weston): I have a petition signed by 952 supporters of my bill that we

introduced this morning, to eliminate this government's odious head tax on intercountry adoptions. The petition reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas the Conservative government has imposed a \$925 head tax on international adoptions; and

"Whereas the cost to the government for processing international adoptions is no greater than that for domestic adoptions, which are not subject to the head tax; and

"Whereas in other provinces parents are offered a tax credit of up to \$3,000 to offset the enormous costs of international adoptions; and

"Whereas charging \$925 to parents to adopt a child is as unacceptable as it would be to charge mothers for their medical care at childbirth;

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

"To demand that this head tax be immediately revoked, and to demand a full refund to everyone who has paid it."

Again, I support this petition. I've signed my name to it, and there are 952 signatures.

PROTECTION OF MINORS

Mr R. Gary Stewart (Peterborough): "To the Legislative Assembly of Ontario:

"Whereas children are exposed to pornography in variety stores and video rental outlets;

"Whereas bylaws vary from city to city and have failed to protect minors from unwanted exposure to pornography;

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

"To enact legislation which will:

"Create uniform standards in Ontario to prevent minors from being exposed to pornography in retail establishments;

"Prevent minors from entering establishments that rent or sell pornography;

"Restrict the location of such establishments to non-residential areas."

To the petition I sign my name.

NORTHERN HEALTH TRAVEL GRANT

Mr Michael A. Brown (Algoma-Manitoulin): I have another one of our thousands of petitions concerning the northern health travel grant.

"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 the 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 geographic 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 their communities."

I wholeheartedly support this petition and affix my signature.

FARMFARE PROGRAM

Mr David Christopherson (Hamilton West): I have petitions forwarded to me by Stan Raper with the UFW, the United Farm Workers. The petition reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas the government of Ontario introduced farmfare on September 21, 1999, to supplement their workfare program, forcing social assistance recipients to work on farms for their benefits; and

"Whereas the Harris government of Ontario has not provided any consultation or hearings regarding this initiative; and

"Whereas the Harris government has excluded agricultural workers from protections under the provincial labour code by passing Bill 7; and

"Whereas this exclusion is currently being appealed under the Canadian Charter of Rights for infringing on the right of association and equal benefit of law;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario to retract the farmfare program until hearings have been held and to reinstate the right of agricultural workers to allow them basic human rights protection under the labour code of Ontario."

On behalf of my NDP colleagues, I proudly sign my name to this petition.

DEVELOPMENTALLY DISABLED

Mr John O'Toole (Durham): "To the Legislative Assembly of Ontario:

"Whereas Ontarians with a developmental disability are in growing danger of inadequate support because compensation to workers 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 have saved the Ontario government millions of dollars by keeping their children with a developmental disability at home, and are still caring for their adult children today; and

“Whereas there is no plan of support for most of these adults with developmental disabilities to go when their parents are no longer able to provide care; and

“Whereas these parents live in constant anxiety and despair;

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

“To significantly increase the compensation for workers in the developmental service sector 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 have no support when their parents are no longer able to care for them.”

I am pleased to present this on behalf of the constituents of Durham.

McMICHAEL CANADIAN ART COLLECTION

Ms Caroline Di Cocco (Sarnia-Lambton): “To the Legislative Assembly of Ontario:

“Whereas the government of Ontario has introduced Bill 112, An Act to amend the McMichael Canadian Art Collection Act;

“Whereas the McMichael Canadian Art Collection has grown and evolved into one of Canada’s best-loved and most important art gallery collections of 20th-century Canadian art;

“Whereas the passage of Bill 112 would constitute a breach of trust made with hundreds of other donors to the McMichael Canadian Art Collection and vest too much power in the hands of the founders, who have been more than compensated for their generosity;

“Whereas the passage of Bill 112 would diminish the authority and responsibility of the board of trustees;

“Whereas the passage of Bill 112 would limit the focus of the art collection and reduce the gallery’s ability to raise private funds, thereby increasing its dependency on the taxpayers; and

“Whereas the passage of Bill 112 would significantly reduce its capacity and strength as an educational resource;

“Therefore we, the undersigned citizens of Ontario, petition the Ontario Legislature to withdraw Bill 112.”

I affix my signature to this petition.

1520

FRAIS DE TRANSPORT AUX FINS MÉDICALES

M. Gilles Bisson (Timmins-Baie James) : J’ai ici une pétition signée par beaucoup d’individus des villes de Levesque, Sudbury, et d’autres places qui se lit comme suit :

« Les gens du nord exigent que le gouvernement Harris mette fin à l’apartheid en matière de soins de santé.

« Attendu que, d’une part, le programme de subventions accordées aux résidents du nord de l’Ontario pour frais de transport à des fins médicales offre un remboursement partiel au taux de 30,4 cents par kilomètre à aller seulement, à l’intention des personnes atteintes de cancer, et que, d’autre part, la politique de déplacement pour les gens du sud de l’Ontario rembourse en entier les coûts de transport, de repas, et d’hébergement ;

« Attendu qu’une tumeur cancéreuse ne connaît aucune politique de transport pour les soins de santé ni de région géographique ;

« Attendu qu’un sondage de recherche Oracle publié récemment confirme que 92 % des Ontariens appuient un financement égal de transport à des fins médicales ;

« Attendu que les résidents du nord de l’Ontario paient le même montant d’impôts et ont droit au même accès aux soins de santé, ainsi qu’à tous les services du gouvernement et à tous les droits de personne inhérents que les autres résidents de la province ;

« Attendu que nous soutenons les efforts de l’OSECC (Ontarians Seeking Equal Cancer Care), une association récemment fondée par Gerry Loughheed Jr, ancien président de Action Cancer Ontario, région du nord-est, afin de redresser cette injustice envers les personnes du nord de l’Ontario qui doivent se déplacer pour recevoir des traitements anticancéreux ;

« En conséquence, il est résolu que les soussignés exigent que le gouvernement Mike Harris propose immédiatement de financer en entier les frais de transport à l’intention des résidents du nord de l’Ontario atteints de cancer » et de mettre fin à cette situation intolérable pour les personnes du nord de l’Ontario.

Je signe cette pétition.

AGRICULTURAL LAND

Mrs Julia Munro (York North): “To the Legislative Assembly Ontario:

“Whereas the activity of farming is being severely threatened and restricted by urban sprawl and infrastructure construction in the GTA;

“Therefore, we, the undersigned, petition the Legislative Assembly of Ontario to provide protection of the class 1 to 3 farmland and the business of agriculture and provide a competitive environment conducive to the business of agriculture.”

I affix my signature to this.

NORTHERN HEALTH TRAVEL GRANT

Mr Alvin Curling (Scarborough-Rouge River): I have a petition here to the Ontario Legislative Assembly actually in support of my good friend Rick Bartolucci from Sudbury, and it reads like this:

“Whereas the northern health travel grant offers a reimbursement of partial travel costs at a rate of 30.4 cents per kilometre one way for northerners forced to travel for cancer care while travel policy for southerners who travel for cancer care features full reimbursement costs for travel, meals and accommodation;

“Whereas a cancer tumour knows no health travel policy or geographic location;

“Whereas a recently released Oracle research poll confirms that 92% of Ontarians support equal health travel funding;

“Whereas northern Ontario residents pay the same amount of taxes and are entitled to the same access to health care and all government services and inherent civil rights as residents living elsewhere in the province; and

“Whereas we support the efforts of the newly formed OSECC (Ontarians Seeking Equal Cancer Care), founded by Gerry Loughheed Jr, former chair of Cancer Care Ontario, Northeast Region, to correct this injustice against northerners travelling for cancer treatment;

“Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government move immediately to fund full travel expenses for northern Ontario cancer patients and eliminate the health care apartheid which exists presently in the province of Ontario.”

I affix my signature to this in full agreement with it.

CHILD POVERTY

Mr David Christopherson (Hamilton West): I'm proud to present a petition from the West Hamilton Interfaith Committee on Child Poverty, and it reads as follows:

“Whereas the federal government signed the United Nations Convention on the Rights of the Child and passed a resolution to eradicate child poverty by the year 2000; and

“Whereas at the first ministers' meeting in June 1996 the Prime Minister and Premiers made tackling child poverty a collective priority; and

“Whereas Campaign 2000 records the province of Ontario as having the highest increase—116%—in child poverty since Canada's House of Commons vowed unanimously in November 1989 to eliminate child poverty;

“Therefore, we, the undersigned, petition the Parliament of Ontario:

“To take immediate steps to eradicate the hunger of poor children by working vigorously with the federal government to reduce the poverty rate among Ontario's children; and

“To follow and implement the recommendations of the Early Years study, commissioned by the Ontario government in the spring of 1998.”

I proudly add my name to this petition.

EDUCATION REFORM

Mr Tony Ruprecht (Davenport): I keep getting petitions about the secondary school reform in Ontario. This is to the Minister of Education:

“We believe that the heart of education in our province is the relationship between student and teacher and that this human and relational dimension should be maintained and extended in any proposed reform. As Minister of Education and Training you should know how strongly we oppose many of the secondary school reform recommendations being proposed by your ministry and government.

“We recognize and support the need to review secondary education in Ontario. The proposal for reform as put forward by your ministry, however, is substantially flawed in several key areas: (a) reduced instructional time, (b) reduction of instruction in English, (c) reduction of qualified teaching personnel, (d) academic work experience credit not linked to educational curriculum, and (e) devaluation of formal education.

“We strongly urge your ministry to delay the implementation of secondary school reform so that all interested stakeholders—parents, students, school councils, trustees and teachers—are able to participate in a more meaningful consultation process which will help ensure that a high quality of publicly funded education is provided.”

I am delighted to add my signature to this document.

NORTHERN HEALTH TRAVEL GRANT

Mr Gilles Bisson (Timmins-James Bay): I have a petition here from a number of people from northeastern Ontario with regard to the cancer issue and the transportation of patients to southern Ontario:

“Whereas the northern health travel grant offers a reimbursement of partial travel costs at a rate of 30.4 cents per kilometre one way for northerners forced to travel for cancer care while travel policy for southerners who travel for cancer care features full reimbursement of costs for travel, meals and accommodation;

“Whereas a cancer tumour knows no health travel policy or geographic location;

“Whereas a recently released Oracle research poll confirms that 92% of Ontarians support equal health travel funding;

“Whereas northern Ontario residents pay the same amount of taxes and are entitled to the same access to health care and all government services and inherent civil rights as residents living elsewhere in the province; and

“Whereas we support the efforts of the newly formed OSECC (Ontarians Seeking Equal Cancer Care), founded by Gerry Loughheed Jr, former chair of Cancer Care

Ontario, Northeast Region, to correct this injustice against northerners travelling for cancer treatment;

“Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government move immediately to fund full travel expenses for northern Ontario cancer patients and eliminate the health care apartheid which exists presently in the province of Ontario.”

I sign that petition with gladness.

Mr Joseph Spina (Brampton Centre): On a point of order, Mr Speaker: I’m just curious, is it acceptable—and it’s a legitimate question, and I hope it’s treated that way—for a petition to be read twice, both in French and in English, if it’s the same petition?

The Acting Speaker (Mr Tony Martin): I don’t know that. There are certainly a lot of petitions that are read in this House that are exactly the same. I haven’t read the names that are on the list, so I can’t make a ruling on that.

Same point of order?

M. Bisson : Monsieur le Président, pour se faire dire par le gouvernement : « A-t-on le droit de présenter une pétition en français et en anglais ? »—vous savez bien qu’on est accordé le droit comme francophone de s’exprimer en français dans cette Assemblée, et je vais continuer de le faire même si le gouvernement ne le veut pas.

The Acting Speaker: I don’t think that was the issue that was raised by the member.

ORDERS OF THE DAY

McMICHAEL CANADIAN ART COLLECTION AMENDMENT ACT, 2000 LOI DE 2000 MODIFIANT LA LOI SUR LA COLLECTION McMICHAEL D’ART CANADIEN

Resuming the debate adjourned on September 26, 2000, on the motion for second reading of Bill 112, An Act to amend the McMichael Canadian Art Collection Act / Projet de loi 112, Loi modifiant la Loi sur la Collection McMichael d’art canadien.

Mr Monte Kwinter (York Centre): Mr Speaker, before I start I’d like to get unanimous consent. Behind me I have a painting that belongs to the collection of the government of Ontario, and I would like to at some time during my presentation just refer to it and show it to the members, and I hope I could get unanimous consent to do that.

The Acting Speaker (Mr Tony Martin): Is there unanimous consent? It has been given.

1530

Mr Kwinter: Thank you. I’m pleased to speak to Bill 112, the McMichael Canadian Art Collection Amendment Act, and to express some of my concerns.

Before I do that, I would just like to establish my credentials, because I know the minister is quite surprised that I’m standing up here speaking to this bill. I’m sure some members know, and others don’t, that I’m a graduate of the Ontario College of Art. I have a bachelor of fine arts degree from Syracuse University. I’ve studied at the Institute of Contemporary Art in Boston. I was appointed by Bill Davis, when he was the Minister of Education, to the governing council of the Ontario College of Art, and ultimately I became the vice-president of the Ontario College of Art. I just thought I would establish that so that you would certainly appreciate the context in which I’m going to make my remarks.

Bill 112 really deals with a bequest that was made by the McMichaels back in 1965 to the government of Ontario and also to the Metropolitan Toronto and Region Conservation Authority, and again, by coincidence, I was a member of that particular conservation authority. In their deed of gift, the conditions were to “establish, develop and maintain in perpetuity ... a collection of art reflecting the cultural heritage of Canada ... comprised of paintings by Tom Thomson, Emily Carr, David Milne, A.Y. Jackson, Lawren Harris, A.J. Casson, Frederick Varley, Arthur Lismer, J.E.H. MacDonald, Franklin Carmichael and other artists as designated by the advisory committee,”—of artists—“who have made contributions to the development of Canadian art.”

Also, just as a point of interest, I’m old enough to have known most of these people. Jock MacDonald taught me. A.J. Casson signed my diploma from the Ontario College of Art. I used to go up with some of my student friends to the Park Plaza Hotel, which used to be at the corner of Bloor and Avenue Road—they had what was known as the King Cole Room—and we used to sit and hear stories by Fred Varley. I used to own a children’s summer camp up near Dorset. The Dorset Hotel was owned by Frank Johnson. His son runs it now, and he has got a collection of his father’s works. David Milne’s son and I were schoolboy friends. So I’ve had a living relationship with these people, and I certainly respect their ability, their movement, their talent.

Having said that, the Group of Seven, which is the basis for the McMichael donation, represents a period in art history from 1920 to 1933—13 years—and yet it is perceived by many as being the renaissance of Canadian art, as if we are in a freeze-frame and nothing has happened before or since, when in fact, if you take a look at Canadian art prior to that, there are giants who really set Canadian art on its course. I’m talking about William Henry Bartlett, from 1809 to 1854; Paul Kane—any of you who have studied Canadian art would certainly know of him; he lived from 1810 to 1871—and probably the most famous and the one who still has an incredibly high value in the marketplace today, Cornelius Krieghoff, from 1815 to 1872. Those of you who know anything about Canadian art would recognize his scenes of Habitant, Quebec. As I say, when his works come on the auction block today, they command an incredibly high price.

What do we have? We have the McMichaels, who had collected 194 paintings and drawings and had lived on a site that was 14 acres. They had a house, a log cabin that they lived in. They negotiated with then-Premier John Robarts for the government to take over this facility.

I notice in Bill 112 it keeps referring to the fact that the McMichaels gave this property, gave the paintings and gave the house to the government.

Let me tell you about this gift. The original gift, including art, land and buildings totalled \$835,425. That was its appraised value by an independent appraiser who looked at the value of the land, the building and the paintings, these 194 works of art, and established that the value—and this is back in 1965—was \$835,000. They received a tax receipt of \$815,515. So they were out of pocket about \$20,000.

On top of that, and this is quite significant, they were given the right to live in the house from 1965 to 1982, a period of 17 years, rent-free. They were also given a car and a housekeeper, also paid for by the province.

Mr George Smitherman (Toronto Centre-Rosedale): Sounds like the ORC.

Mr Kwinter: When Robert McMichael stepped down from having an active role in the gallery and was really curator emeritus and adviser, he was given an additional \$400,000. On top of that, the same year, the government purchased a house for \$300,000 and gave it to them.

As my colleague says, this sounds like a deal that was negotiated by the ORC. They certainly got full value for what they gave. They certainly had a deal that many people would love to have. I think it's important that that be understood.

The original 14 acres, the original building, the original 194 pieces of art have now grown, through the contributions of donors and benefactors and contributions by the province of Ontario, to a permanent collection of 6,000, to a site that is now 100 acres and to a building that has been expanded many, many times, all at the cost of the taxpayer or by benefactors. So we now have a facility that, to use a cliché, is world-class. Not only that, but it has become the major repository of Canadian art in Canada.

Notwithstanding what I think was a very generous financial settlement, there has been constant friction between the McMichaels and whoever has been doing the administration of that particular facility. There have been three amendments to the original deal, one in 1972, 1982 and 1989. It's interesting that in the most recent, 1989, amendment to the McMichael act, it talks about how "The board shall consist of 17 trustees, ... 11 trustees appointed by the Lieutenant Governor in Council, four trustees appointed by the board, Robert McMichael, founder-director emeritus and Signe McMichael."

Of these 17 trustees, they had two seats. The only other reference to them was that "no work of art or land donated by either Robert McMichael or Signe McMichael shall be disposed of by the corporation." That's significant because what is being contemplated now is that—and Robert McMichael says, "There are

300,000 works of art that I don't agree with." He wants to dispose of them, but nobody can dispose of his.

They also set out this particular condition, which nobody really objects to—it is absolutely prime of the deal that was made—that "The board shall ensure that the focus of the collection is the works of art created by Indian, Inuit and Metis artists, the artists of the Group of Seven and their contemporaries and other artists who have made or make a contribution to the development of Canadian art." That was a condition. There was no reference whatsoever to the 1965 agreement.

1540

The acts of 1972, 1982 and 1989 superseded that agreement. There's no reference whatsoever in the three succeeding acts to the 1965 agreement. So in effect, in law, it's a nullity. It's null and void. It's got nothing to do with anything. The basic concept of what the collection should be was amended to include native art, but basically it still honoured that particular condition that was set out.

Having said that—a period of time had passed from 1965 to 1989 and even further—the McMichaels decided that they would go to court. They decided to file a lawsuit against the province for breach of contract stating that the crown corporation set up by the government of Ontario to administer the collection was not following the terms of the 1965 agreement. He said that most of the 3,000 works that had been acquired since Robert McMichael resigned as director in 1981 do not belong in the permanent collection. That was the basis of the lawsuit.

The interesting thing about it, and this is why I want to bring forward this particular piece of art, is that in November 1996 Justice Peter Grossi, a provincial court judge, ruled in favour of the gallery's founders by upholding the section of the 1965 agreement concerning the collection mandate of the gallery. What is most surprising and totally bizarre, he said, "Canadian art is landscapes, in particular the colours, the relationship to nature and to energy and to uncontrollable forces to reflect the expansiveness of their wide horizons."

So here is a judge who has arbitrarily set down in law what constitutes Canadian art. As far as he's concerned, Canadian art is landscapes.

I had read off the list of members of the Group of Seven and their associates and by coincidence, only because Jock MacDonald happened to be one of my teachers, I have—because the government owns it—hanging in my office, and I want to show it, a piece of art by Jock MacDonald, a friend of Fred Varley and many of the other artists. Under no stretch of the imagination would this be considered a landscape or would it be considered in keeping with the description that the judge has laid down in law. Having said that, if you didn't know that this was signed by Jock MacDonald, I venture to say that it would be turned down as a painting, a piece of art to be included in the McMichael collection.

What happened is that the government of the day, which by coincidence happens to be the same govern-

ment of today, decided that they would appeal. They thought this was a ridiculous decision. I want to quote from the then minister, Marilyn Mushinski, who I'm delighted to see sitting in the House. She announced on December 12 that the government planned to appeal the decision of Judge Peter Grossi because it would open the door to further litigation and make the gallery impossible to run. Not only that, but she had this to say:

"Ontarians have been enriched by the McMichael Canadian Art Collection for more than 25 years. The gallery began with the McMichaels' gift to the province of their home, 14 acres of land and 194 works of art. With their continued support and the generosity of many donors, the collection has grown into one of Canada's most respected institutions, housing 6,000 owned works and almost 100,000 works on loan. The court's decision has made the operation of the gallery difficult because it raises a number of complex issues that we believe must be clarified." Then she closes: "The government has a responsibility to ensure that the McMichael Canadian Art Collection is effectively managed for the benefit of the public, who visit the gallery; and for the many, many donors, including the McMichaels, who have contributed to make it a success."

The minister of the day, to her credit, announced she would appeal this decision. The appeal was successful, as the appeal court ruled that this was not tenable, that it couldn't happen, that one judge couldn't arbitrarily decide what is Canadian art. As a result of that, the decision has really had a very positive impact on the Canadian art community and on the people who run the museums and the art galleries. They all applauded this government's action. They were very supportive of it, and they were incredibly pleased with the decision of the appeal court.

What I don't understand—and frankly it's the reason I'm standing here—is if you have an institution that's not broken, notwithstanding it's got some financial problems, then why is there a need to fix it? You might say, "You should see their balance sheet." Nothing in this bill addresses the balance sheet—nothing. All it does is talk about governance. It talks about a new role for the McMichaels. In section 2 of the bill, and I found this quite interesting, it says, "Robert and Signe McMichael should continue to have significant roles in matters related to the collection."

How could they possibly have significant roles when they're on record as saying that 3,000 pieces in the collection have no right to be there? These pieces of art were donated in good faith by very beneficent benefactors who felt they would like to take their collections or part of them and house them in a facility that would be available in perpetuity to tourists, citizens of Ontario and citizens of Canada. To put that in jeopardy—and make no mistake, we are putting it in jeopardy. I'm sure one of my colleagues will be reading to you a notice that was put out just today by the Ontario Museum Association and the Ontario Association of Art Galleries saying that this is a very significant piece of legislation that should be stopped.

I don't like to be flippant about this. I know the McMichaels contributed paintings and I know they had them. I just hope they didn't also have photographs that were explicit and somehow or other that was the motivation for doing this, because it really makes no sense. If it was a matter of finance, there are ways to do it. The McMichaels have had their say. They sit on the board. They have been very well compensated, and not only that, but the whole facility, the whole collection has grown enormously. It's got 6,000 permanent pieces of art and 100,000 pieces that are there on loan. It is a huge facility that has far outstripped their contribution.

Another very significant thing, and my last point, is that the people of Ontario and the benefactors, since they have been involved, have brought 600 pieces of work representing the original Group of Seven. Just think of that. Just from the Group of Seven point of view there are three times as many pieces of work that were not provided by the McMichaels. It seems to me that we as a Legislature should appreciate the value of this collection and make sure it is properly administered. But let's not put donors at risk. Let's not depress the market, and that will surely happen if you suddenly put 3,000 pieces of work into the marketplace. Not only that, but you will break faith with the people who provided those pieces of work.

1550

Hon Helen Johns (Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women): I'd like to thank the member opposite for his quotes. But I would also like to remind him that this bill fixes what we consider to be two problems: the controversy that has been around McMichael for a number of years and, as a result of that controversy, the failing financial health of the McMichael. To fix one without the other is not appropriate. The government gives the McMichael approximately \$2.5 million, and in one year they're short another \$1.5 million. Those are pretty substantial dollars.

Let me remind you that the first thing we're interested in, too, is fulfilling an obligation that was made by governments in the past. In 1997, Justice Finlayson said, "The honour of the crown is engaged in these proceedings." We're talking about the McMichael court cases. The crown accepted a gift that it was under no obligation to receive. We didn't have to take that gift. We didn't have to take that gift in 1965. Then he goes on to say, "The conditions that accompanied that gift were not onerous." We promised we would respect the McMichaels through—

Interjection.

Hon Mrs Johns: John Robarts did; everyone did. Everyone agreed at the time. The issue here is, when we give our word in this legislation, do we keep our word in this legislation? Up until this point, we haven't.

For me to go in and fix the financial situation—they told me it was \$300,000 in March; they told me they thought it was \$700,000 in April; the auditors thought it might be \$1.3 million and it ended up being \$1.6 million.

To fix that without fixing the underlying problem is just not possible. We have to go back and resolve the controversy that has plagued the McMichael so that it will be here for future generations. The government is going to put money into it. We're going to make sure that happens, because the McMichael deserves to be saved.

The Acting Speaker: Further questions or comments?

Ms Caroline Di Cocco (Sarnia-Lambton): I am surprised that the minister decided to quote the one dissenting justice of the Ontario Court of Appeal rather than the two justices who said to the contrary. In 1997, the Court of Appeal actually decided what that governance should be. The McMichaels had given away their agreement to take control and the whole controversy issue dealt with this need for control. Again, it's a selective quoting of the justice who had the dissenting opinion.

I received today from the Ontario Museum Association and the Ontario Association of Art Galleries their consideration of the implications of Bill 112. The minister did not consult with any of the organizations. Their comments are, "The potential for serious implications to Ontario's hundreds of cultural and heritage institutions as a result of Bill 112, the McMichael Canadian Art Collection Amendment Act, has prompted the Ontario Museum Association and the Ontario Association of Art Galleries to jointly express their concern about this proposed legislation."

They talk about the evolution that has gone on, but they believe this is going to be seriously detrimental to the arts community and to the integrity of art galleries in this province and also internationally, because the ethics of what is going to happen with the pieces that have been donated over the years—we don't know what the implication is going to be for the long term.

Mr Rosario Marchese (Trinity-Spadina): I am on Monte Kwinter's side on this one. On his side against the government.

Mr McMichael has been part of this agreement since 1965. He was there. He has been praised for the contribution he has made to Ontario society and to the arts forever, but he never seems to be a happy man.

In 1965, we had an agreement with him. In 1972, changes were made; he was a part of that. We see the evolution until 1982; he was a part of that. But after 1992 he became more and more unhappy about losing control. That's what this is all about: he lost control of the gallery. These people said, "We're sorry, Mr McMichael, that we've done that to you. We're going to give control back to you as if you had it from the beginning in 1965."

This government does an appeal, which it wins. They did an appeal, spending millions of dollars, for good reason. They take it to a Court of Appeal, they win it, and then they decide, through Mike Harris, the Premier, to change the whole thing as if the appeal meant nothing. What an egregious waste of taxpayers' money that they would do an appeal, win it and then lose it. It's the dumbest political thing I've ever seen from a government. Talk about waste of money, Madame Elliott. This

is an egregious waste of taxpayers' money. Why did you take it to a Court of Appeal if you wanted to change the law in the first place? Why not just give that up and say to Mr McMichael, "We're going to change it for you"?

You re-examined the contract of 1965 and gave to Mr McMichael what was not in the contract in the first place. You gave him more than what was there in 1965. It's the dumbest, dumbest thing I've ever seen a government do. When we've got important things like education, environment and health to deal with, they bring this bill into this place. Dumb.

Mrs Brenda Elliott (Guelph-Wellington): I listen with intent to my colleagues across the way, and I could take exception, I guess, to one comment: "If it ain't broke, don't fix it." Well, the fact of the matter is that we haven't been hearing from other organizations; we've been hearing about difficulties at this particular gallery because over time the focus of this particular collection has become lost and there are difficulties.

I refer my colleagues to the purpose of part II, section 1.1 of the act, which says: "The art collection, now known as the McMichael Canadian Art Collection, was to display distinctively Canadian art reflecting the cultural heritage of Canada and the images and the spirit of the nation, focusing on those artists known as the Group of Seven and their contemporaries." It is that clear. It is that which we are trying to do to get this collection back on track, this entire organization back on track.

There has been some concern raised about what would happen if changes are made to the collection and what effects that would have throughout the province on the attitudes of donors and so on. I'd like to, for the record, indicate what the answers were from the now chairman, David Braley, when he was asked these very specific questions before the legislative committee confirming his appointment on August 16:

On selling a lot of McMichael art depressing the market: to this question he said, "Things are bought and sold all the time. One would have to be foolish to sell a lot of art at one time when the market devalued it."

When he was asked about what would happen if art was deemed not to fit the collection: "It might get sold; it might get loaned someplace else. I can't make these judgments in advance of actually dealing with a particular piece of art or what have you. I don't think I'm personally qualified to make the decisions. I can guide it from an administrative point of view. I can make sure that everything is dealt with fairly. I will follow whatever contractual arrangements are made because that is what has to be done."

The Acting Speaker: Response?

1600

Mr Kwinter: I have heard the comments. There seems to be a very significant blind spot on the part of the government. You amended the act in 1972, you amended the act in 1982, you amended the act in 1989. This is the law of the land. It was amended. The act was amended, and you went to court when it was challenged. Not only did you go to court, you lost and then you

appealed it. When you appealed it—this is the first time I've heard of sore winners. You won the case and now you're saying, "No, no, that's it."

But the most important part of what I want to leave on the record is that if Bill 112—and you know I sat on the economic and finance committee—had provisions that would put in tight fiscal constraints, if it would do all of these things, I would say, "Well, I can understand what the problem is." But it doesn't. All it does is expand the board of trustees. It gives unfettered, literally, control to the McMichaels and the minister, and who's to guarantee that they're going to do any better? The McMichaels certainly are not in a position to do it at this stage in their lives.

So what we have is a bill that makes no sense. You're going to alienate people who, in all good conscience and all good will, have made contributions to this facility. You're going to create a great deal of unrest in the cultural community, who are going to be concerned that, "If you can do it to them, you can do it to us." There is no rationale. I've heard from many people who are in positions of some authority in the cultural community, and they say, "This is lunacy. I don't understand why it's being done." Now I hear, "It's being done because of the dire financial straits of the institution."

I can tell you, there are ways of dealing with that without amending the act, because the act does nothing to address that. All it does is change the governance.

The Acting Speaker: Further debate?

Mr Gilles Bisson (Timmins-James Bay): This is truly a bizarre situation that we find ourselves in, debating this bill. Keep in mind, we're debating this particular bill about the McMichael gallery that we shouldn't be debating, because this item has been dealt with many years ago, all because the Premier has decided to do something that's pretty strange, in my view, while we could be dealing with issues such as health care across the province, hours of work for working people in this province—because we know this government wants to increase the workweek to 60 hours a week. We could be dealing with truck safety. We could be dealing with all kinds of items. Instead, the government decides they're going to bring this bill into the House so that we have a debate about something, quite frankly, that shouldn't be in this House.

Just for people in the Legislature who may not be up on this issue, or people who are looking in, or people who are guests, the issue here is that Mr McMichael, some years ago, donated artwork to the gallery, primarily from the Group of Seven but other artists. In giving that art, there was an agreement that was formed that the gallery would then be responsible for the showing of that art and running the gallery. So he made a gift, and the gentleman got himself a tax credit in the interim. We thank him for the works that he donated—very generous on his part. It was an excellent move then and still is an excellent move now, and life went on.

The thing that's truly bizarre here is that all of a sudden, there's a change of heart. The person who gives

the art says, "I don't like the way the gallery is run, I don't like the works that they're exhibiting, so therefore I want to change the arrangements that were made originally back in the 1960s when I gave the artwork." So he goes to court, and the court says, "No. The agreement was put in place in the 1960s, and how the art gallery is being run is consistent with that agreement. So therefore, Mr McMichael, you have lost your case in court."

The interesting thing is, what happens at this point is that the provincial government goes in and appeals, and they win their appeal, so they don't have to change the agreement.

That should have been the end of the story. Instead, what we got is the government now coming and basically arguing against what was the appeal that they won at the court, in order to reverse their win. Exactly, shake your head; it makes no sense. Can you believe that you go as a government to court and you say, "I plead my case before the court of Ontario on the following premise," and you win? Then, after that, you come back and you decide you're going to change legislation because you won? It's just bizarre. In the 10 years that I've been in this assembly and three Parliaments, I've never seen something so silly as what's happening in this particular case.

I have to ask myself why. The answer to "why" is I could only speculate that possibly—I'm not saying that this is the case; possibly—Mr McMichael is a friend, or whatever the fellowship is between the Tories and Mr McMichael, and they've now gone back and said, by way of the Premier, "Ah, well, listen. I hear you. We fought against you when we went to court. We won our case. You lost your case. But what the heck, I'll change my mind, and we'll bring legislation to fix it." Talk about a waste of taxpayers' dollars. Do you know how expensive it is to run this Legislature on a day-to-day basis? The figures are over \$1 million a day.

We've now spent the better part of two and a half days debating this bill, which means to say we've wasted over \$2 million debating a bill that shouldn't be in this House. The minister says, "We're doing this because we're trying to save some money. We want to make sure we don't waste taxpayers' money." Minister, you're wasting it by the shovelful. When are you going to wake up? Stop this. It's stupid.

I say to the government across the way, listen, the gentleman, great man that he is, made the donation. We understand that. We thank him for it. We think that was an excellent gift that he gave to the people of the province of Ontario. But there was an agreement that was put in place. The gallery has been running the exhibitions within that gallery according to the agreement that was put in place at the time. That has been upheld by the court of Ontario; therefore, we should do what was in the agreement in the first place and we should also do what the court is telling us by way of their ruling: leave this one alone. For that reason I am going to vote against this bill, and I would imagine with many other members of this assembly, because we think there are far more important issues to deal with.

The thing that's really galling about this, on the other side of this thing, is that by way of this bill what's really interesting is that the Premier all of a sudden has become an art critic, if you really look at the extension of this bill. I find that very surprising and I find it very interesting when you've got a government that stands there, and the Premier, as a mantra of the language, says, "We don't believe in big government. We don't believe that government should be making decisions about items over people. We believe that people should make their own decisions and government should get out of their way." But in this particular bill, if you read it, it basically puts the Premier in the position of having to decide what pictures we're going to hang in the gallery. You talk about the hand of big government; you talk about Orwellian scenarios. I can't believe it. We've got the Premier of the province of Ontario deciding by way of legislation, basically—because he, as the head of the cabinet and as the Premier of this province, ultimately is responsible for this—what pictures we're going to hang at the McMichael gallery.

I'm sorry. I love art, I'm sure Mike Harris loves art and I'm sure most people in this assembly, even the member from Etobicoke, love art. I don't know what kind, but I know he loves something. But we are politicians. We are not curators of galleries and we are not people of knowledge when it comes to deciding what should be in an art gallery and what shouldn't be, number one.

Number two, I certainly don't want to live in a state where the government of day decides what kind of pictures we're going to hang in an art gallery. I think that is draconian, I think it is beyond the pale, I think it is absolutely ridiculous and a complete waste of taxpayers' dollars, but more importantly, it goes beyond the bounds of what rules and what powers a government should have over its citizens. The effect of this bill basically puts the cabinet in that position, and with Mr Harris, being the head of that cabinet, is where we put it.

I have to say the minister, whom I heard earlier, is an honourable member. I've dealt with her on a number of occasions. I have no quarrel with her. She is only having to carry this bill because somebody decided it had to happen. I really sympathize with you, because I know you. You're a pretty decent person, and I kind of think you saw this one coming. You must have shaken your head and said, "Why me? Why did you give me this bill?"

Anyway, I just make the point, when you say, "This is going to put the gallery on sound financial footing," I say to the minister, excuse me, think about this. We have not only Mr McMichael who has given art work to that gallery for exhibition, but curators over the years have decided, by way of the agreement and consistent with the agreement, I would add, because the courts have upheld that, to exhibit other pieces of art.

Think about this: we have other art that is available for the viewing of people who want to go to the gallery. People have donated money and have donated art, not

just on the basis of the works that have been given by Mr McMichael, but also by many works from other artists across this province who have contributed art to the gallery. So if we now all of a sudden say—Mike Harris by way of this bill—"We're going to show the Group of Seven and native art"—which is nice, I understand—but we turn around and we say, "We're not going to show the others," you're in effect putting the gallery in a position that it might lose some of its contributors.

I may not be a person who appreciates the Group of Seven. Maybe I'm a person who contributes to that gallery because of another artist or another group of paintings at that particular gallery and I enjoy making my contribution to help the gallery along. We certainly know that governments don't fund art galleries the way they used to; that's later on in the debate.

1610

What you're going to do is in a sense really restrict the ability of the gallery to go out and raise the dollars it needs in order to keep the gallery open, keep it flourishing and building towards having the type of artwork that they properly should be exposing in that gallery. So I would say, Minister, don't come to us all of a sudden and say, "This is going to put them on a better financial footing," because what you're doing is you are limiting what they're going to be able to show. It's certainly not going to make for a bigger piece of the pie. And you know what? The Group of Seven only painted so many pictures. It's not as if they can go out there and all of a sudden increase the Group of Seven showing art that they have to an extent that it's going to allow them to generate more revenue.

If the minister responsible for artwork, or I should say the Premier—the art collector and curator of the province of Ontario—feels that he wants to have a direct say about what we are hanging in the art gallery, why doesn't he go out and fund these art galleries properly? I remember a time in this province when we used to fund such facilities at a level of 80% funding. I remember a time when you used to be able to walk into some of these facilities as a citizen of the province of Ontario without having to pay a fee. We thought it important, the members who were here before us, that we as a province exhibit our wonderful art and all of the wonderful works that are put together by the artists of the province of Ontario as a way of showcasing the diversity of this province and the beauty of the people within. At that point, we used to fund 80% the galleries of the province of Ontario. How much are they funded for now, Mr Speaker? Do you know? I hazard to guess that the McMichael gallery, along with many other galleries across the province, are not funded anywhere near to the level that they were funded prior to the time that the Conservatives had taken power.

So I say to the Premier in all candour, if you want to become an art gallery critic or an art gallery curator, resign your seat in the Legislature and go and do that, and I would be quite happy to see you go. But if you're going to stay in this place, allow the people who do this on a professional basis to do it themselves or at the very

least, if you want to have an impact on the kinds of works that are being displayed in galleries, put the bucks up, give them the money that they used to get, and then maybe I can sit back and say, "If they're paying a bigger share of the load, maybe the province should have more of a say." Maybe then I would be prepared to hear the argument.

But I say again to the Premier and I say to the minister, I just can't believe it. Here we are, Mr Speaker—you know, you come from the same wonderful part of the province that I do, northern Ontario—northeastern Ontario, to be specific. We have transportation problems in northern Ontario, a lack of train services in places like Sault Ste Marie and Hearst, Kapuskasing, Timmins, Kirkland Lake and others. We have highways that are not being maintained to the degree that they used to be, because this government has got rid of all of the snowplow drivers we used to have in the province of Ontario and privatized the system, to the detriment of the motoring public. Why waste our time in this Legislature, at \$1 million a day, debating a bill that shouldn't be debated when we could be dealing with those important transportation issues?

Mr Speaker, you have cancer patients in your community, as I do, as all members of this Legislature do, who are desperately trying to get cancer treatment, hoping that that treatment is going to be able to deal with their disease and they're not able to get in because the lineups are so large. I have a gentleman in my constituency who I heard about just by listening to a conversation in the coffee shop. He was waiting two months on a waiting list to go for the test that you get before you go for radiation therapy, when he was already X-rayed and found with cancer in his lung.

The conversation I heard that morning was that for this gentleman, when he finally went the second time, because he had to wait so long, the cancer had grown to twice its mass. Do you know how we got him in? I had to call the hospital. I had to call down to Sudbury in order to talk to the people who do the cancer treatment over there to find out what the problem was in order to get this gentleman in so that he can get some piece of mind. Otherwise, they were going to make him wait.

It's not the hospital's fault. I don't fault, Mr Speaker, as I know you don't, the hospital or the workers or the management of the hospital. I fault this government, this government which decides it's more important to come into this Legislature to debate an issue that quite frankly was resolved in the courts and we had dealt with back in 1965 and again in 1972 when we rearranged the arrangement at the behest of Mr McMichael at the time. Rather than dealing with this bill and dealing with the Premier wanting to hang pictures in the McMichael gallery in Ontario, we could have the Premier of Ontario, along with the Minister of Health, providing adequate funding and the leadership necessary to provide for adequate cancer treatment for the patients of the province of Ontario. There are all kinds of issues like that. So I wonder—well, I don't wonder. I'm pretty well convinced this government has got its priorities wrong.

Somebody's going to watch and say, "If you're so upset about having to debate this bill, why don't you just sit down and let somebody else talk, and the debate will finish?" I've got to explain to people, because I would be critical of that too if I was watching. I want people to know that the rules of this House are that we are going to debate this the rest of the day. So I can sit down all I want and all we're going to do is get a bunch of Conservatives standing up and telling us about how great an idea this is. There's no way I'm going to allow you guys to do that. While I've got some time on the clock, I want people to know just how silly this whole thing is.

Je n'ai jamais cru que je verrais, dans la province de l'Ontario, quelque chose de si stupide. Le mot, très simplement dit, c'est « stupide ». On se trouve dans une situation aujourd'hui, comme l'a dit notre critique M. Marchese, où on discute d'un projet de loi qui n'a aucune place dans cette Assemblée, parce que le premier ministre de la province a décidé, « Écoute. On était en cour, on a gagné notre cas, mais on va changer d'idée puis on va perdre notre cas à travers la législation. » Quelle perte de temps quand on aurait pu avoir des solutions à des problèmes auxquels la province le l'Ontario fait face.

Je vous dis aujourd'hui, monsieur le Président, que la semaine prochaine et les semaines à venir, moi, j'ai des dossiers que je veux amener de la part de la communauté francophone de la province où on ne se fait pas servir en français parce que ce gouvernement a décidé de ne pas mettre en place les fonds nécessaires pour desservir les citoyens de la province même quand on demeure dans une région désignée sous la Loi 8. Quand on écrit au ministre et quand on parle au gouvernement, on se fait envoyer des lettres qu'on va vous montrer la semaine prochaine dans cette Assemblée qui sont insultantes quand ça vient à la francophonie de l'Ontario.

On pourrait faire ce débat. Non. Au lieu de ça, on est ici aujourd'hui, comme l'a dit plus tôt notre bon ami M. Marchese, et M. Kwinter du Parti libéral, faire le débat sur un projet de loi, franchement, qu'on n'a pas d'affaire à faire. C'est complètement ridicule que l'on se trouve dans cette situation.

L'autre point que je veux faire—et nous les francophones, on le connaît bien. Quand ça vient à la question de l'art et de l'appréciation de la culture, vous savez, les Français, on a un certain flair pour les belles affaires. Ce n'est pas que je ne suis pas sympathique à la position de M. McMichael quand ça vient à vouloir mettre sa marque sur ce musée, mais je veux dire simplement à ce monsieur, « Écoutez. Vous avez fait votre décision. » Nous, on a besoin de faire des décisions à chaque jour, et des fois on n'est pas contents avec nos décisions, mais on ne peut pas retourner et décider tout à coup, « J'ai changé d'idée » après qu'on a fait la législation et qu'on a signé des ententes.

Je dis simplement, nous les francophones comprenons très bien les questions de culture. Mais on reconnaît que c'est mieux que les personnes responsables pour ce musée, ceux qui sont responsables pour faire les

collections et faire les exposés, prennent ces décisions eux-mêmes, et non M. McMichael, 25 ans ou même une quarantaine d'années après la situation, ni le premier ministre de la province de l'Ontario, qui est tout à coup devenu un critique des arts. C'est vraiment ridicule.

In the two minutes that I have left, I want to repeat again, that it is utterly, utterly stupid that a government of Ontario would put itself in a position of creating legislation in order to defeat itself and a decision they had in the courts. I thought I'd seen stupidity—I've seen some before in this House—but I'll tell you, this has got to be one of the stupidest things I've seen this government do.

The second point: this is Orwellian, that a Premier of the province of Ontario would decide what kind of pictures we're going to hang in a gallery. I say it again; I said it earlier. If Mr—I was going to call him McMichael; maybe they're related—Michael Harris wants to go and hang pictures in the art gallery, he's welcome to it. Resign your seat, get the heck out of the way, go hang pictures. I'll be happy to see you do it. I wish you well. But don't, as a Premier of the province of Ontario, to decide by way of legislation what pictures an art gallery is able to hang in its galleries.

1620

I say again to the Premier and I say to the minister across the way, if you feel so strongly about the arts and if you feel so strongly about making sure that we have quality artwork shown in the galleries of Ontario, I say go out and fund it. You have the opportunity. This province is in a situation of unprecedented growth because of what we're seeing in the American economy. The Ontario economy has done well. We're seeing some very interesting numbers, encouraging numbers, on revenues to the province of Ontario when it comes to taxation. It's not that you're without means.

So I say to the minister across the way, go to cabinet, say to the Premier and to the rest of your colleagues: "I need some money. I want to support the arts in the province of Ontario." I know you want to. I've got to say to the minister across the way, I have great respect for you. But go there and make the case and say, "Mike, I don't want you deciding what pictures to hang. What I want you to do is decide to sign the cheque," so that the galleries across the province of Ontario and also the artists in the province of Ontario know that they can get some support from their province and not have to worry, "Well, maybe the Premier won't like my picture and won't let me hang it in a gallery somewhere in Ontario."

Mr Speaker, I thank you for the opportunity to participate in this debate.

The Speaker (Hon Gary Carr): Further debate?

Mr Joseph Spina (Brampton Centre): I believe this is questions and comments, Speaker.

The Speaker: Yes, it is.

Mr Spina: I'm disappointed somewhat at my honourable colleague from Timmins-James Bay, who is always wonderfully bilingual, and we love it. Thank you, Gilles. But I don't think he has done sufficient research

into this issue because, if he will look at the comments that I made the other day when I spoke on this bill—I'll quote: "There is no intention to challenge the artistic freedom of the arm's-length relationship the government maintains with its agencies. It is not our job to dictate artistic tastes or to make decisions about what is or is not good art." That is the paragraph at 1740 on page 4198 from two days ago as part of my debate.

The reality is that under this bill there is a five-member board that will decide which art will be recommended and it'll be made up of the two McMichaels—Mr and Mrs—the chair, the vice-chair and another member elected by the rest of the board and they will comprise the art advisory committee. They, not the government, are the ones who shall be choosing the art.

The Speaker: Further comments?

Mr James J. Bradley (St Catharines): I really wonder why the government is proceeding with this bill. I think somebody made a mistake, didn't catch it through the system, or something like that has happened. I thought the government would have withdrawn the bill by now because of its implications. I see that the Ontario Museum Association and the Ontario Association of Art Galleries have both expressed grave concern about it and have offered their assistance and expertise to advise the government in this regard on whether the legislation should be withdrawn or amended.

Second, I wonder why the government isn't proceeding with other initiatives in the field of art galleries. Certainly Rodman Hall in St Catharines is a wonderful art gallery. You may have been there yourself, Mr Speaker, knowing that you are a connoisseur of fine art. You would have noticed, if you were there, the quality of the art that is hanging in that gallery. I had an opportunity a short while ago to participate in the official opening of a juried art exhibition where there were some outstanding examples of the quality of art produced by people in our part of the province.

As has been indicated by other members of this Legislature, and I'm sure by others in our society, the great concern in the field of art is not this particular piece of legislation, though we're concerned about its implications. The concern is that the government has decided to proceed in this direction instead of appropriately funding the art galleries across this province, including Rodman Hall. With that strong support, because as the member for Timmins-James Bay indicated, there is considerably less of an allocation of funding to art galleries today than there was in years gone by. That's what has to be re-invested because they're excellent for our communities.

Mr Marchese: I just want to add to the comments that my friend from Timmins-James Bay has made.

The reasons for introducing Bill 112 are puzzling to everyone, I suspect including the members opposite. I'm convinced. I can't fathom the reasons as to why Bill 112 is before us. I am convinced we are dealing with political favour or personal favour. I am convinced that's what we're talking about because there is no other explanation for it.

What we have seen here is that this government, in spite of the ruling that the Court of Appeal has made favouring the government, has decided to undo that agreement, undo that court appeal and go back to scratch, go back to 1965. They've added to that agreement things that were not originally in that agreement to favour Mr McMichael.

It is, in my humble view, bizarre. They say: "Oh, they have not been on a good financial footing for quite some time. We're introducing Bill 112 to change that." Oh? How is this bill going to help the financial footing of this organization? What happens to the 5,000 works of art? What happens to the people who donated to the McMichael who are unhappy with Bill 112? Will they withdraw their financial support to the McMichael? If that is so, will that make it financially better for this organization, or worse? They might pick up a few more people but they might lose some. So how's this going to help?

You see, that's why I am puzzled by the decisions of this government. That's way I say, it's dumb, dumb politics. There are other things we should be dealing with. Stick with the appeal that you won. That's the better course.

Mr Doug Galt (Northumberland): I've been quite entertained by some of the responses. The member from Timmins-James Bay is just an excellent speaker. I always enjoy it when he rises in the House and speaks in both languages; just a very flamboyant speaker. But I was rather disappointed to hear him make the comment that he was going to vote against this because there were more important issues to be dealt with here in the Legislature. I think that's a pretty weak excuse as to why he would not support this particular bill.

He went on to talk about the government selecting art—he talks about the Premier, Mike Harris, selecting art; he even made some fun about the commonality of names there—making decisions about how to select art. He just couldn't be further from the truth. As a matter of fact, it was a lower court's decision in November 1996 that was appealed because art acquisitions—and this was our government—would be subjected to legal challenges. We challenged the original court decision because we didn't want the question of what is art left up to a judge, just like we didn't want it left up to politicians.

Similarly, in this House, we've heard from the opposition benches where they think politicians should get involved with environmental assessments. I know back in 1989 the minister of the day did get involved and waived an environmental assessment. It was very embarrassing to the government of the day, I'm sure. Politicians shouldn't get involved in art just as they shouldn't get involved in waiving environmental assessments.

But I was kind of interested in hearing someone from the NDP expressing a real concern about cost: the running of the Legislature, \$1 million a day. I think he takes the first place in priority as a socialist talking about cost. It was just music to my ears coming from a party

that, when they were in government, ran an \$11-billion deficit a year. Thank you very much, member from Timmins-James Bay.

The Speaker: Response?

Mr Bisson: I want to take my two minutes on the last comment because I thought it was just so interesting. I heard your comments in regard to you don't believe, as I don't believe, that the Premier of the province should be directing what art to expose in a gallery. You make the argument that you don't want politicians deciding where garbage dumps are going to be established, such as Kirkland Lake or Keele Valley or wherever it may be. I agree with you. Politicians shouldn't be the ones making those decisions.

1630

If that's the case, why is it that your Premier and your government have made all the decisions necessary to direct the garbage within the area of Metropolitan Toronto to the town of Kirkland Lake? This issue had been dealt with. It was against the law when the NDP was in power because of legislation we passed under the Interim Waste Authority that said, "You don't have the right to ship your garbage outside of your municipal boundaries to an area that's out of sight, out of mind." It was a process that was established not by politicians but through the Interim Waste Authority that people who understand the environmental issues and those responsible went through a search to try to find a dump somewhere within the area of the GTA.

Now what we've got is a Premier who, when he got elected, scrapped that whole authority and, more importantly, did away with the issue of allowing municipalities to ship garbage outside of their municipal boundaries. He basically changed the law. He then went in and changed the Environmental Assessment Act in order to allow for a scoped EA, which in fact is what ended up happening at the Adams mine, where now we had a scoped EA on one question. They had 15 days to do an environmental assessment to create a dump where we know every other municipality that has to go through such a process takes 10 years. You guys did it in 15 days, and you're saying you don't believe politicians should make a decision? You guys made two decisions right there that allowed the dump to go and then, the third, you made a decision that you weren't going to allow the garbage to go another lift at Keele Valley, putting Toronto in a position where it has to ship its garbage to Kirkland Lake, given the situation you guys have set up.

You guys have made all kinds of decisions in order to allow garbage to go to Kirkland Lake. It was politically directed by none other than the Premier of Ontario. I take great offence to him saying he doesn't believe politicians should make the decisions, because at the end of the day his hands are dirty.

Mr Galt: I'm very pleased to enter into the debate on Bill 112, the McMichael Canadian Art Collection Amendment Act, 2000. Certainly as the debate continues about politicians being involved, whether it be in selecting art or environmental assessments, I think it's

interesting that the previous government's major intent, when it came to environmental assessments, was to see how much and how long they could be dragged out. It cost money for everyone concerned, whether it was the proponent or those defending, and I heard them say it in committee. It was said different times, "The more complicated, the more red tape we can have, the more the environment will be protected." It wasn't engineers' reports, studies or consultations carried out; just make it complicated, make sure that instead of piles of garbage we'd have piles of paper to work with. That seemed to be their biggest intent.

What we did with the Environmental Assessment Act was streamline it so that at least we could get down to the real bare bones, not get to the end of it and then have to start all over again, as was happening in the past. I was very pleased as the parliamentary assistant to be able to lead that particular bill and improve it so there was a reasonable length of time, somewhere within a year, that you could work your way through an environmental assessment, provided everybody was doing their work. Obviously that didn't sit with the NDP, nor did it sit with the Liberals very well. They saw it in a very different kind of way.

I think the purpose of this bill, the McMichael Canadian Art Collection Amendment Act, is very clear, and the minister spoke on it on Monday: to restore the McMichael collection to sound financial health and to honour the intent of the gallery's original mandate. With all the rhetoric we've heard here today and on previous days, that's really what it's about. That's the mandate for this bill, to get back to that original mandate and to provide some financial help. That's a lot of what we've been doing as a government, ensuring some financial health in this great province of ours, the engine that drives the nation, the great country of Canada. Certainly that was not happening when we had an \$11-billion debt that we were struggling with. Who could possibly get to an art gallery to enjoy the art that might be there that we could go and see?

Earlier this afternoon, we had a question from the member for Toronto Centre-Rosedale talking about the gridlock of our highways. I got caught on the Don Valley Parkway—I guess you could very well describe it as a parking lot—trying to get here for a vote at 12 o'clock to support my good friend in the New Democratic Party, the member for Toronto-Danforth, working on her Safe Drinking Water Act. I wanted to be here as part of that bill, and I was hung up for over half an hour on the Don Valley. Maybe the member from Toronto Centre-Rosedale doesn't understand, but that isn't run by the province; that is part of the city of Toronto, and so is the Gardiner. He was talking about a person trying, I expect, to get in and out on the Gardiner, and what he was doing was insulting every councillor in the city of Toronto when he was asking that question of the minister.

I think it's interesting. As I sat on the Don Valley today—call it the parking lot if you like, but what I was seeing was people going to work, coming home from

work. That was part of the three quarters of a million people who now have work who wouldn't have had work prior to 1995. I saw transports on that road, transports delivering goods so that people who have jobs today are able to buy those goods. That was what was causing a problem on the Don Valley today.

Construction was going on. There are actually dollars that can be invested into construction, something that couldn't happen back in 1995. We can build roads so we can get to places like the McMichael so that we can see these art collections that we're trying to straighten out with Bill 112.

A lot of this relates to controversy, the controversy that started back in 1989. Who started the controversy in 1989? Of course, it was the Liberals. They love creating controversy. They seem to think that is making government. If I may just for a moment relate back to that, the Liberals accuse our government of meddling when in fact it was their government in 1989 which set the gallery down the road to controversy. The member from York Centre, who spoke very well a few minutes ago, the member from Renfrew-Nipissing-Pembroke, and the member from St Catharines all sat at the cabinet table back in 1989.

That legislation expanded the mandate beyond its original intent, going back to the days of Robarts, the Premier of that day, who received the gift from the McMichaels: a very generous gift indeed of property, of art, of a home. Of course there were some conditions on that, but here we had legislation that was changing it. It reneged on the original deal with the McMichaels and it set into motion the eventual court challenge that's being discussed here today. First the Liberals reneged on the deal and, because of that, the McMichaels took the government to court, a challenge that we had an obligation to defend as a government. We took that very seriously.

The lower court's decision of November 1996 was appealed because art acquisitions would be subjected to legal challenges. We challenged the original court decision because we didn't want the question of what is art left up to a judge, just like we didn't want it left up to politicians. I spoke about that a few minutes ago, about politicians making decisions on art, similar to politicians making decisions on environmental assessments, as we've heard in this House. Politicians on the other side of the House think that government members or politicians should get involved in interfering in what technicians and engineers and specialist artists should be involved with.

Getting back, Justice Finlayson reminded us what was at stake in the middle of this controversy. In 1997, he reminded us that the honour of the crown is engaged in these proceedings. It accepted a gift that it was under no obligation to receive. The conditions that accompanied the gift were not onerous. The Liberals set in motion a period of controversy in 1989 which has continued right up until now, over 10 years, in excess of a decade, when they reneged on the original deal, dear knows why—controversy which has led to a decline in the financial viability of the collection.

I can understand that. Look at what happened to the financial viability of this province from 1985 to 1990. It was utterly disastrous, the spending that went on in this province. It was good times—very fortunately for them it was good times—so the deficit was not all that great. They did brag about balancing the budget once upon a time. However, when they were balancing that budget, it was more playing with figures, something like the previous government from 1990 to 1995. They had two sets of books. Very shameful.

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By honouring the original agreement, not only are we keeping Ontario's promise, we're putting the gallery on solid financial ground, giving it the stability it needs in order to preserve it for future generations. That's what this court challenge is about. That's where this controversy came from.

I think it's interesting to identify and see where some of these problems were coming from. The minister was expressing it extremely well on Monday when she made some comments. What was going on was there was a deficit that was happening there. We take deficits, whether it's provincial or wherever, very, very seriously, and so an audit was requested. That independent review found a shortfall of some \$1.6 million, a shortfall that was the result of poor fiscal management. Man, do we know about poor fiscal management in the province of Ontario for a whole lost decade from 1985 to 1995, a disastrous period in the province of Ontario.

It was also a period of high fundraising costs, something like the opposition when they get lots of administration in there—they spend all the money on the activity and have nothing left over in the end as a result; of dwindling corporate sponsorship, not working with the corporations; of weak project management; of high staff levels, administration—they love administration, that's what they set up with our school boards; and a lack of a formal budget process. When we came to office and found two sets of books, that's exactly what was going on.

This was the kind of thing that was happening and something needed to be done. I have the greatest respect that the minister did make a decision to move on this. There was a certain amount of management here that had to be looked into. There's been some discussion about setting up a new board chair, an advisory group. It's going to be that advisory group that will be advising in the future as to what should be hanging in that art gallery.

We often hear the Liberals' response of "spend more." It doesn't matter what announcement we come out with here in the province of Ontario, whether it's education, whether it's health, whether it's welfare: "You should spend more." That's what they did from 1985 to 1995 and look what we ended up.

But I do respect that more has been spent here to try and get things under control. From 1996 to 1997, the province did offer up \$2.7 million on operating and about \$440,000 for capital and special projects for a total of

some \$3.1 million in 1995. In 1996, it was a total of \$3.37 million.

You can see where the Minister of Citizenship, Culture and Recreation is coming from. Let's get the McMichael gallery back on firm financial footing. Let's get back to the roots, the wherefores of the McMichael collection. Why was it established? To celebrate Canadian art. Certainly, that's back to that original purpose we were talking about a few minutes ago, the sound financial health of that McMichael collection. If there isn't a sound financial health to that organization to continue, it's probably going to disappear some day down the road, something like the province. I think there's a direct comparison that we can draw. And also to get back to the original mandate, one that the Liberal party saw fit to draw us away from, draw us to the rocks so that we would crash. That's about where we were going.

I think it's interesting the kind of support the government is proposing into the future. We'll invest some \$2 million in the buildings housing this collection to be used to complete major repairs to the roof and the windows. We'll also fund upgrades to the mechanical systems that ensure correct temperatures. We all know with things like antiques and art how important it is to have the right humidity and the right temperature if we're going to maintain these for future generations.

These dollars will also be spent by weatherproofing the facilities that house these valuable pieces of Canadian history. We're ensuring a solid, secure future for the McMichael collection.

Certainly, it has been a very generous gift that this family has given the province of Ontario back in 1965. I, as one, certainly appreciate it and hope that my family enjoy it well into the future. Certainly my spouse and some of my daughters are very, very artistic and they very much enjoy that kind of thing.

But you know, the debate really isn't about what is art and how art should be handled. Art is something which the specialists should be recognizing. There's no question that we are not the guardians of art. We're not guardians of agreements made by former governments. We are guardians of the taxpayers of the province of Ontario and we are guardians of a generous gift and precious resource given to the people of Ontario by the McMichael family.

It would appear once again that the Liberals just don't get it, like they don't seem to get what's going on with health care reform here in the province of Ontario. I brought into the House a few times and have a couple of questions and it's very obvious they don't get and understand the health care reform here in Ontario. They talk about hiring more nurses. The minister explained that the other day. This is a brochure that was put under the windshield wiper on my car when we were at the plowing match. They talk about creating a home visit program and also guarantee 48-hour hospital care for new mothers when they're already getting 60 hours. They want to cut them back by 12. I just don't understand. I trust that this was McGuinty approved.

They talk about restoring junior kindergarten. Certainly the Minister of Education explained that the other day in here. They're not following.

Mrs Elliott: He's not up to the job.

Mr Galt: He's not up to the job, either, as has been said here in the House. That's pretty obvious.

And then, I think it's kind of fun, it says on the front here, "Only two people can stop Mike Harris." Well, obviously Dalton McGuinty isn't one; that was proven in the last election. It isn't the two people Dalton McGuinty and Howard Hampton. They couldn't seem to do it either.

So it's very, very obvious they don't get it and they're just not up to the job. We came to Queen's Park to make government and government institutions more efficient and that's, in a nutshell, really what this bill is about for the McMichael collection.

As a famous American president once told us, "Nothing is easier than spending the public's money," and the Liberals really should know. "It doesn't appear to belong to anybody," and that's exactly how they felt. "The temptation is overwhelming to bestow it on somebody." That president was Calvin Coolidge.

Now, I kind of interrupted that quote; I should give it complete: "Nothing is easier than spending the public's money. It doesn't appear to belong to anybody. The temptation is overwhelming to bestow it on somebody." We've watched that through the lost decade. Ten lost years while they were bestowing money on whoever, wherever, and look where it got us: an \$11-billion deficit, \$100-billion debt.

Calvin Coolidge was a Republican, and as a Republican, which is Conservative in the Ontario experience, we sure know the value of the public's money.

So I would ask the members of the opposition to just step back for a moment from their partisan view and try to get the big picture, which is: there's only one taxpayer. They don't seem to realize it. They think there's an endless and a bottomless pit of money in this province to be spent by them. Their nose is so out of joint, now that they're no longer in office, that they don't have their hands on this money that they can spread it willy-nilly all around the province. Thanks heavens there is some control on the spending of money in the province of Ontario that certainly wasn't there for 10 lost years from 1985 to 1995.

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We need to bring that same kind of order to the McMichael gallery, the same kind of sense of purpose and the same kind of fiscal responsibility that we as a government have brought to the province of Ontario. Every time I hear the yelling and screaming on the other side of the House, I know we're on track, I know we're doing the right thing. Mr Speaker, I can tell you there's been a lot of yelling and screaming in this Legislature in the last three or four days, to the point that I've been a bit embarrassed. I know that people in my riding are very concerned about the yelling and screaming. But it is an indication to me that we are indeed on the right track

when they get as irritated as they have over the past few days. Yell and scream as they like, the opposition cannot dispute the fact that Ontario is in far better financial shape today than it was when they had the keys to the treasury of the province.

It's certainly not rocket science. In Bill 112, we're talking about the two-part purpose of getting some financial stability back into that collection and ensuring that the original mandate, which Premier Robarts accepted when this was donated, is met. It's simply good management practice. It's empowering the people: the people with a vision, the people who are close to the front-line, the people who know how to get things done. That is what this bill is intended to do, and I can enthusiastically support it's passing.

The Speaker: Questions and comments?

Ms Di Cocco: This bill has absolutely nothing to do with good management. This bizarre bill should not be in the House to be debated. The Ontario Museum Association says that to revisit this long-standing agreement, which was already decided upon by the Ontario Court of Appeal, is going to undermine donor confidence across the province. It is exactly that. Maintaining confidence is crucial, now that funding agencies are encouraging museums and galleries to develop new partnerships. Today, this gallery gets 41% of its money from the provincial government. We are undermining their ability to access funds and to get donors to contribute to museums and art galleries.

This bill is a breach of trust to the hundreds of donors who have donated to that gallery from 1965 to today. That is what is criminal about this bill. It's a breach of trust to the arm's-length relationship that is there with all boards and agencies in this province. This changes that relationship. You have boards that set policies, that give curatorial direction. You have experts who assist the boards, who help manage the direction of the boards. Politicians should not be there to tell these experts what they should be putting on the walls. That's what this bill does. You have lots of mechanisms available to deal with the fiscal issue.

Mr Marchese: Speaker, I've got to tell you that the opposition deserves criminal injury compensation. After hearing the member from Northumberland's speech—blah, blah, blah for 20 minutes—I ought to be compensated for having suffered 20 minutes of that discourse, and not just his but so many of the other members. We need to be paid. It's very difficult to sit here having to listen to this blah, blah, blah for 20 minutes. It's painful.

He didn't say anything that had any meaning to anything we're discussing. The fact of the matter is—just to help the member for Northumberland, the good doctor—Mr McMichael has been unhappy for a long time. He's been unhappy to the extent that he brought this issue to court. The lower court agreed with him; the Court of Appeal ruled against that decision in favour of the gallery and in favour of the government for good reason. According to the judgment made by the court, "It

would have effectively given Mr McMichael personal authority over acquisitions.” According to the court, the McMichaels apparently believed that under the 1965 agreement they had absolute control, but that is not the case. Even from that agreement that was never put into law, they never had absolute control. He believed it because most of the administrators always agreed with him. But, good doctor, they could always have overruled him. But when it reached the point where he no longer had any control, he decided to take the matter to court, and that’s what this is all about. He blah, blah, blahs on about irrelevant things, but this is what it’s all about.

Mr John O’Toole (Durham): Respectfully, the member for Northumberland once again has risen to the challenge of soliciting not just my vote but the votes of all members on this side. I think it’s important to look at the purpose clause in Bill 112, which Minister Johns has brought to our attention. It’s very clear to me and, I’m sure, to the people listening today and perhaps to the opposition—there aren’t enough here to listen. The purpose is to return to the original purpose of the McMichael collection. Clearly they’ve strayed from the initial purpose. I’m looking at the purpose clause here: “... the board with respect to the acquisition and disposal of art works, objects and related documentary material.”

A board will be appointed by the Lieutenant Governor in Council, and the purpose is to refocus the original intention of this gift to the people of Ontario. I think the member for Northumberland has clearly demonstrated that things had certainly become unfocused and arguably out of control. This is a very specific bill with a very specific purpose, and I think this is what has been missed by all Canadians. I speak for all Canadians here, I think, as a publicly elected person.

I’m going to read into the record—you should listen: “The collection is to reflect the cultural heritage of Canada and to be comprised of art works, objects and related documentary material created by or about Tom Thomson, Emily Carr, David Milne, A.Y. Jackson, Lawren Harris, A.J. Casson, Frederick Varley, Arthur Lismer, J.H. MacDonald and Franklin Carmichael...”

This is history we’re talking about. There’s no price tag on history. It’s about time Minister Johns stood up and did the right thing.

Mr Smitherman: In a minute or two I get to speak for about 20 minutes, but in the meantime I want to take this two-minute opportunity and respond to the comments by the member for Northumberland, coming as we are to the close of our first week of this new—

Mr Galt: On a point of order, Mr Speaker: the response is to the person who spoke.

The Speaker: That’s not a point of order. Thank you. The member for Toronto Centre-Rosedale.

Mr Smitherman: In his comments, the member for Northumberland went out of his way to make reference to the issue of GTA gridlock, close as he always is to the matter at hand. I note that this is an issue that confronts him.

We’ve a launched a Web site, GTAGridlock.com, because we know that a lot of residents in the 905 area are increasingly frustrated at the problems of spending three or four hours commuting to work. I would say to the member, who I’m sure drives in from his riding on the fringe of the greater Toronto area, that he ought to be careful. With those brake lights coming on so regularly, and following as close as he is to the Premier, he runs a very real risk of breaking his nose.

We know it’s been a good week here, because the members opposite are punchy. Earlier today two of them in the back row of the Tory caucus went out of their way to show me their incredible delight with my work around here by demonstrating their capacity to raise a finger or two in my direction. We saw the Minister of Health, who is puzzled by the problems with respect to the emergency room crisis facing us in the city of Toronto. We saw the Premier of Ontario, not 15 minutes into the question period—prime time for him, a really important part of his job—slam his binder shut and stomp off like a kid running from the playground. The Premier on that day had a hissy fit and he left the sandbox. That’s the kind of week it has been here. And the number one government priority this first week back from a long, long session? A bill dealing with the McMichael art gallery.

I look forward to talking more about it.

1700

The Speaker: Responses?

Mr Galt: I’d really compliment the member for Durham for his absolutely brilliant comments on the presentation that I made. I wish I could say the same for the others, but they didn’t quite measure up to the member for Durham. That member for Durham is always so focused. He’s just dead on the topic and understands. I’m rather pleased that I was able to convince him to support this particular bill.

The member for Toronto Centre-Rosedale was talking about me living on the fringes of Toronto. I want to be very emphatic: I do not live on the fringes of Toronto. I live well into rural Ontario. My whole riding is rural Ontario. It has nothing to do with the fringes of Toronto.

I know that, living in Toronto, especially in the centre, he would like to think that all of Ontario is Toronto and everything is Toronto, but it’s not. There are some important areas in Ontario that are outside of Toronto. I know he can’t see out that far, but he should get in a car and go for a drive sometime. Go down 401 and see where the Big Apple is. That’s just about the centre of my riding. Go visit some of the areas in the riding.

I listened to the member for Sarnia-Lambton and some of her comments about, “This bill will undermine donor confidence.” Oh, dear. Here we’re going to balance it, put it on a sound financial basis, and she thinks it’s going to undermine donor confidence. It was undermined by her government back in 1989, starting with changing the mandate, and it has gone downhill ever since with a whole bunch of obvious confusion. I explained that when I was speaking earlier.

The member for Trinity-Spadina said something about workers' compensation, now the Workplace Safety and Insurance Board. I think he was referring to that; he needed compensation.

Hon Janet Ecker (Minister of Education): Maybe he was thinking about the financial stability we've brought back. I don't know.

Mr Galt: He was upset over the financial stability. He used to be the minister who looked after this. I thought, during his term—they tell me it was rather short, in this particular ministry, anyway—he might have straightened it out, because he's such an eloquent speaker. I do enjoy listening to the member for Trinity-Spadina. Even when he's beating me up, I enjoy listening. He expounds so well. He gets his arms going and he describes things in such detail. He's certainly a very entertaining speaker. But that's all I got from it—entertainment. I didn't get any message. I enjoyed it. What he was trying to say, I'm not sure, but as a previous minister, I was sure that I was going to get a clear message from him.

The Speaker: Further debate?

Mr Smitherman: It's been an interesting week here at the Ontario Legislature. I am honoured to have an opportunity here, as we bring this week to a close, to speak on behalf of my party.

It's an interesting opportunity for me to follow up on the comments, if you will, from the member for Northumberland. He talks about rural Ontario and tries to give me a lesson, but I think he fails to understand that a really significant portion of the greater Toronto area is rural and under extraordinary threat—the agricultural lands particularly—from the policies of his government. The member for Durham, who's here, well knows that. I talked, for example, to the mayor of Scugog to learn a little bit more about that. I don't need any lessons from that member about the area that he represents because I had the honour for four years of working for Hugh O'Neil, a man whose shoes he could only hope to fill.

It's interesting that, in keeping with culture, we want to offer a more appropriate title for this bill. Oftentimes the Harris government comes in with bills that really don't speak to the issue at heart. I think that what we ought to call this one is the Premier, the quarterback and the disgruntled rich guy. What we've really got here is a play that's foisted upon this Legislature its first week back after months and months and months of recess, when the Premier got more golf games in than Bill Clinton or Tiger Woods. The Premier comes forward and orders this as the first piece of business for the government. The legislative priority for the Mike Harris government after months of recess? A bill to deal with the Premier's personal involvement in the McMichael.

I have some sympathy for the minister, who is with us today. I appreciate her. I think she does a good job. She's one of the few ministers on that side who, when she attends events in my riding, has the respect and decency at least to acknowledge my presence. Soon I'm going to have to be heckling at events the ministers are attending just so they'll let people know I'm there.

The minister and, particularly the professional staff in the Ministry of Citizenship, Culture and Recreation, have my heartfelt sympathy because they have been forced to do the Premier's dirty work. Peter Worthington and a few of these other old rich guys got on the phone and told the Premier that he had to go back. They were back to the future; 1965 was here all over again. The minister has been a very loyal servant to the Premier and I applaud her for that, although I do so with extraordinary sympathy.

I do have sympathy for those staff in the ministry because they are professional staff. I had the opportunity to serve, too briefly, as executive assistant to Hugh O'Neil, the Minister of Culture in the late 1980s, and I know of the strong commitment the staff in that ministry make and I know of their distaste for having to take the actions that are before us today.

I'm a strong supporter of culture because it enriches the fabric of the place that I call home and the place where this Legislature is located. Here in downtown Toronto, there are, of course, many people at all levels in the cultural sector who make a contribution to the enrichment of our society. Many of them benefit in a very meaningful way economically. I have not only a lot of people who are some of the more significant contributors to our cultural product, but many of the beneficiaries work in cultural industries in my riding, which is home to many of the most important cultural institutions that are known to our province.

I want to say that we all need to recognize that there are benefactors here. Picking up on the comments of the member from Sarnia, who has done so much work on this issue on behalf of the Liberal Party, we need to send a message out to remind people that just as in the context of big business where investor confidence is an issue, so too is the issue of contributor confidence. This bill and this government's actions on this issue dramatically undermine that.

I want to talk a little bit about the legacy of this contribution that we've heard so much about from the McMichael family. I'm reminded, in having conversations in the last little while, that even before the government decided it had the solution and recipe at hand, six of the seven permanent exhibitions at the McMichael were Group of Seven works. I think that's a really significant point and one that ought not to be lost in the mix of this debate.

I think it's also important on this issue of legacy to keep the contribution of the McMichaels in mind, but also in context. I think we've lost that context because of the government's communications machine, because all these backbenchers sent out to toe the Premier's line for fear that if they didn't, they'd get moved back into a new row that he might there establish.

Since McMichael made the original contribution of paintings, many others have made subsequent contributions equal to or greater than those of the original contribution. I think that's a significant point and one that ought not be lost in this debate. The leverage of the McMichaels notionally, at least from the way we would

look at it, ought to have been saturated and placed in proper context over time; but instead, we've got a government that has the ultimate power. The Premier has weighed in, noted as he is for his very strong understanding and commitment to culture, and he has trumped all of the involvement, all of the history of people who have been playing a role up there.

The government of the day spends a lot of time talking about flip-flopping. They attempt to lay that at the feet and hands of other governments, but I think it's very interesting that on this issue—and in this House today, we have both the minister and a past minister who are seemingly on opposite sides of this issue. We've got one previous minister who defended the interests of the crown and went to court, not once, but twice. They had a rematch, to put this in language that the wrestling-watching members on the other side can understand. That's culture to them. They had a rematch, an appeal that the then-minister supported. At the taxpayer-funded rematch, the government of the day won. The McMichaels attempted to appeal that to the Supreme Court of Canada, where they were not given the right to do so. That was then, but this is now. What happened in the meantime, one wonders. What happened? Well, I think what happened clearly is that an old-fogies crowd of a few powerful, influential Mike Harris insiders, the guys with the direct line to the Premier—perhaps they're his golfing buddies; people like Peter Worthington—got on the phone and got behind their pens and said, "This isn't right," because in 1965 this or that happened. They've been able, because of the Premier's limited attention span or something on these issues, to convince him that this was the right way to go.

1710

It's interesting that this government, which speaks with a false voice sometimes about its commitment to financial matters, wasted hundreds and hundreds of thousands of dollars on lawyers needlessly, it seems, defending the crown's interest, because they flip-flopped entirely on it. It's a little bit like their commitment to advertising. They don't like to tell us that they've spent, since they got elected, almost a quarter of a billion dollars on partisan advertising.

I want to talk a little bit about the precedent this establishes. I had an opportunity to talk to some other people who have been remarkably generous in their contributions to our Ontario or Canadian cultural product. I have a remarkable constituent, known to many people, by the name of Bluma Appel. Bluma Appel gives freely of her money and she gives freely of her advice, and I love that about her, because she's outspoken. But she said, "Once you give it"—this is a direct quote from Bluma Appel—"it is no longer yours. It is a selfless act and it is given with no strings attached." That is a direct quote from a woman whose name is on a theatre in my riding, the St Lawrence Centre.

That stands in stark contrast to what the government is enabling another seemingly generous contributor to do. But apparently the act from the McMichael family is not

so selfless. I know these are difficult things to say, and some people don't want to acknowledge it, but this guy in 1965 made what we thought was a selfless act, and since then he has been too powerful and too manipulative in terms of what the future of that gallery looks like. I'm going to talk in a second about how his fingerprints are all over a bunch of decisions which the government is now going back on.

Just on this precedent issue, imagine for a minute that all of those people who have made significant contributions to cultural facilities decided that they didn't like the way something was going. Bluma Appel said to me, "I don't like everything they do on the stage at the theatre that has my name on it, but I wouldn't dare to involve myself in it." Imagine if the Tanenbaum family got on the line and decided that they wanted to become micromanagers in the future of the Canadian Opera facility in my riding that has their family's name on it, the significant contribution that they've made. What would people think then? This is the kind of precedent we're establishing. Apparently, you can come to the Ontario Legislature and as long as you can get through to the Premier he'll introduce a piece of legislation that does that.

What about the Thomson family and Roy Thomson Hall? Do you see them micromanaging and trying to manipulate what goes on there? Have they got Mike Harris on their side to try to go back on that? I don't think so. The Premier very rarely participates in these lowbrow debates of ours, but I would be very concerned if he was here, having heard me talk about the Tanenbaum-named building, about the Bluma Appel Theatre and about the Roy Thomson Hall. The Premier might have had a worry go through his head that it would be possible to rename the Air Canada Centre, because that's about as close as he comes to a commitment to culture in this province.

It's noteworthy on this issue of support and concern around this legislation that a significant body, the Ontario Museum Association, understands these issues, understands the very serious concerns associated with the confidence of contributors. I'm going to use the words "investor confidence" again because that's kind of what we're dealing with here. It's contributions, but people are making investments in facilities, and they're only going to do so if they have the confidence that the future of the facility is strong. Over the last 20 years, a lot of people have made very significant contributions.

I note, and I'll say again for the record, that some of the contributions that have been made since the McMichaels' original contribution have been at least equal to and in many cases greater than that original contribution, but that is lost on government members. I think that's a significant point that you at home who might be watching could understand. Over time, the leverage that family has ought to have been saturated in recognition of the fact that many others have come to the table and made those contributions. Why only worry about McMichael? At this point, we are leading to a

crisis of confidence in McMichael that could very well lead to other people who have made selfless contributions saying, "I want my stuff back." I think that is a tragic situation and one that is precipitated by Mike Harris. I think it's a bad policy, and this government ought to recognize that and defeat the bill.

But it isn't only about the selfless acts of contribution of product; it is about all of those people, people like Joan Goldfarb, who served on that board for years, notably appointed by Peterson and reappointed by both Rae and Harris to serve on that board as chair, I believe, for three years. The minister might be able to correct me. She spent not only an extraordinary amount of volunteer time—and her time is in strong demand because she is an extraordinary woman. She contributed a selfless act of time and reputation. With this government's action, they are essentially saying to Joan Goldfarb and to the countless other volunteers and volunteer board members who worked tirelessly on behalf of this place and who used their own personal reputations to reach out to others and say, "Donate, contribute both money and resources and art to this place and it will be properly treated,"—we are throwing all of their reputations into the mud and trampling on them.

Again I ask you, why? All because the Premier of Ontario was able to be reached by these old white guys. I think that's a very serious problem and one that I would encourage the members opposite to look at.

We've heard a lot in this debate that McMichael had lost its way, that we need to get them back to basics. It sound like they just reworked some of their messaging from education reform or something.

I want to talk about a specific artist, a guy named Jack Shadbolt, a well-known artist from British Columbia. When you look at what McMichael wants now, he wants to bring us back to that 17 artists only, and Jack Shadbolt apparently isn't on the OK list now. He's not simpatico with Mr McMichael's most current thoughts about who's in and who's out. But for all of those years after McMichael made his original contribution and served as the artistic director at this facility, during those years, who purchased a Shadbolt using the resources of the McMichael collection? Robert McMichael. It was good enough then but not good enough now. So before we cast him as the saviour and as the one who is seeing things right and bringing us back, I think we've got to understand that through his life and involvement in this place he has demonstrated an extraordinary amount of temperamental whimsy, back and forth, and change of mind as demonstrated in the case of Shadbolt.

We hear about this issue of financial self-sufficiency. I've got to say, firstly, I'm one of those who has an appreciation for the role that culture plays. I know that in difficult times we've got to watch dollars very carefully. In fact, when the Peterson government first came to office the level of subsidy at McMichael was extraordinarily high, at the end of the Bill Davis days. Through the work of people like Joan Goldfarb, as I mentioned earlier, that has declined. Has it stabilized at

zero, as the government would have it? No, it hasn't, but the rate of subsidy is much lower now than then. It declined because there were good fundraisers who worked very hard.

One of the things that's very interesting when you think about making a place a commercial success—it's a bit like Niagara Falls. Niagara Falls was a place that people would go to, they'd look at the falls and they'd leave. Through a variety of things—the casino included among them—people are staying longer in that place. They are leaving more of their dollars behind, and Niagara Falls is a healthier place economically because of it.

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Imagine what we're doing: instead of encouraging people to want to go back to the McMichael because it is a living, breathing institution, we are instead saying that it will become only a relic, a mere shadow of its current self that will be so static as to say that if you've been to the McMichael once, you've been, and you have no need to return. To me, as someone who has a modest retailing career, as a businessman, this is, I think, way off track. If we are going to make the McMichael do a better job of paying its way, then we need to have a McMichael that people want to go to, not once so they can say they did it, as I say about white water rafting, but to be able to go back there time and time again.

We hear a lot from this government about the dollars, and the dollar sign reigns supreme even in this argument. But there lies a problem for the government on this one, and the problem is that the facts do not match their rhetoric. This is a government that on the issue of McMichael has been throwing money down the drain, on these legal fees as an example. The minister of the day, the then Minister of Culture, the member from Scarborough Centre, I think, is here before us. Perhaps she should be called to account in saying, "Why did you waste all that money on legal fees when the McMichaels sued the government? Why didn't you just lay down, as we are laying down now, to the temperamental whimsy of someone who made a generous contribution a long time ago and who has traded on it time and time again since?"

I would say that the government is anxious to get this bill out from under them. Why? Firstly, as I said at the top, it doesn't very well reflect the important priorities of Ontarians. Is the McMichael important? Yes, it is. To think that the Legislature is spending all these days, its first days after this months-long break, talking about the McMichael instead of talking about the crisis in health care here in Toronto, as an example, where you can't get into an emergency ward, or dealing with the fact that Walkerton residents, more than four months after first being unable to drink their water, are still without water and with no clear timetable in terms of when that will change; that the government of the day has brought forward this Bill 112, Mike Harris's fancy, being matched by all of the work and effort of the members in this Legislature, I think is a shameful situation.

I would say to the Minister of Citizenship, Culture and Recreation, in some advice that I'm certain she will ignore, go back to your officials and get strong, strong enough so that you understand well enough what your responsibilities are; not to Mike Harris and his whimsy and his football-team-owning new chair who hasn't called a meeting since his appointment, but go back to the Premier and say, "Premier, you know what? I only have a limited amount of credibility and you are putting it at risk, because this bill is meeting with such extraordinary opposition from corners unknown," because anyone who spends more than 15 seconds trying to figure out what's going on here realizes that the Harris government is acting only out of the interest of a few old white guys and without the interest of Ontarians in mind, and certainly without an adequate representation of the importance of the cultural sector in Ontario.

The Speaker: Questions and comments?

Mr Marchese: It might be surprising to the people watching that from time to time the opposition parties agree, and on this one we agree, and would add some comments to elucidate some other matters.

I want to tell you, I think you Tories are endangering this institution. I believe that. You may not believe it, but I think you are. I have accepted the evolution of this institution since its beginning, and I maintained the course when I was the Minister of Culture in 1990. I thought it was the right thing then and I still believe it's the right thing now.

In 1989, the Liberal government made some changes which I believe were correct and good. The 1982 statutes mandate was repealed and replaced with a clause which directed the board of trustees to ensure that the focus of the collection be art created by aboriginal and Inuit artists, the Group of Seven and their contemporaries, and "other artists who have or make a contribution to the development of Canadian art." But the additional phrase in the earlier law, "and whose art work and objects will be consistent with the general character of the collection," was dropped. So the "consistent with" was dropped to include other contemporaries, artists who have made and continue to make a contribution to Canadian art.

It's a good thing. It speaks to a living art, and it speaks to allowing people who have the expertise to make that decision.

What you have done with Bill 112, which I say to you is wrong, in fact you are endangering the institution, but also our relationship to people who create art and to its donors. With Bill 112, in section 8, "The board shall ensure that the collection reflects the cultural heritage of Canada and is comprised of artworks and objects and related documentary materials created by or about" the Group of Seven, essentially, leaves that committee of five, that you have set up—friends of the McMichaels, the McMichaels and other friends—the sole decision to determine which of the 3,000 other works of art will be maintained or thrown away. That is wrong. The whole thing is wrong.

Mrs Elliott: I just want to comment on a couple of things that have been said by my colleagues across the way.

They keep asking why this bill is before the House first off in this new session of the Legislature. I guess my only answer to them is, this is a government that finishes things that we start. We keep our promises.

This is one of the bills that was introduced in the last session that wasn't completed before the House rose, and here we are back, following through, very methodically, finishing off what we started. We keep our promises, in the case of the bill to do with the McMichael gallery or in any other particular thing.

It's something that requires a legislative change. We can't do it through policy.

Health care has been mentioned. This is a government that's put unprecedented amounts of money into health care and, quite frankly, the federal government wouldn't even have considered returning even a fraction of the money that they did return to all of the provinces if it hadn't been for Premier Harris's leadership. I think the people of Ontario, first of all, recognize that and I think they truly and deeply appreciate the actions he's taken in that regard.

With regard to the whole issue of the court case, I think it's important to remind people again that the McMichaels took the government to court. They challenged because they were unhappy with the deal that had been set out by the Liberal government, which was the first major variance from the original plan.

We had an obligation as a government to defend that in court and we did so. The lower court decision came forward in November 1996. The unease we had with that particular decision was because art acquisitions would be subjected, then, all across the province to legal challenges and we did not think that was appropriate to the arts community in Ontario.

That's why the court decision was challenged in the court of appeal, because we did not want the question of what is art left up to a judge, just the same as we don't want it left up to politicians. That's why an art advisory committee is in the proposed bill.

Mr Bradley: I enjoyed the member's speech very much. I thought he raised several concerns about the bill that many outside this Legislature, not just members of the Legislature, the Ontario Museum Association—the Ontario Association of Art Galleries today issued a press release expressing very serious concern about the implications of this bill and asking the government not to be the bull in the china shop that they've been on other pieces of legislation, but to slow down and perhaps even withdraw the bill because of its implications.

As well, I heard the member mention the issue of government advertising. We look at how an investment in our art galleries, such as Rodman Hall in St Catharines, would be very beneficial and how much money has been cut back in that regard from what used to be the case, and then I see the government spending \$175 million on what

I think any objective observer would see as self-serving, partisan, blatantly political advertising.

Mr Speaker, you and I were on Global TV back when Robert Fisher was still on Focus Ontario. I can recall, because it's a public forum that was there, that you were, I thought, fair-minded in your approach, which is obviously why you never made it to the Cabinet, because you were not simply ingratiating yourself with the Premier but trying to be fair-minded about it.

Clearly, the amount of money that's being spent on blatantly partisan advertising is totally unacceptable. What I'm surprised at is that the Taxpayers Coalition—in our area used to be headed up by Frank Sheehan—has not caught on to this issue, has not been mortified by the fact this government has spent so much money on clearly partisan advertising.

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Mr Frank Mazzilli (London-Fanshawe): At the beginning of this debate I didn't feel compelled to say anything, but then from what I have heard and listened to from across the floor, I found it astounding that people can complain that this government, on behalf of Ontario taxpayers, fought for federal transfers to this province, but yet they can condone taxpayer money going to culture and art and continuing deficits in that regard by opposing this bill. This institution certainly was not well run. It was obvious. The member from Toronto Centre-Rosedale wants those subsidies to continue, at the expense of whom? At the expense of the taxpayers in London, in my riding, who work hard every day to raise their families and so on. He wants the rich Toronto people to be subsidized, downtown Toronto to be subsidized by London.

Mr Smitherman: Yes, we're all rich.

Mr Mazzilli: The member from Toronto Centre-Rosedale keeps talking about the advertisements. You can't oppose, on one side, the government fighting for health dollars, once for our emergency rooms, once for our long-term-care beds, and then on the other hand let subsidies continue to arts in unlimited amounts. Let's continue that direction.

Mr Dominic Agostino (Hamilton East): You've got the wrong briefing notes, Frank.

Mr Mazzilli: On behalf of the taxpayers in London, I certainly will support this bill to put an end to a waste of taxpayers' dollars when it comes to these types of operations in Ontario.

The Speaker: Responses?

Mr Smitherman: I want to say that I appreciate the comments of the member from Trinity-Spadina. He too has a lot of cultural institutions in his riding and understands their importance.

To the member for Guelph-Wellington, what a lame explanation in terms of why this was the first piece of business. If it was such an important piece of business, we could have stayed here longer and we were willing to do that. But you and your Premier are part-timers and were unwilling to stay. So don't try and give us any bunk

about why we had to wait and see this as the first piece of business.

The member from St Catharines is absolutely right about the government's wasteful spending on advertising.

To the member from London-Fanshawe, it is not about my people in Toronto being rich, because we are not. It is because we recognize that because of culture we are enriched. You don't get that. You are like a Web site with only a home page. The member from London-Fanshawe is stuck on this "the folks back in my riding." The other night on television that same member called London "mainstream Ontario" at the expense of all other parts. What does "mainstream Ontario" mean?

Here's what I know about Toronto Centre-Rosedale. It is home to more of our country's poorest than all of London combined, I'm sure. But many of those people who make less are still able to be full participants in society because we have a precedent, a history of governments which wanted to make sure Canada was measured not on the basis of how it treats its best, but how it treats its poorest.

Interjection.

Mr Smitherman: The member from Brampton is here heckling me. Earlier today, he shot me the finger. But he's here—he's the same guy who wanted to audit food banks, so I'm not surprised by this. His war on the poor knows no end.

I know that culture enriches. It is not only for those who are rich but for all, and our society is better because of it. This bill is a terrible bill because it reduces cultural investments and contributions by people in our cultural facilities. It's a bad bill and it ought to be rejected.

The Speaker: Further debate?

Mrs Julia Munro (York North): I'm pleased to rise and add a few comments to the discussion on Bill 112.

The purposes of this bill are very clear: to restore the McMichael collection to sound financial health and to honour the intent of the gallery's original mandate. The original mandate was to collect and display the works of the Group of Seven and other artists who have made contributions to the development of Canadian art. This bill addresses a very specific situation at a specific institution: the very serious financial management and mandate issues at the McMichael and these are inextricably linked. The financial difficulties at the McMichael are, in part, a direct consequence of the controversy that has surrounded the interpretation of the gallery's mandate in recent years.

Last April, when the government learned that the collection was operating at a deficit, an audit was ordered. That independent review found a shortfall of \$1.6 million, a shortfall that was the result of poor fiscal management, of high fundraising costs, of dwindling corporate sponsorships, of weak project management, of high staff levels and of a lack of a formal budget process. The government has already taken action to address these issues. An interim financial manager was appointed to begin implementing the audit's recommendations to improve managerial and financial control.

The McMichael is establishing more rigorous project management for special exhibitions, including break-even requirements, weekly reports on the status of projects, and constant review of project viability. Monthly monitoring of financial results by the ministry has also been introduced.

With Bill 112 as a guide, the McMichael will begin the long climb back to fiscal health, and the government will be supportive. The government will invest \$2 million in the buildings housing the collection. This will be used to complete major repairs to the roof and windows. It will also fund upgrades to the mechanical systems that ensure correct temperatures. By weatherproofing the facilities that house these valuable pieces of Canadian history, we're ensuring a solid, secure future for the McMichael collection.

That is why we are here today: to return an ailing publicly owned institution to financial health.

Thirty-five years ago, Robert and Signe McMichael made a generous gift to the province and the people of Ontario. They gave 194 works by artists whose paintings are synonymous with Ontario and with Canada. Their collection contained works by members of the Group of Seven, but also their contemporaries, names well known to Canadians, such as Emily Carr and Tom Thomson.

At the same time, the McMichaels passed their home and the beautiful property on which it sits to the government to create a permanent address for the collection. The McMichael property is truly a sacred site for Canadian art and artists. Because of their generous gift, millions of Canadians and visitors from around the world have had the chance to experience the work of these great artists in a location that honours their memory. In fact, six members of the Group of Seven are buried in a small cemetery on the grounds. For the residents and business people of Kleinburg, the McMichael collection is a treasured local asset. But in recent years, the McMichael has become better known for its controversy than its art. It is time to ensure the McMichael gallery returns to the intent of its founders.

This bill will return the McMichael collection to the terms outlined in the 1965 agreement with respect to the nature of the collection. This means the collection would be made up of paintings by Tom Thomson, Emily Carr, David Milne, A.Y. Jackson, Lawren Harris, A.J. Casson, Frederick Varley, Arthur Lismer, J.E.H. MacDonald, Franklin Carmichael and other artists, including aboriginal artists, who have made contributions to the development of Canadian art.

This legislation will also create an art advisory committee. The committee will review all art currently in the collection and all art being considered for acquisition. It will determine if the art meets the criteria outlined and recommend courses of action to the full board. The art advisory committee will consist of five members; Robert and Signe McMichael will be permanent members. The board will be responsible to the government, which is responsible to this Legislature and, in turn, to the people of Ontario.

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The government will have time-limited special powers to ensure the intent of the legislation is achieved, the power to approve the board's choice of executive director and bylaws regulating proceedings and establishing committees. These powers would continue for up to three years or until the collection is brought into compliance with this new legislation.

I believe this legislation restores the purpose for which it was first created. Now the gallery can turn its attention to the business of attracting visitors and donations.

We are not dictating artistic taste or freedom. We are dealing with a specific circumstance in a specific gallery. This is a unique situation. We are solving a financial problem and honouring the intent of a signed agreement, a unique agreement. By honouring this unique agreement, we are assuring that others who make agreements with the government will have them honoured as well.

We are not guardians of art. We are guardians of agreements made by former governments. We are the guardians of taxpayers of Ontario. We are restoring the McMichael to its original purpose to provide a home for the Group of Seven and other artists who have contributed to Canadian art.

Bill 112 gives legislative force to the original intent of the McMichael Canadian Art Collection: the collecting and displaying of the works of the Group of Seven and other artists who have made contributions. Restricting the scope of an art collection to a specific school or style or time period is not a new idea. It certainly isn't the road to ruin some critics would have us believe. Look around the world and you'll see scores of renowned galleries and institutions that have chosen to focus their collections in a particular area.

The fabulous Musée d'Orsay in Paris, for instance, concentrates on the artistic creations of the western world between 1848 and 1914. That gallery's acquisition policy is geared toward completing and enriching its collection both in the traditional domain of painting, sculpture, graphic arts and decorative arts and through collections of period furniture, architecture and photography.

Also in Paris, the Musée National Picasso prides itself on being the largest and most complete collection in the world for getting to know this modern master. The exhibitions at this popular gallery allow visitors to follow Picasso's evolution throughout his illustrious career.

The Van Gogh Museum in Amsterdam attracts art lovers from around the world with its priceless collection of works by Vincent Van Gogh. The museum also has a large collection of works of other 19th-century artists who were contemporaries and friends of Van Gogh, among them Paul Gauguin and Henri de Toulouse-Lautrec.

On this side of the Atlantic, the Norman Rockwell Museum in Stockbridge, Massachusetts, takes pride in presenting works of art that helped define the American identity through the 20th century. The museum's collection spans the 60-year career of this American icon.

The Rodin Museum in Philadelphia was founded in 1923 by movie theatre magnate Jules Mastbaum, who wanted to enrich the lives of his fellow citizens. He assembled a complete view of Rodin's work, including sculptures, drawings, prints, letters and books. The museum today is regarded as the finest Rodin collection outside of Paris.

Here in Canada, Calgary's Glenbow Art Gallery primarily portrays the history and development of the northwest. The collections of the Musée de l'Amérique française in Quebec City depict the settlement, development and dynamism of French culture in North America. The Tom Thomson Memorial Art Gallery in Owen Sound celebrates the rich artistic legacy of one of Canada's most famous painters.

Who could argue with the success and popularity of these institutions? Focusing their efforts in a particular area has not damaged their credibility or driven away audiences or stifled artistic freedom. Indeed, it has had the exact opposite effect. These public institutions are dynamic testaments to how a clear mandate can serve as the foundation for creative vitality and fiscal prosperity.

Much of the comment that we have heard in the last day or two with regard to this particular bill has changed its focus to some degree to look at some of the engaging criticisms of the question of the support for the arts. I would like to take the few remaining moments I have to counter some of the ideas that have been put forward by looking at some of the achievements in arts funding in this province this year. I think it is an important opportunity to recognize the current status in this province of the kind of leadership we have demonstrated in support for the arts.

The Ontario Arts Council is the recipient of almost \$25 million to support its operations in the year 2000-01. The May budget announced a \$10-million capital maintenance allocation for the ministry's cultural agencies, including the Ontario Arts Council. As one of the major beneficiaries, then, this translates into a number of initiatives that have a direct impact on the artistic life of our province. For instance, this has allowed the Ontario Arts Council to provide almost 2,000 individual grants. Over \$3.6 million of this has gone directly to just under 1,200 individual grants. I would suggest to you that even as brief an overview as that one item gives you a sense of the kind of commitment that exists.

Some \$17.2 million has gone to individual arts organizations throughout the province. As well, in the budget, \$50 million was announced for the renewal of the arts endowment fund. This is a new commitment for \$25 million over three years, \$5 million in 2000-01 and \$10 million in each of the following two years. The original \$25-million endowment fund to match and invest money for participating arts organizations was created in 1998. I

can tell you that there are many organizations that have been able to take advantage of this. In fact, by the end of July, 201 arts organizations had registered to take part in this fund. As a result of this, 151 organizations have paid monies into their endowment funds and have received a total of \$18.1 million matching government funds. This is a particularly valuable endowment fund, as it allows individual community organizations across the province to be able to embark on individual initiatives.

One of the other most important aspects of arts funding is to provide an opportunity for people to learn more about the cultural attractions in our province. This fund is at \$20 million, and it allows cultural organizations to develop and promote major new events and exhibitions that would increase the number of visitors to the venues across the province. It is delivered by an arm's-length corporation, the Ontario Cultural Attractions Fund corporation. To date, the fund has been able to help in the support of 19 different projects. We know from the work that is done by these that they in turn contribute a great deal to the economies of the communities in which those attractions reside.

The Art Gallery of Ontario, as a world-class institution, was the recipient of \$11.2 million. This allows them to continue that particular institution and world-class organization.

There is also a cultural strategic development fund that has received just under \$1 million, and from there 27 projects were funded in 1999-2000. This allows the fund to act as a tool that enables the ministry to partner with organizations in the arts, heritage or cultural industries to carry out one-time projects of strategic significance to a broad sector.

From this kind of outline, you can see that the initiative we are looking at today is only one of many that will ensure we have continued programs throughout the province that will ensure a healthy and vibrant future for, frankly, the many hundreds of community initiatives, individuals who are able to benefit from the initiatives and the funding programs that are available.

I think when you look at this, it is in the context of a much broader picture that demonstrates the commitment of this government and this ministry to ensure the future of art in this province. The McMichael gallery is simply coming back to its original focus. It is being provided with the kind of financial stability that will provide a future for those generations of people who have come to recognize how important the collection is that is housed in the McMichael as part of our Canadian identity. It is certainly a tribute to their foresight in ensuring that would continue.

The Speaker: It now being almost 6 of the clock, this House stands adjourned until 1:30 of the clock on Monday.

The House adjourned at 1754.

ERRATA

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78	4126	1	18	Bill 49, An Act to adopt an official tartan for

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