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Thursday 2 November 2000

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Jeudi 2 novembre 2000

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Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Thursday 2 November 2000

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Jeudi 2 novembre 2000

*The House met at 1000.
Prayers.*

ORDERS OF THE DAY

YOUNG OFFENDERS

Mr David Tilson (Dufferin-Peel-Wellington-Grey):

I move that, in the opinion of this House, the federal government continues to propose legislation to replace the Young Offenders Act that does not address the concerns of Ontarians and it should therefore make the following amendments to Bill C-3, the Youth Criminal Justice Act: require 16- and 17-year-olds to be automatically tried as adults when they commit adult crimes; require mandatory jail time for youths convicted of offences involving weapons; require youths convicted of serious crimes such as murder to serve adult sentences; increase jail sentences.

The Acting Speaker (Mr Tony Martin): Mr Tilson moves notice of motion number 25. Mr Tilson.

Mr Tilson: This motion was first introduced into the House by me on October 16, which of course was before the federal election was called. It is now called, and Bill C-3, which was the federal Liberal amendment to the Young Offenders Act, has died, fortunately in my view, on the order paper. This motion has been brought forward by me simply out of frustration as to what the federal government is doing with respect to the Young Offenders Act.

The Young Offenders Act was first introduced in 1984, and it hasn't worked. The law, of course, is a federal law except that the provinces—the province of Ontario—are asked to administer it, to enforce it through the police and through the justice system.

I think that anyone has witnessed in their own community horrific crimes that have been committed by youths who have been tried under the Young Offenders Act, and it clearly hasn't worked. I submit that it puts the safety of the public at risk.

That's the purpose of the resolution, although it is slightly redundant with Bill C-3 dying. Whoever is successful in the federal election, whether it be any party that is running, I would hope their top priority would be to change the Young Offenders Act, specifically the items that have been referred to in this resolution.

The Young Offenders Act, as we all know, applies to youths 12 to 17 years of age at the time the criminal

offence is committed. It doesn't apply to youths who are under the age of 12 at the time of the offence. These children are dealt with under child welfare legislation.

Most youths are dealt with in youth court. These are provincial courts with special expertise and facilities. In some circumstances a youth may be tried in adult court.

The rules about transfer to adult court and sentencing are summarized in the following way. It's these particular points that give me great concern as to the fact that youths in these age brackets are committing these simply terrible crimes and they are committing them as adults. They are young adults and they're out in a very short period of time. I think that's wrong and I don't think the public is being protected.

Any youth over 14 who has been charged with an indictable offence—that is, a more serious offence—may be transferred to an adult court. In such cases it's the crown that must apply to have the case removed from youth court. All 16- and 17-year-olds charged with serious violent offences—first-degree and second-degree murder, attempted murder, manslaughter and aggravated assault—are automatically transferred to adult court. However, the accused's lawyer or the crown may apply to have the case stay in the youth court. That seems to happen time and time again, where cases that clearly should be held in adult courts stay in the youth court.

If the case is tried in the adult court, a youth faces the same sentences as adults except the youths sentenced to life in prison are eligible for parole earlier. The most time a youth can spend in prison without being ineligible for parole is 10 years, where an adult may be eligible for up to 25 years. Why is that? I don't understand that. The little darlings commit these awful crimes and they're out in very short periods of time.

Youths found guilty following a trial in a youth court may be given a custodial or a non-custodial sentence. A custodial sentence may be either secure custody—that is, a detention-correction facility—or open custody, a community group home. They're just let out into the public. A non-custodial sentence includes absolute discharge, conditional discharge, probation, fine or compensation for the victim, or community service. I don't understand that either and most of the people that I speak to in my riding don't understand it.

The maximum custodial sentences the youth court may impose are: two years for an offence not punishable by life under the Criminal Code; three years for offences punishable for life; seven years—four years secure custody and three years supervision for second-degree

murder; and 10 years, which is six years of custody and four years of supervision for first-degree murder.

Justice Minister McLellan, with great fanfare, said she was going to fix all that, and I think we in the province of Ontario who administer the law were quite pleased with that. Well, that isn't what happened. Bill C-3, in fact, made these sentences even lighter. It made it even softer, and the youths, who are very mature, just laughed at the federal government. I'm not laughing. I find it absolutely tragic as to what they have done.

Government officials—the Attorney General, the Solicitor General, the corrections minister—asked to speak to the justice committee in Ottawa, the justice committee comparable to what we have here, and they wouldn't allow them to be heard. They wouldn't allow those ministers from Ontario to come, yet they allowed Mr Rock to come. He's the minister, or was the minister, so I guess he can come. So he's OK.

Interjections.

Mr Tilson: I've only got a couple of minutes left.

Anyone can pick out newspaper clippings from their ridings to talk about some of the unbelievable results that have occurred as a result of the Young Offenders Act. The most recent one, which is still before the court, and I don't plan to talk about the merits of it, is Jonathan Wamback. The 15-year-old Wamback was beaten near his home north of Toronto in June 1999 after being swarmed by three teens. His skull was shattered, resulting in brain damage and several weeks in a coma. He's attempting to walk again. Two 17-year-olds and a 16-year-old from Newmarket were initially charged with attempted murder. Those charges were reduced to aggravated assault. The crown attorney prosecuting the case withdrew the application to have the case heard in the adult court saying, "No reasonable prospect of transfer."

1010

A youth convicted of aggravated assault in a youth court faces a minimum penalty of three years in prison as compared with a maximum of 14 years if convicted in an adult court. That's nuts. That's absolutely crazy to have that distinction between youth courts and adult courts. The trial has been completed and the court's judgment is set for sometime this month. But it doesn't matter, because that's what the law says. You could say, "We are going to send these people for 14 years." It doesn't matter; they can't be.

In November 1997, 14-year-old Reena Virk of Victoria, British Columbia, was swarmed by eight teenagers and then killed by two teens, Warren Glowatski and Kelly Ellard. Ellard, 15 at the time, punched Virk repeatedly and then, while smoking a cigarette, held Virk's head under water with her foot until she drowned. Ellard was convicted in adult court of second-degree murder, which carries a mandatory sentence of life in prison.

As a young offender, however, the maximum period for which she could be eligible for parole is 10 years. In fact, the sentencing judge ruled that due to good prospects for rehabilitation, Ellard would be eligible for parole after serving five years in prison, less the time that

she had already spent in prison following her arrest and trial. Since Ellard has neither admitted guilt nor expressed remorse, the sentence provoked strong protest in British Columbia.

You can go on and on listing these cases. We all have heard them. They've occurred in our own ridings. The Young Offenders Act is an absolute disgrace to this country. We need protection of our citizens.

Mr Dave Levac (Brant): I'm very pleased to rise to talk to the resolution today. Am I in the federal House or am I in the provincial House? It's the provincial House, right.

Mr James J. Bradley (St Catharines): There's a federal election.

Mr Levac: Oh, there's a federal election on, that's right. I think Stockwell is very proud of the wording that's being presented again.

Mr Speaker, let's talk about what's not happening in this place. Under the Tories, there are fewer police officers per capita than when they took power. There are 500 fewer police officers in Toronto since 1995. Under the Tories, the parole officer's parole and probation caseloads ratio remains one of the highest in North America. Even with the announcement of the hiring of 165 new officers, which took almost half a year to do, to even decide how they wanted to implement them, we now know that the ratios are still the highest in North America.

Under the Tories, beds have been closed in jails and detention centres all over the province so that individuals convicted of drunk driving, peddling drugs, assaults and fraud are spending their court-imposed sentences at home—tough on crime. Under the Tories, the province has moved toward boot camps, which have a dubious track record at best, and continue to ignore proven success stories like justice circles and correctional farms such as Burtch Correctional Centre, which they're closing, closing the beds and allowing those people who are being convicted of drunk driving out on the streets because they're overcrowded.

Let's talk about what we can do in this House instead of worrying about whether or not the federal government is doing what it should do. Sure, we should be making sure that those people out there understand very clearly that we want to be tough on crime, so let's find out what else the Tories have been unable to do.

Prison work programs that can aid in inmate rehabilitation have been cut back. We've been told that the two farms in Guelph and Burtch have been closed under this regime, and now we hear the correctional minister talking about, "Well, maybe we should move to reopen those farms." Let's do it. Let's not debate whether or not you think Stockwell Day is a better Prime Minister than Jean Chrétien. Let's talk about what we can do in this House.

The youth facilities at Genest have had a 10-year record without a single escape. In the 18 months that Genest has been operated privately: three escapes. Three escapes at Genest in an 18-month period. That's confidence in the correctional facility.

Wait a minute now. Let's talk about another one: the privatization policies. Let's talk about the research that's been done on the issue of privatization of our jails: 50% more chance of a prison official being assaulted; 32% more chance of escapes. Unbelievable. They want to go down a road of privatization and let people make profits. In one community alone, in Penetanguishene, there's going to be \$3.5 million going to the United States, taking out a profit, and when they've closed all the facilities in the province it's over \$150 million of economy lost to those communities so that one community can get approximately \$15 million worth of economy in their system. If we want to talk dollars and cents and we want to talk common sense in our province, what our government can do, those things have not been done.

The Acting Speaker: Further debate?

Mr Peter Kormos (Niagara Centre): I'm wary of these types of resolutions when they're presented by government members in the context that they present them.

There was a previous opportunity for us to debate the Young Offenders Act when a resolution was put to the assembly by a Conservative backbencher. I recall that debate very well. The debate focused on Bill C-3, before the federal election call. I listened carefully to the debate, I participated in it, and I heard government backbencher after government backbencher speaking not about youth crime and youth rehabilitation but about some of the most tragic and most dramatic and notorious of adult offenders and attempting to cultivate an inappropriate fear of crime and, in the course of that fear, of young people.

Let's get a couple of things straight and clear: our young offenders system deals with thousands of young people every year. The vast majority of those youngsters—quite frankly, like the vast majority of adults who enter the adult criminal justice process—are first-time offenders and never reappear in the justice system. There's no question about that. The vast majority of offences committed by young people tend to be the sorts of things that young people tend to do, like shoplifting, again not to diminish the seriousness of any breach of the law. We should be concerned with that small number of offenders—and today we'll talk about them in the context of the young offenders system, youthful offenders—who pose true threats to their community, to themselves and to their families, who are repeat offenders, who are dangers to the community.

When I talk about the context, I can't help but reflect upon what was spoken of yesterday as the hysterical response of this Attorney General and very partisan response to the Starr decision from the Supreme Court of Canada. I anticipate comments to the media in scrums and other places by Tory backbenchers, and perhaps some front benchers, about the Starr decision. I suspect that, just as it was apparent that none of them had read either the original Young Offenders Act dating back to 1982 nor Bill C-3 during this last discussion about young offender legislation, it becomes apparent that most of them have not read the Starr decision either.

Do you understand what the Attorney General is trying to do? The Attorney General, in his effort to muzzle and control judges, is creating this totally inappropriate and totally inaccurate perception of somehow scores of murderers being released. The Supreme Court of Canada, in a very appropriate judgment, upheld in the Starr decision that very basic and fundamental right of any of us not to be convicted of a crime unless the evidence against us permits a trier to conclude that it's been proven beyond a reasonable doubt—nothing more, nothing less. What more could we ask for from our Supreme Court of Canada?

1020

We could ask for much more from the federal Parliament in terms of their rejigging of the Young Offenders Act. I recall the comments of my federal counterpart from the New Democratic Party in Ottawa speaking of Bill C-3 and the announcements that preceded it by the Liberal minister as being, in effect, much ado about nothing. There weren't any real, meaningful changes to the Young Offenders Act.

I believe the bill did not begin to address some of the concerns that all of us should have about the ineffectiveness of our young offenders system engaging in protection of communities and real rehabilitation when it comes to those most dangerous and most serious of young offenders. One of the problems has been in terms of funding. The Young Offenders Act again clearly places responsibility for corrections and rehabilitation of young offenders upon the province. I'm prepared to join those who will rightly criticize the federal government for not providing adequate funding so that provinces, and in this case Ontario, can respond appropriately in fulfilling their responsibility in terms of administration of justice and in terms of corrections, rehabilitation, for young offenders.

All those concerns being expressed, I paid careful attention to this resolution. I read it very carefully, and I'm very frustrated and disappointed at some of the very inflammatory tone of it, because it calls upon people to draw inferences that just aren't accurate. It doesn't talk about provincial judges in our young offender courts, like some of the provincial judges I know down from where I come from in Niagara and in other parts of the province, who are dealing with huge dockets and being required to work under incredible pressures and being forced to engage in what I called just the other day sausage-factory justice. They are doing their very best.

The resolution doesn't deal with the increasing privatization of young offender facilities in this province and the real lack of consistency from institution to institution when it comes to meaningful and effective programs.

I do agree that judges should have more latitude when it comes to sentencing young offenders, that there may well be cases—in my reading of C-3 and the Young Offenders Act that it purports to amend, quite right: first-degree murder, not the most frequent murder charge, maximum 10 years with effectively maximum six years in custody; second-degree murder, perhaps the more

common prosecution, maximum seven years, but maximum four years in custody. I agree that a judge may well be inappropriately and unduly hampered, restricted, in terms of the type of sentence that would be appropriate for a particular type of offender, especially when the focus in all of corrections—and that's something this government doesn't get—should be, in the case of those who are simply never going to be rehabilitated, who are going to persist in posing a threat to the community, on the longest possible prison terms to keep them out of the community for the protection of society.

But I submit to you that those are the rarer situations. That means the primary focus should be rehabilitation, which is not to say that it has to be a cotton candy kind of rehabilitation. But what's frustrating for me, as it is for other people in this Legislature as we've been travelling around the province, is that we've seen the attack by this government on some very effective programs that have been developed right here in Ontario in the public correctional system, like the program at Rideau correctional centre in Ottawa, where there are five-week, 10-week, 15-week programs for shorter-term sentences that have proven remarkably effective at reducing the rates of recidivism, in that case, granted, among adult offenders. It's a program that's being emulated by institutions across North America. That program is being shut down.

As far back as 1982, I had concerns about the inclusion of 16- and 17-year-olds in the young offender system, that that changed the law dramatically in Ontario; not in some other provinces, where the age of adult culpability had historically been 18 rather than 16. I'm going to agree that perhaps the presumption of adult status for 16- and 17-year-olds should be made for all offences. I have no quarrel with that and quite frankly I think it's something that should be debated. It should be debated in the federal Parliament and it should be the subject matter of committee hearings. I'm going to agree that there should be increased sentences in terms of the maximums, increased sentencing potential, so that judges have more flexibility, because for some of the very seriously disturbed young people, young offenders in the system, if you're going to have meaningful rehabilitation it's going to take longer than the maximum sentences that are currently permitted.

I have some great sympathy for the mandatory minimum sentences for young people convicted of offences while using a weapon. It would have been easier for me had Mr Tilson been more specific and talked about a particular class of weapons. But that's fair enough. This is but a resolution and some guidance. So here I am. I'm confronted by a resolution that, standing alone, carries with it some validity and accurately expresses the concerns. I'm not talking about the Toronto Sun concerns, the passions that are whipped up around a tragedy that involves a crime. I've acknowledged, and I think all of us are inclined to agree, that somehow crime by youngsters, especially those serious crimes involving bodily harm or homicides or those egregious types of crimes committed by young people, we find more repugnant, as I hope and I expect we should.

I'm going to say this: I will support this resolution but I will do it very cautiously. I want to make it very clear that my support for this resolution is support for a reconsideration of the effectiveness of the young offenders system and the Young Offenders Act. Members should read Bill C-3. They should read it, please. In particular they should read section 82, which makes it clear that the purpose of youth custody is to be rehabilitation.

As long as this government abandons programs of rehabilitation; as long as this government continues to give away its correctional facilities that can provide that effective rehabilitation; as long as this government continues to de-fund the criminal justice system so that crown attorneys, police officers and judges increasingly find themselves handcuffed rather than the prisoner or accused handcuffed; as long as this government wants to adopt the crass and so unsophisticated principle of, "Oh, lock 'em up and throw the key away," and exploit fears out there that I acknowledge are genuine fears, and the fears are re-ignited every time we read about a horrible crime in the newspapers; as long as this government persists in its abdication of its responsibility for correction and rehabilitation and for the appropriate funding and provision of resources for the criminal justice system, all the changes to the Young Offenders Act amount to zip, zero.

With great caution I am going to support this resolution, because when it's stripped down to its bare language, aside from all the rhetoric, the so-called law and order rhetoric, when we know how bankrupt this government is when it comes to protecting communities and making communities safer, rhetoric that wants to inflame so that this government can pursue, along with its federal allies, its political agenda—as long as that persists, this resolution coming from this government smacks, my friends, of hypocrisy. But having said that and understanding the resolution, I will support it in its bare bones content.

1030

Mr John O'Toole (Durham): It's my pleasure this morning to stand and support my colleague David Tilson, the member from Dufferin-Peel-Wellington-Grey, to stand beside him with respect to doing the right thing for our young people. It's very clear. I want to establish the very important premise that no one can argue with this government's commitment to community safety, to the rights of victims and standing up for victims' rights, and giving police the tools to keep our communities safe places to live and work and raise a family.

I suspect I can take from the other side—the comments of Mr Phillips and others—that they are supportive of that premise. It's been established. Moving forward from there, I want to also try to establish that it's clear on the other side of that that the opposition side of it is also just as clear.

It's the kind of footprint you get used to. The footprint, the history, reveals what you are. If I look to the history, it's clear that the Liberals have failed to keep their promises in almost everything, that the red book is

kind of a statement of what they won't do. We're seeing that federally now with an early, premature, unnecessary, expensive election, where the Liberals have just released their document, with nothing in it, by the way, dealing with the very serious social issue of youth justice in a general sense. Clearly it's not important to them. What's important to them is kind of painting someone into a corner.

I think there is every reason to be suspicious. That's treating it rather mildly. I look at the red book record here. A McGuinty government: it says in their red book, "Persons who commit serious crimes must pay the consequences, no matter what their age." Yet check the Hansard, check the voting record—they do exactly the opposite.

I think technically what I've established here is that as to what the Liberals say in their policy, they absolutely do the opposite. They never deliver. In fact it's suspicious to me that anyone would read the red book. When they read it they should read it as, "The red book means these are things we won't do." They protect health care—they're the ones that cut \$25 billion from health care. They're not to be trusted. Those are pretty strong words.

The initiative this morning that Mr Tilson is speaking about is to establish that Allan Rock, Anne McLellan and their youthful justice critic over on the other side, himself possibly, I wouldn't say a young offender but he's certainly young and to some extent he's offensive too, so he's not a young offender but a young offensive—no, I mean that clearly don't have a very good handle on how important this issue is. I think we have started to establish it now.

The member from Scarborough-Agincourt is here, so I think it's important to have him clearly on the record, from the Toronto Star of April 30, 1999. You have time to get a pencil to write this down. I like to commit them to promises made, promises not kept. When you think Liberal, you think promise-failure. That's the kind of relationship I've established here. GST, airports, free trade, Jean Chrétien, Allan Rock, just think about it; keep mentioning the names and it'll stick. Karla Homolka should come to mind immediately. A failure to deal with crime. I know the member from Niagara Falls would get out his famous clipping. He's actually made that up.

"Deputy Liberal leader Gerry Phillips"—

Mr Steve Gilchrist (Scarborough East): How about "Liberals lie: Howard Hampton"? Do you like that headline?

Mr O'Toole: No, no. Wait a minute here.

The Acting Speaker: Withdraw that comment.

Mr Gilchrist: I withdraw that.

Mr O'Toole:—"said the 'hot button' platform preys on people's fears with its focus on crime and welfare recipients." Clearly they are not addressing the issue. That's really what I wanted to establish here.

The National Post on May 13 said, "I am afraid it's typical of Dalton McGuinty to turn every issue—even law and order—into a call for more pork-barrel spending. Crime for him, as you just now implied, is an opportunity

to hand out cheques to feminist pressure groups and school guidance counsellors and municipal social services budgets. His idea of toughness is to forbid farm boys to own squirrel guns." There's a really neat quote here. "Crime is an issue that often provokes posturing in politicians. But why must Dalton McGuinty's posture be a cringe?" Clearly, we characterize it as soft on crime.

I want to move now to the bright side. With respect to the member from Wellington, we should be celebrating youth. In the last few weeks, I've had the distinct privilege to be asked by school councils and school principals and indeed school boards to attend the graduation exercises of Bowmanville high school, Port Perry High School, Cartwright high school, Courtice high school tomorrow evening, Eastdale Collegiate, and a number of others. I'm there out of respect for those parents, for those students, for those teachers, for those future community leaders, and to celebrate with them the positive opportunities that our government and I believe all members here want.

They want the very best. They want a strong economy, to help people with issues of poverty and lack of social opportunity use their own strength and vision and hope to move out of the quagmire to which the 10 lost years contributed. They had no choice. We left them feeling hopeless and despairing. I suspect federally we have the same issue. It's more—dare I use the word?—deception.

Mr Gerry Phillips (Scarborough-Agincourt): Do they just despair provincially or federally?

Mr O'Toole: Well, it's a mixed issue. You're stuck with supporting the Anne McLellan-Allan Rock kind of message. Dalton isn't up to the job. Gerry, you would have made a fine leader. I only wish you had run. I would have had serious fears.

Interjections.

Mr O'Toole: I really want to move to the higher road here. I know they are trying to drag me back, and I'm pushing against it. I'm pushing back.

We've got to make one more point here. In my riding, Kurtis Wagar and Alex McLaughlin symbolize what I think youth and opportunity are all about. By having clear consequences for your actions, I think young people will make the right choice, but now, when there are no consequences for your actions under the current Young Offenders Act, clearly there is no one taking care of the henhouse. As adults, we have sent a message to young people that there are no consequences to their actions.

I'm disappointed, but I can stand proudly behind the member from Dufferin-Peel-Wellington-Grey and support this resolution. I call on the other side, the opposition, to stand and support it.

Mr Ernie Parsons (Prince Edward-Hastings): I'm also pleased to rise to speak to this bill. It is certainly somewhat innocuous in that it has no consequences whether it's passed or not. I appreciate that there are bad people in this country and there are bad kids and we need to protect others from them, so I support the concept that there are consequences for actions that are taken by our young people.

I struggle a little bit with it coming from the government side of the House. This is a government that has cut the number of police officers in Ontario. In my riding is the town of Desoronto, where police servicing costs are \$550 per household, compared to the rhetoric we heard that it should be \$90 per household all across Ontario. This government is prepared to do nothing to assist Desoronto in having police officers.

I also struggle with the fact that this is a government that, as reported in the Toronto Sun, a good Conservative paper, says, "Tories Stand by Deal with the Devil." This government has upheld the deal with Karla Homolka while the rest of the province is absolutely offended by it.

1040

Really, this House should be debating what we can do in Ontario that is meaningful to deal with this problem. I've travelled to a number of countries where young people are involved in far more crimes than here, where they do worse actions and where there is greater unrest within the community. Those countries are characterized as being countries with a weak education system, countries with very poor social supports for young people.

I fear that we're travelling that way in Ontario. Here in Ontario, we have taken the knife to schools, taken \$1 billion out of education, and we hear a begrudging comment about having to fund education. "We'll cut this and we'll cut that, because the bottom line is important." It appears to me that the other side of the House struggles to spend \$5,000 a year on a student in a school, yet I've never heard them complain about having to spend \$50,000 on having someone locked up—an absolute waste of so many resources. Not only do they not begrudge spending the money on people being locked up; they want to spend it in American dollars so we can ship the profit to the US, money that could be used here in Ontario to provide supports for our young people.

This government cut welfare. It was certainly politically popular; the elections have proved that. "Let's clamp down on welfare." Half of the people on welfare are children. When you took money out of welfare, you took money for food and for the basics from young people. Children now in many cases have to count on a public feeding program for their breakfast. There are schools that run lunch programs. Tell me how that hurts; tell me the impression that makes on the young people. That certainly will have consequences later. Food is a fundamental right in this province, not a privilege.

We heard a great deal of publicity a year ago about how if someone commits fraud on welfare, they are cut off for life. What a penalty, because the penalty isn't just to the individual who committed the crime, and certainly everyone here agrees that the person who committed fraud should be penalized for it. But how do you explain to the youth, to the child within that house, that there's less money coming in and there will be less food? I'm not interested in hearing comments about being able to buy dented cans of tuna. There are young people in this province who are hungry. We have fostered children who have come from homes where they were not fed regularly

every day. Is that potential for crime there? People need to eat whether they're one year or 100 years old, and they're going to do what they have to do to get food. It's our role as a Legislature to provide the supports so that people in Ontario do not have to resort to crime for food.

Mental health services for our young people are virtually non-existent. Ironically, one of the only ways they can get mental health services is to commit a crime. Prevention is a far better use of our money than is dealing with them in the judicial system.

I have had calls over the past year from young people who have come from troubled homes and need emergency housing. Not every household in Ontario, unfortunately, is like the Cleavers. Not every couple are exactly perfect parents. For some 14- and 15-year-olds, and indeed 12- and 13-year-olds, there's a need for them to get out of the home. For 12- or 13-year-olds there are children's aid societies, but for teens, 16, they're still considered young offenders. They have to do what they have to do to survive and to eat. I cannot comprehend the penalty that must be facing some of these young people who have brilliant minds but have no future, a lack of access to post-secondary, a lack of access to proper accommodation, a lack of access to clothing and a lack of access to food.

I would like to see this Legislature concentrate on the prevention aspect to serve our young people. When there are problems, certainly the judicial system, but let's keep them out of the penal system.

Mr John Hastings (Etobicoke North): I don't know if I'd say I'm delighted in joining this so-called debate, but I would commend the member for Dufferin-Peel-Wellington-Grey on bringing this subject once again to this Legislature.

It's interesting to note that most of the members opposite want to talk about anything but the Young Offenders Act and the lack of action for seven years, 10 years. Those folks in Ottawa know the existing bill isn't working. All you have to do is go around Toronto and look at some of the devastating, adverse impacts they have on the housing projects, and not only in my riding. I've had at least four murders this year that are in some way, unfortunately, youth related, gang related. We've had the federal minister promise on more than one occasion to bring in a new bill that would be effective, but when you look at its contents, it's even weaker than the existing legislation.

Why is this so? I think we have to come to the conclusion that the federal Grits, along with their brethren here across the aisle, are really—I know my own colleagues have used the phrase "soft on crime." I would go further. I would think that they're completely indifferent. They really don't care, with the exception of the member for St Paul's, who did introduce his private member's bill dealing with toy guns. Even then, I was somewhat reluctant to support it because I see it in a sense as part of this whole trend of symptomatology: you treat the symptoms but you never really get to the core causes. We in this House, particularly on that side, are serial deniers

that some young people, unfortunately, because of dysfunctional families and all the social causes, do not really subscribe to the thesis at all that a serious violent repeat offender, however they got there, should ever have any consequences equivalent to what you would get for crimes in the adult system. I'm in despair, quite frankly, with their approach to things.

Since the opposition leader has said they're going to support their federal brethren in this election, I subscribe to the thesis that they will subscribe to the continuing inaction, just a pile of platitudes about dealing with this problem: "There really isn't a problem in the city of Toronto. We don't have any murders. They're all fantasies I must have read about in my local media. There are no gangs in Toronto; it's all a fantasy."

But we do have gun control. People call me and ask, "Sir, why are we having any murders of people?" I tell them, "I don't think there are any. You must have had a bad nightmare. There's gun control and people are now registering their guns, so that should end all murders right across this country." That is the palaver that we've been led with, that the public had to subscribe to for the last number of years. "If we get rid of guns, there will be no problems. In fact, there aren't any problems in this country dealing with this whole issue." We'll just keep denying it, keep denying it, keep denying it.

I find my provincial Grit friends across the way are complicit with their friends in Ottawa when they join them in once again promising the public of this country, the voters—it's a big joke—that they're going to do something about young offenders. They intend to hardly do anything but in fact weaken the existing legislation. If people are expecting that there won't be any more Jonathan Wambacks or any more murders, people crippled, that neighbourhoods that are afflicted by poverty can end up having injustice ended by some new presentation from these folks, I despair completely. I wish the Lord would intervene in this and make them see what's happening to our society.

1050

Mr Michael Bryant (St Paul's): Let me just say this: Dalton McGuinty and the Ontario Liberals will support any measures, however minuscule and artificial, that will help crack down on crime and crack down on its causes.

That said, this is private members' business and I want to speak to private members' business. We have been concerned on this side of the House that the government has spent all of its time, and it is so bankrupt of ideas that it has to spend all of its time on the issue of crime, blaming Ottawa. But again, this is private members' business, and of course it's certainly within the prerogative of the parliamentary assistant to the Attorney General, the member for Dufferin-Peel-Wellington-Grey, to bring forth this resolution.

So let's go through the resolution and hold it up against his government's record. The resolution would require, under federal legislation, that 16- and 17-year-olds be automatically tried as adults when they commit adult crimes. Well, there's concern about 16- and 17-

year-olds, but this is the government that would put guns in the hands of 12-year-olds. Next, they would, under federal legislation, require mandatory jail time for youths convicted of offences involving weapons.

They're concerned about youths using weapons, yet this is the government that's opposed to registering and licensing firearms that would go into the hands of these potential criminals using weapons. When it comes to gun control, this government is in the holster of the gun lobby.

Next point of the resolution: require youths convicted of serious crimes, such as murder, to serve adult sentences. I would say, with all due respect to the member from Dufferin-Peel-Wellington-Grey, you'd better talk to your prosecutors, because guess what? The Attorney General of Ontario lags far behind the national average in terms of prosecutors seeking to have youth serve and be tried as adults. The statistics show that the Attorney General refuses to treat young offenders as adults. In 1997-98, Ontario moved nine youths to adult court, while both Manitoba and Quebec moved 23 youths to adult court. In 1998-99, the Attorney General once again trailed all other provinces in moving kids to adult court. In that year Ontario moved—well, let's go to Ontario at the end, shall we? Manitoba moved 29 youths to adult court, Quebec moved 23 youths to adult court, Alberta moved 20 youths to adult court, and British Columbia moved 11 youths to adult court.

Interjection: NDP.

Mr Bryant: Under the NDP government out there. And how many youths were moved to adult court in the province of Ontario? Six. So I would say to the member that he ought to talk to the prosecutors in the Ministry of the Attorney General and he ought to talk to the Attorney General. Use the tools that you have to pursue this goal that you pretend is important to you, to have serious crimes committed by youths tried in adult court.

Mr Speaker, I can't say "hypocrisy," but you've heard of a jumbo shrimp. Well, maybe you've heard of a hippo critic. This is nothing less than a hippo critic.

Lastly, this resolution calls for an increase in jail sentences under the federal legislation. Well, what? So the Minister of Corrections can let these youths, who would serve weekends, take the weekends off to watch football games? So the Minister of Corrections can privatize jails, risking the safety of our community? No.

I would say to the member and I would say to all members of this House that we not only need to recommit ourselves to looking at what we're going to do once a crime has taken place—in other words, what we refer to in the political parlance as "crackdowns on crime"—but we also need to focus on preventing crimes, because it's obviously uppermost in the minds of people in the greater Toronto area and, I know, in many parts of this province. It's a serious issue to Ontarians and they don't just want retribution; they don't just want rehabilitation of criminals. They want the government to start engaging in serious measures, not political posturing, to try and prevent crime. One way we could do that is to try

to stop guns getting in the hands of people who should not get guns. That's the point of gun control; that's the point of the phony gun bill that the justice ministers of this government initially rejected but now the government has come around to.

I say to all members of this House and, for that matter I guess, members of the federal House as well, let's stop fighting over the issue of crime and let's start fighting crime and its causes.

Mr Garfield Dunlop (Simcoe North): On a point of order, Mr Speaker: Today is the last day of this session for the pages we have here. I'm very proud that one of the pages, Amanda McIsaac, is from my riding. With us today are her dad, John, her sisters Samantha and Emma, and her classmates from St Bernard's school in the city of Orillia. Welcome, everyone.

The Acting Speaker: Further debate?

Mr Gilchrist: In the two minutes left, I'd like to make some closing comments in support of the resolution from our colleague Mr Tilson.

There is no doubt in my mind, the member from St Paul's comments notwithstanding, that there is a very clear difference between the position taken by our government and that by Liberals at both levels in this country, provincially and federally.

Grimm's Fairy Tales would have been a good cover to wrap around the Liberal platform last time. I remember Mr McGuinty saying, in response to our law and order positions, that we were trying to distract voters from truly important issues by reforming things like the Young Offenders Act. Mr McGuinty praised the federal government for its changes to the act, knowing full well nothing has changed. Bill C-3 died on the order paper. They misled the people of this country. They've let all sorts of other pieces of legislation die. The fact of the matter is—

The Acting Speaker: You can't accuse people of misleading people.

Mr Gilchrist: While it doesn't affect anyone in this House, I'm happy to withdraw that reference. Let me say instead that the federal government certainly was not reflecting the facts in suggesting that these changes had taken place.

To the students who are here with us today, let me suggest that the kinds of flip-flops we've seen on crime have done nothing to protect the society they're going to grow up in. In my own community we just saw two youths gunned down, machine-gunned, because you and your colleagues in Ottawa think it's better to make law-abiding people register their guns than to use the Criminal Code provisions that provide for a five-year penalty for the use and the possession of guns. It's never used. The time has come to get serious about crime, to make sure it's not just words on paper and whether or not you're 16 or 17, you are going to be treated as an adult. We call on whoever wins the next federal election to move expeditiously and once and for all get serious about the Young Offenders Act and the long overdue changes.

We've put 1,000 more police on the street in Ontario. We've gotten serious about the issues under provincial control. The time has come for the federal government to

get serious about the making the long, overdue changes to protect people like the students in our gallery here today.

The Acting Speaker: Response?

Mr Tilson: I want to thank members from all sides for participating in this debate. I think it's a very important issue with respect to young offenders. I will say, listening specifically to the comments made by the members from the Liberal caucus, that it echoes what their leader has said in the past respecting the amendments put forward by Ms McLellan to the Young Offenders Act, Bill C-3, I think it is called. He has said it's a step in the right direction. Well, it hasn't been a step in the right direction. The member from Niagara Centre has said, "If you read the bill, it's a step backwards. Life is made easier for these young offenders."

You know, life isn't OK with respect to justice in this country as a result of the crimes that have been committed by young offenders. Canadian Centre for Justice statistics have said that the rate of violent crimes committed by young people in 1998 is 77% higher than it was 10 years ago. They say that in cases where a young person was found guilty of a crime in 1998, the youth was a repeat offender 43% of the time. That's completely unsatisfactory. Whoever gets elected—and I hope it's not the Liberals—should change this Young Offenders Act. This resolution is not about one-time offenders of minor crimes. It's about young offenders who commit serious adult crime only to receive a slap on the wrist. That's got to stop.

1100

FAIRNESS IS A TWO-WAY STREET ACT
(MINERS AND FORESTRY
WORKERS), 1999

LOI DE 1999 PORTANT QUE
LA JUSTICE N'EST PAS À SENS UNIQUE
(MINEURS ET TRAVAILLEURS
FORESTIERS)

Mr Ramsay moved second reading of the following bill:

Bill 21, An Act to prohibit Quebec residents from working in certain mining and forestry occupations in Ontario / Projet de loi 21, Loi interdisant aux résidents du Québec d'exercer certaines professions minières et forestières en Ontario.

The Acting Speaker (Mr Tony Martin): Mr Ramsay.

Mr David Ramsay (Timiskaming-Cochrane): It was over a year ago—actually it was November 24—that I moved first reading of this bill, a bill that while it sounds harsh in its title, basically mimics the Harris government bill that was passed in the spring of 1995, Bill 17, called Fairness is a Two-Way Street. In fact, that is the short title of my bill also, Fairness is a Two-Way Street Act (Miners and Forestry Workers).

The reason I felt it was important to bring my bill to the attention of the Ontario Legislature was that in the Harris government's attempt through Bill 17 to bring some fairness in labour mobility between the province of Ontario and the province of Quebec, it strictly limited those efforts to the construction industry, primarily to address the problem that I believe is still ongoing, as one of my colleagues I know will attest to here today, with the construction industry in the Ottawa-Carleton area whereby very restrictive regulations by the Quebec government make it very difficult for Ontario workers to work in Quebec, whereas our much freer labour mobility rules, which I agree with because I believe in free labour mobility across this country, really allow the Quebec workers great access to all of our jobs. So it's not fair.

While I don't mind Quebec workers coming into Ontario to work, that's fine as long as Ontario workers have the same access. That should be fair, and that would be what Canada's all about, but unfortunately over the years the Quebec government has seen to it and put up walls that prevent workers from other provinces—and I know they have a similar problem in the New Brunswick area, as they border the other side of the province of Quebec, as we do in Ontario.

For my particular area, which basically almost takes up half of the Ontario-Quebec border, especially most of it in northern Ontario, it's restrictions that the Quebec government has and cultural practices that the companies have that restrict the access for Ontario workers to work in the mines, in forestry work and the log-hauling industry in Quebec while, believe it or not, the vast majority of the workers in northeastern Ontario in those industries do come from Quebec. I'd like to give some specific examples.

For instance, Highway 101 runs basically from Wawa through Timmins to Matheson and then right over to Rouyn-Noranda in Quebec. That highway from Matheson to Quebec runs just north of Kirkland Lake, and along that corridor over the last five years have been developed some new mines, particularly a couple of fairly large gold mines. Noranda Minerals of Quebec owns one of those mines and over half the workers in that Ontario mine owned by Noranda come from Quebec. In fact, they commute on a daily basis from Duparquette, Rouyn-Noranda and other towns on the Quebec side and work in those jobs there. In Rouyn, there are a couple of Noranda mines and there are no Ontario workers at that mine. It's the same company. Basically, these mines would be about 100 kilometres apart from each other, but one's in Quebec and one's in Ontario. For some reason, the hiring practices of this Quebec-based company are that we have from time to time over half the workers coming from Quebec. I wouldn't mind that if we had that sort of access to their jobs over there. But that's not what happens, and that's not fair.

The reason I have brought this bill forward is to basically put some added pressure on the Minister of Labour and the ministry in their negotiations with the Quebec government to do the same for the workers and the in-

dustries I represent that the Harris government did in Bill 17 in regard to the construction industry. Basically, my bill works as an amendment to the government bill. It's written in the same language, using the same title but includes workers in forestry and mining.

Part of the problem is that the major players in the forestry industry in northeastern Ontario are Quebec-based companies, such as Tembec and Abitibi-Consolidated. They have operations throughout my riding and in other parts of Ontario. Because they're Quebec-based, in their Quebec operations they're used to using Quebec contractors to cut the trees and Quebec truckers to haul the wood. This displaces our workers on the Ontario side. In plain language, it's stealing the jobs of the workers I represent.

If there were free access for our workers in Quebec, which there isn't because of the various government and company restrictions, then I wouldn't mind and having this bill raised today would not be necessary. But it is necessary because we have lost hundreds and hundreds of jobs to workers from Quebec in northeastern Ontario. That's why it's necessary for me to bring this bill forward. I know that the minister and his staff are working with officials in Quebec, but it has now been a year and a half since the government passed its bill in regard to construction workers, and it's been a year since I brought this bill forward, yet I have not heard of progress being made by the Harris government in regard to workers in forestry and mining jobs in northeastern Ontario.

It's time to put some more pressure on the minister and I hope the government members support this bill today and keep it alive to keep pressure on the Ministry of Labour so that we can have successful negotiations with Quebec and free labour mobility across the two provinces.

Much of the area I represent along the Quebec border from just north of North Bay to Cochrane has lost hundreds of jobs to Quebec workers in the forestry and mining industries over the last few years. It is very common to see Quebec residents cutting our trees and hauling our logs to our sawmills and our paper mills, and similarly there are many Quebec residents working in our mines in northeastern Ontario, commuting on a daily basis. Either we have to have free access or this has to stop.

This bill of mine has support from most of the municipalities in northeastern Ontario, and in May of last year the Federation of Northern Ontario Municipalities, at their annual meeting, unanimously voted in support of my bill that would put restrictions on Quebec workers working in Ontario in these forestry and mining industries. They understand. As they see jobs leaving their communities, they see paycheques leaving their communities. Those paycheques go back to the Quebec workers' homes in the province of Quebec. That money is not spent in our communities. Those workers do not buy pickup trucks from dealers in Ontario. They don't buy their groceries there. They don't shop in our towns. They basically take that money from Ontario back to Quebec. While we want jobs as much as we can in our

area, we want our residents to have their fair share of the jobs that are derived from the resources Ontario has been so blessed with.

Members will note that the Canadian Federation of Independent Business—I'm sure most of the government members pay particular attention to this organization—in their latest questionnaire that they put out this year, the question was, "Should the federal and provincial governments remove barriers to free movement of labour between the provinces," and 73% of their members in Ontario said yes.

That's where my bill temporarily will put on a restriction unless Quebec opens up their borders. That is the true meaning of my bill, to open up labour mobility across this country. It's very important. The business community wants that to happen. They say that removing these internal barriers would expose businesses to a larger pool of qualified labour and boost employment through increased trade, and that harmonizing labour standards would allow the set-up of more effective national internship and training programs.

So the business community, the municipalities in northeastern Ontario and certainly the citizens and residents of Timiskaming-Cochrane, which basically makes up most of the Quebec-Ontario border in our province, agree that this bill should pass so that we can put pressure on to have labour mobility between the two provinces.

1110

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): I would like to offer a brief analysis of this bill, Bill 21, An Act to prohibit Quebec residents from working in certain mining and forestry occupations in Ontario.

The member from Timiskaming-Cochrane is to be commended for his attention to this difficult issue. The problems of unfree trade, if you want to call it that, between different parts of Canada is old. Indeed, it's a problem that goes back even to the days of Confederation.

I applaud the member for the title of his bill, Fairness is a Two-Way Street. What is good enough for Jack should be good enough for Jacques.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): How about Jill?

Mr Gill: That as well, and Jane and whoever.

Members will note that the member from Timiskaming-Cochrane took this title from a bill passed by the previous Parliament when it became necessary to keep a little control on Quebecers who were doing construction work on the Ontario side of the Ottawa River.

I'm very glad that the honourable member is coming to see things more in accord with the Harris government. I'm sure the members who were here for the passing of Bill 17 in the last Legislature feel his imitation is the sincerest form of flattery. At the same time, I have certain worries and misgivings.

The original Fairness is a Two-Way Street Act only imposed registration requirements on Quebecers in the Ottawa construction industry. This bill seeks to ban them

entirely. This aims to escalate the conflict to a higher level and Quebec would be forced to retaliate.

Mr Speaker, I want point out that I will be sharing my time with a few of the honourable members on this side of the House.

By banning Quebec workers, we would be directly responsible for their hardships, when our complaint is not with the workers but with the Quebec government.

With this bill, the member from Timiskaming-Cochrane threatens to create a lot of new regulations and red tape in the mining and wood sectors.

Certainly we can see and we can all agree that it was the province of Quebec that started this conflict. But we on this side of the house and especially my friends on the red tape reduction commission would agree that regulations and laws tend to outlive the incidents and fears that prompt us to create them.

For instance, in our ministry we have begun discussion about finally eliminating the Government Contracts Hours and Wages Act. This act was passed in 1936, but never enabled. The necessary regulations were never created and so it has cluttered up the statute books ever since.

I fear that Bill 21 might do the same. I fear that Bill 21 might end up being the subject of the 57th Red Tape Reduction Act in 2035, during the ninth term of the Mike Harris government.

This House should proceed on simple and fair principles. I believe and we in this party believe in equity, such that the same rules apply to everyone, wherever they live. We also believe in free trade in goods and services, including labour, wherever possible.

Now, even the separatists in Quebec City believe in this. They have repeatedly stated that after they declare independence, they would like to have a free trade agreement with the rest of Canada. The idea of free trade with a sovereign Quebec is very ironic, since we don't even have free trade now.

Our Minister of Intergovernmental Affairs, Mr Sterling, is making progress in his regular exchanges with the Quebecers. The government has been meeting with Quebecers with the aim of resolving the problems in the mining and forestry sectors. Normally, an impasse or breakdown in talks would justify retaliation and sanctions of this sort. We should encourage the minister to continue his good work. I hope he will demonstrate to the suspicious minds in the National Assembly that federalism really does work.

This bill also fails to take into consideration the number of Ontarians working in these industries in Quebec who could be vulnerable to any retaliation from Quebec. In its current form, this bill fails to recognize that in northern Ontario some forestry operations are accessible from the Quebec side of the border only and that they therefore use Quebec contractors. This bill will be the cause of great pain for the businesses in these communities.

As for this bill, introduced by the honourable member from Timiskaming-Cochrane, Mr Ramsay, I would like

again to commend him for what he has done on behalf of his constituents. This bill is a good beginning. It should be reviewed and improved upon.

We recognize that the intent of this bill is well-meaning and we are pleased to support this bill in principle.

Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell): It is unfortunate that once again the Harris government does not think. It is important to stand up for the rights of our Ontario workers. My colleague from Timiskaming-Cochrane, David Ramsay, had no choice but to bring forth Bill 21, An Act to prohibit Quebec residents from working in certain mining and forestry occupations in Ontario. We don't really want to prohibit our neighbours from working together with us in the mining, forestry and construction industries, but we want the right to work freely in Quebec as they do so freely in Ontario.

I was just listening to the member for Bramalea-Gore-Malton-Springdale, who says he believes in free trade. But if we look at this government, on May 4, 1999, they said, "Enough is enough. We want a level playing field." This government has spent over \$1 million in billboard, newspaper and radio ads. I've said it before: this government has misled the people of this province.

Mr Mike Colle (Eglinton-Lawrence): Just to get votes.

Mr Lalonde: Just to get votes.

The Acting Speaker: You'll have to withdraw that. You can't accuse the government—

Mr Lalonde: I will withdraw these words.

But it is clear that the member doesn't know the content of Bill 17. He doesn't understand the problems we are facing in the construction industry in Ontario. This government said it themselves prior to the last election. During the election Mr Harris, the Premier, came down to my riding twice; Minister Ecker, the Minister of Labour at the time, a lot of ministers ran down to our riding to tell the people, "We have had enough."

But, let me tell you, I was just on a cruise tour in the Trois-Rivières area when I happened to be sitting down with the person from Quebec who wrote the agreement for Quebec. He said, "Jean-Marc, it is very easy to negotiate with Ontario. They accepted everything we said." He said, "I wish I had a chance to go and work for your government in Ontario. I would write a real agreement that would meet the needs of Ontario workers."

The member really doesn't know what we are facing on a daily basis. All we want is a level playing field. It appears that when the time comes to negotiate on labour mobility issues with Quebec, the Harris government does not feel that Ontario labourers are important and lets Quebec do exactly what they wish.

1120

I remember clearly last year, when Minister Stockwell was in negotiations with Quebec on the construction issue, he kept telling me, "Jean-Marc, everything is going well. We are making real progress." For the record, we have made no progress at all. Our construction workers just cannot work in Quebec, while Quebec construction

workers are working all over Ontario without having to register with the job protection office, without having to pay anything, and at times not even being charged provincial tax and GST. Our Ontario contractors, logging industry and forestry people have to add up these charges on the bill, so the province of Ontario keeps hiring those people from Quebec.

This is exactly the same situation that my colleague the member from Timiskaming-Cochrane has found in northern Ontario: the jobs that our Ontario mining and forestry workers should have, have been snatched by Quebec mining and forestry workers, while our Ontario workers are unemployed. Our mining and forestry workers are unable to work in Quebec. This is unfair. This is not a level playing field.

I have an example. Loggers from the Hearst-Kapuskasing area have lost several provincial contracts in our own province because Ontario truckers are facing all sorts of problems entering Quebec. They must dump their loads at the Quebec border. They are not allowed to enter Quebec paper and sawmills without being fined, while loggers from Quebec can come into Ontario without any restrictions.

I say to you, when is this government going to get off its butt and help our workers? It is all fine and dandy to say that everything in Ontario is booming, but there are many areas in rural Ontario, such as Mr Ramsay's riding as well as mine, where unemployment is still too high and our mining, forestry and construction workers feel forgotten.

Ontario might be seeing a boom now, but we must look to the future, when jobs might be more scarce. Also, as I said a few weeks ago in this House, our construction workers are still being fined on a regular basis when trying to work in Quebec. Ever since this new agreement was signed on November 12 last year, which is up for renewal, 164 fines were sent to our Ontario construction workers, our logging industry and our truck drivers. One full year after the Minister of Labour's great Ontario-Quebec labour mobility agreement, which was supposed to level the playing field, the agreement comes due once again this month. I wonder what kinds of surprises the minister has for us this time. Quebec doesn't have the Hull casino site to flaunt in front of the minister this year. I wonder what kinds of candies they will bring to the table this year to ensure that Quebec workers have full access to our construction sites.

By the way, we did not get even a single contract at the casino in Hull, when the government of Ontario promised that we would have access to this \$200-million project. Not a single contract, even though at least once a nationally known contractor with a head office in Ontario was the lowest bidder and could not have access to the Hull casino.

My leader, Dalton McGuinty, thinks that all workers should be treated fairly.

Mr Doug Galt (Northumberland): Who?

Mr Lalonde: Our leader, Dalton McGuinty, and that's what he says. I wish your leader would have the same

position as ours because he understands the situation. He understands that we haven't been treated fairly.

Mr Ramsay thinks that all workers should be treated fairly.

Interjections.

The Acting Speaker: The member for Simcoe North will settle down. Go ahead.

Mr Lalonde: Mr Ramsay thinks all workers should be treated fairly and I think all workers should be treated fairly. It appears the only ones who think Ontario mining, forestry and construction workers do not deserve this treatment are the Harris government—the only ones who don't think that.

You must know forestry and mining is the backbone of manpower in northern Ontario. I say to you, Minister, stand up for Ontario workers in your negotiations with Quebec. Don't let them bully you again. Stand up for your own principles, as my leader Dalton McGuinty does, as my colleague David Ramsay is doing and as I and the Liberal caucus are willing to do.

I support the intent of this bill and I just hope the rest of this chamber will do so.

Mr Peter Kormos (Niagara Centre): The bill is regrettable. It's regrettable because it has to deal with and purports to deal with a scenario which is contrary to the interests of those of us, and I believe that's all of us, who believe in a strong Canada and who believe in the guarantee of mobility throughout this country.

I want to indicate some of the history of the relationship, or the lack of relationship, between Ontario and Quebec that the bill appears to want to address.

In the early 1990s, the NDP government, confronted with this issue in the construction trades and focusing primarily in that area, had occasion to pass legislation and it was successful in negotiating a resolution in terms of mobility across the Quebec-Ontario border with the province of Quebec.

A new government in Quebec reneged on the agreement that had been reached. That led this Parliament then to Bill 17, introduced by the Minister of Labour in this government's first term, and again the House, the chamber, supported Bill 17.

It was during the debate on Bill 17, I recall and note, that my colleague Gilles Bisson, from Timmins-James Bay—not the only northern member—raised very specifically that the issue was not one just involving construction trades but also very much involved the forestry and mining industries. When I say “regrettable,” it's regrettable because the bill is clearly one designed simply to bring Quebec to the table in terms of negotiating a settlement as the Quebec government of the early 1990s was prepared to do over the issue of construction and building trades.

I want to make it very clear, and I believe other members of the assembly share this perspective and would want to share and basically caveat that our support for the bill in no way should be misconstrued as any sort of Quebec-bashing or in any way condemning the people who live in the province of Quebec, the people who work

there. I believe Quebecers have a right to work anywhere in Canada unrestricted, but so do Ontarians. You see, this is the issue. That's the problem. It's unfortunate and, again, I don't fault the author of the bill, that the bill very specifically talks about prohibiting Quebec workers from coming into Ontario, because that will or could be used by some who want to interpret this unfairly for their own purposes to suggest that somehow Ontarians once again are engaging in Quebec-bashing. So I just want to make it clear, clear, clear that our support for this bill in no way should be interpreted as any sort of animosity or disaffection for Quebec or Quebecers.

1130

I have been blessed to become a little familiar with the scenario that the author of the bill speaks of up in his riding and in the neighbouring riding of Timmins-James Bay, having been a reasonably frequent visitor there, having had a chance to tour a lot of the sites that are the subject matter, the mine sites and the forestry sites. In fact, I know that Len Wood, who is the NDP candidate up there in this federal election and has been campaigning out there, meeting folks across that huge riding for months now, feels very passionately. Len Wood is a passionate advocate for the mining and forestry industries within his riding of Timmins-James Bay, and when Len Wood is sent to Ottawa by the voters of Timmins-James Bay to become an effective and outspoken and strong voice for the north, and very specifically for the people of Timmins-James Bay, you can bet your boots that Len Wood, like no other member would, will be addressing these concerns in the federal Parliament, just as they have been addressed over the course of this last decade here in the province of Ontario.

Len Wood is incredible, Speaker; he really is. Just in August I was with Len Wood and I visited a number of aboriginal native communities along the James Bay-Hudson's Bay coast. Len Wood had an intimate understanding of those communities, was well received in them. Some of those communities, as you well know and other northern members know, are incredibly isolated and remote. The only access is by plane, and that's not by regular flight. Len Wood just overwhelmed me with his incredible sensitivity to these communities as well as his familiarity with the mining industry across the north and the forestry industry and what it means to northerners and their economy and to the economies of this province and of this country. I couldn't have been prouder than to have Len Wood as a colleague here in the Legislature, and you will not disagree. You can't. I know you can't. I defy you to stand up now and disagree with me, Speaker, in my proposition to you that Len Wood was as capable and as competent and as effective a member of this assembly as has sat here certainly in the 12 years that I've been fortunate to be able to serve the folks of Niagara Centre.

I recall the observations of Gilles Bisson, who is Len Wood's provincial counterpart—Gilles Bisson of course represents this new riding of Timmins-James Bay, and again is a fighter for the north, a fighter for the mining industry, an advocate for the forestry industry. He under-

stands the incredible relevance of those industries. One of the concerns my colleague Gilles Bisson had that he raised back during the debate around Bill 17 was that Bill 17 didn't deal with the mining and forestry industries. He pointed that out to the government. It dealt with the construction industry, the building trades. He also noted with some desperation that this government, the Harris Tories, have in fact begun to undermine the mining industry, that the support for the mining industry by this government in the province of Ontario has eroded significantly over the course of the last five or six years, in contrast to the enhanced levels of support that the province of Quebec provides to its mining industry.

So you see, the inequities aren't just about the mobility of labour, the ability of Ontario mining workers in all facets, both the miners and the people involved in drilling and exploration and so on, and forestry workers—the issue isn't just the restriction that Quebec imposed upon their access to Quebec work sites; the inequity also goes to one—because that inequity, Quebec's restriction on Ontario workers' access to Quebec work sites in the mining and forestry industry, clearly rests as the responsibility and as a source with the policies of the Bouchard government in Quebec. But the undermining of the mining industry in terms of the diminished support that it receives rests clearly with the Harris Tories here at Queen's Park. You can't talk about one without talking about the other, can you?

That's why people like Len Wood in Timmins-James Bay are the kind of people who have got to be sent to Ottawa come the federal election at the end of November. Because Ottawa needs, and Timmins-James Bay needs, spokespeople for the north, people who have an intimacy with the economies of the north.

Len's no dilettante who was born with a silver spoon. Len Wood did it the hard way. He worked in the mills. As a matter of fact, up in Kapuskasing—you recall this, Speaker—when that mill was ready to be shut down, where was Len Wood? Len Wood was leading the fight to save that mill, save that community. He led that fight and he won that fight, and Kapuskasing thrives today because of Len Wood and his tenacity, his courage and his strength as a parliamentarian. That's the kind of person Len Wood was at Queen's Park. That's the kind of parliamentarian Len Wood will be in Ottawa, along with other New Democrats led by Alexa McDonough.

That's why I'm proud when I'm in Timmins-James Bay with Len Wood, because I know that he, unlike his opponents—and he has opponents. There are people running against him from any number of parties, none of his opponents and their parties having any sound or strong bases in northern interests. That's why I'm proud when I'm up in Timmins-James Bay and I'm going to be proud to visit Len Wood when he's in Ottawa.

So we support this legislation. We hope that it will be utilized for the purpose clearly expressed, and that is, quite frankly, simply as leverage to get Quebec back to the negotiating table so that the same sort of settlement that the New Democratic Party government was able to

obtain with the Quebec government of the day can be obtained now, in this instance with respect to workers in the mining and forestry industries.

Have you ever been with Gilles Bisson in his riding of Timmins-James Bay? There isn't a person there, there isn't a kid there, their parent or their grandparent, who doesn't know him and whom he doesn't know as well. He travels a huge riding—an incredibly huge riding. The riding of the author of the bill is similarly large, and a pleasant one to be in, I've got to tell him. It's a huge riding, a huge number of communities, among them the smallest communities in Ontario and Canada and among them some of the most isolated communities in Ontario and Canada.

As we wrap up—there's so little time and so much to say—in the brief time that I am to participate in this dialogue, I find—and perhaps he's en route—that the absence of the Minister of Mines in the course of this debate to be a little unsettling. I appreciate, to be fair, that he could be doing any number of things this morning. I understand that. I'm not quarrelling with that, but surely a press release, a position clearly identifiably associated with the Minister of Mines demonstrating if there is a commitment—which is what I'm not sure of. I'm not sure the Minister of Mines has any real commitment to the mining industry in northern Ontario.

1140

I don't see the Minister of Mines trying to counter the incredibly enhanced level of support that the province of Quebec provides to its mining industry, which inherently puts our mining industry at a significant and gross disadvantage. It would be interesting to hear the Ministry of Mines taking a clear position on that and understanding the incredible importance of mining to the north, to its economy, and once again to the economies of Ontario and Canada.

I very much appreciate the opportunity to address this matter. I look forward to being able to vote on this 55 seconds earlier than we would have had I not terminated my comments at this point.

Mr Tascona: I am pleased to join the debate on Bill 21. I was very interested in some of the conversations the member for Glengarry-Prescott-Russell has had over the year, and also the member from Welland's renditions of Len Wood. I'm just wondering if Jean-Marc has had conversations with Len Wood that he can bring to this debate. I think the member from Welland, though, hit it on the head when he said, "We're talking about mobility rights." That's what we're talking about: labour mobility.

Bill 21 is An Act to prohibit Quebec residents from working in certain mining and forestry occupations in Ontario, and the purpose of the bill is to ban all Quebec residents from working in Ontario as miners, woodcutters or wood transporters. There's been mention here today of Bill 17, which is the Fairness is a Two-Way Street Act (Construction Labour Mobility), passed in the spring of 1999 by this government. It addressed labour mobility issues and is currently being applied in the Ontario-Hull region in the construction industry. Bill 17 was the result

of many years of discussions and frustrations over this issue, particularly in construction. Quebecers were able to work in Ontario while Ontario workers were barred from work in Quebec. During negotiations with Quebec, the issue of labour mobility in the forestry and mining sectors was raised but not included in that final agreement.

From what I understand, these issues are currently being discussed with Quebec, but more importantly, there's a difference between Bill 21 and Bill 17. Bill 21 imposes prohibition on workers while Bill 17, which is law, applied registration requirements and other restrictions. Such prohibition, which is being imposed here by the member, is obviously subject to challenge under the Charter of Rights, is subject to being challenged under the agreement on internal trade. Bill 21 does not restrict Quebec companies from working in mining and forestry as long as they hire Ontario residents. Section 3 of the bill defines the penalties but does not describe a mechanism for enforcement. Are there to be inspectors, and what powers would they have? It's very silent on the bureaucracy that you would want to see created in this particular piece of legislation. More correctly, you don't want to see the bureaucracy that's envisioned by the members of the opposition. Section 5 states that the Lieutenant Governor may suspend the operation of the Act by regulation, but there's no authority to create regulations in the bill. Obviously, it's a very poorly drafted bill.

I think I understand the intent. I think this is obviously politically driven. I'm not aware of any other conversations Jean-Marc has had on this particular issue, so I can't comment any further. But I'll say this: this matter is being taken seriously by our government and I know the Ministry of Labour is very aware of this. I trust this bill will receive due consideration by the House.

Mr Garfield Dunlop (Simcoe North): Thank you very much, Mr Speaker, for allowing me to speak today on Bill 21, the Fairness is a Two-Way Street Act (Miners and Forestry Workers). I would like to thank the members for their valued comments and I'd also like to thank the member for Timiskaming-Cochrane for this bill that addresses a very serious problem. Of course the problem is the issue of fairness between our province and our neighbour to the east, the province of Quebec. The bill is very similar to another bill that came forward in this House, the Fairness is a Two-Way Street Act, the bill that restricted labour mobility of Quebec construction workers who wanted to work in Ontario.

I understand from the member for Glengarry-Prescott-Russell that he has some serious concerns with that even today. As most of us know, Bill 17 was passed by this House in 1999, the result of many years of discussion and frustration over this issue, particularly in the construction industry. Quebecers were able to work in Ontario while Ontario workers were barred from working in Quebec. The Mike Harris government saw this unfair treatment our workers were receiving in Quebec and took the necessary action to protect those workers. Of course the

action paid off with an agreement between our two provinces. Like so many times, our government responded to the need to protect the workers in our province.

The creation and protection of jobs in Ontario is a priority, and I can say I was very disappointed when Mr Ramsay mentioned that there was actually a mine in Ontario that was completely filled with Quebec workers. I think that's unacceptable.

As far as the issue of mobility within the forestry and mining sectors is concerned, it is my understanding that during negotiations with Quebec, the issue of labour mobility in the forestry and mining sectors was raised but not included in the final agreement.

The member for Glengarry-Prescott-Russell made some interesting comments. He talked about partisan advertising to do with that bill. You mentioned \$1 million being spent in advertising, that Mike Harris has wasted \$1 million on that. I'm very curious wondering why he hasn't talked about his adbuster leader over there who's refusing to make any comments on the partisan advertising that's been going on with the federal government during the pre-writ and the writ period. There's advertising going on today and I don't see the adbuster over there making any comments on that.

It's interesting. It seems to rile them whenever you talk about health care. They mentioned Mike Harris being in collaboration with the separatists. Well, the separatists are the province. Lucien Bouchard is the Premier of a province, and his government has been underfunded by the federal government in health care the same as Ontario's has, so there is a certain collaboration going on there. I would like to make that point very clearly in this House.

We have two minutes and 20 seconds left and I'd really like to have the member from Northumberland put his perspective on this very interesting act.

Mr Galt: Thank you to the member from Simcoe North for leaving me a few minutes. It's a very interesting bill that the member from Timiskaming-Cochrane has brought forward. I can certainly understand where he's coming from, concerned about the people in his riding, concerned about people having jobs there. He's concerned about one aspect of—I know its two or three different occupations but we really need to look at this in the big picture.

I heard the member from Niagara Centre speaking on this, and I have some empathy for some of the comments he was making and where he was coming from with the big picture across Canada. I would not like to see a heavier, stronger border between Ontario and Quebec than we have between our two countries, the US and Canada. I see opening that up more, rather than closing it. We brought in the Fairness is a Two-Way Street Act in the spring of 1999 and that accomplished quite a bit.

I recognize there've been several mines closed in the north, and some 990 jobs were lost up there, but we brought in some cuts with our last budget, from 20% to 10% in the mining tax. We brought in Project Treasure Hunt to help with mining exploration. These are the kind

of things we're doing. I'd be concerned with this bill going all the way through, the disruption of some of the present working relationships between our two provinces.

Negotiations are probably the right way to go, and there are other businesses that have mutual benefits that work across those borders. I agree with the principle and the direction the member from Timiskaming-Cochrane is coming from, but I think we need to be careful, that we need to look at negotiations to really solve this. I appreciate his concerns, but I wouldn't want to come up with a solution with a sledgehammer when we could win gently with a flyswatter.

1150

Mr Mario Sergio (York West): I'm delighted to add my voice and my support to Bill 21, which has been introduced by my colleague the member from Timiskaming-Cochrane. Even the last speaker from the government side said they agree with the content, but eventually what they are saying is that they can't support it. It makes sense, but they can't support it. They agree with the content of the bill, but they can't support it.

It does make sense. I think the member for Timiskaming-Cochrane is quite right when he says it has got to be a two-way, fair system; otherwise things won't work. When things won't work, especially for our workers, and especially for those workers in northern Ontario, who is there to speak for them? Is it our Premier, Mr Harris, or is it Mr Bouchard? Is it Mr Bouchard, the Premier of Quebec, who will defend the rights of workers in Ontario, especially the ones in our northern communities, or is it our Premier here at Queen's Park, in this chamber, who will speak on their behalf? No way. Nowhere to be found. We have our leader here, Mr Dalton McGuinty, who on a daily basis keeps on calling on the Premier to do something about it.

It is nice to hear that some members of the government side have mentioned Bill 17, which was introduced into this House because of the efforts of my colleague from Glengarry-Prescott-Russell. It was affecting the workers on both sides but especially the Ontario workers, unfairness which was, and still is, between Quebec and Ontario. Let me tell the members on the government side that Bill 17 is doing absolutely nothing to protect Ontario workers or Ontario businesspeople, especially the small general contractors who have to go and work on the other side in Quebec.

So Bill 21 is very timely, and I think this is due to the intelligence and foresight and knowledge that the member from Timiskaming-Cochrane has when it comes to labour and our workers up in the northern region.

It is not fair that our people up north are continually penalized. At this time the member for Timiskaming-Cochrane is bringing to this House concerns with respect to the mining and forestry workers, who are being invaded, if you will, by workers from the other side of the border. Our member here is saying that fairness indeed stops at the border between Quebec and Ontario.

I urge our Premier and the members on the government side to vote today in support of this bill and offer

the protection they need and deserve when it comes to fairness in trade movement between Quebec and Ontario. It is the regulations, it is the laws, it is the licensing, it is the permits, it is the requirements and it is the agreements which are not fair, and Bill 21 calls on our Premier and this government to look at the unfairness that exists when dealing with our cross-border workers and our business community.

It is not only our workers. We also have to deal with the families of those workers. We have to deal with the business community in those remote northern areas, the small business community in those northern areas. I'm sure that if I were to say, yes, I speak as well for the small communities in the north, they need a fully employed force up north to survive and to maintain their families up to standard with the rest of the people of Ontario.

This is not the only area where northern communities suffer and feel neglected by our own provincial government here. In health care, with respect to providing cancer treatment for women up north, they are terribly neglected by this government. With respect to a shortage of doctors in those communities, it is because of the neglect of this government. So there are many areas where we can say fairness is a two-way affair, a two-way street.

In this particular case, Bill 21 makes sense, is timely, and I hope it gets approved in this House today. I compliment the member for Timiskaming-Cochrane for introducing it.

The Acting Speaker: The member for Timiskaming-Cochrane has two minutes to respond.

Mr Ramsay: Thank you very much, Mr Speaker, and I'd like to thank all the members who contributed to the debate today to my private member's bill. I appreciate your encouragement.

In my final remarks I just want to say that in a world that is rapidly changing, where jobs are rapidly changing into this high-tech world, it's very exciting. The particular part of the province that I represent really hasn't had, for many reasons, the blessings and the benefit of that industrial revolution in the electronic age, and primarily our jobs are resource-based. Quite frankly, we need every one of those jobs, as many as we can have, and when we see hundreds and hundreds of Quebec workers coming over and basically stealing those jobs from us when we do not have equal access to the same jobs on the Quebec side, it really angers the people I represent. All we're looking for today here is some fairness, some equal opportunity, a level playing field between our two provinces, Ontario and Quebec, so that our workers can share in the bounty on both sides of the border as we harvest our resources and add value to those resources in some of the new products that are being developed, such as oriented strand board and other products such as that.

It's time that we take a strong stand to defend our workers and to make sure that both the Quebec and Ontario governments understand that there needs to be

fairness. I have had deliberations with the Minister of Labour and I know he is talking to his counterparts in the province of Quebec. The purpose of my bill is to keep the pressure on to make sure that Chris Stockwell and the Harris government complete those negotiations and to make sure that workers in northeastern Ontario have free and fair access to jobs right across the region so that all workers in northern Quebec and northern Ontario can work and prosper, raise their families and be successful in the work that they do.

The Acting Speaker: The time for private members' public business has expired.

YOUNG OFFENDERS

The Acting Speaker (Mr Tony Martin): We will deal first with ballot item number 45, standing in the name of Mr Tilson.

Mr Tilson has moved private member's resolution number 25. Is it the pleasure of the House that the resolution carry?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the ayes have it.

We will have a vote on this item after the next piece of business is done.

FAIRNESS IS A TWO-WAY STREET ACT (MINERS AND FORESTRY WORKERS), 1999

LOI DE 1999 PORTANT QUE LA JUSTICE N'EST PAS À SENS UNIQUE (MINEURS ET TRAVAILLEURS FORESTIERS)

The Acting Speaker (Mr Tony Martin): We will now move to ballot item number 46, standing in the name of Mr Ramsay.

Mr Ramsay has moved second reading of Bill 21. Is it the pleasure of the House that the bill carry?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the ayes have it.

Pursuant to standing order 96, the bill is referred to the committee of the whole House.

YOUNG OFFENDERS

The Acting Speaker (Mr Tony Martin): Call in the members. This will be a five-minute bell.

The division bells rang from 1158 to 1203.

The Acting Speaker: Mr Tilson has moved private member's notice of motion number 25.

All those in favour will please rise.

Ayes

Agostino, Dominic
Arnott, Ted

Gerretsen, John
Gilchrist, Steve

Newman, Dan
O'Toole, John

Barrett, Toby
Bartolucci, Rick
Beaubien, Marcel
Boyer, Claudette
Bradley, James J.
Bryant, Michael
Caplan, David
Chudleigh, Ted
Cleary, John C.
Coburn, Brian
Colle, Mike
Cordiano, Joseph
DeFaria, Carl
Dombrowsky, Leona
Duncan, Dwight
Dunlop, Garfield
Ecker, Janet
Galt, Doug

Gill, Raminder
Guzzo, Garry J.
Hardeman, Ernie
Hastings, John
Johns, Helen
Kennedy, Gerard
Klees, Frank
Kormos, Peter
Kwinter, Monte
Lalonde, Jean-Marc
Levac, David
Marland, Margaret
Martiniuk, Gerry
Maves, Bart
Mazzilli, Frank
Molinari, Tina R.
Munro, Julia
Mushinski, Marilyn

Parsons, Ernie
Peters, Steve
Phillips, Gerry
Ramsay, David
Runciman, Robert W.
Sergio, Mario
Sterling, Norman W.
Stewart, R. Gary
Stockwell, Chris
Tascona, Joseph N.
Tilson, David
Tsubouchi, David H.
Wettlaufer, Wayne
Wilson, Jim
Wood, Bob
Young, David

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 58; the nays are 0.

The Acting Speaker: I declare the motion carried.

All matters relating to private members' public business now being completed, I will leave the chair. The House will resume at 1:30 this afternoon.

The House recessed from 1206 to 1330.

MEMBERS' STATEMENTS

MPP BACK TO SCHOOL PROGRAM

Mr Michael Bryant (St Paul's): It has been my great honour and pleasure to participate in the MPP back to school program that was launched on September 14 by Dalton McGuinty and the official opposition education critic, Gerard Kennedy, the purpose of which was to provide something constructive during this time of turmoil in our public schools by calling on all MPPs to go to their local schools and find out the real impact on our schools of provincial policy and funding changes first-hand. I've been to a number of schools and I'm going to go to a number more, to help me be better prepared to make the helpful decisions we need to make during this time of turmoil. Of course, I've been to schools before the program and I'm going to go to schools well after.

I heard from students about the concern they felt that they were guinea pigs with respect to the curriculum. "Nothing less than a government stunt," one of them said to me. Teachers said the curriculum was throwing 50 years of educational research into the garbage. Fund-raising efforts pay for not only arts, music, CDs and trips but also for textbooks. I was most impressed, but also disheartened, by the fact that our teachers in the staff room felt demoralized on the one hand, the subject of attack, advertising and messages from the government, but on the other hand they could put that aside and go into the classroom and be the professionals they are.

I applaud the teachers, the parents, the students and the administration during this time of turmoil. I hope you

will persevere. I can assure you that I will continue to fight for public education in this province.

ALZHEIMER RESPITE CARE

Mr John O'Toole (Durham): I once again have very good news from the riding of Durham. Really, I have to thank Elizabeth Witmer, our Minister of Health and Long-Term Care, because through the Alzheimer strategy she made available to my community funds—I think it was in the order of \$85,000—and the community decided to use it for the purchase of a minivan, which carries 12 passengers and allows for four wheelchairs. Really, the minivan is used to transport people from all over Durham to a daycare program that's held in the village of Newcastle.

I specifically want to thank Elizabeth Fulford and Sally Barrie, who's the administrator of Clarington's community care and home support program, as well as Joyce Erb, Jennifer Rusaw, who's the program manager at Newcastle adult day program, and Susan Haines, who's the program director for the same organization.

At the celebration, what touched me the most was Mary Kocur of the Newcastle program, who, by the way, was the first person to register for the adult day program, a person who otherwise couldn't get about in their community without the special supports in the community of my riding of Durham.

Out of respect for Elizabeth Witmer and for our community, I'm just here to say thank you for making things work, for giving people programs like the day program in Newcastle. We have to look at the positive things and it's up to us to recognize what's going on in our communities.

MPP BACK TO SCHOOL PROGRAM

Mr Gerard Kennedy (Parkdale-High Park): It's my pleasure to rise and report to the public of Ontario that a majority of the members of this Legislature care enough about education to spend some of their time visiting schools, and I think that's good news. We in fact have been able to get commitments and action from 36 Liberals, 14 Conservatives and three New Democrats. The important thing for the people who are watching us to wonder is, "What about the other 50 MPPs?"

How can we get them to also show their concern for students and go back to school? How can we get them to agree—because I'm sure they do agree that spending a day in school is a higher standard. It is more than calling upon them to cut ribbons and visit schools and so on, and I credit Mr Arnott for having done this already. But I think all MPPs will agree that Ontario students are worth the effort of having that higher standard. I encourage the public to go to the Web site, www.OntarioLiberal.com and look at the grade we've given to their members. They've got an A, B, C, D or F, depending on whether or not they are putting out the energy and effort to make sure the turmoil taking place in our schools doesn't scare

them, that they're not afraid of what's going on in their communities, they want to be part of the solution.

We still have time because next week of course is constituency week and the 50 MPPs who have failing grades will be able to pull those up with some industrious effort. We'd like to believe this isn't a case of being incorrigibly truant; it's just a question of needing some encouragement from their constituents, and I'm sure that will be forthcoming.

ONTARIANS WITH DISABILITIES LEGISLATION

Mr Tony Martin (Sault Ste Marie): Yesterday I asked the Premier in this House to explain to us what he was going to do where the Ontarians with Disabilities Act is concerned, and he blamed the NDP. After six years in government, he continues to blame the NDP when in fact it's the Premier himself who has reneged on his promise to bring in an Ontarians with Disabilities Act. He can't pin that blame on us. We've been calling relentlessly for a meaningful ODA to be tabled and passed in this House as soon as possible.

As a government, the NDP brought in a number of initiatives to identify and dismantle barriers for the disabled, including the employment equity bill, which promoted economic self-sufficiency for the disabled, women, racial minorities and aboriginal people, but it was one of the first bills the Harris government revoked.

The Advocacy Act was introduced by the NDP to help vulnerable adults assert their rights and to participate in making decisions about their lives. Again, the Harris government dismantled that piece of legislation.

The NDP government introduced accessible GO Transit rail service at 18 key stations and mandated one car per train to be accessible with up to eight locations for mobility devices.

The NDP government mandated that all transit buses purchased or leased after July 1, 1993, had to be low-floor and fully accessible, and a number of other very progressive programs for the disabled.

We want to warn the Premier right here and now that if he dares to table the draft legislation that was recently leaked, able and disabled Ontarians alike will be howling from the rooftops. This government should realize right here and now that Ontarians deserve a meaningful Ontarians with Disabilities Act.

WARKWORTH PERFECT PIE CONTEST

Mr Doug Galt (Northumberland): If you wanted to find the perfect pie, where would you go? Many might say, "Just ask the Prime Minister; the perfect pie seems to know how to find him." But I have a better idea: the annual perfect pie contest this Saturday in Warkworth. At the 21st annual perfect pie contest, it's no problem finding the perfect pecan, apple or chocolate pie. The contest is held at Warkworth's town hall, also known as the centre of provincial pie-making artistry.

While it's the kind of place the Prime Minister likes to avoid, there's no doubt in my mind the town hall will be packed with bakers, tasters and hungry people like myself, as previous winners and new contestants vie for the prestigious honour of baking the perfect pie.

Since the Prime Minister won't be there, I can assure you it's safe for CBC reporters too: no danger of a Shawinigan handshake or a pepper spray there.

The best part, as always, is eating the pies when the winning entries are auctioned off, and still more pies are served to the public.

The entire event is sponsored by the Warkworth Order of the Eastern Star, chapter 279, and proceeds go to Garratt's Island farm retreat and Camp Trillium, a support centre for children and teens who suffer with cancer.

I commend the organizers for all their efforts and I encourage everyone who doesn't have plans on Saturday to join with me and my constituents at Warkworth's perfect pie contest.

TAMIL COMMUNITY

Mr Gerry Phillips (Scarborough-Agincourt): On Saturday night, the Canadian Tamil Youth Development Centre, CANTYD, will be having their second annual Awards of Excellence banquet. I was there last year, as well as the Honourable Hilary Weston, our Lieutenant Governor. This was a group of totally outstanding Tamil students and some Tamil community leaders. On Saturday there will be another excellent group of leaders from the Tamil community.

Last Friday I was fortunate to be at a graduation at L'Amoreaux Collegiate, a school in the area I represent. The top two students were students whose background is Tamil. They came to Canada from a background of Tamil. Tamil student after Tamil student is now at university becoming a doctor or lawyer or another profession. The valedictorian was from the Tamil community.

The reason I mention that is we read about Tamil gangs today. According to the police there are perhaps 200 Tamils in these gangs. There are 200,000 Tamils here, so one out of 1,000 is in the gangs; I just want to remind all of us that 999 of them are not in gangs. They are decent, hard-working people. They are community leaders. As I said, at the collegiate I was at, the two very top students were from the Tamil community, the valedictorian, and many of those going on in university.

Today, while we read about the gangs, I want to remember the other 999 out of 1,000 who are decent, hard-working people here in Ontario.

NEWMARKET BUSINESS EXCELLENCE AWARDS

Mrs Julia Munro (York North): I rise today to speak about an exciting event that I attended in my riding of York North on October 25: the Newmarket Business

Excellence Awards hosted by the Newmarket Chamber of Commerce, an organization that has deep roots in the town of Newmarket.

The chamber's five award winners are: for building an enterprise that has brought renown to Newmarket, Pickering College; for developing international trade, Burnside International Ltd; for extraordinary business achievements, Time+Plus Electronic Timekeeping; for community relations and support, the Era Banner; the posthumous award was given in memory of Donald Sutherland.

Donald Sutherland was a Scottish miller who recognized Newmarket's business potential as a railway town. After the railway arrived in 1853, Sutherland purchased the mill pond and river flats, and in 1856 erected the largest flour mill in the area, capable of grinding 100,000 bushels of wheat per year.

Sutherland was always active in community affairs. He was a justice of the peace, a school trustee and a member of the board of licence commissioners. He was elected the first reeve of Newmarket in 1858 and was a councilor until 1874. He was also the founding president of the Newmarket Board of Trade, forerunner of the Newmarket Chamber of Commerce, in 1857.

Congratulations to the Newmarket Chamber of Commerce and the award winners for an excellent event and for 140 years of service.

1340

EDUCATION LABOUR DISPUTES

Mr John Gerretsen (Kingston and the Islands): Over the last few weeks, I have delivered thousands of letters from the students in my riding pleading with the Minister of Education to take steps to end the current crisis in secondary school education. Today, I have another 1,500 letters that come from Frontenac Secondary School, making that over 5,000 individual letters I have now delivered to her.

High school students in the Kingston area and elsewhere in Ontario have not only been denied the educational benefits of extracurricular activities but are now losing the benefits of additional academic help from their teachers as well. There is no denying that our students are being hurt tremendously in this labour dispute.

With only six weeks left before final exams, this may put some students at risk of losing their year.

Minister, you, the teachers' federations and the boards of education must all collectively realize the tremendously damaging and perhaps lasting effects of the decisions you have taken on the students and their future in Ontario.

Minister, this not about you or me, the teachers' federations or the boards of education. It is about the future of our students. You took the unilateral action that precipitated the current crisis in secondary education. As so aptly stated in a Whig-Standard editorial on October 31, you have "the ultimate responsibility to students, teachers and the people of Ontario for the public educa-

tion system.” You “should accept full responsibility for the provincial government’s dictatorial role in education and bargain with the teachers” so our children can get the full and proper education they need and deserve.

PETERBOROUGH ECONOMY

Mr R. Gary Stewart (Peterborough): The creation of new jobs ensures a good-news story. A recent announcement in my riding of Peterborough involves jobs, approximately 500 of them.

AmeriCredit Corp of Fort Worth, Texas, has recognized that we are open for business in this province. They have chosen to relocate their service centre to Peterborough in a competition with over 60 communities in the United States and Canada. An investment of approximately \$50 million will be a boost to Peterborough’s economy.

As well as the Greater Peterborough Area Economic Development Corp, the city and the county of Peterborough, and especially our Ontario government under the direction of the Minister of Economic Development and Trade, the Honourable Al Palladini, were very involved in attracting this company to our province.

AmeriCredit is one of the leading consumer finance companies in the world. Its growth projections are to \$15 billion over the next 18 months. This is truly an opportunity for the citizens of Peterborough for gainful employment with a successful company. It means jobs for our young people.

On behalf of my constituents, I would like to congratulate AmeriCredit Corp on their choice of location in my riding and in this province. I personally welcome them to the city of Peterborough.

LEGISLATIVE PAGES

The Speaker (Hon Gary Carr): Just before we begin, I would like to remind all the members this is the last day for our pages, and I was wondering if our members could thank our pages for the wonderful job they have done. They did a fine job, and I’m sure their families are all very proud of the work they’ve done.

INTRODUCTION OF BILLS

ELECTION SIGNS ACT, 2000

LOI DE 2000 SUR LES PANNEAUX ÉLECTORAUX

Mr Galt moved first reading of the following bill:

Bill 136, An Act in respect of election Signs / Projet de loi 136, Loi concernant les panneaux électoraux.

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

All those in favour of the motion will please say “aye.”

All those opposed will please say “nay.”

In my opinion, the ayes have it. Carried.

The member for a short statement.

Mr Doug Galt (Northumberland): This bill, if passed, will prohibit the display of election signs until 25 days before a municipal election. Further, it prohibits the display of provincial election signs until the writ for the election or by-election is issued.

ROAD USER CUSTOMER SERVICE IMPROVEMENT ACT, 2000

LOI DE 2000 SUR L’AMÉLIORATION DES SERVICES OFFERTS AUX USAGERS DE LA ROUTE

Mr Turnbull moved first reading of the following bill:

Bill 137, An Act to permit the Minister of Transportation to delegate powers and duties and responsibilities to deliver program services with respect to road user safety to persons in the private sector / Projet de loi 137, Loi permettant au ministre des Transports de déléguer à des personnes du secteur privé des pouvoirs, des fonctions et des responsabilités pour fournir des services liés à des programmes en matière de sécurité des usagers de la route.

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

All those in favour of the motion will please say “aye.”

All those opposed will please say “nay.”

In my opinion, the ayes have it. Carried.

Mr Dwight Duncan (Windsor-St Clair): On a point of order, Mr Speaker: I seek unanimous consent to have the minister give a ministerial statement to more fully explain the bill and allow the opposition a chance to respond.

The Speaker: Is there unanimous consent? I heard some noes.

The Minister of Transportation for a short statement.

Hon Chris Stockwell (Minister of Labour): On a point of order, Mr Speaker: I think if you asked again—I don’t think I did hear a no, actually.

The Speaker: I was just checking with the table to make sure my hearing was OK, and I confirmed there were some noes. Just so we know, we can ask one more time, though. Just before the member does his point of order, could we also clarify the timing, that if it is a yes, it will be during ministerial statements.

Mr Duncan: Speaker, I seek unanimous consent of the House to ask the minister to deliver a ministerial statement during ministerial statements that will also allow the official opposition and the third party to respond to the minister’s statement.

The Speaker: Is there unanimous consent? Agreed? Agreed.

Now, the Minister of Transportation for a short statement.

Hon David Turnbull (Minister of Transportation):

To meet the challenges of improving customer service, I am pleased to introduce the Road User Customer Service Improvement Act. The bill, if passed, will allow the ministry to examine alternative service delivery of selected ministry services, including driver examination services.

This bill reflects our government's intention to focus our efforts on setting and enforcing standards, developing policy and managing services. We believe this initiative will lead to better customer service for Ontarians.

FAIR PARENTAL LEAVE ACT, 2000

LOI DE 2000

SUR LE CONGÉ PARENTAL ÉQUITABLE

Ms Martel moved first reading of the following bill:

Bill 138, An Act to amend the Employment Standards Act with respect to parental leave / Projet de loi 138, Loi modifiant la Loi sur les normes d'emploi à l'égard du congé parental.

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

The member for a short statement.

Ms Shelley Martel (Nickel Belt): Today I'm pleased to introduce the NDP's Fair Parental Leave Act. Our bill amends section 40 of the Employment Standards Act to increase the number of weeks of parental leave from 18 to 35. This is in addition to the 17 weeks of maternity leave guaranteed to the birth mother.

The Employment Standards Act establishes the right to take parental leave with job protection for most workers. The bill is necessary to guarantee Ontario's parental leave provisions are in line with the new federal government's parental benefits, which go into effect December 31. The bill protects Ontario families from losing their jobs if they decide to take the full-year leave.

This is a fair, just and practical way for MPPs to support Ontario's working families, and I encourage the support of all members.

LABOUR RELATIONS
AMENDMENT ACT, 2000LOI DE 2000 MODIFIANT LA LOI
SUR LES RELATIONS DE TRAVAIL

Mr Stockwell moved first reading of the following bill:

Bill 139, An Act to amend the Labour Relations Act / Projet de loi 139, Loi modifiant la Loi sur les relations de travail.

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

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

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

The division bells rang from 1352 to 1357.

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

Ayes

| | | |
|--------------------|--------------------|---------------------|
| Arnott, Ted | Hardeman, Ernie | O'Toole, John |
| Baird, John R. | Hastings, John | Ouellette, Jerry J. |
| Barrett, Toby | Hudak, Tim | Palladini, Al |
| Beaubien, Marcel | Johns, Helen | Runciman, Robert W. |
| Clement, Tony | Klees, Frank | Spina, Joseph |
| Cunningham, Dianne | Marland, Margaret | Sterling, Norman W. |
| Dunlop, Garfield | Maves, Bart | Stewart, R. Gary |
| Ecker, Janet | Mazzilli, Frank | Stockwell, Chris |
| Galt, Doug | Molinari, Tina R. | Tsubouchi, David H. |
| Gilchrist, Steve | Munro, Julia | Turnbull, David |
| Gill, Raminder | Mushinski, Marilyn | Wettlaufer, Wayne |
| Guzzo, Garry J. | Newman, Dan | Wood, Bob |

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

Nays

| | | |
|-----------------------|--------------------|--------------------|
| Agostino, Dominic | Crozier, Bruce | Marchese, Rosario |
| Boyer, Claudette | Dombrowsky, Leona | Martel, Shelley |
| Bradley, James J. | Duncan, Dwight | McGuinty, Dalton |
| Bryant, Michael | Gerretsen, John | Parsons, Ernie |
| Caplan, David | Kennedy, Gerard | Peters, Steve |
| Christopherson, David | Kormos, Peter | Phillips, Gerry |
| Churley, Marilyn | Kwinter, Monte | Ruprecht, Tony |
| Cleary, John C. | Lalonde, Jean-Marc | Smitherman, George |
| Colle, Mike | Lankin, Frances | |
| Cordiano, Joseph | Levac, David | |

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 36; the nays are 28.

The Speaker: I declare the motion carried.

The Minister of Labour for a short statement.

Hon Chris Stockwell (Minister of Labour): I'll be making a statement.

STATEMENTS BY THE MINISTRY
AND RESPONSESMINISTRY OF TRANSPORTATION
SERVICES**Hon David Turnbull (Minister of Transportation):**

There are over eight million drivers in Ontario today—more than there have ever been at any other time in our history. With record numbers of drivers, my ministry faces a significant challenge to meet the demand for services.

Interjection.

Hon Mr Turnbull: I hear one of the opposition chirping away about—

Mr Dwight Duncan (Windsor-St Clair): On a point of order, Mr Speaker: I rise with respect to standing order 33(c), which states, "On the introduction of a government bill, a compendium of background information shall be delivered to the critics of the recognized opposition parties. If it is an amending bill, an up-to-date consolidation of the act or acts" should be appended to it. None of

those things have been appended to this compendium, Mr Speaker, and I would ask you to review this at the appropriate time.

Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader): On the point of order, Mr Speaker: I don't understand the other House leader. A compendium has been delivered; he has the bill. We're in complete accordance with the rules, as I understand it.

The Speaker (Hon Gary Carr): We'll check it out further. In the meantime, the Minister of Transportation. Sorry for the interruption.

Hon Mr Turnbull: The ministry will meet this challenge through the legislation I have introduced today. The road user customer service improvement bill will allow the ministry to examine alternative service delivery options for selected ministry services.

In 1999, our government made the Blueprint commitment to use alternative service delivery to provide equal or better service to the public where it is safe, practical and cost-efficient. The bill I am introducing today reflects our government's intention to focus our efforts on setting and enforcing standards, developing policy and managing services.

This proposed legislation supports the ministry's intention to seek an alternative service delivery agent to provide driver examination services. Today, we're sending a message that our government and the Ministry of Transportation take customer service very seriously.

Road safety remains my ministry's number one priority. For that reason, we will continue to establish and enforce high standards. We will continue to monitor and ensure compliance with the existing legislation. And we will audit the performance of any new service provider to ensure that driver examinations are delivered efficiently, effectively, fairly and consistently.

I believe this initiative will lead to better customer service for Ontarians.

LABOUR LEGISLATION

Hon Chris Stockwell (Minister of Labour): I am pleased to have introduced legislation earlier today which would strengthen workplace democracy, promote workplace stability and encourage investment in Ontario's construction industry.

During the last election campaign we made a commitment to workplace democracy. We pledged to strengthen the rights of individual workers to decide whether they want to be represented by a union. Today we are keeping that promise.

Union members pay dues and they deserve to know where their money is being spent. Our proposals would require disclosure of the salaries and benefits of all union officials earning in excess of \$100,000 annually.

Many workers feel they should be able to reject a first contract offer without going on strike. Our proposals would ensure that employees' true wishes are respected

by requiring separate votes for ratification and strike action in first-contract situations.

Currently, information on decertification is in short supply in the Ontario workplace. Unions do not provide this information, and employers are forbidden to do so. The result? Many workers have no idea how to go about decertifying their union. Our proposal would make it mandatory for neutral, factual information on decertification to be posted in every unionized Ontario workplace. We will expand the time period when decertification applications can be made from 60 to 90 days at the end of a collective agreement.

Many employers are telling us that the productivity of their workplaces is affected by repeated, unsuccessful union drives. To aid workplace stability, our proposal would introduce a one-year cooling-off period between failed certification drives.

The government's throne speech made a commitment to improve competitiveness in the construction sector. The cost of building in Ontario must remain competitive if our province is to maintain its fair share of new construction.

Today we are proposing to make three fundamental changes to ensure the continued health and vitality of this sector. If passed, they would:

(1) Allow employers who do not sell construction services, such as municipalities and school boards, to remove themselves from the construction provisions of the act. This would enable them to tender projects to both union and non-union contractors.

(2) Permit project agreements to apply to multiple and future projects developed within the terms of the agreement, thereby eliminating the need to negotiate a new project agreement for each specific construction project.

(3) Protect non-union employers hiring unionized employees on the project from certification.

Labour legislation is an important part of this government's economic plan for the province. Today's reforms are another step forward in making Ontario a competitive place for future investments.

The Speaker (Hon Gary Carr): Responses?

Mr Dominic Agostino (Hamilton East): I'm pleased today to respond to the Minister of Labour. I know we're not responding to the Minister of Labour because, let's make it clear: this legislation is driven by the Premier's office. He's pulling the minister's string here. This is made-in-Mike-Harris's-office legislation and nothing else. I know the minister doesn't believe this, because this is too radical, too far even for Chris Stockwell. This is Mike Harris legislation, and Mike Harris solely.

This is not about workplace democracy. What this is all about is attacking the labour movement. What this is all about is finding another enemy, creating another crisis, finding another target. This is what it's all about, Minister. You're attacking the most marginal, non-unionized workers in this province. You're attacking low-income workers. You're creating a crisis where one doesn't exist.

Minister, what you're doing today is declaring labour war. You're declaring war on the labour movement. You're basically saying to the labour movement, "We're going to war with you again." Let me tell you, the labour movement is going to fight back. You're basically destroying the peace that now exists in the construction industry. We're doing well in Ontario. There's labour peace in construction. Why are you intent on destroying that?

Let me remind you: you clearly have forgotten about history in this province. You forgot about the late 1960s and early 1970s. You forgot about the disruptions, the violence, the bloodshed that occurred on construction sites, and that's what led to the legislation we have today. You are now throwing us back to that era again. You are risking here; you are playing with fire.

Let me tell you what else is at risk. This is a sobering thought. Last year in the construction industry, 18 out of 20 deaths occurred on non-unionized construction sites. Remember that, Minister: 18 out of 20 deaths. There is a 250% greater risk for people to get injured on non-unionized construction sites than there is on unionized. Not only are you driving lower wages here, not only are you helping your friends in the corporate sector, you are putting the lives and the well-being of construction workers at risk by this regressive piece of legislation. The stats speak for themselves. They don't lie: 18 out of 20 construction deaths last year on non-unionized sites. You argue with those figures; you argue with those statistics, Minister.

Labour legislation should be all about balance. There is no balance here. You admitted in your scrum today that this was a request from business. You made it clear that this was what business asked you. This policy was not set up in the cabinet room. This was done in the boardrooms of Bay Street to appease your rich corporate friends, to appease your contractor friends. Minister, you and your government are in the back pocket of the big contractors, you're in the back pocket of big business, and this legislation makes it very clear where you're coming from.

1410

You're making it harder to unionize marginalized workers. You're making it harder for unions to get organized where the most vulnerable workers in our society exist today. You're making it easier for your corporate friends to decertify unions. This is a serious, serious attack that you're launching today, and you want to ram it through, and you're going to ram it through very quickly, again, as you continue to do that.

Your business friends are happy. You got a standing ovation today a number of times when you were speaking to the management lawyers. Of course. It was perfect. The management lawyers who represent big business, whom you spoke to today, were thrilled with this legislation, but the average working man and woman who's affected by this, construction workers, low income earners who hope to get unionized, who hope to get decent wages and decent benefits, you're attacking them today.

But you're managing to do one thing through this. You're managing to unite construction workers, union workers, public service workers from one end of the province to the other and they're going to fight this disgusting piece of legislation that you've brought forward. This is a disgrace. This attack was not necessary. You are declaring war and, let me tell you, you are going to lose this war. This is not about workplace democracy. This is about screwing the labour movement, and you're going to pay a hell of a political price for this.

MINISTRY OF TRANSPORTATION SERVICES

Mr Mike Colle (Eglinton-Lawrence): I thought the Minister of Transportation today was going to announce a plan to do something about the gridlock that exists from Ajax to Aurora to Ancaster. Even on Sundays we have gridlock on the 401. The only thing people can do now is to go to the 407, where they're ripped off by those toll fees. This minister is the true minister of gridlock.

LABOUR LEGISLATION

Mr David Christopherson (Hamilton West): I was at the announcement today, unlike labour leaders, who of course were locked out of the room. It was a private luncheon, delegates only, paid for by employers and their legal representatives, and that's where the minister chose to make this announcement. There were labour leaders from the Ontario Federation of Labour, whom this minister purports to care about, right there outside the door who wanted to come in and listen to the announcement about the laws that are going to affect them and their members, and they were denied it, denied a chance to even be in the room.

As my colleague has already said, his speech was interrupted a number of times with applause, and even a standing ovation, but it was a roomful of employers—all employers. Yet afterwards the minister in his scrum said, "This is a reasonable bill. It's fair. It brings balance back. We care about workers and their rights." Yet by his own words he admitted there is not one thing, not one, in your labour proposal today that labour asked for. He admitted everything that's in this bill was asked for by employers. Shame on you, Minister.

I heard you say that really you don't know how anybody could argue these things; they seem so fair. Let me say to you that when you focus everything on decertifying unions, you're going after workers and their rights. Let me put this to you: if you think it's so fair to post all the rules and regulations and information about how to decertify a union in a unionized shop, are you going to stand in your place and tell us you're going to pass a law that rules about how to bring a union into a workplace where there isn't one? That's fairness. That's balance. This is neither.

Let's just take a look at what you're doing under decerts. You're ensuring that the information is there on

how workers can go about getting rid of their union, which of course your employer friends are thrilled with, you've extended the period of time when the decertification process can begin and you've also extended the ability of the labour board—in fact, the labour board has to hear a decert before they hear the arbitration request in a first contract.

Add those three things up and this is all about busting unions, getting rid of unions and taking away workers' rights.

Let me just say—and I'm not going to spend a lot of time on this, because it's more a joke than anything—you lead all your documents with this sunshine clause that you're going to put a light on all those union bosses who are secretly getting wealthy on the side. Listen—

Interjections.

Mr Christopherson: See, they believe that. That's what you think about labour leaders. The fact of the matter is that virtually every union in their constitutions divulges very clearly what their union leadership is all about. Let me say this to you: if you ran Ontario with half the democracy with which the labour movement runs the labour movement, we'd be a much better province.

You talked about fairness to workers. John Cartwright made the point that because you changed the law, where there's an organizing drive right now—under our laws there was real fairness. Workers who were fired during an organization drive had an expedited hearing within days and could be back at work if it was found the employer fired them because of the organizing drive.

You have now changed that process to the point where workers at Drycore who have been fired for organizing have been waiting almost a year to have their case heard. There's nothing in here about democracy. This is all about taking care of your friends and taking away workers' rights. You ought to be ashamed, and you ought to be ready for one hell of a war.

Mr James J. Bradley (St Catharines): On a point of order, Mr Speaker: Now that the Deputy Premier is here, I'd like to request unanimous consent to have the Deputy Premier announce that Frank Sheehan is now the Minister of Labour of Ontario.

The Speaker (Hon Gary Carr): Unanimous consent? I heard some noes.

VISITOR

The Speaker (Hon Gary Carr): In the members' east gallery there is a former member, Mr Harry Pelissero from Lincoln, a member of the 34th Parliament. Would all members please welcome our former colleague.

REMEMBRANCE DAY

Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader): On a point of order, Mr Speaker: As you know, the House will be adjourning this evening and not returning until November 14. As Remembrance Day, November

11, comes between those two dates, I would like to seek unanimous consent for one member from each party to make some remarks regarding Remembrance Day, and perhaps after that, Mr Speaker, you could call for a moment of silence.

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

Mr Jerry J. Ouellette (Oshawa): It is with great pride that I rise today as a 23-year member of the Oshawa Naval Veterans Association to speak on behalf of the government—and I thank those who have given me the opportunity—and to speak regarding the 11th hour of the 11th day of the 11th month, Remembrance Day.

Many take for granted that all know the protocol for military events, that a blue blazer and grey slacks are to be worn, except of course the traditional green blazer by the Korean vets; as well, that the poppy is to be worn closest to the heart, on the left side, and to be the highest insignia on the lapel.

It was when I was first elected that I expressed my concern that the youth of today may never know that which we try so hard never to forget.

The events have to be told so that the youth of today know the sacrifices made by so many for the life we enjoy today in Canada. It's the youth who must know of the battles fought by the Joe Harts of Oshawa in the Sicilian and Italian campaigns during World War II. I must add, Mr Hart is the only remaining survivor of that company.

Or the battle fought by Mr Henry Price, Oshawa's last World War I vet. Mr Price was a communications officer who travelled behind enemy lines during World War I signalling back enemy activity. While behind those lines, he heard a voice from the next foxhole and jumped into it, capturing an enemy soldier. Mr Price was so very proud of capturing that enemy soldier that he kept his helmet to remind him of that day.

1420

Henry Price was a man who fought in our country's nation-recognizing battle, Vimy Ridge, and survived. I might add, to this very day, along the road on Vimy Ridge the locals regularly gather spent bullets and leave them in pails by the roadside for tourists to gather as souvenirs of that historic Canadian battle. Henry Price was a man who survived not only Vimy Ridge but being blown up by a land mine in Dieppe, a man who illegally enlisted at the age of 16.

These are the events that must be passed on from generation to generation.

One event I would like to share with all is one of a Polish immigrant who came to Oshawa, a man who never owned a car and never missed owning a car, a man who during the Russian Revolution was the chief constable in a small town outside the Polish capital near the Russian border. He was working in a hayfield with his brother when the Bolsheviks rode in, oppressing all forms of democracy. They rode into the field and, upon finding out who the chief constable was, drew their swords and

proceeded to attempt to sever the head of the chief constable. His life was saved when his brother raised his rake and stopped the sword from going any farther than the several inches it had already penetrated. While the chief constable crawled off, his brother argued with the Bolsheviks how his brother was a good man and should be spared.

The constable reached his mother's house, where she and his sister sewed him up. He proceeded that night to hide in the town's graveyard. The only way his life was spared was when it began to rain and it washed away the blood trail the Bolsheviks were following.

That man came to Canada and ended up in Oshawa. Later he fought for his beliefs in Canada during World War II, where he was captured by the enemy and served his time, not in a prison camp as we know it, but at the Vatican for the Pope.

This was a man who, when he finally passed on, was buried with that sabre scar, a quiet man—the bishop attended his funeral—a man whose story needs to be told; a man whose story will be told and remembered by his great-grandchildren, my sons, Joshua and Garrett.

These are the events that must be passed on to the youth of today. Whether it's the events just mentioned or peacekeeping in Bosnia, the Korean War or the Middle East, these events must be passed on to allow all to know of the sacrifices made so we may continue to have the life we enjoy in Canada today. Mr Speaker, we will remember them.

Mr Monte Kwinter (York Centre): As we approach Remembrance Day, we remember the more than 1.5 million Canadians who served overseas in the two World Wars and the Korean conflict. More than 116,000 Canadians lost their lives while serving in overseas campaigns, and we remember their supreme sacrifice.

"Lest we forget" is the clarion call to all who experienced the actual events of these wars and for those who, even though they have not experienced a time of war, are beseeched to remember in the hope that these horrors will not be repeated and that the deeds of those who served their country and, in all too many cases, died for their country will not be in vain.

I would like to share a personal remembrance. Flying Officer Samuel Kwinter was my first cousin. He enlisted in the Royal Canadian Air Force on June 19, 1942, at the age of 21. After his training as an air bombardier, he was posted to a Royal Air Force squadron, central Mediterranean forces, where he completed his tour of duty.

Although he could have returned to duty in Canada, he opted to stay with his squadron. His plane was reported missing on August 21, 1944. For the duration of the war, our family was left with the hope that by some miracle he had survived. The official report of the mission is titled *Circumstantial Report on Halifax Aircraft #JP228. Missing from Operations on Night of 21 August 1944.* The crew consisted of Pilot Officer T.B. Sparrow, who was the captain and the pilot; Flying Officer C.H. Sparks, the navigator; Flight Sergeant R. Patriarca, operations; Flight Sergeant R.G. Curtis, the flight engineer; Flight

Sergeant D.J. Heath, the tail gunner; Flying Officer S.N. Kwinter, air bombardier; Flight Sergeant N.S. Yates, mid upper gunner; and Flight Sergeant J.G. Evans, air bombardier.

The report continues:

"The above aircraft, captained by Pilot Officer Sparrow, took off from Amendola at 1940 hours on 21st August 1944 on an operation against the oil storage installations at Szony, Hungary.

"No messages or distress signals of any kind were received from the aircraft after takeoff, but other crews of the squadron reported seeing three aircraft shot down over the target. As three aircraft of the group were missing from this operation, it seems probable that JP228 may have been one of the aircraft shot down and that the entire crew is missing and presumed dead." End of report.

In fact three of the crew, Flying Officer Sparks, Flight Sergeant Curtis and Flight Sergeant Patriarca had bailed out. They were taken as prisoners of war and returned safely to Canada after the war.

On interrogation, they stated that the aircraft was shot down just north of Lake Bulcaton, Hungary, but could give no further information regarding the aircraft or its crew.

In 1950 the Missing Research and Inquiry Service of the Royal Air Force undertook an investigation and reported that only three bodies were recovered from the scene of the crash and were buried in Bakony Bank cemetery.

The bodies were subsequently moved to the Budapest British military cemetery. Flying Officer Kwinter, aged 23, was the only member identified and buried in plot 1, row c, grave 1. The two unknown belong to this crew but were unidentifiable and could not, therefore, be connected with any of the remaining four missing members and were buried in plot 1, row c, grave 2.

The names of the four missing members were recorded on a general memorial to the missing. Three members were safe. Case closed.

The case was closed from an administrative point of view, but these cases will never be closed for the thousands of relatives who in their hearts and minds remember the loss of their loved ones, young men and women serving in a far-off land in the defence of our country. May their memory be for a blessing. Lest We Forget.

Mr Peter Kormos (Niagara Centre): I'm proud to speak on behalf of New Democrats here at Queen's Park as we recognize yet another Remembrance Day, November 11, 2000.

Like all of you, like every member of this Assembly, I will be joining veterans, legionnaires, members of the public, the sons and the daughters and the grandchildren of the veterans who served in the First World War, the Second World War and the Korean—no, it was no conflict—in the Korean War. I'll be joined as well by service people in our own community who have served under the blue beret as part of Canada's contribution to peacekeeping services internationally and have served with

distinction and, I tell you, have brought great pride to all of us.

Just the other day I was over at the Lincoln and Welland Regiment, at their regimental headquarters at the armouries in St Catharines, with the promotion of a new regimental sergeant-major. Mr Bradley was there as well. We were told once again of the great role that the Lincs and Wincs, the Lincoln and Welland Regiment, played in Europe during the course of the Second World War.

1430

Lieutenant Colonel Jim Swayze, a Wellander who I knew as a child, and his son Chuck were there. Chuck told me how in 1946 he was but three years old and he stood with his mother's hand in his watching his father, Lieutenant Colonel Swayze, lead the Lincoln and Welland Regiment from the St Catharines train station to the St Catharines armouries. I could just begin to sense and feel the remarkable pride and relief of those parents and spouses and children and other family members of those soldiers returning from Europe. One could also not help but sense the sadness that must have permeated that crowd of people down in Niagara, spouses and parents and children, as soldiers who didn't return were made noteworthy by their lack of presence in that ensemble of troops marching from the train station to the St Catharines armouries.

I regretted reading today of the denial to the Lincoln and Welland Regiment of permission for a modest contingent of about 30 of their youngest members to go with the Lincs and Wincs to Europe to bury one of their own whose remains have been identified. I use this opportunity, I tell you, to encourage all those who can to stand with me and with the Lincoln and Welland Regiment on this issue to encourage that the full contingent of 30 that is requested is indeed sent to Europe to honour one of their veterans and one of their brothers.

In the First World War, Canada was but nine provinces, with a population a fraction of what it is now. In the Second World War, still but nine provinces, with a population of just around 10 million people. Old men start wars; young women and men fight them. The people who served in the forces in World War II, as they were in World War I, were young women and men from some of the smallest towns throughout western Canada, throughout the east coast, and yes, down from Niagara, proportionately represented as its proud history reflects.

They were young men, for many of whom a shaving kit had no relevance. They were teenagers, many of whom had never been outside their county, never mind their province or their country. They came from some of the smallest towns and some of the most difficult and poorest backgrounds. They were the sons and daughters of immigrants, and many of them were immigrants themselves. Whether it's in France or in Italy or in Holland, Canadian troops in the Second World War were at the forefront of brave young women and men who liberated a continent and who restored democracy as a result of their successful struggle against Facism.

In Korea, and I want to reiterate, no conflict—talk to a Korean veteran and what they describe in the cold and the muck is not illustrative of mere conflict; that was a war. Korean veterans, aging too. We have but a handful of First World War vets. We still have our Second World War vets, but as we join them annually, and in between Remembrance Days—we join them also in summertime on Decoration Day—we find them getting more stooped and greyer and older. We find once again, as we join them in these rituals and in these celebrations, that the faces we saw and recalled from last year are no longer there, are no longer with us.

That's why I want to take a moment to express particular pride in the youth groups and youth organizations like the Air Cadets, Navy Cadets, Army Cadets, Boy Scouts and Girl Guides, among others, that participate down in Niagara like they do in your communities in these Remembrance Day celebrations. They participate with dignity and with a sense of passion about the important role that that ritual—yes, it's a ritual we celebrate on November 11 or on days about that.

I'm going to be in Fenwick, Ridgeville, Fonthill, Thorold and in Welland at their respective cenotaphs as wreaths are laid and brief comments are made. And we'll be joined by our firefighters and by our police forces and by our OPP. But we'll also be joined by these youth groups that, again I tell you, we should be promoting, encouraging and supporting, because it's these young people who bear increasingly the responsibility to recall the incredible sacrifice of their grandparents and great-grandparents. It's upon them that that responsibility increasingly rests as these veterans age and leave us by virtue of the passage of time.

There's not one of those vets whom I've talked to, and I'm confident not one whom you've talked to, who has ever glorified war or who has ever reflected fondly on the responsibility of having to participate in warfare. There's not one of them who doesn't shed a tear still, 40 and 50 years later, at the recollection of a lost comrade or the comrade who returned home with them without limbs, without sight, without arms.

We have young women and men in our armed forces today who continue to serve internationally. We find these young women and men serving with commitment and discipline and passion in our armed forces and serving in some of the most dangerous places in the world, yet we continue to send them there with broken tools and weaponry and other resources that, as often as not, are no match for the opposition they have to face. We have also relegated our armed forces personnel to poverty levels of existence in terms of the levels of pay they receive.

So as we engage in the ritual around Remembrance Day, let's also reflect on the great contribution and sacrifice of our sisters and brothers in our communities, our young women and men who are, just as their parents and grandparents were, among the best and the brightest. Let's reflect on the fact that they serve with great sacrifice and let's commit ourselves to ensuring that we

have armed forces personnel who are adequately equipped and who receive fair wages that reflect the incredible danger and risk they endure and the suffering and struggle their families must undergo as families of military personnel.

One more: our merchant marine, once again women and men who fed Europe, who kept Europe supplied, who were among the 14-, 15- and 16-year-olds who travelled in convoys from the port of Montreal, from the port of Toronto, from Quebec City, and who endured some of the most disproportionate levels of casualties. They suffered the depths of the cold, deep Atlantic. They were so often, through no fault of anybody, forced into these convoys unassisted because of the nature of the enemy, with minimal military support as they made these incredible sacrifices.

I want to again state that we should use this Remembrance Day to recall our merchant sea people, to reflect upon their great contribution and to ensure that they acquire, as they deserve and as they have earned, the stature of Canadians who have served their country and served humankind during those wars, World War I and especially World War II, and as well in the degree to which they participated or were involved in any number of ways, although far more minimally, during the Korean War, because of the nature of the geography.

I join with you. I speak on behalf of New Democrats in this Legislature. I speak with great pride at the heritage that we have inherited from these great Canadians, these youngest of women and men from the smallest of towns who, with the lowest of personal ambition, achieved some of the greatest of victories and glories.

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

The House observed a moment's silence.

The Speaker: I thank all members and our friends in the galleries. It is now time for question period.

1440

ORAL QUESTIONS

LABOUR LEGISLATION

Mr Dalton McGuinty (Leader of the Opposition): My question is for the Minister of Labour. Minister, I guess there really is no time like the present to create a crisis. We're wondering over here why it is that you over there have this aversion to stability and good relations. Let's just think about it for a moment. You've got a crisis now ongoing in our schools. We've got a crisis when it comes to health care. We've got a crisis in the environment. People are afraid to drink the water. We've got an economy now that's firing on all eight and a half cylinders. When it comes to the construction issue, we are renowned worldwide for the quality of our work and the safety of our workplaces.

So the question I have to put to you, Minister, is, why is it now, when it ain't broke, that you're trying to fix it?

Why is it that you want to take all the other areas of crisis and create a new one here in labour relations in Ontario?

Hon Chris Stockwell (Minister of Labour): First, I guess the reason we're firing on all cylinders and the reason the economy is booming is because this government has passed progressive legislation that has allowed workers, employers and people of this province to go out there and work. We've got hundreds of thousands of jobs created. We've had many, many people go off welfare because of that kind of legislation.

The fundamental difference we have is that you suggest this legislation is creating a crisis. My position and the position of this government is that it's a good, progressive piece of labour legislation that will buy us prosperity in the future, maintain the jobs we've created and build an Ontario that we all may be proud of.

Mr McGuinty: First of all, Minister, let's be honest about the prosperity we're enjoying here today. It's a North American phenomenon and it is not of your creation.

Second, if you want to talk about differences, you're for lower wages and higher profits for the contractors. We're for higher wages and higher profits for the contractors. We want a win-win. You want a win-lose. That's the real difference. We want to race to the top. You want to race to the bottom.

We've had 25 years of peace and stability when it comes to labour relations, by and large, here in Ontario. Why do you want to turn the clock back? Why do you want to introduce a new crisis into labour relations in Ontario?

Hon Mr Stockwell: Let's get a couple of things clear off the top. The province of Ontario is outperforming every G8 nation in the world. The province of Ontario is outperforming any province in this country. The province of Ontario is driving the economy in this country of Canada. Why? Because of good, progressive labour legislation, because of good, progressive tax positions, because of lower taxes, more jobs, fewer people on welfare. What do you call a win-win? We call a win-win hundreds of thousands of jobs created, hundreds of thousands of people off welfare. Everybody's doing better today because of this government. I call that a win-win.

Mr McGuinty: The minister is making my case for me. If everything is working so well, why do you want to try to fix it? It ain't broke, Minister. Why do you have to screw around with it?

The question I've got for you is very direct. Why is it that you want to introduce this legislation and who in particular is insisting that you move forward with this? We're not hearing this from the people in the labour sector. We're not hearing from them. I'm talking about our bricklayers, our millwrights, our labourers, our pipefitters, our carpenters, our joiners, our metalworkers, our roofers, our plumbers, our electricians. None of those people have told me they want to move forward with this kind of legislation.

Tell us now, Minister, who has given you your marching orders to bring Ontario to its knees when it comes to labour instability?

Hon Mr Stockwell: The marching orders were given to us by the people of Ontario. They're the people who give the marching orders.

Who's moving on this change? The people of Ontario asked for this kind of change. We campaigned on this change. These changes were in the Blueprint commitment. The thing about this government is, and I hear it from all parts of this province, that when we make a commitment, we deliver, and we're delivering on labour reform today.

Who's going to benefit from this? Let me tell you something. I think the people who benefit from this are the employees and the members within the union rank and file. They're the ones who get—

Interjections.

The Speaker (Hon Gary Carr): Members, come to order. Ten seconds to wind up.

Hon Mr Stockwell: They're the ones who get the benefit, because I think it comes to a point in time where rank-and-file employees should be able to decide by a vote whether they want to be in or out of a union. What's wrong with that? It's democracy.

EDUCATION ISSUES

Mr Dalton McGuinty (Leader of the Opposition): My question is for the Minister of Education, but back to the former minister for moment. It would have been nice had he been able to bring the same kind of passion and energy when it came to extending parental leaves for expectant mothers in Ontario, at no cost to the province, by the way.

Minister, whether you're a parent or a teacher or a student, things have never been this bad in our schools. The Ontario principals' association tells us 76% of our schools now find themselves in a state of turmoil. What that means is that our kids are paying a terrible price for your gross mismanagement of the education file.

Minister, knowing now what a terrible mistake you have made—you have plunged our schools into a perpetual state of crisis—will you now sit down in a genuine spirit of co-operation with parents and teachers and trustees and principals and superintendents and students and try to work this thing out in the interests of our children?

Hon Janet Ecker (Minister of Education): What mistake would the honourable member be referring to? Perhaps the new, more rigorous curriculum? Perhaps the new, standardized report card? Perhaps the new funding for special-needs children, for extra help for students who are struggling with the new curriculum? Perhaps amending instructional time for teachers so that our high school teachers are not teaching any more or less than teachers across the country? What mistake would it be that the honourable member would like to have corrected?

Mr McGuinty: I'd suggest to the minister that she respectfully stop just looking at her own press releases and pick up a newspaper from any community in this province. What you have effectively done is you took a

problem that was found inside two boards and you transferred it to 72 school boards. You took a problem that affected some 90,000 children and you've transposed it now so that it affects over one million of our children. We are plunged into a state of permanent instability when it comes to our schools.

In June of this year, every single group involved in education—parents, students, teachers, trustees, superintendents and principals—wrote to you, Minister. They said Bill 74 is going to present us with a terrible problem. It was unprecedented for these groups to come together like that, and they presented you with an unprecedented opportunity to sit down together and work something out that was going to be workable in the end and actually be in the interests of our children.

Why did you forgo that opportunity, and why do you continue to this very day to refuse to sit down with all of the education partners and work this out in the interests of our kids?

1450

Hon Mrs Ecker: Again, my jaw is on the desk at the depth of the inaccuracy or the depth of incompetence of Liberal research. The honourable member should know that I sit down on a regular basis with students, with parents, with teachers' federations, with school board representatives. That is part of my job and I do it on a regular basis. It is something I committed to do when I was sworn in as minister. It is something I will continue to do for as long as I have the privilege of sitting in this chair.

Secondly, I wrote to all of the trustee associations just last week. We are continuing to meet with all of the education partners to talk about not only the challenge with extracurricular. I'd like to ask the honourable member, where was he when some teachers were choosing to deny students Remembrance Day ceremonies? Where was he when some teachers were not providing the letters of reference—

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

Mr McGuinty: This is really just too much. You would have us assume responsibility for the crisis that you've created in Ontario education today?

Let's just take a look at some of the facts and figures which this minister is so quick to dismiss and simply doesn't want to recognize. Teachers are quitting in record numbers. Young teachers are quitting. Last year, 4,414 teachers left the profession for reasons other than retirement. Some 76% of our schools have lost their extra-curricular activities; 66% of our schools report that students are having to share their textbooks; 20,000 students are waiting to be assessed for special education, but the number of our schools with a full-time psychologist is down 38%.

At a time when your own test results tell us that our students aren't doing particularly well, isn't it time that you took your head out of the sand, that you put down the hammer and that you sat down for the first time ever in a way that is totally uncharacteristic for you and your

government? Isn't it time that you sat down with parents and teachers and students and the other education partners and worked something out in the interests of our students and put this crisis behind us?

Hon Mrs Ecker: If the honourable member would take his own advice, he would know that what parents and students and teachers are asking for are things like a new curriculum that really helps our students achieve what they need to achieve when they leave. Parents have been asking for a standardized report card that tells them how well their students are doing. They are asking for testing so they know that the schools are doing the job.

You know, it's interesting. This is the party that said we didn't have anything to fix; there was nothing that needed to be changed. When the test results, as the honourable member points out, show that we still have more to do to help our young children achieve, he says, "Oh," you know? Come on. The reason we test is because we need to know how well we do so we can fix the problems. Parents and teachers and students will tell the honourable member they want accountability in the system, they want to know what is happening in their school, they want to know where the money is going so—

The Speaker: Order. The minister's time is up.

LABOUR LEGISLATION

Mr David Christopherson (Hamilton West): My question is to the Minister of Labour. You've said repeatedly that the labour amendments you've introduced today are progressive and are meant to be fair. I want to put that to the test right now.

Part of your proposed legislation is that employers will post in unionized shops the rules and procedures and information on how to decertify a union. I want to ask you now if you're prepared to announce that you'll make a further amendment that in non-union shops you will ensure that employers post all the information, legalities and rules around the process of bringing a union into a workplace.

Hon Chris Stockwell (Minister of Labour): Let's understand the legislation as it presently is today. In a unionized workplace, the union does not provide information on decertification. The employer is not allowed to talk about decertification with their employees. Therefore, no information is disseminated in unionized workplaces to give the employees the option of choosing to decertify or to unionize. In the non-union sector there are no such provisions. It's open and free for any union to go in there, apply for organization and file with the Ontario Labour Relations Board. The big difference is that in unionized workplaces, the unions don't tell people how to decertify and the employer can't tell them how to decertify. All we're saying is, gee, that would be nice if you just gave them that bit of information. It sounds fairly reasonable to me.

Mr Christopherson: Let me say to you, Minister, it sounds anything but reasonable. The fact of the matter is,

this is all about helping the employers get rid of the unions and it's about your role in helping them do it. In non-union shops I'd like you to give me an example of one employer that goes around advising their employees about what their rights are vis-à-vis joining a union. Give me one example. You won't be able to do it. The fact is that it is totally unequal. Anyone outside watching this can appreciate that you are loading things and stacking them in favour of the employer, against the union.

Instead of asking you that question again—

Interjection.

Mr Christopherson: You're going to answer whichever way you choose, but I want to ask you this. Again, back to fairness: you said in answer to a previous question that workers benefit in your legislation. I'd like you to explain to construction workers how no longer getting contracts where union workers are being employed, where they have higher benefits, higher wages and a higher safety record in terms of going home in one piece at the end of the day, how eliminating those union shops from working on construction sites, as your bill is going to allow, improves anything for workers. Tell me how that's fair.

Hon Mr Stockwell: What the bill does is simply this: it suggests to municipalities and school boards that presently have in law a restriction that says hard-earned taxpayers' money may be only tendered for work to unionized companies—what's fair about that? Some 81% of the people out there don't work in a unionized company. But if you want to take taxpayers' money, tender a contract, you think it's fair that you can only tender it to a unionized shop. I don't think that's fair. My taxes are as good as your taxes. I can do the job better. I should get the job, and just because I'm not a union should never exclude me.

Mr Christopherson: First of all, as I understand your legislation, it's not just municipalities and school boards; it's banks, and the last time I saw the profit line on banks, they don't need any further help from you.

Let me say something else. Those unionized workers—you just want to argue where you don't think things are fair. Let me tell you something. The labour movement acquired the rights and the privileges and the benefits because of hard work, sacrifice and putting their jobs on the line, and you have no right to unilaterally take those away. There is nothing in this legislation that's fair for workers. It's all about busting unions and helping your employers.

I would like you now to stand up and tell me, since you're so peacock proud of this legislation, commit today that you're going to take this critical, important, far-reaching piece of legislation and put it to the people of the province, and let us know that there are going to be public hearings. You shut labour out of the meeting today. Only employers were allowed to attend the announcement today; OFL reps were left outside. Minister, tell me you're going to give us public hearings on this bill.

Hon Mr Stockwell: I will stand here today and give you an undertaking: I will have as much public hearings

on this bill as you had on the social contract. Speaking about far-reaching labour legislation that gutted collective agreements—not one second of public hearings—I'm not sure you should be lecturing anybody on public hearings for labour legislation.

Secondly, I'll tell you something: it's not just the employers out there who are saying that unions and those who represent them, are not fair and reasonable. I've read that Mr Hargrove also suggests that the process today about changing union memberships, about who you get represented by, doesn't work. So there's a union leader who doesn't agree with it—a big union leader. So before you start coming to me that you've got a position that's all together, why don't you talk to Mr Hargrove.

1500

PARENTAL LEAVE

Ms Shelley Martel (Nickel Belt): I have a—
Interjections.

The Speaker (Hon Gary Carr): Stop the clock. The member for Scarborough Centre and Scarborough East, come to order.

Ms Martel: I have a question for the minister responsible for children, who has just left the chamber. I wonder if she can come back?

The Speaker: Stop the clock. She was here just a second ago.

Ms Martel: For the Minister responsible for children's issues: today I tabled the NDP's Fair Parental Leave Act. Our bill provides a fair, just and practical way for all MPPs to support Ontario working families and their children. The bill increases parental leave from 18 weeks to 35, and it brings Ontario in line with the new federal parental benefits, which go into effect on December 31. It protects Ontario families by guaranteeing that those parents who take the full year leave will not lose their job as a result.

Minister, this is a matter of fairness and justice for Ontario working families. As minister responsible for children's issues, can you advise whether your government will support our bill?

Hon Margaret Marland (Minister without Portfolio [Children]): I am the minister responsible for children, but I'm referring this to the Minister of Labour.

Hon Chris Stockwell (Minister of Labour): I appreciate the question from the member opposite. At this point in time we're discussing with the affected communities the impact of the bill, the impact of the legislation. We have given an undertaking that we will take a position and pass legislation, if necessary, before January 1, 2001. We're not suggesting we're going to block the decision; we're simply taking time to consult with the affected communities.

Interjection.

Hon Mr Stockwell: I will say to the member opposite, and the one chirping, that we will, in fact, take a position and have it before the House and make sure that

it's in place, if we're going to change it, before the law that comes into effect, which is January 1, 2001.

I don't think it's unreasonable to go out and discuss the issue with those communities that are affected.

Ms Martel: Minister, I certainly hope that outside of your business friends who you've been talking to, and that's reported publicly, that you will talk to affected families in the province as well.

British Columbia and Quebec have already extended the parental leave protection, and Nova Scotia, with a Conservative government, has recently announced that it will do the same. There is no just, fair or legitimate reason for Ontario not to. There's no reason you can't announce that today.

You know that under the current law, families are only afforded 18 weeks of protection. Ontario workers, moms and dads, need to know that if they take the full year leave they will not be penalized and they will not lose their jobs, as a result of making a critical decision to stay home with a newborn or a newly adopted child.

Minister, the issue is simple: will you extend parental leave to 35 weeks in this province so that Ontario families will know they will be protected if they take a full year off?

Hon Mr Stockwell: With great respect to the member opposite, I appreciate the fact that you believe the issue is simple, and I'm not suggesting your motivation or your issues. What I'm suggesting to you is this: to some people in this province it isn't quite as simple as you state it to be. There are a number of employers out there who are making deputations to us—

Interjections.

Hon Mr Stockwell: The members opposite are saying, "Oh, so you're listening to employers." We're listening to everybody. Why shouldn't we listen to employers? That's what I ask you. We have given you the undertaking, very clearly, that come January 1, 2001, we will have a decision before this Legislature. We're simply listening to the affected groups.

I know you mentioned three provinces that have gone forward on this, but what you left out is that all the other jurisdictions are doing exactly what we're doing. They're doing the responsible and reasonable thing, discussing with affected groups how this legislation will impact them and if—

Interjections.

The Speaker: Minister of Labour, take a seat. Stop the clock. The member for Scarborough East, you can't be shouting across, and the member for Toronto-Danforth as well.

Mr Steve Gilchrist (Scarborough East): It's Scarborough Centre.

The Speaker: Scarborough Centre; I apologize. Minister of Labour, sorry for the interruption.

Hon Mr Stockwell: When the decision comes out and you don't like the decision, that's the time to have the debate. It can't be implemented today. It can't be implemented tomorrow. It's implemented January 1, 2001, according to the federal government. We will have a

decision then. I don't know why it is you can't accept that as reasonable.

EDUCATION ISSUES

Mr Gerard Kennedy (Parkdale-High Park): I have a question for the Minister of Education. I want to ask you about this export you brought us from the Durham region, what can only be called now the Ecker standard of lower-quality learning. The Ecker standard, at work for 60 days in this province, has deprived students of sports in Burlington, of participation in the math contest in Brockville, of all kinds of things that are supposed to be part of what you promised last spring would be there for the students of this province. Your Ecker standard is arbitrary; it means that one third to one half of the students at any time have teachers who have 25% more students to deal with, to prepare for, to mark, to test.

The parents need to know. You're offering them a lottery as to whether the teachers their students get are going to be overworked and overloaded or not. Some of them are going to be in classes—one school has 50 of these classes—where the courses are split between two and three teachers.

Something positive needs to be done. Students are struggling in class. Teachers are quitting in record numbers. Will you, tomorrow, sit down with the education partners and come up with the solution to the Ecker standard, the mess you put in our schools?

Hon Janet Ecker (Minister of Education): What the honourable member is asking us to do is to interfere in collective agreements.

Mr Kennedy: Even in areas where collective agreements have been arrived at, the Ecker standard prevails: low-quality conditions. Some 4,400 teachers quit last year for reasons other than retirement, 23% more than the year before. Six hundred student teachers didn't register to teach in this province; they went elsewhere, 50% more than the year before.

Your standard has caused Paul Jaffray of Burlington Central High School, in business studies, to retire three years earlier than planned. He'll pump gas or deliver pizza to make up the income shortfall. Felix Russo, a math head in Etobicoke, is quitting two years early. Dave Neelin—

Interjections.

The Speaker (Hon Gary Carr): Stop the clock. Order.

The member for Parkdale-High Park.

Mr Kennedy: It's funny to the members opposite; this is nothing humorous to the students who are being deprived under this Ecker standard.

Dave Neelin—14 years at Etobicoke Collegiate, wrote 12 new courses, participated in extracurricular every one of those 14 years—quit last year because of the Ecker standard that you brought in.

Minister, I challenge you. Will you meet with the partners tomorrow? Will you come with me at 4:30 today and meet with the students who are coming here to ask

you to change the Ecker standard, and next week, in constituency week, will you come with me to a school in your riding and see what's really going on?

Hon Mrs Ecker: I don't need the permission of the honourable member to meet with parents, teachers and students. I do that as part of my job.

One of the reasons that some teachers may not have come to Ontario to be employed is because some unions think they should blackball this province. Some think they should go out and tell those teachers they shouldn't come here. That's really helping our students, I've got to tell you. I disagree with the honourable member on that one.

Second, there are literally thousands of people applying to teachers' college because they see it as a wonderful job. That is why we've expanded teachers' spots, the other thing even the Canadian Teachers Federation said, that we've been getting more teachers who are coming to Ontario because they want to teach in our system.

We were elected to set higher education standards. We were—

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

1510

FEDERAL SOCIAL UNION AGREEMENT

Mr John Hastings (Etobicoke North): My question is directed to the Minister of Training, Colleges and Universities. Nearly five years ago this month, our current sleeping esteemed Prime Minister almost lost us this great country with the Quebec referendum. Arising out of that crisis, which was a real national crisis at the time, was a promise by the federal government that it would negotiate person-power training programs with all the provinces and territories. Today, all those territories and provinces have negotiated agreements in place to help their workers, to help their employers, yet Ontario is still being discriminated against by the current Grit government.

Why is it, Minister, that this is still occurring in a country that's supposed to be practising Pearsonian co-operative federalism?

Hon Dianne Cunningham (Minister of Training, Colleges and Universities): I'm pleased to respond to the question from the honourable member. He is quite right that we are the only province the federal government has refused to sign a training agreement with. It is a very unfortunate situation, because all of us are concerned about people who deserve to have this training.

With the EI payments that we have made here in Ontario, it's very unfortunate. Ontario residents sent \$4.3 billion more to Ottawa in EI payments than they got back in training—or other services, I might add. Of the massive EI surplus, fully two thirds was paid by people in Ontario. These are employers and workers who indeed pay more than 40% of the nation's EI premiums.

Where were the Liberals in Ontario encouraging the federal government to sign a training agreement with this

province? I can tell you right now that, paying 40% in EI premiums, only 28% was offered—

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

Mr Hastings: My supplementary concerns the role of the official opposition leader and the critic from Hamilton Mountain. Since they seem to agree that the federal Grit government would be great for Canada, I would like those members to stand in their place today and fight with the minister and this government to get the \$600 million deprived by Ottawa and needed for upgrading and training for the workers in this province.

Interjections.

Mr Hastings: That would include the member for High Park-Parkdale to join us. We never hear anything about this from those folks. When are you going to join us and get that \$600 million, especially the backbencher there from Kingston and the Islands?

Hon Mrs Cunningham: In response to my colleague, we worked very hard in Ontario to work with the federal government and other governments across this country to sign the social union agreement. It was signed in good faith to help governments work more productively together. It is very disappointing—

Interjections.

The Speaker: Would the minister take her seat. Member for Hamilton East, come to order, please. She's 10 feet away and I still can't hear her.

Sorry, Minister.

Hon Mrs Cunningham: It's very disappointing to know that in the social union agreement we did come to a conclusion around a tool that could be used to help governments work more closely together—to my colleague I say that we did write a letter to Jane Stewart, we did ask her to take a look at our position, we asked her to put the federal government's position on the table, and the answer was no. It's very disappointing, in these times when people are looking for accountability, that the federal Liberals have not signed an agreement with the province of Ontario. We will work to get that agreement signed with the federal government because we need it for our workers and we need it for our employers and we need it for our young people and we need it for jobs.

EDUCATION LEGISLATION

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): My question is for the Minister of Education. Before I was elected to this House, I was the chair of a school board, so I know what it is to be an advocate for students. I've worked with teachers, students, parents and unions for the benefit of children.

I am concerned, I'm saddened and I am angered that your government has created an untenable climate within school communities. Your prescriptive legislation, Bill 74, has placed unreasonable workload expectations on teaching professionals and has restricted local boards' ability to negotiate.

The Durham disease is now impacting students in my riding and has divided school communities that have never experienced this kind of unrest before. Under your watch, the morale within schools has reached an all-time low, whether you want to admit it or not. Like you, I talk to teachers and to students. I visit schools, and that's what they are telling me. It's not the teachers' fault, it's not the boards' fault and it's not the unions' fault. It's your fault. You've created the crisis. It's time that you deal with it. Will you put kids first today and give boards the flexibility they need and the resources they need to solve this problem today?

Hon Janet Ecker (Minister of Education): I can only assume that the honourable member has not read the legislation. Certainly boards have flexibility in terms of how they meet provincial frameworks, provincial standards.

Interjection.

The Speaker (Hon Gary Carr): Order, the member for Hamilton East. We're not going to continue with you shouting across. Last warning and then we ask you to leave.

Hon Mrs Ecker: Let's be clear on what the Liberal Party seems to be saying. They seem to be saying that it is not appropriate for provincial governments to set a standard for instructional time in classroom. They're saying it's not appropriate for teachers in high schools in Ontario to do, on average, four hours and ten minutes a day in classroom. That is totally consistent with what happens in other provinces across this country. Thirdly, boards have flexibility about how they want to allocate that time and how they want to bargain. In some boards and some agreements they are choosing a way to do that that is most designed to inconvenience the teacher and most designed to inconvenience the student. That is their choice. Finally—

Interjection.

The Speaker: Order. Minister, take your seat, please. Supplementary.

Mrs Dombrowsky: I can't believe you're standing in this House and presenting that Bill 74 is not to blame for what's happening in our schools today. Never before has teachers' morale been so low. Never before have boards been so restricted by your laws. Never before have students been so broadly affected. You have created this crisis.

In today's Kingston Whig-Standard there is a quote from Mr Frank Reinholz. He's a member of a school council, and these are his words: "Everybody keeps talking about how important the kids are, but the Minister of Education has sat on her behind and done nothing but keep saying she didn't create the problem."

I've worked with these people. They live in my community. These are good people who have been moved to desperate measures because you won't listen to them. Your policies are dividing our communities and poisoning our school environment.

Will you do the right thing for our kids? Will you give boards the flexibility and the resources they need—not

what you say you've given them in Bill 74, but what they need to solve this problem?

Hon Mrs Ecker: There is more money available to the education system this year, yet again an increase in money. Secondly, what the honourable member wants us to accept is that for a classroom standard that is totally consistent with what happens across the rest of this province, that is worth denying students recommendation letters for scholarships, denying students opportunities that might lead to jobs, that might help them learn better, denying students parent-teacher nights. The honourable member wants us to accept that over 20 minutes a day we should tolerate that kind of withdrawal of services for our students.

It's not on. Those students deserve those services. They're part of the education system. Those students are right to be frustrated, and we believe they should have those services.

1520

AFFORDABLE HOUSING

Mr John O'Toole (Durham): Today my question is to the Minister of Municipal Affairs and Housing. Just as I start here, each of us is keenly aware of the importance of shelter in our lives. I was speaking to one of my constituents, Robert Pinheiro, last week and he brought up this issue. Minister, I understand that you and Minister Baird today made an important announcement with regard to the issues of homelessness and affordable housing in our province. Would you please inform us of what your announcement was all about?

Hon Tony Clement (Minister of Municipal Affairs and Housing): I'm pleased to let the member know and indeed this House know that today, along with Minister Baird, our government announced that the province will be donating the former Princess Margaret Hospital to the city of Toronto. The site is, I think it's worthy of recognition, 1.45 acres of land. This is a multi-million-dollar initiative that will provide up to 500 rooms that could be used to provide shelter for the homeless or to create 200 affordable housing units. With today's announcement, I believe we're making a major step toward meeting our commitment that the Premier made of 500 units of affordable housing.

I can tell you that our government is committed to practical solutions that are going to make a difference. The rhetoric we can leave to the opposition, but the practical solutions are with this government.

Mr O'Toole: I applaud you and Minister Baird for making the tough decisions. I know I can only speak for my constituents, but the answer is out there that they support this decision.

But somehow I'm confused. Also today I've been listening for some time to Mr Caplan—

Mr David Caplan (Don Valley East): Oh, come on.

Interjections.

The Speaker (Hon Gary Carr): Stop the clock. Member for Durham take his seat. The member for Don Valley East, your last warning.

Member for Durham, sorry for the interruption.

Mr O'Toole: I remain somewhat in a dilemma on this. I listen to Mr Caplan from Don Valley East every day, and he just doesn't seem to get it, and that's not surprising. Quite honestly, I also listened to the member from Toronto Centre-Rosedale, Mr Smitherman, with another Liberal announcement today which sort of contradicts the goodwill, that you're trying to help the people who need help. That's clearly what I hear.

Interjection.

Mr O'Toole: My question is, do the Liberals want shelter for the homeless? That's the question before us. Do the Liberals have any—

The Speaker: Member for Durham take his seat. The member for Toronto Centre-Rosedale, come to order, please.

Mr O'Toole: We can hear the barracking. The Liberals clearly don't have a plan, so perhaps you could explain the vacillating position I have to listen to every week. We're supporting homelessness—

The Speaker: Order. The member's time is up.

Hon Mr Clement: It is indeed a very curious day. Sometimes politics gets curiouser and curiouser. Our government has been working hard, and the announcement today goes to show we're serious about finding solutions. What I find appalling and shocking is that the Liberal Party is not applauding this announcement today. We had the member for Toronto Centre-Rosedale criticizing the announcement because it's in his riding.

Interjection: NIMBY.

Hon Mr Clement: It could be called NIMBY, but it could be called BANANA, build absolutely nothing anywhere near anyone. That's what I hear from the honourable member. Perhaps the honourable member from Don Valley East is the flip and perhaps the honourable member for Toronto Centre-Rosedale is the flop, or maybe it's the other way around. Perhaps this is the time for the honourable Leader of the Opposition to get hold of his caucus to join with us to strike out the prejudice against homeless shelters. I appeal to the honourable Leader of the Opposition to tell his caucus to do the right thing and support this worthy homelessness initiative.

KING'S HEALTH CENTRE

Ms Frances Lankin (Beaches-East York): My question is to the Solicitor General. Since you're in charge of the police investigation, I want to explore what is hampering your government's ability to answer key questions about the King's Health Centre.

We asked about queue-jumping—it's a contravention of the Canada Health Act—and your government refused to answer. We asked about OHIP fraud and your government refused to answer. I've tried to look for an explanation for this silence, and one of the places I looked is your party's corporate financial contribution return. Here's what I found: the King's Health Centre Corp has given \$22,000 to your party. Do these monies form part of the police investigation?

Hon David H. Tsubouchi (Solicitor General): The member clearly knows the matter is under investigation. Obviously we can't answer questions about the investigation right now. Surely you should know that by now.

Ms Lankin: I want to know whether the public should be concerned about your party's relationship to the King's Health Centre and our inability to get answers to relevant public interest questions.

Your party's relationship is spelled out in black and white: \$22,000. It includes central party donations as well as donations to some individual Conservatives, like Minister Palladini and Minister Wilson. Perhaps coincidentally your government won't answer any questions. People want to know whether there was a contravention of the Canada Health Act. They want to know whether public money was stolen by a private, for-profit company.

If the health ministry or the police find that OHIP money was stolen, will your party return the \$22,000 given by King's Health Centre to the public purse?

Hon Mr Tsubouchi: I thought I was patently clear. The matter is subject to a police investigation. You must know, surely, by all the time you've been in this Legislature that we can't answer questions about an ongoing investigation. It's clear, always has been that way and will continue to be so.

SPECIAL EDUCATION

Mr Ernie Parsons (Prince Edward-Hastings): My question is to the Minister of Education. I would like to believe that you truly care about children, so I want to use this opportunity to tell you about a young kindergarten student in my riding who is in a class of 21. This girl has a serious but invisible disability. She has Dandy-Walker syndrome, preventing her from being able to focus on any specific task without help, she also has shunted hydrocephalus, which causes pressure to build up within her brain and, lastly, she unfortunately has a latex intolerance which causes major reactions when she's in contact with this material. This girl requires massive support and help to function at school. Under the ISA process which your ministry put in place, your bureaucrats believe that she deserves 15 minutes a day of support. That means, while the teacher is tending the other 20 students in the class, someone comes in to work with her for 15 minutes a day. This school applied for 4.0 ISA grants and got 1.5.

If our children are to truly flourish, then the education for our children must be absolutely barrier-free. Minister, will you remove this funding barrier that you've constructed for ISA grants and allow children to be able to function at the level they deserve?

Hon Janet Ecker (Minister of Education): First of all, there is no barrier in the ISA grant. The ministry does not decide what supports that child should get in order to meet her educational goals each year. That is something that quite rightly is decided between the principal, the teacher and the parent. That is something that we require

the parent to be involved in, that there be an annual education plan that sets out what that student should get.

We've put more money out in special education this year, the third year in a row, a 12% increase. The reason that money is out there is because of the meetings we had with parents, with school boards and with teachers to talk about how to improve special education in this province. They said they needed better-quality standards for the programs that were provided to our young people. They said they needed more money. They said they needed more flexibility in terms of how that money was used. We have done all of those things and will continue to work with our partners to make sure those special-needs children get what they deserve in the classroom.

1530

Mr Parsons: Minister, I understand it's your job to blame others for cases such as this. However, at the end of the day it is you who are responsible for implementing the Premier's directives on special education, and you will be held accountable.

Parent after parent has described to me the under-service that's being provided to their children with special education needs. I daily get copies of letters that have gone to you with parents detailing what they require for their children and what's been denied.

Minister, the reality is that the total amount of money that went into special education from school boards and from the province together was more than the money that is going in now from just the province. The parents' challenge and their plea to you is simple: will you pledge today to fund all the special education needs at the rate they need and deserve?

Hon Mrs Ecker: First of all, I don't know what Premier's directive the honourable member is talking about. You and I would be the first to agree that a bureaucrat in my ministry, or I as the minister, or the Premier, or any one of us, has no business telling the principal, the teacher or the parent what works best for that child. We do not do that. That's why we have the process for an individual education plan where that can be put in place.

Second, the processes for funding are there to make sure that more dollars flow to boards that have higher needs. It is a process that has been recommended by people who were involved in providing special education. They said that we need to have a way to recognize higher needs students that boards have—we have that in place—and that we also need to have better standards for what kind of programming is put in place—we are continuing to work on that.

LIQUOR REGULATIONS

Mr Joseph Spina (Brampton Centre): My question is for the Minister of Consumer and Commercial Relations. From time to time we hear stories about old laws still on the books that seem outdated by today's modern society. Some of these laws focus on liquor licensing and alcohol distribution in Ontario. Our govern-

ment's always been committed to making government work better for the people of our province. Could you please tell us how you plan to approach some of these outdated laws, particularly now with my role as the new chair of the Red Tape Commission. How would some of these outdated laws fall within your ministry's jurisdiction?

Hon Robert W. Runciman (Minister of Consumer and Commercial Relations): Even though we've accomplished a great deal in revamping liquor laws over the past five years, we still bump into laws that don't seem to make any sense. I was recently told of about a charity fundraiser in Toronto that operated under a special occasion permit. At the end of the evening the organizers had about two dozen bottles of unopened very expensive wine that they were advised had to be opened and poured down the sink. It couldn't be removed from the premises. That's not just a terrible waste of good wine; it is also a glaring example of a law that needs to be reviewed.

Mr Spina: Thanks for the example. You mentioned the special occasion permits. I wonder why, under this permit, people are only allowed to consume alcohol until 1 am, when in any bar or restaurant it can be served until 2 am. Isn't this another example of an out-of-touch or outdated rule?

Hon Mr Runciman: I agree that it is. There's a very long list of rules and regulations that call out for a review. I've asked the Alcohol and Gaming Commission of Ontario to undertake a common sense review of liquor laws, regulations and rules, to conduct a consultation and report back to me early in the new year. It is clearly time to ensure that our liquor laws make sense and meet the real needs of consumers.

CAPITAL FUNDING

Mr David Caplan (Don Valley East): A question for the Minister of Education: These are 200 letters from concerned parents at St Timothy school in Don Valley East. St Timothy has 11 portables. Let me tell you about the conditions. Nearly 40% of the children are housed in old portable classrooms, including over 60 children with special needs and physical challenges. The portables are poorly lit; they're cramped; they're poorly heated. Several students have doctor's notes indicating that their asthma is becoming worse and acute since their placement in the portables. The washroom facilities for over 600 children at St Timothy are one washroom for girls and one washroom for boys, two for a school of 600.

The parents who signed these letters are asking you to provide the necessary capital funding to the Toronto Catholic District School Board to alleviate these deplorable conditions. Will you commit today to do what parents at St Timothy school are asking?

Hon Janet Ecker (Minister of Education): We have changed the way we fund capital in this province to give boards more ability to meet the challenges they have in terms of capital construction. As the honourable member

should also know, we are in the process right now of meeting with boards at the staff level, talking to them about their capital needs as we plan the next year's funding.

That is a process I committed to do with all our education partners, to sit down every year to talk about the priorities they have put forward for funding and to talk about how we can deal with that and help them meet their needs so that the school boards can make appropriate decisions. It's their responsibility, as it always has been, to make decisions around how they allocate dollars for classroom space and buildings and whatever. There has indeed been additional monies available for boards to make those decisions.

Mr Caplan: I'm going to ask the page to deliver to the Minister of Education these letters from 200 parents at St Timothy school because, Minister, your answer simply is not good enough. The \$5 million that you have committed for capital construction in all of Ontario—that's a joke, an absolute joke. Stop trying to pass the buck. Start living up to your responsibilities.

Parents at St Timothy know that you have taken full control of education in this province. These 200 families have had their children in these deplorable learning conditions for far too long. They want your commitment today that you will provide the necessary capital funding for St Timothy school.

Once again, Minister, on behalf of the parents, on behalf of the 600 students at St Timothy school, will you make that commitment? Will you give us your solemn word today?

Hon Mrs Ecker: I don't know where the honourable member's getting these figures. He must be making them up on the back of a match box. There is literally hundreds of millions of dollars out there in this province today for capital expenditures for school boards. We understand that there are some boards that have special challenges in terms of meeting their capital needs. I think parents are quite right to be concerned if a school that their child is in is not meeting appropriate standards. They quite rightly should be raising that with the school board.

We do provide additional monies for capital. We have topped this up in the past. I'm in the process now of having the meetings and the discussions and getting the information from school boards about where we should go for the next round of funding, because we understand that we have to be prepared to meet the needs that are out there so that our students can get a better quality education and we can enhance student achievement.

COMPOSTING AND RECYCLING

Mrs Julia Munro (York North): My question today is for the Minister of the Environment. While citizens of my riding enjoyed the festivities related to Halloween, they have concerns about the disposal of pumpkins. As I'm sure the minister is aware, there is a composting facility operated by York region that successfully diverts waste from landfills. Minister, can you tell members of

the House today what their constituents should do with their pumpkins?

Hon Dan Newman (Minister of the Environment): I'd like to thank the member for York North for her very timely question. Ontarians are concerned for the environment and this government shares that concern. In those municipalities with over 5,000 citizens, home composting programs must be in place. I would encourage Ontarians to take part in these municipal household composting programs. Already over one million Ontarians have backyard composters and they use them to compost their kitchen scraps and their lawn and garden trimmings. Now there are even composting units that can fit on balconies.

Alternatively, municipalities with over 50,000 citizens must have leaf and yard waste programs in place. I encourage those Ontarians who live in these municipalities to take part in these programs and ensure that any leaf and yard waste, like pumpkins, are properly disposed of.

Mrs Munro: As you may know, Minister, next week is waste diversion week. Garbage is a growing global problem and the concerned citizens in my riding want to know what else they can do to divert waste.

Interjections.

The Speaker (Hon Gary Carr): The member take her seat, please. Member for Parkdale-High Park, if you want to talk about the numbers you can probably go outside and do that. I know it's a well-behaved conversation, but it is annoying for the person asking the question.

Member for York North, sorry for the interruption.

Mrs Munro: Garbage is a growing global problem and the concerned citizens in my riding want to know what else they can do to divert waste. Will you tell the House today what additional steps residents of my riding can take to reduce the amount of waste going to landfills.

Hon Mr Newman: As you may know, next week is waste diversion week, and I encourage Ontarians to help divert waste from landfills not just next week but year-round. I would encourage everyone to be a conscientious consumer: to buy products with less packaging, to buy products that are recyclable, to use baking soda and other less stringent products for household cleaning, to minimize your purchase of disposable products and to participate in blue box or other municipal recycling programs.

You should contact your local municipal public works office for a list of recyclables being handled within your local municipality. You should also repair and reuse items; just don't throw them away. Have a garage sale or community bazaar and pass on any unused items to others. You can contact a local reuse centre and find out where you can drop off any unwanted items.

It's important that we all be environmental stewards in our own homes and personally take actions toward diverting waste in all of our communities.

1540

NORTHERN TRANSPORTATION

Mr Tony Martin (Sault Ste Marie): My question is for the Minister of Northern Development and Mines.

You will know that your predecessor shut down norOntair. When he did that he told the communities they shouldn't worry because the private sector would move in and pick up the slack, and they could do it and make a profit. But they soon found out that wasn't true, and your ministry was back in the picture again providing subsidy. Well, you've now cut the subsidy, and a whole whack of municipalities across northern Ontario are saying that this will affect their economy in a major way. Not only that, it could shut down their airports completely. If they do that, it means no health care by air for them.

Will you today tell those communities that you made a mistake, that your predecessor made a mistake and, at the very least, return the subsidy to the communities?

Hon Tim Hudak (Minister of Northern Development and Mines): I appreciate the question from the member for Sault Ste Marie. I've met with a number of northern municipalities on this issue since becoming minister. I would respond to the member the same way I have to those mayors: the province is committed to supporting transportation in northern Ontario. We know the importance of getting from place to place, whether for health care or for business or for tourism.

With respect to the airport subsidy, that was extended for a number of years to try to help those communities achieve consistent air service and to try to help them locate businesses to the communities. Some were successful and, unfortunately, some were not. The issue, though, is that some airports did have a subsidy and others did not. We received concerns from other municipalities that didn't have the subsidy complaining about the uneven playing field.

We're committed to helping businesses in northern Ontario. That's why we've invested a record \$260 million this year alone into northern Ontario highways to help support businesses, tourism and safe travel for local residents.

NOTICE OF DISSATISFACTION

The Speaker (Hon Gary Carr): Just before we begin petitions, pursuant to standing order 37(a), the member for Eglinton-Lawrence has given notice of his dissatisfaction with the answer given to his question by the Chair of Management Board Secretariat yesterday concerning the sale of properties by the ORC. This matter will be debated today at 6 pm.

PETITIONS

SPECIAL EDUCATION

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): I have a petition to the Legislative Assembly of Ontario.

"Whereas this government has reduced funding for Ontario's special education programs without regard to

the impact these changes are having on some of the province's most vulnerable children; and

"Whereas these special-needs students are now struggling with reductions in the amount of support they require with special education teachers, education assistants and classroom resources; and

"Whereas these high-need children thrive on consistency and routine and these disruptions in their educational support are negatively affecting their progress and self-esteem;

"We, the undersigned, petition the Legislative Assembly of Ontario to restore fair and equitable funding to special education so that parents and teachers can provide the best future for our children."

I wholeheartedly agree with this petition and very happily sign my name to it.

OAK RIDGES MORaine

Mr David Christopherson (Hamilton West): I rise to present a petition on behalf of my colleague Marilyn Churley from Toronto-Danforth, who is now rushing to a committee meeting as I speak. The petition reads as follows.

"To the Legislative Assembly of Ontario:

"Whereas the protection of the Oak Ridges moraine and other natural areas are vital to ensuring that Ontarians have a safe and plentiful water supply; and

"Whereas the Oak Ridges moraine is an environmentally sensitive area and is an important part of Ontario's natural heritage; and

"Whereas the Oak Ridges moraine is threatened by uncontrolled development that is destroying natural wetlands, forests, wildlife and groundwater; and

"Whereas it is important for the government of Ontario to have policies for the protection of the ecosystem and wetland areas; and

"Whereas Mike Harris and the government of Ontario have failed to protect the Oak Ridges moraine; and

"Whereas the policies of Mike Harris and the government of Ontario have threatened the Oak Ridges moraine and other natural areas in Ontario;

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

"1. Freeze all future development on the Oak Ridges moraine;

"2. To immediately hold public hearings on Bill 71, the Oak Ridges Moraine Green Planning Act."

On behalf of Marilyn Churley and my caucus colleagues, I gladly add my name to those of these petitioners.

REGISTRATION OF VINTAGE CARS

Mr John O'Toole (Durham): Thank you, Madam Speaker, and it's a pleasure to see the member in the chair. I think you suit it very well, I might say.

I've received a petition, just an enormous number from my riding as well as across the province of Ontario.

I'm very pleased, and it's my duty as a member, to read this to the Legislature and support it. I'm waiting for our House leader to support this as well. He's the person who has the keys.

"To the Legislative Assembly of Ontario:

"Whereas there are many Ontarians who have a passion for perfection in the restoration of vintage vehicles; and

"Whereas unlike many other jurisdictions, Ontario vintage automobile enthusiasts are unable to register their vehicles using the original year of manufacture licence plates; and

"Whereas Durham MPP John R. O'Toole and former MPP John Parker have worked hard together to recognize the desire of vintage car collectors to register their vehicles using vintage plates; and

"Whereas the Honourable David Turnbull as Minister of Transportation has the power to change the existing regulations;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows: to pass"—John O'Toole's—"Bill 99 or to amend the Highway Traffic Act" which will enable vintage auto enthusiasts to use year-of-manufacture plates.

I'm pleased to sign, endorse and support and urge the government and all members to support this bill.

ONTARIANS WITH DISABILITIES LEGISLATION

Mr Steve Peters (Elgin-Middlesex-London): I have a petition to the Legislature of Ontario.

"Whereas 1.5 million Ontarians with disabilities face many barriers when they seek to participate in all aspects of Ontario life such as getting a job, using public goods, services and facilities such as health care and education; and

"Whereas Mike Harris promised in writing during the 1995 election to work together with the Ontarians with Disabilities Act committee to develop this new law, to be called the Ontarians with Disabilities Act, and to pass it in his first term; and

"Whereas the Ontario Legislature has unanimously passed three resolutions calling on the government to keep its promise; and

"Whereas the most recent resolution calls for a strong and effective Ontarians with Disabilities Act to be enacted no later than November 23, 2001; and

"Whereas there is an urgent and pressing need for a new strong and effective law to achieve a barrier-free Ontario for people with disabilities; and

"Whereas any further delay in passing the Ontarians with Disabilities Act to achieve a barrier-free Ontario for all people with disabilities will hurt all Ontarians;

"Therefore we, the undersigned,

"1. Call on the Ontario Legislature to make sure that the Ontario government keeps its 1995 election promise, and to comply with the three resolutions of Legislature and to pass a strong and effective Ontarians with

Disabilities Act as soon as possible to achieve a barrier-free Ontario for people with disabilities; and

"2. Call on the Ontario Legislature to ensure that there will be open, accessible public hearings on any new bill that is introduced, which will be held across Ontario, in which all who wish can participate, so that Ontarians with disabilities can have a meaningful voice in this legislation."

Madam Speaker, I want to thank Carol MacEachern of Mississauga for her efforts in bringing these names forward as more and more people across Ontario demand this important legislation, and I affix my signature to it.

REGISTRATION OF VINTAGE CARS

Mr John O'Toole (Durham): Again, I hope that I'm not the only one who's respecting my constituents by continuously reading their petitions. This one here was given to me by Gord Hazlett, Al Fisher and Ross McDowell. They're leaders in the antique speciality vehicle associations, the Model A Owners' Club and the Rouge Valley Antique and Classic Car Club. Again, I'm reading these petitions as fast as I can.

"To the Legislative Assembly of Ontario:

"Whereas there are many Ontarians who have a passion for perfection in the restoration of vintage automobiles; and

"Whereas unlike many other jurisdictions, Ontario vintage automobile enthusiasts are unable to register their vehicles using the original year of manufacture licence plates; and

"Whereas Durham MPP John R. O'Toole and former MPP John Parker have worked hard together to recognize the desire of vintage car collectors to register their vehicles using vintage plates; and

"Whereas the Honourable David Turnbull as Minister of Transportation has the power to change the existing regulation;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows: to pass Bill 99 or to amend the Highway Traffic Act," which would allow vintage auto enthusiasts to use year-of-manufacture plates.

Again, I urge all members to take this seriously. It's something we can do; we're helping people. I'm going to sign this and support this, and I hope all members will.

1550

NATIONAL CHILD BENEFIT SUPPLEMENT

Mr John Gerretsen (Kingston and the Islands): I have a petition here that has been forwarded to me by the Action on Women's Addictions Research and Education Foundation in Kingston. It's a very short petition that reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas the government of Ontario claws back the national child benefit supplement from families on social assistance,

"We, the undersigned, petition the Legislative Assembly of Ontario to stop its discriminatory practice and return the national child benefit supplement directly to its rightful recipient—the family on social assistance."

This has been signed by approximately 100 individuals. I endorse it as well and have signed it. I'm handing it over to our page Willy Heeman.

REGISTRATION OF VINTAGE CARS

Mr Bob Wood (London West): I have a petition which appears to have growing province-wide support.

"To the Legislative Assembly of Ontario:

"Whereas there are many Ontarians who have a passion for perfection in the restoration of vintage vehicles; and

"Whereas unlike many other jurisdictions, Ontario vintage automobile enthusiasts are unable to register their vehicles using the original year of manufacture licence plates; and

"Whereas Durham MPP John R. O'Toole and former MPP John Parker have worked together to recognize the desire of vintage car collectors to register their vehicles using vintage plates; and

"Whereas the Honourable David Turnbull as Minister of Transportation has the power to change the existing regulation;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows: to pass Bill 99 or to amend the Highway Traffic Act to be used on vintage automobiles."

OCCUPATIONAL HEALTH AND SAFETY

Mr David Christopherson (Hamilton West): I have further petitions from the CAW, forwarded to me by Cathy Walker, the national director of health and safety, on behalf of Buzz Hargrove and all their members. The petition reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas this year 130,000 Canadians will contract cancer and there are at minimum 17 funerals every day for Canadian workers who died from cancer caused by workplace exposure to cancer-causing substances known as carcinogens; and

"Whereas the World Health Organization estimates that 80% of all cancers have environmental causes and the International Labour Organization estimates that one million workers globally have cancer because of exposure at work to carcinogens; and

"Whereas most cancers can be beaten if government had the political will to make industry replace toxic substances with non-toxic substances; and

"Whereas very few health organizations study the link between occupations and cancer, even though more study of this link is an important step to defeating this dreadful disease;

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

“That it become a legal requirement that occupational history be recorded on a standard form when a patient presents at a physician for diagnosis or treatment of cancer; and

“That the diagnosis and occupational history be forwarded to a central cancer registry for analysis as to the link between cancer and occupation.”

My NDP colleagues and I continue to support these petitioners by adding our names.

REGISTRATION OF VINTAGE CARS

Mr Joseph Cordiano (York South-Weston): “To the Legislative Assembly of Ontario:

“Whereas there are many Ontarians who have a passion for perfection in the restoration of vintage vehicles; and

“Whereas unlike many other jurisdictions, Ontario vintage automobile enthusiasts are unable to register their vehicles using the original year of manufacture licence plates; and

“Whereas the Honourable David Turnbull as Minister of Transportation has the power to change the existing regulation;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows: to pass Bill 99 or to amend the Highway Traffic Act to be used on vintage automobiles.”

I affix my signature to this.

FARMFARE

Mr David Christopherson (Hamilton West): I have further petitions from the United Farm Workers. Their representative Stan Raper has forwarded them to my office.

“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;

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

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

“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.”

I proudly add my name to those.

REGISTRATION OF VINTAGE CARS

Ms Marilyn Mushinski (Scarborough Centre): I have a petition addressed to the Legislative Assembly of Ontario that reads as follows:

“Whereas there are many Ontarians who have a passion for perfection in the restoration of vintage vehicles; and

“Whereas unlike many other jurisdictions, Ontario vintage automobile enthusiasts are unable to register their vehicles using the original year of manufacture licence plates; and

“Whereas Durham MPP John R. O’Toole and former MPP John Parker have worked together to recognize the desire of vintage car collectors to register their vehicles using vintage plates; and

“Whereas the Honourable David Turnbull as Minister of Transportation has the power to change the existing regulation;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows: to pass Bill 99 or to amend the Highway Traffic Act to be used on vintage automobiles.”

I am pleased to affix my signature to this petition.

HIGHWAY SIGNS

Mr John Gerretsen (Kingston and the Islands): I have another petition here which is addressed to the Legislative Assembly of Ontario. It states:

“Whereas the Mike Harris government has been spending hundreds of thousands of taxpayers’ dollars on a provincial sign campaign accompanying highway construction sites which reads, ‘Your Ontario tax dollars at work,’ signed Premier Mike Harris;

“Whereas these signs serve no particular purpose except to promote the image of the Premier at taxpayers’ expense;

“Whereas this kind of public relations exercise is a completely inappropriate waste of taxpayers’ dollars and certainly is not a wise use of ‘our tax dollars at work;’

“Therefore, we, the undersigned citizens of Ontario, petition the Ontario Legislature to demand that the Ministry of Transportation immediately remove all of these partisan highway signs from provincial highway construction sites across the province of Ontario”—

Interjections.

Mr Gerretsen: It would help if we weren’t heckled when we have petitions on hand that have been signed by citizens of the province of Ontario. Let me just continue:

“Furthermore, we petition the Ontario Legislature to pass Bill 44, An Act to amend the Public Transportation and Highway Improvement Act to prohibit partisan highway signs, which, if passed, would prevent the Ministry of Transportation from issuing to the crown any permit to display a sign which contains the name or image of a member of the provincial cabinet or a member of the Legislative Assembly or a partisan message. (This private members’ bill was introduced and passed first reading in the Ontario Legislature on December 21, 1999).”

It was introduced by my colleague Michael Gravelle. I agree with the petition and have signed to endorse it as such.

REGISTRATION OF VINTAGE CARS

Mr John O'Toole (Durham): I just want to pay my respect to the veterans who served in the wars to defend freedom and to recognize also the pages who have helped us and made it a more pleasant place to be.

"To the Legislative Assembly of Ontario:

"Whereas there are many Ontarians who have a passion for perfection for the restoration of vintage vehicles; and

"Whereas unlike many other jurisdictions, Ontario vintage automobile enthusiasts are unable to register their vehicles using the original year of manufacture plates; and

"Whereas Durham MPP John R. O'Toole and former MPP John Parker have worked together to recognize the desire of vintage car collectors to register their vehicles using year of manufacture plates; and

"Whereas the Honourable David Turnbull, on the other hand, as Minister of Transportation has the power to change the regulations;

"We, the undersigned," and that includes me, "petition the Legislative Assembly of Ontario as follows: to pass Bill 99 or to amend the Highway Traffic Act to" allow vintage auto enthusiasts to use year-of-manufacture plates.

I hope everyone will support this.

1600

BUSINESS OF THE HOUSE

Hon Dan Newman (Minister of the Environment): I have a statement of business of the House for the week of November 14.

On Tuesday afternoon, we will debate government notice of motion 70. On Tuesday evening, we will begin debate on Bill 139, the Labour Relations Amendment Act.

On Wednesday afternoon, we will continue with Bill 124, the Toughest Environmental Protection Act. On Wednesday evening, we will continue to debate on Bill 139, the Labour Relations Amendment Act.

On Thursday morning, during private members' business we will discuss ballot items 47 and 48. On Thursday afternoon, we will continue debate on Bill 139, the Labour Relations Amendment Act.

ORDERS OF THE DAY

IMITATION FIREARMS
REGULATION ACT, 2000LOI DE 2000 SUR LA RÉGLEMENTATION
DES FAUSSES ARMES À FEU

Resuming the debate adjourned on November 1, 2000, on the motion for second reading of Bill 133, An Act to

regulate the sale of imitation firearms / *Projet de loi 133, Loi visant à réglementer la vente des fausses armes à feu.*

The Acting Speaker (Mr Tony Martin): I believe the member for St Paul's is up.

Mr Michael Bryant (St Paul's): I am pleased to continue with this debate. I'm looking forward to the speeches from a couple of esteemed parliamentarians, and I'll be sharing my time with the members from York South-Weston and Kingston and the Islands.

Mr Joseph Cordiano (York South-Weston): I want to thank my colleague the member for St Paul's for such a high compliment. Being esteemed here is in short supply. It's not often the case, especially as far as the member for York-South Weston goes. But let me simply say how much I esteem the member for St Paul's for having brought forward the prior initiative of this legislation, the phony gun legislation.

Indeed, this government has followed with a bill that is almost entirely identical to the one the member for St Paul's introduced in private members' hour, Bill 67. This is not simply a case of saying we had it, we told you so, and now the government is doing something we had suggested they bring forward in its identical version. Of course, the member for St Paul's should be proud of his efforts in bringing forward this most-needed legislation, but it goes beyond just that. This debate goes to the very heart of what this government thinks about when it comes to dealing with crime. The real heart of the matter is, is this government truly committed? Is it really and truly looking out for the interests of all citizens in this province? Is it really going far enough when it comes to dealing with crime and solving the problem of crime?

I say that because this government has sent out very mixed messages when it comes to gun control. On the one hand, they're ready to support phony gun legislation, and I applaud that. On the other hand, they're not willing to support federal gun control legislation which, by the way, deals with real guns that are used in the commission of crimes. If you're willing to support phony gun legislation which requires that a record be kept of the purchase of such replica firearms—and in fact there is legislation now that the government has brought forward—then why can't the government support gun control legislation that requires the registration of guns when they're purchased?

There is simply no logic in this. It is illogical for the government to, on the one hand, support the phony gun legislation and, on the other hand, turn around and in fact go before the Supreme Court of this country and oppose gun control legislation as put forward by the federal government.

Mr John Hastings (Etobicoke North): It doesn't get to the problem.

Mr Cordiano: It certainly does get to the problem.

Interjections.

Mr Cordiano: I hear members barracking in the background. I am trying to point out very simply that it's quite illogical. The principles are the same. You cannot support gun control legislation that requires the regis-

tration of guns, the guns to be registered once they're purchased. These are real guns. On the other hand, when it comes to phony guns or replica guns, which we have proven are also very lethal and used in the commission of crimes, they're willing to support the regulation of purchase of these weapons and that there be a record kept of the purchase of these weapons, and that it be illegal to tamper with these weapons and change them so they could be used to fire real ammunition. These replica guns are as dangerous as the real thing.

The principles are the same. All we're suggesting here is that they be consistent. If you really want to fight crime, this government ought to support gun control legislation. It is a serious matter, not only in the city of Toronto, a large megalopolis, but it's a matter of concern to all urban centres across this province. In Kingston, and Ottawa, Windsor, London—you name it—there are these concerns.

Police chiefs across this province have expressed their concerns. They have supported the private bill of the member for St Paul's and they have expressed deep concern that this Harris government has resisted supporting gun control legislation. Of course, the police services across this province support any measure to deal with gun control. They are startled as to why this government would not want to do that.

It would make a huge amount of sense for this government to move forward and really act in terms of curtailing crime out there in our society. Gun control legislation is certainly one of those important initiatives that this government fails to recognize and, by the way, it's not even their initiative. It's a federal piece of legislation. Yet they went so far as to oppose federal gun legislation at the Supreme Court of Canada.

This government really doesn't have a leg to stand on when it comes to dealing with real crime and getting tough on crime as they would like to present themselves. There isn't a member in this House who would behave in a fashion to suggest that crime and the commission of crime is acceptable to anybody, so why in the world would this government not move to support initiatives which would curtail crime anywhere in this province? These are initiatives that are truly important, and you can see the difference in the societies of North America: Canada, where we do have some measure of control over guns and the use of weapons, versus the United States, where they have very little control of weapons. The crime rates are incredibly different—a huge crime rate in the US versus our own crime rate here in this country.

The facts are obvious and what we're simply saying to this government is wake up and realize that you're not acting in the way that you would like people to perceive you to be acting, as a government that really cares about curtailing crime in urban centres across this province. You should support gun control legislation. You're simply not doing that. People have a hard time believing that this government will be getting tough on crime. It's just not the case. The facts don't bear it out.

The government doesn't have a whole lot of veracity when it comes to the positions that it has put forward

with respect to crime and how it has dealt with crime. The famous refrain from this government is to blame Ottawa. On the Young Offenders Act, it's Ottawa's fault. When it's dealing with gun control legislation, it's Ottawa's fault. As a matter of fact, even crime is Ottawa's fault when it comes to this government.

Once again, I commend the member for St Paul's for his fine work on this initiative. He deserves all the credit in the world for having brought this legislation forward and for having had the courage to do so. As well, I say to the government that we support this legislation.

1610

Mr John Gerretsen (Kingston and the Islands): I am very pleased to wind up our first hour of debate, from our perspective anyway, on this bill. I'd like to start off by giving credit to the individual to whom credit is due, and that is Michael Bryant, the member from Toronto St Paul's. No matter what kind of spin the Solicitor General or the government puts on it, it was his initiative in Bill 67, which he introduced here on April 19 of this year, that actually brought these kinds of activities before the House. When you compare Bill 67 to Bill 133 that has now been introduced by the Solicitor General, there is precious little difference, very little difference. There is almost no difference. Why could the Solicitor General or a member of the government not have stood up at some point in time and said, "We would like to give credit to the member from Toronto St Paul's"? Is it that difficult to do in this House, to give credit where credit is due?

Mr Peter Kormos (Niagara Centre): Bill 67 is tougher.

Mr Gerretsen: I know Bill 67 is a lot tougher than this Bill 133, but the Solicitor General couldn't even acknowledge the fact that he got all his ideas out of Bill 67 and then watered them down in Bill 133.

It's kind of interesting. These guys, the government, like to be looked at as being tough on crime, when the bill that was introduced by our member, the member from Toronto St Paul's, was actually a lot tougher than their Bill 133. It's sort of a watered-down version of Bill 67. But the Solicitor General or the parliamentary assistant, who's in the House today, could have stood up at some point in time and said, "We would like to credit the member from Toronto St Paul's with bringing this idea and this bill forward." Anyway, that's my view.

I'm very pleased to see the member for Oshawa in the House today. The member for Oshawa is a well-known individual who appears on all the infomercials for the National Rifle Association. You can see this member at noon, evenings, mornings, day and night; you can see him doing the infomercials for the National Rifle Association. It's kind of interesting why the government that has a gentleman who promotes the National Rifle Association would be sponsoring this kind of bill and why the government members just aren't in favour of gun control.

We license just about everything else. We license our cars, we license so many other things. What is wrong with getting a licence for your guns? Surely there's nothing wrong with that. That keeps greater control over

the number of guns that are out there and can only better our society, rid us of more gun-related activities than we are currently facing in this province.

We all think back to—when was it?—about a year and a half or two years ago when this government was actually promoting the use of firearms by 12-year-olds in hunting situations, that there was nothing wrong with giving a gun to a 12-year-old. I personally think that's a dangerous activity and it goes contrary to the kind of legislation we're talking about here. Be that as it may, that's where it is.

I just want to take a few minutes and remind the people of the province as to why this kind of legislation is necessary. We will be supporting the legislation, by the way. We will be supporting Bill 133, the watered-down version of Michael Bryant's bill. We will be doing that.

I have a compilation here of the recent events that involved phony guns in the province of Ontario. These are news clippings from just this year. Let me just run through a few of them to give the people of Ontario an idea as to what has been happening with respect to phony guns in this province.

On January 1 of this year, an individual was fatally shot by police. He had been holding a doctor hostage using a gun, and the gun turned out to be a pellet gun. That was reported in the *Globe and Mail* on January 1.

On January 2, the next day, police responded to a complaint that a man had pointed a gun at the complainant and his wife, and the gun turned out to be a pellet gun and was confiscated by the police. That was reported in the *Toronto Star*.

On January 5, some three days later, the police seized a pellet gun and a BB gun from three young men who were spotted by residents near the Glen Stewart ravine firing at targets. That was reported in the *Toronto Star* as well.

A couple of days later, on January 7, the police responded to a call from concerned citizens of a rooming house in Toronto concerning a man with a gun. Witnesses described the man as carrying a .357 magnum handgun. The gun turned out to be a pellet gun that was confiscated by the police.

On March 31, the police seized more than \$1 million in starter pistols and pen guns from a Montreal man who supplies merchandise to dozens of Toronto stores.

And it goes on. On May 30 of this year, two Hamilton-Wentworth police officers drew their weapons on a man they believed was waving a real handgun. As it turned out, the gun was a plastic imitation. The police described the incident as "a deadly game of chicken." That was reported in the *Hamilton Spectator*.

Then on June 19, there was an incident in Ottawa where an Ottawa teacher saw a youth armed with a gun in the schoolyard. High school students were scheduled to start exams but instead piled desks, chairs and filing cabinets against doors and gathered at the back of the classroom as they had been trained to do during safety drills. The Ottawa-Carleton police tactic unit responded in minutes searching for a gunman. In the end, it turned

out that the 15-year-old boy turned himself in to police and handed over a cap gun.

Here are all sorts of incidents just from the media in the early part of this year, about 10 different situations where, in effect, phony guns, the kind of guns we're talking about in this legislation, were used and there could have been some very serious consequences. It's probably those kind of incidents, plus the fact that my colleague introduced Bill 67, that got the minister to introduce Bill 133.

There's another thing that's kind of interesting. You may recall that when Mr Bryant first introduced his Bill 67, at that point in time the Solicitor General indicated there was absolutely no need in Ontario to have this kind of legislation. As a matter of fact, Jim Flaherty, the Attorney General, pointed his finger at the federal government, that it was all their fault and they should do something about it and they should do something about the Young Offenders Act. But the next day after that happened, the Premier undercut, undermined basically, both of these cabinet ministers and announced that the Bryant bill was going to be supported by the government, and then later on it was given second reading unanimously in this House.

What I'm saying with all of this is that obviously the government doesn't like to give anyone credit for coming up with good ideas, whether it's in this area or any other area we deal with here, and second, that the ministers themselves didn't know what they were doing. On one occasion they were saying, "We're not going to support this bill," but the Premier then gave the word and said, "Yes, we think it's a good idea," and all of a sudden there was unanimous support for the bill.

Legislation shouldn't be passed under those kinds of circumstances. I think we can all be intellectually honest with one another in this House that if good ideas come, no matter from what side of the House, we ought to respect that and we have to work with that and we have to be consistent about that.

Our consistency on this side speaks to the fact that we think guns can be a real danger to people in our society and we should do whatever we can to limit the use of guns in the province of Ontario.

Now, I'm not talking about hunters, or people who have legitimate use of guns or rifles, or people who want to be involved in hunting, particularly in northern Ontario and elsewhere in this province, but beyond that, there's absolutely nothing wrong, in my opinion, with the licensing and registration of these guns, because basically what we're trying to do, and with this kind of legislation as well, is to have a safer Ontario, an Ontario where the kinds of tragedies that could have happened and the kinds of incidents I talked about can be prevented. That's why this kind of legislation needs to be supported, and other measures as well.

1620

I would implore the member for Oshawa, who's in the House today—I'm very pleased to see him here—that he's not, I believe, doing any of us any good and

certainly not the reputation of this Legislative Assembly when he appears in these National Rifle Association infomercials.

That really is not a good idea. I've seen him there. I've seen him at 2 in the morning, sometimes at 7 in the morning or at 10 at night. He's in these infomercials and he does a good job. But we do not need Charlton Heston to be involved in our culture here in Ontario. That really isn't needed. It reminds me a little of the television show—I'm sure you've seen it—Charles in Charge, that was recently quite popular. We don't need Charlton in charge here in Ontario.

We will be endorsing the bill. We think it is a good idea. We think that true credit should be given to the member from Toronto St Paul's.

The Acting Speaker: Comments and questions?

Mr Kormos: I'm going to get a chance—finally—to speak to this matter in around eight minutes' time. I've been anxious to because it is an important issue. It is one that should be addressed in the context of what's going on out there in our communities, in the context of what the police have had to say, in the context of identifying a problem and then giving this government some assistance yet again. Do we always have to fill in the gaps for these guys? I've done my best to prompt them. They could've done it right in the first draft, but we're going to have to do it the hard way to fill in the gaps so that the bill really resolves the problems being confronted and encountered out there.

I am going to find it very difficult not to make reference to Bill 67 in the course of my discussion around Bill 133. I'm going to find it very hard not to refer, as, to be fair, all members of this House have, to the genesis of this issue legislatively with Mike Farnan, the great NDP member of the Legislature from Cambridge who brought this issue before this House some 11 or 12 years ago at least, without a great deal of success. He anticipated the problems.

Had there been more co-operation with Mr Farnan, more than a few lives might've been saved. I don't think it is unfair to suggest that. Had this type of legislation controlling imitation firearms—in of course an appropriate form, as Farnan's was—been passed, there might have been a few lives saved and a whole lot of grief eliminated for some very good cops here in the province of Ontario.

Mr Jerry J. Ouellette (Oshawa): I appreciate the opportunity to respond to a number of members. First of all, the member from York South-Weston spoke of the US crime rates. I have difficulty with two things: the amount of time I have to respond, and the way facts and figures are brought forward to the people of Ontario who are watching in that you can make what you would like to make.

If you look at Florida, statistically speaking, when they went to the no conceal law, which essentially says that you're allowed to carry a firearm but it has to be shown, they had a substantial reduction in crime. Is that something we want in Ontario? No, that's not something I want or anybody wants, I believe, from any party.

There are a number of things. In Wyoming, for example, a friend was down there and listened to a program on which they were talking about seven bank robberies they had had state-wide. Four of them were stopped by local citizens who armed themselves and surrounded the bank. That's not something we want in Ontario.

We have significant gun laws in Canada that are very supportive: safe storage and making sure individuals are qualified to participate in the activity. It's the firearms community that is the most concerned, because they want to protect their interests in it, of course, like all communities do.

Yes, we did do—it was supposed to be a gun control documentary. What the member doesn't state was what I actually said in it. The only thing I said was that the gun control laws in Canada are coming to the United States. We have safe storage. We have trigger locks. We have the assurance of qualified individuals participating.

To the member for Kingston and the Islands, first of all, it's interesting to hear about the times he spends up and the programs he watches. Why, at 2 in the morning, would he be watching NRA infomercials? I'm sure that interests a lot of the members here.

If the members opposite would look at the other Liberal provinces that brought apprenticeship programs forward and want to comment about that, maybe the members or the people of Ontario would be very interested in that.

I thank you for the opportunity. I don't believe I have enough time to continue.

Mr George Smitherman (Toronto Centre-Rosedale): It's a great honour for me to have an opportunity to spend two minutes commenting on the excellent remarks of my colleagues from Kingston and the Islands and York South-Weston. The presentation they made I think did an excellent job to go to some length to make it very clear that this is a piece of legislation the government has adopted, a legislative initiative the government has adopted as a result of the efforts of the member from St Paul's, my colleague and someone whose riding adjoins mine.

I think it does demonstrate to all that good work can occur when the government adopts efforts that other people have highlighted. Some of the incidents that have been referred to with respect to these guns occurred in my riding, including the very tragic circumstances in the emergency ward at St Michael's Hospital. I think we can all agree this is an effort that is long overdue, and our party will of course be supporting it, given that it is something we have been sponsoring.

I found it interesting, listening to the member from Oshawa with respect to the gun laws in the state of Florida. I have occasion to go to Florida. I think I'm a lucky person for that, at least because I go there when the weather here is cold. But to suggest that falling crime rates in the United States, in the state of Florida in particular, can be credited to this initiative that allows people to carry guns openly I think is a bit of a stretch of the imagination.

I must say, as I drove across Broward Boulevard in Florida last January, that I was astonished to see a guy riding a motorcycle with a gun on his hip. He wasn't a police officer. I found that to be astonishing; that's not the kind of country I want to have. I've always found it strange. I'm certainly one who supports people having guns for sport—I think that's appropriate—but to suggest that gun control is somehow a limit on freedom is a stretch and something I'll be working against.

Mr Frank Mazzilli (London-Fanshawe): Certainly I will not enter into the debate over gun registry. If members of this House are not aware, there's a federal election going on, and I'm sure it's an issue that the Supreme Court has said is within federal jurisdiction.

Different parties will take different views. The current federal Liberals believe that if everyone registers an individual long gun, somehow that's going to prevent crime. Other parties will take other views. But in fact handguns have been registered in this country since 1938. That is not new. The federal Liberals did not come up with that. All they're having people do is register every individual one as opposed to the old system of obtaining a firearms acquisition certificate.

I don't plan on getting on that debate. I want to focus back on Bill 133. Let's look at the intent of this bill. It's to ban the sale, the purchase or the transfer or receipt of starter pistols that can be converted to fire live ammunition. These are the ones that have been manufactured so they can easily be converted to real firearms. In the province of Ontario we are saying "No more," those convertible starter pistols will be banned. And it's to make it an offence for commercial vendors to sell these or otherwise transfer a deactivated or imitation firearm to anyone under the age of 18.

We've done this in consultation with police agencies across the province, the Retail Council of Canada, who believe they can comply with this legislation without creating an enormous bureaucracy in terms of management. The Solicitor General has committed to checking the ongoing intent of the legislation to ensure that it works and makes Ontario safer.

The Acting Speaker: Response?

1630

Mr Gerretsen: I'd certainly like to thank all the members who spoke, including the members for Oshawa, London-Fanshawe, Niagara Centre and my colleague from Toronto Centre-Rosedale.

It was very encouraging to listen to the member for London-Fanshawe, who said, if I heard him correctly, he was not going to make any further reference to anything that happens on the federal scene for the next month or so because there is a federal election going on. I take him at his word. I would hope that he will take the opportunity, during constituency week next week when we'll all be back in our ridings, to speak not only to the people in his riding but also to all of his colleagues, and impress on them that there are so many urgent problems here in Ontario that we have to deal with, with education—we heard about the crisis in education today during question

period—and in the area of health care, that we really should be sticking to issues that concern us here in the province and not deal with federal issues.

The people will have a say about that. An election will be held on November 27. Rather than the kind of arguments we've had here over the last two or three weeks—it seems to me that whenever the government can't say anything about any of the ideas the opposition brings forward, they always somehow blame it on the federal Liberals or the federal government or what have you. Let's get away from that. Let's deal with the problems we can actually do something about right within this Legislature.

Certainly Bill 133, which seems to have the support of everyone in the House, is an excellent example of that. Let's pass this piece of legislation. It will help the situation. Hopefully, it will lead to the result that the kind of incidents I talked about earlier that were reported in the local press over the last year or so will not occur.

Let us give credit where credit is due. Let's thank Michael Bryant, the member for St Paul's, for bringing Bill 67—on which this watered down version, Bill 133, is based—forward in the first place.

ROYAL ASSENT SANCTION ROYALE

The Acting Speaker (Mr Tony Martin): I beg to inform the House that in the name of Her Majesty the Queen, Her Honour the Lieutenant Governor has been pleased to assent to certain bills in her office.

Clerk Assistant (Ms Deborah Deller): The following are the titles of the bills to which Her Honour did assent:

Bill 94, An Act to revise the Racing Commission Act /
Projet de loi 94, Loi révisant la Loi sur la Commission des courses de chevaux.

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.

REPLICA FIREARMS REGULATION AND PROTECTION ACT, 2000

LOI DE 2000 SUR LA RÉGLEMENTATION ET LA PROTECTION À L'ÉGARD DES RÉPLIQUES D'ARMES À FEU (continued)

The Acting Speaker: Further debate?

Mr Kormos: Speaker, I've got only an hour. I'm going to try to use it as efficiently as I can, and with your co-operation we can do that. I know you understand that I'm to speak to the bill and I'm going to confine myself to the matter at hand. But I do want you to know that I'm exceptionally grateful for the quality of the pages who have served with us for the last six weeks.

I am exceptionally fortunate that among them was a very bright young woman, Tracey Saxon, from

Welland—from Welland south, as a matter of fact, which is a distinct community down there. Remarkably, Tracey has not set the standard in her family. She follows in her sister Tina's footsteps, who was a page here three years ago. Tina is now a grade 11 student at Notre Dame in the advanced program. She was an outstanding page, as has Tracey been. She is here in the members' gallery with her mother, Donna Lee Saxon. I'm exceptionally proud of this whole family and of both Tina and Tracey. Both have excelled academically and are acknowledged as leaders by their peers. I want to thank them, as I'm sure every member of this assembly would want to thank the pages from their respective ridings.

Applause.

Mr Kormos: Thank you very much.

I want to tell you that it's people like these pages who have a strong interest in what is being debated here and now. There are manifold issues: (1) imitation guns, (2) starter pistols, and (3) BB guns and air guns—pellet guns, if you will.

I indicated that we have to make reference to Bill 133 within the context of the history of the issue. I have to give some credit to the Solicitor General. At the press conference that he held over at the coroner's building when he announced this legislation, he, to his credit, credited Mike Farnan and he made references to the Liberal member's private member's bill. So for the life of me I can't understand why this happens, and that is to say that an opposition member can't be given more credit. I'm not suggesting you name the bill after him or her. I appreciate that would be pushy. But can't he be given more acknowledgement in terms of having raised the issue? So yes, I hold the Liberal member in regard for his having resurrected this issue after Mr Farnan had raised it unsuccessfully over a decade ago.

As I mentioned earlier, it's unfortunate, because Farnan's bill might well have saved lives had it been passed. I don't think it's in any way inappropriate or in any way a hint of an exaggeration to suggest that had Farnan's bill become law over a decade ago, the lives of civilians might well have been saved and certainly—I spoke before and I'll raise it again—the lives of police officers might have been altered in significant ways for the better.

I should tell you I also very much appreciate the assistance that the ministry, through their legal services branch, has given me, because they've been very helpful in helping me interpret respective sections of the Criminal Code and specifically part III, which deals with firearms, and the distinctions between Bill 133 and Bill 67.

The focus on this issue has been replica firearms—right, parliamentary assistant? That's where the focus has been in terms of the distinction between this and Bill 67. I tried to provoke official opposition members into pointing out that in some respects Bill 67 is tougher because Bill 67, rather than merely prohibiting the purchase of imitation firearms by people under 18, would require that they be 18 years of age, produce identification—which

Bill 133 does—but then also require those people to sign a statement for the intended use—

Interjection.

Mr Kormos: Exactly. That's what I'm going to get to; be careful, parliamentary assistant, because we're going somewhere with this and you may not like where we're going—and require the person to have a criminal record check or search. That clearly is a tougher standard than merely saying you've got to prove you're 18 or over. But I appreciate that what Bill 133 does with imitation firearms is restrict their sale to people 18 and over.

The parliamentary assistant appears to want us to think—although I'm not sure that he in his heart and in his mind really believes this himself. I don't accuse him of anything unparliamentary, I'm just saying I'm not sure that he really believes that merely restricting the sale of imitation firearms to people 18 and over is going to address the issue.

The stories, tragically, are legion. As recently as November 1, 2000, in the Kitchener-Waterloo Record, there was a news story. It ended up being a toy gun, but Constable Scott didn't know that when he was confronted by an armed man in the dark of night. "It was only by the grace of God this guy wasn't killed that night, because the officer had every reason in the world to shoot," said the head of the detective branch of Waterloo Regional Police. The language here says "replica guns." It was a reporter writing this, who doesn't understand, as the lawyer for the Attorney General does, those distinctions. "Concerns date back more than a dozen years"—well, that's referring to Mr Farnan's bill, isn't it? Of course. So the concern was first expressed legislatively here in the assembly—"as police have been complaining for over a dozen years that real-looking guns or air pistols are being used in crimes and that some replicas/imitations are as deadly as the real things. And local police have fears that someone may get killed if cops mistake a toy gun for a real one."

1640

I don't think there's any quarrel from any of these folks that that's the issue in a nutshell, isn't it?—guns that look like real guns, that put police in the dilemma of having to decide whether to shoot or not. Police don't have the luxury of consultation and sitting back. Police are thrust into positions where they have to make snap decisions. They're trained to do that, and the cops I've known have fulfilled that role exceptionally well.

But, you see, that wasn't the only news item in the last couple of days. There was a news story out of Victoria, BC where a 24-year-old—oh, did I neglect to mention that in the Kitchener-Waterloo incident reported on November 1, 2000, in the Kitchener-Waterloo Record that the person using the imitation gun was 52 years old?

Mr Mazzilli: How old?

Mr Kormos: Fifty two, Mr Parliamentary Assistant.

Right about the same time there was a news item out of Victoria, BC. A gentleman who works at Chapters was costumed for Halloween. Working in the retail business, I presume Chapters thought it would be entertaining to

have their staff—no problem with that, it's inoffensive—dress up in costumes. But he was dressed up in his Han Solo, Darth Vader type of costume, and as he was walking down the street going to work, passersby saw the holster with the firearm in it, called the police, the SWAT team comes, takes this guy down, as they should, and it's an imitation firearm. The guy was going to work dressed up in a Halloween costume, but the cops didn't know it was imitation. Again, that's the point. These imitations that are so realistic looking, even though they're not replicas by virtue of the Criminal Code definition, present real dangers to police. But this gentleman was 24 years old.

I don't have to tell you about the news item out of California that we read about on Monday of this week, about the Hollywood actor at a Halloween party. The news item indicated Los Angeles. As part of this costume, he was holding an imitation gun. Police called to the event, as the news item indicated, for noise—not unusual—see this personality with the imitation gun in his hand, shoot him, shoot him dead. That person was 39 years old.

Mr Mazzilli: I see where you're going with this.

Mr Kormos: Oh, the parliamentary assistant says he now sees where I'm going. Very good. Come with me a little further. Walk this way.

The bill restricts the sale—we're agreed. Imitation firearms present a threat. That's why the police have been concerned about them for over a dozen years. That's why we're debating the issue in the assembly today. Imitation firearms pose a threat.

The Peterborough Examiner, in an editorial, October 27, 2000: "Real guns, replica guns, imitation guns ... 'choose your weapon' has never been so complicated.

"It drives police departments crazy. When they see a gun—in the hand of a convenience store robber, in the glove compartment of a car pulled over for speeding—how do they react? What are they reacting to?

"They have to assume the gun is real, which leads to a potentially violent confrontation."

You don't take issue with that. Of course not, because we all agree that imitation guns are the problem. You purport to solve the problem by restricting their sale to people 18 and over. The three scenarios documented, which I just related to you based on news reports, were all people well over the age of 18, and none of them were people who had reached that point where they were using that imitation gun to effect a crime, were they? They weren't.

You see, imitation guns out there in the public's hands pose a danger. I believe the Solicitor General agrees with that proposition. I believe the Solicitor General and his parliamentary assistant want to respond to that very serious problem that the police identify. Then why in the name of common sense do you think that restricting the sale of these things to people 18 and over is going to solve the problem?

People 18 and over are either going to play with the imitation gun, the one that can reasonably be mistaken

for a firearm—the Halloween stories I told suggest basically that, don't they: the Han Solo character out in Victoria, the actor down in Los Angeles? I suppose it's not inconceivable that people 18 and over are going to want to play with the gun—although to be fair, it's not particularly likely, is it?—or they're going to use the gun for a criminal purpose, robbing a corner store, robbing a cabbie, what have you.

There's a third choice. Come with me, parliamentary assistant. They're going to play with it, they're going to use it for a criminal purpose, or—correct. Is that your final answer? You're correct. They're going to give it to a kid.

The Solicitor General—I hope I'm not misquoting him. I don't think I am. If he isn't the source of this comment, certainly other people in the Tory caucus are. They're saying, "We want to make sure that only adults buy these imitation guns and that they ensure the gun is used responsibly." Is that language a little familiar, parliamentary assistant? In other words, they were going to make sure we let these people buy them. You see, it was fascinating, because two weeks ago Wednesday I was watching Marilyn Churley just kick butt on the Coren show. Churley from Broadview-Greenwood was in there kicking butt. There was a Tory member on because the business of the imitation gun bill, Bill 133, came up. I'm sitting there with the clicker, right, in front of my little 13-inch black and white RCA Victor set, the one with the rabbit ears, and all of a sudden the Tory member says, "Oh, no, Bill 133 prevents that adult from giving it to a kid, so that's not a problem." Wrong. You no longer get to compete in the Who Wants to be a Millionaire game, Mr Tory Backbencher, appearing on Coren against Marilyn Churley. Who would want to take on Marilyn Churley on a talking heads phone-in show?

Interjection.

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Mr Kormos: Because the bill—you know the section I'm talking about, don't you?—says no person shall sell or transfer an imitation firearm to a person under 18. OK, so I look up the definition of "transfer," which of course includes "give," similar to Narcotic Control Act definitions, right? The parliamentary assistant is familiar with those in terms of what constitutes selling a narcotic. It includes giving it. There doesn't have to be an exchange of funds. Except for the fact that, "No person shall, in the course of running a business," sell, transfer or give an imitation firearm to a person under the age of 18.

Where does that take us to? It illustrates the Tory backbencher getting his butt whipped by Marilyn Churley on the Coren show two Wednesdays ago. You should have seen it. Did you see that show, the Coren show, two Wednesdays ago? Churley was brilliant. He was dead wrong when he said the bill prohibited the giving of an imitation firearm by that adult purchaser to a youngster.

Clearly the bill contemplates that adult giving the imitation gun to a kid. It contemplates it. It understands full well that there's a real problem out there with

imitation firearms because the police get really put into a “damned if you do, damned if you don’t” dangerous dilemma when they’re confronted with them. The bill wants us to think that the objective to be achieved is going to be resolved by restricting the purchase of these imitations to adults only, right? But then the bill says, “Go ahead, give it to any kid you see. It’s not an offence.” It’s not in any way controlled or regulated. You missed the target. Not just the bull’s eye, you missed the target. It should be a cause of great concern, because this bill will do nothing to keep imitation firearms out of the hands of adults, because they can buy them merely by presenting ID, number one.

Mr Mazzilli: Talk about the starter pistols.

Mr Kormos: We’re going to get to starter pistols, Mr Parliamentary Assistant, and you may not be happy with what I have to say about that in terms of Judge Ewaschuk’s decision. Can somebody get the Ewaschuk decision for the parliamentary assistant? You know the one I’m talking about, don’t you? Have you got it ready? Because maybe the parliamentary assistant could read the Ewaschuk decision before I reach that point and he could make a determination on the constitutionality, whether in fact the prohibition against starter pistols really intrudes on part III of the Criminal Code. I don’t know. He’s a pretty clever guy, this parliamentary assistant; he knows his law. He learned it somewhere—Aylmer, maybe up in Ottawa, at the RCMP police college. But he knows how to handle a Criminal Code, I know that.

You see, the problem with the bill, friends, is that it doesn’t address the problem in any way, shape or form. That is very tragic, because this bill, with respect to imitation firearms, is not going to prevent a single tragedy when cops are out there being confronted by imitation firearms. It’s either going to be adults using them for criminal or non-criminal purposes or it’s going to be back to the old saw of kids using them.

I have to tell you I understand, as you should, what happens now when somebody’s looking out of their window and down into the parking lot of the apartment building and sees a group of nine-, 10-, 11-year-olds with what appears to be a handgun. They don’t just say, “Oh, well, Johnny and the gang are playing cops and robbers.” Understand that when I was a kid I didn’t play cops and robbers, I played Che Guevara and the CIA, and when I was a kid Che always won. In any event, people don’t look out their apartment window seeing a gaggle of kids with realistic-looking imitation firearms and just assume now that they’re playing Dick Tracy. So people, for good reason, assume it’s a gun and they do the right thing: they call 911 and they sort of duck and keep their heads down. It’s not an unfair illustration, is it, Speaker?

There you’ve got a scenario once again: cops come out, doing what they know they are obliged to do and doing it as well as they can, their information being, if somebody’s got a gun and, quite frankly, it looks like a gun, they’ve got to therefore presume it’s a gun until they know otherwise, because they have an obligation to protect the community and a right to protect themselves. The

government’s bill, Bill 133, does nothing to deal with the dilemma and the identifiable problem and the concern that all of us should have about imitation firearms.

Clearly, nobody is talking about the Star Wars things, the ones that are illuminated, the lit-up sorts of swords of fluorescent colours that kids play Star Wars sorts of games with. Nobody is talking about the fluorescent-hued, bulbous water blasters that kids play with, and I suppose adults too. Nobody is talking about those sorts of things. We’re talking about imitation firearms that look very much, until they’re subject to actual manual inspection, like real firearms. The bill does nothing to address that problem.

Bill 133 addresses the issue of starter pistols. I want to make reference to them. Basically it bans starter pistols, doesn’t it, Parliamentary Assistant? It bans them, prohibits them. You want imitation firearms to flourish but you feel that the province has an obligation or the need to ban starter pistols.

Let’s see what Mr Justice Ewaschuk had to say. Are you familiar with the decision? They’re making notes over there. They may slip it to you soon. Can one of the pages go over there to the Solicitor General’s bureaucrats and see if there’s a note for the Solicitor General or his parliamentary assistant?

Thursday, October 26, 2000, Toronto Star: “For the first time in Canada, a judge has classified a starter’s pistol as a firearm, sending a Toronto sports store employee to jail for a year on gun trafficking offences.” That happened to be under the Criminal Code. You understand that, don’t you? Yes—landmark ruling.

“It is obvious that track officials would not use these pistols, but criminals would,” Mr Justice Eugene Ewaschuk, of the Ontario Superior Court, said during the ruling. Mr Justice Ewaschuk is a highly regarded member of the bench in Ontario.

“A bewildered” accused, “an employee at King Sol Outdoors Store near Queen Street West and Bathurst Street, was led out of court in handcuffs ... after being found guilty.... The offence carries a one-year minimum sentence.” No quarrel with that.

The convicted, “an employee with the store ... was approached twice in July, 1999 by an undercover officer looking to buy a starter’s pistol. On July 7” he was sold a pistol and was shown “how to convert it with a screwdriver so that it could fire live ammunition.” So you’ve got a store that’s selling starter’s pistols that could be readily adapted for use as a firearm and, when so adapted, can discharge a live cartridge.

Interjection.

Mr Kormos: Precisely. Parliamentary Assistant, you’re coming along. You’re doing not bad for a guy from London, honest. You’re doing just fine.

What the store was selling was starter pistols. It wasn’t converting them, but clearly the starter pistols could be converted. That’s why you’ve got to read the judgment. The Criminal Code, according to Mr Justice Ewaschuk, makes those *prima facie* illegal under part III.

1700

Now, please, I'm not being critical, understand? Don't be so sensitive. Look, Parliamentary Assistant, if you want to work here for as long as I think you want to work here you've got to develop a thicker skin. It's not your fault. You don't call the shots in the ministry, you follow them. The Solicitor General calls the shots. You and I may share some of the criticism of the Solicitor General, and you'll have a—why don't those folks just come right out here and talk to you directly? Why do you have to go over there to talk in the dark with the bureaucrats? For Pete's sake, Parliamentary Assistant, show them a little more courtesy. Those guys work hard, far harder than you think, far harder than they should for what they're paid.

The issue of the starter pistol is a little bit of a red herring here. I'm not quarrelling with the fact that starter pistols or any other device that is not *prima facie* a firearm—what horrible language for me to use; I picked that up from some of the lawyers here—is not in its current status a firearm but could be made one readily, I'm not arguing that they should be prohibited for sale.

I'm suggesting—and understand why I'm suggesting this because I am coming to the defence a little bit of my Liberal counterpart who has been pilloried with respect to his Bill 67 by virtue of the argument that somehow it intrudes on Criminal Code turf. If that was true about 67, it is arguable that it's true about 133, especially when it comes to starter pistols and especially in view of the Judge Ewaschuk decision, which I'm confident will be appealed because it appears to be a precedent in its own right.

Parliamentary Assistant, lighten up. I'm solving your problem for you. I'm perfectly satisfied to see the prohibition against the sale of starter pistols maintained as provincial legislation until the appellate courts have dealt with the Ewaschuk decision. Who am I to tell the Ontario Court of Appeal or the Supreme Court of Canada how to rule? But again, Judge Ewaschuk, with his reputation and his legal background is not the sort of judge who is overturned very often by courts of appeal.

So relax, please. You're getting incredibly excited about this little issue, and I'm conceding it. I'm just tweaking you a little bit, Parliamentary Assistant. I'm just trying to keep your attention. I'm not at all concerned about the ban of the sale of starter pistols that can be readily adapted. Good. No problem with that, because they're not the sort of things that are going to be used at track meets to signal the beginning of a sprint or a race.

Let's go to the issue of BB guns and pellet guns. You've got to help me a little bit, Parliamentary Assistant. I need your help, because it appears that the BB guns and pellet guns—we're all familiar with them. Some are gas-cartridge activated. You buy the CO₂ gas and you screw the cartridge in. Some are just the pump type. Are some of the BB guns just spring-charged? I think there are some pump types, some cartridge types and some spring-charged where you used to cock it like you were Wyatt Earp or something when you were a kid, right?

Those appear to be included in the definition of "imitation firearm," because "imitation firearm" talks about those things that "could reasonably be mistaken for a firearm," excluding of course replica guns under the definition section of the Criminal Code. It then goes on:

"(i) a shot, bullet or other projectile at a muzzle velocity exceeding 152.4 metres per second, or

"(ii) a shot bullet or other projectile that is designed or adapted to attain a velocity exceeding 152.4 metres per second."

Well, there you go. I assume that is the reference to BB guns and pellet guns. Am I right on that? If I'm wrong, just shake your head like this: this means yes, this means no. Just shake your head. That appears to be where you cover BB guns and pellet guns. I'm hoping that. What you do is treat imitation guns, BB guns and pellet guns all with one fell swoop, right? Well, if I'm wrong, say so. You've never hesitated before. You've been up on your feet, "Point of order," and you've tried to correct me. If I'm wrong, say so.

Take a look at the act. Start with page 1, bottom left-hand side, or if you want to read the French version, on the right-hand side. What you've done is lumped "imitation firearm" together with a BB gun/pellet gun, so that a BB gun/pellet gun is an imitation firearm for the purpose of the bill, and again—no quarrel with this one—you have to be 18 or over to buy one. You have to produce ID of a valid type to buy one. Once again, that in no way inhibits, controls, regulates or interferes with little kids possessing BB guns or pellets guns, does it?

Mr Mazzilli: Now I'm following it.

Mr Kormos: That's right. You're very good. Of course not.

On that same Coren show two weeks ago where Churley was on—she was on like she always is, but Marilyn Churley from Broadview-Greenwood was on—the Tory backbencher then defended BB guns and pellet guns by saying, "Oh, you don't understand the rural reality. Farmers and rural people use BB guns to shoot varmints." There may be the occasional Canadian Alliance candidate who can generate enough anger and get some farmer irate enough that the farmer might threaten bodily harm but I'm not suggesting that anybody should consider shooting him. BB guns and varmints—interesting.

I spent a lot of time on farms and I've known a few varmints too. You don't shoot a skunk with a BB gun. You'd better be darn good. You better get it right through the eye and into that part of the brain that controls all of its bodily functions. You don't shoot a skunk with a BB gun. You don't shoot a racoon with a BB gun, or a possum. I don't really think possums are varmints.

Mr Hastings: They're rats.

Mr Kormos: You don't shoot rats with a BB gun because the rat will go, "Ouch," and then resume nibbling on the grain or the barley or the carrots, whatever it is that the farmer has. You don't shoot rabbits with a BB gun because the rabbit will go, "Ouch," and then carry on with its business. You see, farmers and rural people use .22s to deal with varmints. So I reject the proposition that

somehow BB guns and pellet guns are sacrosanct because farmers use them for varmint control. I know what farmers use for varmint control: they use firearms. Again, you've got to understand, this whole wacko gun debate has assumed proportions which are totally disproportionate to the real issues. I understand and defend and appreciate that firearms like a .22 rifle are a part of a farmer's or a rural person's culture and daily lifestyle. You keep them on the farm to do precisely that: to deal with varmints and to protect livestock and poultry and so on.

What are we to do with BB guns and pellet guns? I, for one, appreciate that our Thorold air cadets, when they do sharpshooting, use pellet guns. They're youngsters. They're under very responsible leadership. Remember I told you about the Thorold air cadets a couple of months ago? They got turfed from Thorold high school. I appealed to the Minister of Education to please intervene, to help. The Minister of Education, bless her, always responds to correspondence, but this one she said basically, "Too bad; so sad," for the air cadets.

1710

But the Thorold air cadets—and I've talked to many of these youngsters—use pellet guns for sharpshooting, for target practice. I think it's an entirely appropriate use of pellet guns by young people. They're supervised, they are being taught responsible gun use, they're never using the quasi-firearm unless there is supervision not just by adults, but by adults who have specific firearms training, usually military training—almost inevitably military training. No quarrel with that. None whatsoever.

I'm not sure that this government really, if it were to reflect on this, would want to put BB guns and pellet guns simply in the same category as imitation firearms. I call them, maybe not very accurately, quasi-firearms. Let me shoot a projectile and the only issue is that the projectile speed doesn't reach the projectile speed that's necessary to be defined as a firearm. You know that stuff. You work with that stuff for a good chunk of time. I'm not sure that they should be lumped in with imitation firearms.

The reason why is because, you see, if you're really going to resolve the issue about imitation firearms, the plastic ones, the sometimes metal ones—it's interesting. Take a walk around Toys R Us. You folks are going to be doing it more and more frequently now that Christmas is approaching. Toys R Us or Zellers or Wal-Mart—I suppose if you're a one-plaza town, you've got the Wal-Mart; you've got very few choices—the Bay toy department. You don't see very many of the imitation firearms that we're talking about or that the police are talking about. Not any more. Things have changed dramatically since the 1950s and 1960s. What you tend to see is the Star Wars stuff, the fluorescent stuff, the long—what do they call those things, the lit-up swords? Parliamentary Assistant, what do they call them?

Mr Mazzilli: I don't know.

Mr Kormos: OK. Well, you probably do and you're ashamed to admit it, but you know what I'm talking

about. Don't be embarrassed. It's OK. I expect you to know these things. You've got young kids; you've got to know these things. Give me a Sears catalogue and I'd be able to tell you.

So we're not talking about those being sold in the majority of stores. What we're talking about is any number of stores which are selling those things, the imitation firearms, that are scaring the daylights out of the cops. Parliamentary Assistant, if we're going to get rid of them, let's get rid of them. Ban the darn things. Say no, you won't sell an imitation firearm, something that could be—I'll even use your language—reasonably mistaken for a firearm which is not a firearm or a replica as defined under the Criminal Code. Say you won't sell those in Canada, because there's no need for it.

What your folks did do—somebody very clever inserted the exception subsection in section 4. Little do I know about these sorts of things, but I suspect—that's on page 3, Parliamentary Assistant, 4(2)—that would be applicable to theatrical productions, right? To the movie industry? Am I pretty close? Am I getting warm? To the television and other film industries? That would be a reasonable application of that subsection, wouldn't it, Parliamentary Assistant? So nobody's not considered, and if that wasn't the reason why the subsection was there, let's keep it there for that reason anyway. I can understand, because you're talking about under licence. Is that what it's for? That's what it appears to be for. I had hoped that those sorts of things would be documented.

The other problem with these imitation firearms is that they don't tend to have serial numbers, and if they do, it's the same serial number on all 1,000 units that are being stamped out in some plastic processing plant, isn't it? The serial number—

Mr Mazzilli: You're going to make me do clause-by-clause on this, aren't you?

Mr Kormos: Mr Parliamentary Assistant, you've got to read the stuff, because it's too late after it's passed. It's too late once it ends up being a dog's breakfast.

Interjection.

Mr Kormos: I'm going to get to where it should go, in short order. I'm going to get to where you should put this bill, in short order.

We've got to be careful. Come on. The police are expressing real concerns, and there is the evidence from the experiences that we've had, the two I cited you just this Halloween weekend, one in Kitchener, Ontario, and the one in Victoria, BC—there was the one down in the States—plus I can tell you of a number of incidents.

Page, he appreciates getting the notes. I want you to understand that. He thanks you; you've been very helpful to him.

There are a number of incidents where police have encountered imitation firearms, because the evidence from police officers is that these are encountered frequently.

I've got a comment here from the police force in Peterborough, in fact the chief of police. We're not talking about the former chief of police from Newmarket;

we're talking about the chief of police from Peterborough. Chief Terry McLaren said he questions whether the legislation, your legislation, Bill 133, is enough to reduce gun-related incidents: "I think it's a step in the right direction, but I don't know if it's enough." He's concerned that even with the ban on purchasers under 18, if people are bound and determined, they can probably get one. He is also concerned that the legislation doesn't prevent adults from buying imitations, because, as he notes, adults use the fakes, imitations, in the commission of crimes as well.

So I'll tell you what, Parliamentary Assistant. I think this bill should go to committee of the whole House.

Interjection.

Mr Kormos: Let me speak to that for a minute. Let's get back to Bill 67. What is the matter with your people, who have been under a barrage of criticism by the members of the official opposition for your dismissal of their private member's Bill 67?

Listen, the easy answer was to point out, "The problem is that this is a private member's bill and it gets displaced by any government business before the committee." Wouldn't that have been a good explanation of why you ditched the private member's bill and pursued your own? That probably would have gone over.

Mr Rosario Marchese (Trinity-Spadina): There's no quorum.

Mr Kormos: Go ahead, Rosie, call a quorum if need be.

Mr Marchese: On point of order, Mr Speaker: Look at this, I was just out there with the students and I come in and there's no one in here. Could you check to see if there's quorum. I don't believe it.

The Speaker (Hon Gary Carr): Could you see if there's quorum.

Clerk at the Table (Mr Todd Decker): Quorum is not present, Speaker.

The Speaker ordered the bells rung.

Clerk at the Table: Quorum is now present, Speaker.

The Speaker: The member for Niagara Centre may continue.

1720

Mr Kormos: I was speaking about what the Peterborough chief of police had to say about Bill 133. I was offering some assistance to the parliamentary assistant to the Solicitor General about the line they could have used with respect to the Liberal private member's bill. They simply could have said, "No, we can't use your bill because, since it's a private member's bill, it will probably never see the light of day, even with our best of intentions, because it's always displaced in the justice committee by government bills. We, the government, believe so strongly in this that we had to move ahead with it as a government bill."

The other tack they could have taken along with that was to say to the opposition member and his Bill 67 that his bill was not adequate, not because it used the term "replica firearm," because it had its own independent definition that doesn't rely on the definition in the

Criminal Code, and not because it couldn't be amended to say, "but excludes 'replica firearm' as defined by the Criminal Code," which this bill admittedly does, but you could have pointed out, Parliamentary Assistant, you could have saved a whole of face by saying, "We appreciate your input, member of the opposition, but your bill isn't adequate because you only restrict the sale to people 18 and over instead of banning them, and we know that merely restricting the sale of imitation firearms isn't going to do a single thing to keep them out of the hands of the public."

You had that golden opportunity. It was within reach. It was within your grasp. John Irving, *The Cider House Rules*—I hope I'm not misquoting it—"never pass by open windows." You had a window of opportunity there. You didn't seize it.

In the few minutes I've got left, this compels me to reflect on the dilemma the government's in. Is this all about it's law and order agenda? Is that where we're at? Oh, the parliamentary assistant makes a fist. I say it's more like a little wiggle of fingers, not a fist. No, we need powerful responses to make our communities safe. I agree.

But this is advisory legislation. This says, "Oh please, don't give kids imitation firearms. The cops may end up shooting them in error." This says, "Oh please, if you buy an imitation firearm, people 18 and over, don't use it in a criminal offence. Please don't." Come on. Do you know how pathetic you sound? Whining, "Please, don't use this imitation firearm to rob a corner store. Please, we're going to let you buy imitation firearms," which have no godly purpose or useful utility, "please, don't be carrying this imitation firearm as part of a Halloween costume," so that cops who are in that horrible life-and-death, decision-making dilemma—"Oh please don't do that."

That's your position on safe communities? Please. Come on. You had the chance when you dismissed Bill 67 to say, "(1) It won't get passed fast enough because it's a private member's bill, and (2) it doesn't address the problem because it only restricts the sale of imitation firearms to people 18 and over instead of banning them outright."

You didn't seize the opportunity. You missed the boat. The train is out of the station and you're left standing there, baggage in hand. This could have had an in-our-lifetime and beyond-our-lifetime impact on making safer communities here in the province.

Here's the dilemma. I want to mention very briefly the ignition interlock bill, another one of the law-and-order agenda bills. What's interesting is that it's a private member's bill too, one of your own. I supported the bill on second reading. Then it blew my mind to hear the government send that into legislative orbit instead of to committee, notwithstanding that even if it had gone to committee, it would have been deferred by all the government business, which means you guys really aren't that interested in passing any ignition interlock legislation, are you? Because if you were, you would have presented it as a government bill so it had priority in committee.

What I want you to do with this bill, please—this time I'm asking you, because I'm concerned about imitation firearms out there. You've got thousands of cops in this province who are concerned about imitation firearms. You've got cops who have already been put in that incredibly difficult dilemma of, "Is that a real gun or an imitation? Do I pull my firearm or do I leave it in my holster? Do I take a chance and risk getting shot myself or risk somebody in the public around us getting shot?"

Nobody envies the police officers at St Mike's hospital on January 1 of this year. You know what happened there, don't you? Police officers were called to the emergency room. They see a man with an imitation firearm, to wit, a starter pistol, incapable at that point of firing any projectile. The police are compelled to shoot him dead. That's what they're trained to do. None of this business about, "Oh, why didn't they aim for the wrist and knock the gun out of his hand?" Come on, you know that. When police officers pull their firearms, they're disciplined enough to know that you pull them only for the purpose of using them, and that when you use them you don't aim to shoot off somebody's pinky or their little toe; you aim for the largest body mass.

They know firearms are deadly weapons. So nobody celebrates what happened at St Mike's hospital emergency room on January 1, 2000. In February 2000, nobody celebrates the shooting at Emery Collegiate here in the city of Toronto, where one of the firearms was an imitation firearm. The problem is that your legislation does nothing to remove these imitation firearms from our communities.

I want cops to be able to safely presume, because of strong legislation that bans imitation firearms, that if it looks like a gun and looks like it can injure somebody, inevitably it is a gun and is capable of injuring somebody, and they're in a position where they can rely upon the support of the law and the public to respond with the appropriate amount of force, under the circumstances, to protect themselves and to protect members of the community.

I propose this bill not go to committee. I don't know what your interest would be. Oh, you'd have the same lineup of people who would come and say, "It's a good bill." The problem is I'm not saying it's—I've congratulated you already, haven't I? I have. I'm saying it's important this issue be before this assembly because we've got to get rid of these imitation firearms before more people get hurt and killed.

We've got to do it to protect the community and to protect the police. We've got to get rid of them. It's as simple as that, and it could be done so easily. I'm not prepared to play Russian roulette with the lives of citizens in this province or with the welfare or lives of cops. You may be, because I reflect on the statement made by your Solicitor General. What did your Solicitor General say? He says, "We'll have to wait and see, after Bill 133 passes, whether guns still end up in the hands of kids before extending the ban to all ages." That's what he said. If I'm wrong, stand up on a point of order right now, Parliamentary Assistant, and say I'm wrong. Your

Solicitor General said: "There may be a need for an entire ban, what Kormos and the NDP say. We will have to wait and see whether imitation guns end up in the hands of kids." That's what I call Russian roulette with the lives of citizens and cops.

1730

What do we have to wait and see for? So the cops are confronted with a dilemma, with a 13-year-old or a 12-year-old or a 14-year-old or a gaggle of them waving imitation firearms? We are going to wait and see if that happens? You know that the bill does nothing because it doesn't forbid the adult who buys the imitation firearm from giving it to a kid. As a matter of fact, it implicitly permits this. It doesn't require that adult to supervise the kid in their playing or other use of that imitation firearm. It doesn't make it illegal for that youngster to possess an imitation firearm, does it? Implicitly, it says, "Good, let kids have imitation firearms." That's what the bill says. You read it from page 1 through to the end and that's what the bill says.

I am extremely frustrated by a government that knows the dangers of imitation firearms, knows how much grief and tragedy they've already caused, and says, "It's OK for children to play with them, for children to possess them, just as long as it is an adult who buys it." There's no imposition of any standard, of any control, over what that adult does with it once that adult, 18 and over, buys it. You can't trace these. I already told you, they don't have serial numbers. Some of them cost as little as a couple of bucks. They're all very scary.

You should've been with me at the press conference that the Solicitor General held to announce this bill, because Toronto's cops had a display of real firearms and the imitations that are being targeted—pretty scary stuff. I'm going to be the last person who's going to try to second-guess a cop who's confronted by one of those. Never mind in broad daylight; what about in the twilight of dusk or in the context of a group of people?

That's what has to be addressed. Send this bill to committee of the whole House so amendments can be put. It is a simple process. You won't see any grandstanding from this side. I hope not to see any from yours. I'll support this bill if it does what it is intended to do. If it doesn't achieve that goal, I will damn it at every opportunity I have. If it doesn't achieve that goal, if it isn't amended, it will be yet another betrayal of victims and another illustration of this government's disdain for public safety in the province of Ontario.

The Speaker: Questions and comments?

Mr John O'Toole (Durham): It is a pleasure to change the tone here on Bill 133. Respectfully to the member for Niagara Centre, imagine him lasting an hour and staying on topic. I'm going to actually try to turn this around into a positive—we talked about the Young Offenders Act a bit today in private members hours, we've talked about the imitation gun issue here—some of the good things going on in Ontario, something we can celebrate as we end this week prior to Remembrance Day.

I want to take a moment and pay tribute to our minister in charge of responsibility for children and youth, the Honourable Margaret Marland, who is in the House listening to this debate, and commend her for a number of initiatives that are ongoing. One that I am encouraging people to respond to is the Ontario Youth Council. There have been over 300 applications for this council that will advise the minister directly.

Another important issue, as we mentioned in our budget, was the challenge fund, with over \$30 million to help youth in this province to connect with various kinds of services, youth of all sorts from all types of backgrounds.

Most important, there's a whole vision here about youth that I've seen. The tone is changing. I think we should catch the wave on this. It's called Ontario's promise, and I'm confident of the commitment that I heard the Premier say. Speaking at the Toronto Board of Trade, he said just think of it this way: not to think about the plastic guns and all the violent issues; let's think about each child having a healthy start, a level playing field. Let's speak of every child having an ongoing positive relationship with an important adult, hopefully a parent, a safe place for them to go and feel safe, a marketable skill so they can actually take part in the economy, and an opportunity to give back to the community the feeling of worth and self-worth on the journey of life. That should not be denied any child—not my children, not your children. I believe Margaret Marland is doing a great job in that ministry.

Mr Dominic Agostino (Hamilton East): I want to congratulate the member from Niagara Centre for an excellent speech. I think he brought to this issue the usual passion and reason and certainly believes that he brings to most debates. He made some excellent points with regard to some of the weaknesses in this bill.

That being said, we're going to support the bill. Frankly, this bill was the idea of my colleague from St Paul's, Michael Bryant. I just want to remind the House that the Attorney General initially rejected the idea when Mr Bryant, my colleague, put forward this bill. The Attorney General said it was silly, it wasn't necessary, and then of course the Premier overruled him a few weeks later, as he tends to do lately on most issues.

I wish this government would go further on law and order. They're great at talking the talk. As my colleague said, they champion law and order as one of their main issues, but they forget to tell people that this same government spent millions of taxpayers' dollars to go to court to fight the fact that most Canadians believe guns should be registered and most Ontarians believe guns should be registered. But the Mike Harris Conservatives don't believe people should register their weapons. They spent millions of taxpayers' dollars to fight that.

This same government talks law and order, but it's OK for 12-year-old kids to carry guns and to hunt. This same government says it's acceptable to cut off programs to prevent crime. This same government says it's OK to cut social workers out of schools who can help young

people. This same government believes that you lock up a young person, you throw the key away and you do a boot camp; you talk about all this discipline without any real help to real kids. It's the same government that basically has taken cops off the street. There are less police officers today than there were when this government took office.

So the reality is very clear. This government talks the talk. They like to pound their chest, but when you look at the real record, the real agenda, the real achievements of the Mike Harris government, frankly, they're not tough on crime; they're wimps on crime.

Mr Marchese: Just a couple of minutes to praise my buddy from Niagara Centre? I heard him last night speaking to the bill, the Office for Victims of Crime, where he exposed eloquently last night, exhaustively, for a whole hour, and showed with some intelligence and the usual peppery passion—and passion with intelligence, not passion that's empty, but passion with intelligence.

That's why I get worried, because I don't see the parliamentary assistant on the other side—I know he's listening, but I'm worried that he is not picking up on the commonsense suggestions that the member from Niagara Centre makes. It's a simple argument. He makes the following argument, because you guys are law-and-order kind of political folk. That's what you say. Every time you present a bill here you say, "Ha! We should celebrate this bill today. We should celebrate this other bill yesterday. My God, we should celebrate." We should celebrate what? is what the member from Niagara Centre is asking. What are we celebrating here in this bill?

What he said—and that's why the common sense is critical. I agree that sometimes common sense needs to be defended. Sometimes. Sometimes it's wrong, as we often are critical of this government because they make reference to conventional wisdom that is often wrong. In this case, the member for Niagara Centre says you haven't done the right thing. Making these imitation firearms available to people 18 years and over doesn't mean that they are going to be abolished, doesn't mean that they don't get passed on. So if you really want to do the police a favour, the best thing to do is get rid of them. Banish them altogether. That's what you ought to do.

1740

Mr Mazzilli: I'll wrap it up, but I certainly can't avoid the comments that came from the opposite side of the House. This bill, although it came to light in 1988 by Mike Farnan, was allowed to die on the order paper by what we hear are the law-and-order-agenda Liberals of today. What did they do in 1988? They buried that bill.

Of course the member from Niagara Centre is very tough on crime today—tougher than we are, of course. But what did he do when they were in government with Bob Rae? I can tell you that the police were devastated in this province, as were taxpayers, because there was no law-and-order agenda and there's no law-and-order agenda in their platform this time, as it was also missing from Dalton McGuinty's platform.

I suspect many people in this House will support this legislation and the intent, and if we can go back to that, the intent of the legislation is to ban the sale, purchase, transfer or receipt of starter pistols that can be converted to fire live ammunition. No ifs or buts about it, those will be banned, and I'm sure the member from Niagara Centre will be happy with that position.

The second intent is to make it an offence for commercial vendors to sell, lease or otherwise transfer a deactivated or imitation firearm to anyone under the age of 18.

This bill has been drafted in consultation with police stakeholders, the Retail Council of Canada, and the Solicitor General has committed to looking at whether this legislation meets the needs of our policing community.

The Speaker: Response?

Mr Kormos: Oh yes, that's great logic. We'll forbid the sale of imitation firearms to people under 18 but we won't prevent people from giving imitation firearms to people under 18. That's heavy stuff. This is really profound "if A, then B" sort of logic. You have overwhelmed me, Mr Parliamentary Assistant, with the volume of common sense you seem to have applied to your analysis of the bill.

You know as well as I do that the bill says it's not OK to sell a youngster an imitation firearm if you're in business, but otherwise you can give them out like candy on Halloween—no restriction whatsoever as to whom you give an imitation firearm to. The bill does nothing—zip, zero, nada—to address the issue of imitation firearms and the danger they pose.

You're like a dog with its hind leg raised. You want to get into some sort of contest about who's more law-and-order. I'm telling you I just want you folks to take a look at what you've failed to do here, to fix the problem before more people die. I want to protect cops and I want to protect the community from the dangers posed by imitation firearms.

Your Bill 133 is the point at which we can begin to do that. Please, a modest amendment to achieve the goal that you insist you share with me and with police officers across this province. A modest amendment would turn this from a hollow, empty shell into something that has real meaning for cops and citizens alike in this province.

The Speaker: Further debate?

Mrs Julia Munro (York North): It's certainly a pleasure for me to be able to rise this afternoon and talk about Bill 133.

I think people need to understand that Bill 133 stands in a context of a commitment by this government to community safety. It has been a cornerstone of our platform since 1995, and there have been many examples in the way we have demonstrated, first of all, the need for community safety and our response to it.

I well recall our commitment to ensuring that we had front-line police officers, 1,000 net new police officers in this province. I had the opportunity to make a cheque presentation to the York region police board, recognizing

the contribution that we have provided them in being able to meet that target.

In fact, another example comes to mind. Just last week I had a constituent from Mount Albert who came to see me with regard to the community safety zone. In that community there has been a tragic situation, and the community recognizes the important role that a community safety zone represents for the community. I was delighted that we were able to provide him and the community with the means to be able to set up that community safety zone.

The increased funding for RIDE programs is another demonstration of our commitment to community safety.

It's in that context, then, that we see Bill 133, that it is consistent with community safety. When you look back at some of the evidence that preceded the introduction of this bill, it's a clear demonstration of the fact that this bill is meeting that need within the community. It's clear that in many cases imitation firearms can be reasonably mistaken for handguns, including of course realistic-looking BB guns and similar devices.

Many people have raised the issue that the question of the control of most firearms, including their importation, possession and sale, is regulated by the federal Firearms Act and the Criminal Code. So this piece of legislation is designed to fill a gap. This new Ontario legislation includes new requirements for imitation firearms and BB-gun type firearms that are currently not covered by the Criminal Code.

To demonstrate the importance of this, one need look only as far back as 1998-99, where police are able to tell us that there were more than 1,200 incidents involving starter pistols and other imitation guns in Toronto. Police services throughout the province support this legislation, which we believe will improve community safety.

There are other examples here. I would like to just pause and emphasize the gap that I mentioned a moment ago in terms of the federal legislation. The federal definition of replica firearm does not include a number of firearm-like devices or imitation firearms such as antique firearms, starter pistols, air guns, air rifles, air pistols, air soft guns, pellet guns or BB guns, deactivated firearms and certain toy firearms and decorative items that resemble firearms, such as lighters. When one examines the situation with regard to the federal legislation, it becomes clear that we need to look at this bill and the way in which it meets those specific issues.

This bill regulates the sale, transfer, purchase and receipt of three types of devices that resemble firearms and that are not regulated by those federal acts. These three types of devices are convertible starter pistols, deactivated firearms and imitation firearms. The notion here is that it makes it an offence to sell or transfer to anyone under 18 years of age an imitation firearm. "Imitation firearm" is defined to include any device that could be reasonably mistaken for a firearm which is not regulated by the Criminal Code. The bill also sets out the types of identification necessary to prove age in order to purchase or receive a deactivated or imitation firearm.

1750

In the course of the discussion leading to the introduction of this bill, it became clear that police have identified an increasing trend toward the use of certain starter pistols and other imitation firearms, and an investigation last year revealed that many drug dealers in the greater Toronto area were converting starter pistols to fire live ammunition in a semi-automatic fashion.

A look at the kinds of cases the police have examined in the last year again demonstrates the kind of problem this bill is addressing. There is example of a case in June 1996. After Faraz Suleman was alleged to have been involved in armed carjacking, an imitation Glock 17 air pistol was seized from his home. At the 1999 inquest, the coroner's jury recommended a ban on air soft firearms and imitation firearms.

There are many other examples of where the police have found themselves or others in danger. Another example from this year was in January, where during a hostage-taking at St Michael's Hospital the individual held an imitation .45-calibre Daisy pellet pistol to the head of an emergency ward doctor, and the police mistook it for a real handgun.

In February of this year, three persons were injured in a shootout at Emery Collegiate; again, a converted starter's pistol was one of the firearms used in this shootout.

There are many examples that we can point to which demonstrate the kinds of problems that these imitation guns have presented to the community at large and to the police specifically.

I think people should see this bill in the context of our ongoing commitment to ensuring community safety. It's one of a whole line of influences and introduction of programs, such as the most recently announced organized crime initiative, where we have committed to spending \$2.7 million annually, specifically geared to bike crimes as well. There are many examples of the way in which this government continues to meet that commitment of community safety, and this simply adds to that commitment.

ADJOURNMENT DEBATE

The Speaker (Hon Gary Carr): Pursuant to standing order 37, the question that this House do now adjourn is deemed to have been made. The member for Eglinton-Lawrence has given notice of his dissatisfaction yesterday with the answer given by the Chair of Management Board. The member has up to five minutes to debate the matter, and the minister or parliamentary assistant may reply for up to five minutes.

ANNUAL REPORT, ENVIRONMENTAL COMMISSIONER OF ONTARIO

Mr Mike Colle (Eglinton-Lawrence): As you know, yesterday the Environmental Commissioner issued his

report, *Changing Perspectives*, and in the report there was quite an astonishing section on the Management Board Secretariat. What was astonishing in this report was that the Environmental Commissioner said that in 1998—that was the report of 1998, a couple of years ago—the Environmental Commissioner's office at that time asked the Management Board Secretariat to stop selling lands that were environmentally significant without proper environmental assessments and without public hearings. That was in 1998.

Here's the report, with a new Environmental Commissioner, and the same ministry, Management Board Secretariat, has continued to do what they were told not to do. In essence, they are breaking the environmental laws of this province. When you break the environmental laws of this province, I know a bill has been introduced by this government that says the fines are going to have a dramatic increase for the private sector for anyone who pollutes or breaks environmental laws, very tough fines, they claim.

How can you have any credibility in saying you're going to bring these citizens to justice with fines etc if one of the ministries that has charge of selling government lands is not obeying environmental laws? The Environmental Commissioner is quite categorical. He is very unequivocal about this flouting of the law by the Management Board Secretariat. He says on page 58 that the Environmental Commissioner of Ontario's "review over two years has found broad disregard of environmental legislation" by the Ontario Realty Corp, which is under the Management Board Secretariat, "broad disregard of environmental legislation," repeated from 1998.

The point that is most contentious for our side, and I think for the public at large, is that these lands that are being sold are in some of the most environmentally sensitive areas of this province—to the north of Toronto in the parkway belt, the Oak Ridges moraine, the Markham-Pickering agricultural lands reserve and the Rouge park areas—all sold without adequate environmental study or public consultation, against the laws of this province.

In fact the Environmental Commissioner is again quite specific. He says on page 56, "During the reporting period for this annual report, the ECO has become concerned that the Management Board's real estate agency, the Ontario Realty Corp (ORC), has continued to market, rezone, subdivide and sell government land holdings affecting environmentally significant lands, including lands in the parkway belt ... the Oak Ridges moraine."

They are systematically, in a very defined pattern, defying the laws of this province, at the same time selling off these lands that are very vulnerable because they're part of our watershed, water regeneration functions. For the life of me I cannot figure out why he won't make these public. I said, "Make the list of all these lands that the Ontario Realty Corp has for sale, across the GTA even, not all across Ontario, in these environmental areas, give us the list of these lands that have been put up for

sale and that have been sold or are about to be sold.” We have a right to see that. I think the public has a right to see this list. I know my colleague from Hamilton East for the last six months has asked for a similar list and the Management Board Secretariat has stonewalled, has refused to make this list of public lands public.

Mr Colle: What are their reasons for not releasing these lands that are being listed? One of the excuses they give is that some of these lands are under police investigation. We know that. But there’s no reason why the listing of all the potential land sales cannot be put on the table because there’s a dispute.

The Management Board Secretariat says they’ve complied. The Environmental Commissioner told me personally that he can’t get these listings. So I ask the minister to tell us why he won’t make these environmentally sensitive land listings public.

1800

Mr Joseph Spina (Brampton Centre): I reiterate the minister’s response yesterday to some extent that he welcomed the Environmental Commissioner’s report and the opportunity it brings to review and improve the current practices of the ORC. In fact, the minister made it clear to the ORC his expectation that they comply with this legislation.

When the commissioner first brought this issue to the deputy’s attention last May, immediate action was taken. The minister wrote to the chair of the ORC on May 26 advising him of the commissioner’s concerns and directed the board to ensure the ORC is following the legislated environmental requirements. The minister also has been assured by the board that they have put the measures in place now to comply with that legislation and address the commissioner’s concerns, such as public consultation on environmentally significant properties.

For example, right now the ORC is hosting public consultations about the potential site of the Oakville land assembly and its environmental impact. The ministry consulted with the ECO about the ORC’s activities on their advice, and it was to have the ORC consult with the Ministry of the Environment. This has been implemented. The ORC will work co-operatively with the environmental office to ensure they are in complete compliance with this legislation.

The commissioner made a recommendation for Management Board, the Ministry of the Environment and the realty corporation to review and revise the current sales practices. It is a valid recommendation, and the minister wrote to the ORC chair today to get started with this review immediately.

The minister has been advised that the ORC is in compliance with environmental legislative requirements at this stage. We want to put on record some important points that the commissioner did not include from the deputy minister’s July 14 response.

For example, the deputy minister informed the commissioner’s office that the ORC did not market, rezone or subdivide any environmentally sensitive government-held lands during the 1999-2000 reporting period. Further, the deputy also informed the office that the ORC offered several landlocked parcels in the Oak Ridges moraine that were surplus remnants of the Highway 404 construction for sale to the adjacent owners only. The ORC did transfer one environmentally significant parkway belt parcel, and it was directly to the city of Toronto and the regional conservation authority. In the Markham-Pickering agricultural land preserve, ORC is selling properties through the tenant purchase program. These properties are subject to an easement to preserve their agricultural use under the agreement signed by the ORC, the region of Durham and the city of Pickering.

Regarding the missing environmental reports, the minister deems this to be unacceptable. ORC should be making the environment a priority in its activities and should be reporting as required. They expect ORC to support the government’s commitments to this. That’s what the minister wrote in his letter in May. He has asked the deputy minister to write to the chair of the board again today directing them to respond to this issue of outstanding reports, and he expects them to comply immediately.

With respect to the member for Eglinton-Lawrence’s request for a list, the president of the ORC, Tony Miele, spoke to the member on Tuesday and offered to get that list to you. The president also offered to provide you with a complete briefing in public in front of the media, and the member refused. All he wanted was a list, because all you’re interested in is playing political games. The president of the ORC himself, in public in front of the media, offered to give you a briefing. You refused. The matter rests.

We are pulling forward with this and we will comply as a ministry.

Mr Colle: Where is the list?

The Speaker: Will the member take his seat, please.

There being no further matter to debate, I deem the motion to adjourn to be carried. This House stands adjourned until 1:30 of the clock on Tuesday, November 14.

The House adjourned at 1805.

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| Sault Ste Marie | Martin, Tony (ND) | Windsor West / -Ouest | Pupatello, Sandra (L) |
| Scarborough Centre / -Centre | Mushinski, Marilyn (PC) | Windsor-St Clair | Duncan, Dwight (L) |
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| | | York North / -Nord | Munro, Julia (PC) |
| | | York South-Weston / York-Sud-Weston | Cordiano, Joseph (L) |
| | | York West / -Ouest | Sergio, Mario (L) |

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

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

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