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Clerk
Claude L. DesRosiers

Président
L'honorable Gary Carr

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Thursday 16 November 2000

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

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The House met at 1000.

Prayers.

Mr John Gerretsen (Kingston and the Islands): On a point of order, Mr Speaker: Would it be appropriate at this time to move a motion that the salaries of the cabinet members would be—

The Deputy Speaker (Mr Michael A. Brown): That is not a point of order. This is private members' hour.

PRIVATE MEMBERS' PUBLIC BUSINESS

PROTECTION OF CHILDREN
ON SCHOOL BUSES ACT, 1999

LOI DE 1999
SUR LA PROTECTION DES ENFANTS
DANS LES AUTOBUS SCOLAIRES

Mr Hoy moved second reading of the following bill:

Bill 24, An Act to amend the Highway Traffic Act to protect children while on school buses / Projet de loi 24, Loi modifiant le Code de la route en vue de protéger les enfants lorsqu'ils sont dans des autobus scolaires.

The Deputy Speaker (Mr Michael A. Brown): The member has up to 10 minutes to make his presentation.

Mr Pat Hoy (Chatham-Kent Essex): Every school day, more than 810,000 primary and high school students and their parents put their faith in the owners and operators of Ontario's school buses. Every school day parents trust the traditional school bus to transport their children to a place of learning and to deliver them home safely, and every school day more than one family's confidence is shaken by more than one careless driver.

Too many drivers are approaching a stationary yellow school bus with no more consideration than that given to a yellow traffic light, and too many children are paying the price for such reckless behaviour through personal injury or death.

That is the tragedy which shocked my riding, as I know it has shocked several of the ridings represented in this House.

In January 1996, 17-year-old Ryan Marcuzzi, the youngest daughter of Colleen Marcuzzi, who is with us today in the members' gallery, was boarding her school bus when she was struck and killed by a car travelling 80 kilometres an hour. The driver ignored the bus's flashing red lights, extended stop sign and blaring horn from the

school bus driver, who was helpless to prevent the impending tragedy.

Twenty-six years ago, Ed and Ginny Loxton faced the same tragedy when their five-year-old daughter was killed by a reckless driver. I am deeply honoured that both families are present here today in the gallery.

With the encouragement and support of both families, the Marcuzzis and the Loxtons, I present Bill 24 for second reading. But I caution the House that Ryan's and Tracey's deaths were not isolated incidents.

Since October 1974, five children have died in my riding at the hands of careless drivers who have ignored the flashing red lights of a school bus. In the past 13 years, at least 13 children have died and more than 80 have been injured in school bus accidents in Ontario. Those children were going to school to prepare for their futures. Instead, their futures were tragically snatched away from them.

Ignoring school bus lights is not a rural Ontario versus urban Ontario problem. It is an Ontario problem.

The last survey carried out by the Ministry of Transportation shows that when a car meets a school bus there is a better than 1-in-20 chance that the driver will attempt an illegal pass.

A bus watch program that operated in the Hamilton-Wentworth area received approximately 40 to 60 complaints per month about motorists who had failed to stop for school buses that were loading and unloading their passengers, even though the red flashing signals were activated. But Hamilton-Wentworth's conviction rate, like similar conviction rates across the province, is only a fraction of what it should be, because the Ontario Highway Traffic Act fails to adequately provide for the safety of children using the school bus system.

The barrier to a conviction is identification. Current law requires that the face of a driver passing a school bus be clearly identified before charges can be laid under the Highway Traffic Act. School bus drivers and other witnesses can often identify the licence plate number, make, model and colour of the offending vehicle, but most cannot see the face of a driver long enough to make a positive identification.

The province of Ontario claims to be tough on law-breakers and crime. It's time for the Ontario Legislature to protect its children, as they get on and off their school bus, by sending a clear message to drivers that violations of the laws governing the passing of school buses will not be tolerated.

Bill 24 sends that message. Bill 24 attempts to correct the long-standing problem of identifying the drivers of vehicles who recklessly endanger children boarding or leaving school buses. This bill imposes liability on the owner of any vehicle that fails to stop for a school bus with flashing lights.

How serious is the problem? Every year we see story after story of careless drivers who ignore the school bus warning lights. In 1996, a ministry spokesperson told the *Toronto Star* that 1,100 convictions over a two-year period showed that the problem is being taken seriously. But that's only 550 convictions per year across the entire province. It's nothing but the tip of the iceberg. A 1998 survey in London, Ontario, showed 218 vehicles that passed buses illegally during a four-day police blitz. No, increased fines alone are not a deterrent.

In 1997, in the midst of great publicity about my bill and pressure from parents and school boards, the Minister of Transportation introduced higher fine levels, but with no conviction mechanism, higher fines are left meaningless.

The Ontario Police Association supports my bill. Officers know they don't have the resources to follow 16,000 school buses around their routes twice a day. A local police chief from my riding said that for the safety of students, vehicle plate identification should be allowed for police to link some responsibility to the owner.

The excuse the Minister of Transportation has offered for refusing to protect the children of Ontario is not founded. The minister says he cannot give police powers to school bus drivers, but bus drivers already have those powers under the existing law if they can see the face of the driver clearly enough to identify him. A police officer told me, "This is a red herring." He said there is no reason bus drivers should not have the authority to identify careless vehicles that endanger the lives of children.

Because the ministry does not compile statistics on reported violations, we do not have an accurate ratio of convictions to violations, but school bus drivers tell us that they are passed illegally twice per shift. There are 16,000 school buses in Ontario. At two violations per shift—I'll leave it to the House to do the math. You can see for yourselves that the ministry does not have a hand on the problem. They barely have their finger on the pulse.

With limited resources, the police are stretched to the limit and cannot mount the type of regular blitzes needed to catch violators under the provisions of the existing Highway Traffic Act. They cannot follow 16,000 buses around daily. That's why the Ontario Police Association supports Bill 24. They say my bill is "a positive step toward ensuring the safety of school children in Ontario".

The principle of vehicle liability is not new to Ontario. All parking tickets are issued using the principle of vehicle liability. Photo radar worked on this premise. Not only that, but the collection of tolls along Highway 407 works on the same principle of vehicle liability, as do parking violations, and all commercial vehicle infractions are enforced through the principle of vehicle liability.

The precedent has already been set by this government by the implementation of red-light cameras. Justice will not be denied because of vehicle liability. It is simple enough to show your innocence if you are not guilty. Owners must act more responsibly to identify the driver who has endangered the life of a child. If this government can consider making a parent responsible for the actions of their child, how can it refuse to make an owner responsible for his or her own vehicle?

The question then becomes, how can we justify the idea of vehicle liability for collecting tolls, parking fines, red-light cameras or flying truck tires if we're not prepared, as legislators, to extend the practice for the protection of our children?

1010

Owning and operating a motor vehicle remains a privilege and not an automatic right in the province of Ontario. With this privilege comes responsibility and accountability. In instances such as those outlined in Bill 24, vehicle liability is both fair and just in asking that the vehicle owner either accept responsibility for operating their motor vehicle or identify the driver who was operating said vehicle at the time of the violation so that the province can seek accountability.

Bill 24 does not attempt to unfairly penalize a vehicle owner. The vehicle itself must be properly identified to the satisfaction of the court, and an owner who can prove that a driver other than himself was in control of the vehicle would not be charged. Only owners who fail to identify a driver will face a fine. Drivers will face the government's increased fine levels, plus the crown will be permitted to ask for application of up to six demerit points under the provisions of the existing law. In either case there will be a conviction, and only then will there be a real deterrent.

Bill 24 is not an attack on civil liberties. Ask the parents of a dead child whose liberties have been breached when an offender is shielded by an inadequate law. Nonetheless, the bill has been carefully written under the exact same language as other government vehicle liability bills.

The law specifically states that when a vehicle approaches a school bus with red lights flashing from either the back or the front, the vehicle must come to a complete stop. It does not say, "Proceed with caution," nor does it say that the driver may proceed if he or she believes the road to be clear. It says, "Stop." But the law is virtually unenforceable without the changes in Bill 24. It serves the overriding public interest because it protects a particularly vulnerable group. Bill 24 will result in the protection of Ontario's children who are riding buses, without eroding civil rights of Ontario drivers. These are our children calling for protection. I ask the members of this House to answer that call and pass Bill 24 into law.

Mr Garfield Dunlop (Simcoe North): It's a pleasure to be here this morning, allowing me the opportunity to speak to Bill 24. I would like to thank the member for Chatham-Kent Essex for continuing to bring this issue to the forefront of this Legislature. I know this is the second

time the member has brought forward this bill, and I think it is an excellent bill at helping to improve the safety of our children.

The reason I say that is, as I mentioned to Mr Hoy a few weeks ago, my family had a tragedy concerning a school bus as well, and I would like to put on Hansard just a bit of the history behind it and why I feel we always have to continue to improve the public safety, particularly with respect to school buses. It happened 30 years ago. I had a seven-year-old sister. Her name was Jill; in fact, I named my daughter after her. It was a beautiful, sunny afternoon in February. The roads were clear. Five children were getting off the school bus at this one location—another sister and brother, and two neighbour children. It was on Highway 12, a fairly busy highway even in the winter, but today that highway has been bypassed and the 400 extension goes up that way with a four-lane highway right through to, I believe, close to Parry Sound now.

Five kids were ready to get off the bus, and my sister, the one who was seven years old, was the first off. She jumped off the bus and immediately a car, at high speed, passed the bus on the passenger side and killed her instantly. If there was a good thing about the story, it is that there could have been five children killed at that point. I wanted to bring that to the attention of the House. I know my parents never really got over that time, and I can sympathize very much with the people in the gallery today, the loss they've had. It was a terrible tragedy, particularly when it was one of those weekends that we were all ready to go out to a hockey tournament over in Elmvale, which was like a local war area with hockey wars. It sort of destroyed that weekend, but it took a lot out of our whole family for a lot of years.

I have been an advocate of public safety on school buses. When I see Mr Hoy's bill, I think any attempt at all at helping to improve public safety with respect to school buses is very important.

Through rural Ontario, we have literally hundreds of thousands of miles of roads where school buses travel for different boards of education. I think there are close to a million children in Ontario who travel on school bus routes on a daily basis. I've heard of cases even on side roads, small concession roads, little township roads or county roads—I'm not even talking about highways—many times where accidents have almost happened. I wanted to put that on Hansard this morning.

I think Mr Hoy deserves credit for trying to bring forth improved legislation. I know there are problems in some of the technicalities that we may or may not agree with as a government, but I want you to know that I support the intent of this legislation this morning. I congratulate Mr Hoy for bringing it forward, and I appreciate the opportunity to put on Hansard the story of my own personal loss with respect to public transit and school buses in our province.

Mr Bruce Crozier (Essex): I'm pleased today to have an opportunity to participate in the debate on my col-

league's Bill 24, an attempt to amend the Highway Traffic Act as it affects school buses.

I'm touched by the story that was just told by our colleague from Simcoe North. We have the Marcuzzi and Loxton families with us here this morning, so we have three very graphic pieces of evidence as to why we should support this bill. This bill has been debated twice in this Legislature. It has been presented four times by my colleague, and each time it has died a death on the order paper.

I think it's time we thought about what my colleague has said, the reasons for this bill, and more will be said about it as we debate over the remaining part of the hour. But it's time we made that attempt all of us feel should be made. What we're going to need, of course, is the support of not only those of us in the Legislature this morning—because I suspect that if this bill has passed once on second reading, then there's no reason why it should not pass again. But beyond that, we need the support of each of us, and we need to contact other members of the Legislature to get this bill through committee. We know that on private members' business there can be on a number of occasions good intent expressed and yet the initiative seems to die there. We can't let this happen to Bill 24. We have to encourage each of our colleagues to encourage the House leader of the government to see that this bill passes through committee and comes back to us for third reading.

My colleague has pointed out the apparent concern of the government with the operator liability side of it, and yet has given very simple examples that we all understand where drivers aren't identified when it comes to offences as simple as parking tickets. We had photo radar a couple of years ago where tickets were issued and convictions and payments made for those offences through a case where there was no driver identification. Right now we have cameras on 407. More recent was the introduction of red-light cameras. Technology has to be used. We're in an age of technology, and to use this driver identification as an excuse I don't think is one that each of us really wants to show much support for.

1020

It is time we got to the real intent of this, and that's the safety of our children. I've even had some mention to me—and I spoke with my colleague—that a management person from a bus company down my way suggested, "Well, rather than putting the onus on bus drivers to carry out such a law as this, we should put some of the onus on children." I agree we should continue in our schools to educate our children about bus safety. I'm sure that goes on all the time and I'm sure these students go out with that knowledge, but my wife often told me, as our children were growing up, that it's difficult to put an adult's head on a teenager's shoulders or on a younger person's shoulders. In fact, because we have evidence of passing school buses, I'm not so sure that adults even have this on their minds all the time.

Along with education, we all have to get behind this bill. It's a good bill. It doesn't deserve to die on the order

paper again because, as it sits, our students, our children, our young people are at risk. All we're asking for is everyone's co-operation so that we can make our streets safer for our kids. Support this bill and help this get through committee so we can bring it back and pass it.

Mr Rosario Marchese (Trinity-Spadina): Because there are only a few members in the Legislature this morning, I want to speak to the Ontario electorate directly. You will remember that when this Conservative-Reform government wants to go after some scapegoat, they have no problem being tough and establishing themselves as the real law-and-order government. They've got no problem going after squeegee kids, as they did a couple of years ago, when we in Toronto and I in my riding had a lot of squeegee kids working for just a couple of pennies. Peter Kormos would give them a buck or two. Others would give them a quarter. No problem.

The Tories came here talking about, "Oh, my God, the problems we've got with squeegee kids. We've got to clean the streets of the squeegee kids." No problem getting tough on them. Then they passed a Victims' Bill of Rights because, they said victims need protection. We have a ruling from Judge Day, who said there were no rights in the Victims' Bill of Rights. In fact, their own government lawyers admitted that they were simply statements being made in that so-called Victims' Bill of Rights but no rights specifically. Their own lawyers argued like that. They've got no problem saying, "We are for victims," pretending they're giving them rights, and then they get nothing.

They have no problem being tough, again, when they say imitation guns are a problem, but 18-year-olds can buy them and then carry them, as if that doesn't pose a threat to a policeman when he sees some imitation gun or something that in his mind is a gun. It doesn't matter whether it's a 12-year-old or an 18-year-old; it's an imitation gun that looks like a gun. Peter Kormos quite correctly said, "Get rid of the"—

Hon Margaret Marland (Minister without Portfolio [Children]): On a point of order, Mr Speaker: The standing orders require that we speak to the matter before us. This member has not yet mentioned either the bill or the subject of the bill, and I ask you to bring that to his attention.

The Deputy Speaker: Thank you. Of course it is a point of order that you need to speak to the bill. I thought the member was.

Mr Marchese: Thank you, Speaker. I appreciate the ruling. She wasted a couple of minutes of my time, but that's OK. She was making a point for me. I appreciate that.

So an imitation gun is an imitation gun, and it's dangerous to the police men and women working in the force, because they can't distinguish between an imitation gun and a real gun. So quite correctly, Peter Kormos said, "We've got to get rid of all imitation guns if they are dangerous, no matter who buys them and no matter how old they are." Oh, but not for this government. They were going to be tough. Now, as my good

buddy Peter Kormos once again said, we've got Project Pee against the welfare recipients. We're going to test them, and we're going to make sure they're not on drugs, and if they are, oh, man, are we going to go after them, because we're here, we love them and we want to help them. Project Pee at work; tough on crime, once again.

The Conservatives hate this kind of way of addressing the issue, because they want to be seen as the real law-and-order types, the ones who really fight for victims. Yet we've got a bill here from the member for Chatham-Kent Essex, a bill that's designed to protect kids, and the government says, "We can't support that." One member stood up and said, "Yes, I had experiences of this in my life, and I think it's important. We're going to support this." Where is the rest of the government? This bill was introduced in 1996. It went to committee and was never dealt with. It was deferred and deferred and never dealt with.

When the government prorogued the Legislature at that time, they passed three of their own private members' bills, but they couldn't find it in their own hearts to worry about the children and support the bill the member for Chatham-Kent Essex introduced. They couldn't find the time to do it. They found it in their hearts to be able to pass three private members' bills introduced by the Conservative government, but not that bill.

So it comes back, and I'm convinced we'll have more than one member saying, "Oh, this is a very good bill. It's an important bill and I support it personally." But they can't collectively, as a government, pick it up and make it their own instead of making it die, putting it in limbo, in committee, and never calling it forward to be debated.

What a shameful piece of work this Conservative government is, this government that is so tough on crime. Yet when they get a bill here—it's an easy bill to understand: the bus driver stops, there's a stop sign, a whole lot of people go through it, endangering the lives of many people and—

Interjection.

Mr Marchese: What is it? I couldn't hear.

People drive through that stop sign, drive by that bus when kids are getting on and off, endangering the lives of those children, and the government doesn't see fit to pass it, to give the power to the driver to be able to simply identify the licence plate, as opposed to the existing law that says not only must you identify the licence plate but you must identify the driver. How is a bus driver able to identify a passing driver who goes at a quick speed through that stop sign, when the driver is so concerned and so worried and horrified about what might have happened that he or she has to lift his or her eyes at the spur of the moment from the accident to where the car is, 20, 30, 40 yards away or farther, and identify the driver? How is the driver able to identify the offending person? They can't. That's why there are no charges laid. That's why there are, if any, a few charges that have been laid. I'm not sure many have been laid, because nobody can

identify the offending person who drove through that stop sign, but that's obvious.

What's so profoundly obvious is when you look at the hypocritical response with what this government has done with the red-light cameras that the Conservatives allowed Toronto Mayor Mel to install; they work the same way. The licence plates of cars running a red light are identified and car owners are then charged. It's the same principle. The Tories are not listening, the few who are here, but it's the same principle. That's why I speak to you directly. They've permitted Mayor Mel to have the power to deal with red-light cameras for those who speed through red lights. Mayor Mel was on television the other day saying, "You weren't the driver, your car, too bad." That's what Mayor Mel said. The same principle ought to apply here. The same principle these Reform Tories permitted Mayor Mel to have, which is a good thing, I argue by extension should be permitted here with the proposal brought forth by the member from Chatham-Kent.

1030

It is even more hypocritical, I argue, that Conservatives have no problem with the for-profit Highway 407 operators photographing vehicle licence plates and then assessing user fees against the vehicle. It is the same principle. That's why I argue it is hypocritical when M. Turnbull, the minister, is quoted as saying, "The bill is well-intentioned, but the idea of giving police powers to the bus drivers I don't think is appropriate." That's what he said.

It is appropriate for some person to run through that stop sign, endangering the lives of children in many cases. We know that in the past 13 years, at least 13 children have died and over 80 have been injured. That's OK. It is OK to go after squeegee kids. It is OK to introduce a victims' bill of rights that has no rights. It is OK to do a number of other things that you have done, like the red light cameras that contradict the position you are taking and continue to argue, as Mr Turnbull, "It is well-intentioned, but the idea of giving police powers to the bus drivers I don't think is appropriate." It offends me that Mr Turnbull argues this way.

You offend me, government members, that you weren't able to pass this bill in 1996. I'm convinced the six of you who are here will pass this bill today, and I'm convinced it will go to committee once again. But I don't know whether you will do what you did in 1996, and that is not bring it forward for debate once again. That's what frightens me.

I'm surprised that there aren't more of the victims who have been able to convince you that what you are doing is wrong, that what you are not doing is profoundly wrong, that so many victims have been able to persuade you to do things so that you can claim how tough you are on disorder, on acts of violence against victims, where in actual fact you do so very little.

Here is an opportunity to say to the families who are here, the Marcuzzi and Loxton families, that you are profoundly committed to the idea that this thing can be

avoided, these incidents and these tragic deaths can be avoided and that you are going to be taking steps to make sure this thing will never happen again. I hope these families have been able to convince you in some small way, and I hope other victims will keep on calling you to expose your contradictions and to expose your hypocrisy. But I hope on this matter you will do something.

I'm going to be leaving three minutes of my time to my colleague from Niagara Centre so that he can then complete this debate.

The Deputy Speaker: Further debate? The member for Brampton—Barrie-Simcoe-Bradford. I am very sorry.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): Thank you, Mr Speaker. It is always a pleasure to speak in front of you. I certainly understand what the member is trying to accomplish here today. When I started out this morning, the first thing I did was I drove my children to their bus stop, my two young daughters, and made sure they got on the bus and made sure I looked at who was behind that bus to make sure they weren't doing anything and traffic wasn't coming forward. It is a very important issue.

As the parliamentary assistant to the Minister of Education, I want the public to know that under the Education Act school boards are not obligated to provide transportation for their students. But where a board does provide transportation, the province makes funding available to the board to help support that service. Boards are responsible to parents, students and taxpayers for setting their student transportation policies, because it's a very important issue.

The member is proposing a bill to amend the Highway Traffic Act to increase fines and place liability on vehicle owners rather than the drivers in instances where drivers pass school buses illegally. What we're dealing with here is obviously a matter of form and a matter of procedure.

Safe transportation of Ontario children is a priority of this government. Over 920,000 students travel in school buses each day. It is a tragedy whenever a child is killed or injured in this province and we need to do everything we can to keep children on school buses safe. Our government has taken a leadership role in targeting drivers who illegally pass school buses. We have doubled fines for illegally passing a school bus from July 1997. The first offence is a \$2,000 maximum; a subsequent offence is a \$4,000 maximum, possible imprisonment and a loss of six demerit points.

The issue is that as we shift liability to vehicle owners rather than the drivers, it would ignore the use of effective sanctions such as demerit points and increased insurance rates, but that's something that has to be considered. That is something that is to be looked at in the overall scheme of what we're trying to accomplish here, because the overall accomplishment here—and I respect the member from the other side—is to ensure the safety of our school children who travel on buses.

To shift the liability to vehicle owners, to make them responsible, is not as direct as to make the driver responsible, in terms of changing the behaviour of the driver

who is responsible. This government believes that the illegal passing of school buses is a form of aggressive driving, and changing driver behaviour is critical to improving road safety. That is why the Ministry of Transportation created the Advisory Group on Safe Driving. Representation in this group comes from a wide range of road user-safety groups. The advisory group provides advice on aggressive driving. They look at matters related to public education and marketing, a review of the rules of the road and aggressive driving research programs.

There are community safety programs that have been set up between communities and bus drivers to report incidents of illegal passing. There is also a bus watch program in Hamilton-Wentworth and a road watch program in Durham; the member from Durham is going to be speaking on this shortly. School bus operators, school boards and police work co-operatively. Letters are sent to owners of vehicles seen passing school buses illegally. Additional enforcement options include visits by police, charges and increased police enforcement at problem locations.

The member opposite obviously feels strongly about this. We all feel strongly about this. I think the process that has to be followed is to make sure that what we put in place is the most effective means. This is another measure that I know the member opposite is looking to put into place. It has to be reviewed. It has its pros and cons in terms of whom you're targeting. But certainly anyone who has a child, anyone who is responsible with respect to the safety of anyone on the road, must take this situation seriously. We must look at all measures to make sure we get at the party who is responsible for this. Obviously there is a vehicle and obviously there is a driver that's involved in this.

I want to say this personally: the member's intentions are respected. This is something that has to be considered very seriously. I'm going to give up my time to the member from Durham. I know he takes this issue very seriously. I want to reiterate that this is a priority of the government: the safety of school children who use our public transportation system via the school board or via the municipality.

1040

Mr John Gerretsen (Kingston and the Islands): I really don't know what the last member was saying. Is he in favour of the bill or is he not in favour of the bill? It is totally erroneous to suggest that there is a shifting of responsibility here. If you read the bill itself, sir, it clearly states that only in those cases where the driver cannot be identified is there a vehicle liability on the owner.

There is not a shifting of responsibility; there is a placing of the responsibility in cases where drivers cannot be identified. In those cases what this bill is saying is that the owner will be held responsible and on a first conviction will be fined \$1,000 to \$2,000, and on a subsequent conviction \$2,000 to \$3,000.

I've got to congratulate the member from Chatham-Kent Essex for bringing this forward. He has brought this

bill forward four times in the past four years; as a matter of fact almost four years to the date this House unanimously endorsed the original Bill 78. It went to committee and it died on the order paper. He brought it forth on two subsequent occasions, in 1998 and 1999, and now he is bringing it forward again.

I hope all of us collectively will put pressure on our House leaders, that if this House is convinced that a bill is worthwhile putting into law, we get away from this notion that just before the House prorogues, we only approve two government bills and two opposition bills. If bills make sense, if they are for the welfare of the people of Ontario, and if this House is in favour of the bills, why don't we just pass them all? There shouldn't be these artificial limits at the end of a session whereby we say, "I guess we will pick two from the government side and two from the opposition side and two from the NDP, and that's it."

This is a good bill. There are already many other examples where there is vehicle liability in effect. As we've heard, it applies to parking tickets, toll roads and commercial vehicles. Why don't we do it in the one area where it's going to save the lives of our children?

I was very much taken with the comments that were made by the member from Simcoe North. What he said was so correct. Those of us who haven't been involved in those kinds of situations can't even imagine it. He said his parents were affected for the rest of their lives by the death of their seven-year-old daughter, who was run over as a result of a car passing a stopped school bus; his young seven-year-old sister died some number of years ago. Those of us who haven't been involved in those kinds of circumstances can't imagine the tremendous, traumatic effect it has on the lives of the individuals who are affected by it in one way or another.

Surely if there is one thing we can do to bring home to the general public, more than has been the case in the past, that there is a responsibility not only on the driver of a vehicle but also on an owner of a vehicle, it is that when they allow somebody else to drive that vehicle, there's a responsibility on them that that vehicle will be driven in a safe fashion, and if that's not the case, then maybe the owner of the vehicle should be held responsible.

Let me make it absolutely clear that the gobbledegook we've heard from the other side so far, other than from the member from Simcoe North—"Yes, we're all interested in the safety of children, and yes, we're all interested in a great education system," and whatever else they said—is all true, but this bill is about one thing and one thing only, and that is that if a driver of a vehicle who passes a stopped school bus with its flashing lights on cannot be identified, only in those circumstances, the owner of that vehicle will be held responsible for the actions of that vehicle at that time. It is not shifting responsibility but it is putting responsibility on the owner of a vehicle if a driver cannot be identified. That's all this bill is about.

I would urge the members of this House to support this bill once again, as we did in 1996, and to put individual pressure on our House leaders to make sure this bill gets third reading. As the minister of children's services—who was in the House earlier and I know will be back shortly—said earlier in a comment to the member from the NDP, this is a good bill. If this is a good bill, I urge her to fight within cabinet for the children she represents in her ministry and get this bill passed, given third reading and effect.

Mr Peter Kormos (Niagara Centre): First, I applaud Mr Hoy for his tenacity, his perseverance and his passion around this issue. I deplore the inaction with respect to this issue, which has been raised time and time again by Mr Hoy.

I listened very carefully to the comments of the member from Barrie-Simcoe-Bradford, who is the parliamentary assistant to something. I read between the lines, and quite frankly I'm not overwhelmed by what I infer from what he had to say. This government's response—we're talking about little people. We're talking about kids. We're talking about youngsters like those kids up there. And we're talking about people who, surely, when they ignore those flashing lights and the stop signs, are culpable of attempted murder or, at the very least, criminal negligence. That's what's happening and that's what has happened and that's what's going to continue to happen.

What does this government do? They want to send letters to the owners of the cars saying, "Please, don't do this any more." Good God, kids have gotten whacked, taken out, killed, and so many others maimed and injured.

Clearly the bussing of children has increased dramatically, not just in rural areas but in urban areas as well. The age of youngsters using those buses, because of pre-school and junior kindergarten and so on, has become younger and younger. The phenomenon of road rage and aggressive driving has become more and more critical.

Enough playing around with our kids' safety and well-being. Enough treating this offence as if somehow it ranks along with other provincial misdemeanours like maybe speeding by five kilometres an hour or going through an amber light when you should have stopped. Let's treat this immediately as the incredibly serious thing it is, and let's send a message out there to drivers and vehicle owners that in Ontario we care enough about our kids to get really tough on people who endanger kids' lives while those kids are doing the most innocent of things, to wit, disembarking from a school bus.

It is not unprecedented to have this form of vicarious liability within the Highway Traffic Act. It exists in several other sections. In this instance there's a rebuttable presumption because the owner can testify and/or prove that he or she wasn't the driver, and in the course of that identify the driver, as they should.

Let's get with it. This government has got to do more than play the political game of saying, "Oh, yes, we think it's a good bill; however, it's going to disappear into

legislative orbit," which is what they've done so often with so many good bills from opposition members. Pass the bill. Send it to committee, one day of committee hearings, and get it passed into law.

Mr John O'Toole (Durham): I would first like to pay my respects to the Marcuzzi and Loxton families in the gallery today. You have my complete understanding.

With respect to Mr Hoy's bill, I've watched it, as has been stated, over the time it has been here. This is the second time it has been debated. Certainly no one can disagree with the emotional intent.

On a technical level, I'm only going to raise one small point in the brief time I have. I think the member from Barrie-Simcoe-Bradford mentioned it, but the member from Simcoe North attached the real sentimental value to the bill that I want to remain as my observation and support of the bill.

On the other side of it, when the member from Trinity-Spadina was talking in political jargon and rhetoric, he mentioned the point that the driver who passed the bus—in fact, that's the whole issue of this bill, and the problem I have with it is that it's like Big Brother. Let's keep in mind here that we don't want a society where there's a whole computer-model, red-light radar, whatever, looking after us. We need to take responsibility personally. It's a matter of enforcement in this particular case.

1050

So the issue that is defined here is, are we after the vehicle or are we after the driver by stopping the vehicle, the wrong vehicle? I want to address very briefly that issue. Once I've been accused of something I get a lawyer, and I then spend money defending my rights. If it's a civil or criminal issue, those responsibilities to defend yourself aren't taken lightly. In most cases there are police officers, sworn officers of the court and of the judicial system. To have a lay citizen in a case where there's an accusation made who is spending money defending—that's the whole issue here—and he is found to be exonerated, who pays the lawyer's bills? If somebody maliciously wants to impugn him by saying, "Your driver's licence was noticed at this sign," and seven years later, after the legal fee battle is over, they find out that wasn't the case, it was a mistaken identification, then you really end up with a situation—

Mr Kormos: Weasel words.

Mr O'Toole: They're not weasel words. In fact, your words are weasels. I believe that we are after the driver, the irresponsible driver.

Mr Hoy, I do support the sentiment of the bill. But by the same token it's the very same thing that, if you mentioned it, red light running, the particular case that Mr Colle will be addressing, in my view is a case where there is some opportunity to increase public safety.

The photo radar issue: clearly, putting police on the road and stopping aggressive driving is the more important solution.

With the 407 technology that Mr Hoy used, the Big Brother technology, there isn't somebody's life at stake. I believe it's about enforcement.

I believe that the debate this morning is very interesting. I'm going to give the rest of my time to the member for Etobicoke North so he can address the issue of convictions.

Mr George Smitherman (Toronto Centre-Rosedale): Unlike the last member, I hope to do justice to the issue that is before us.

In starting my comments, I want to pay respect to the Marcuzzi and Loxton families and also to our colleague from Simcoe North, Garfield Dunlop, who tells a very personal story about the impact of this. I cannot offer in the brief time I have more compelling words or arguments in support for this bill.

It seems that we see this change in the government's attitude: this bill had previously been supported, although the government allowed it to languish and die. But we see the wet blanket brigade has been sent out by the government: the member for Durham, and the member for Barrie-Simcoe-Bradford, who was more upset that the Speaker got his riding name wrong than that his position on this issue is wrong. It seems to be wrong in terms of signalling the government's intention not to embrace the opportunity that this issue presents to further protect 900,000 kids who rely every single day on school buses for their mode of transportation to and from their educational opportunities. I challenge the government not to act in such a foolhardy way and not to do anything but embrace this initiative and give life to it.

The member for Mississauga South, the minister responsible for children's issues, earlier was talking about how this issue is of importance from her standpoint as someone who is in the cabinet to advocate on behalf of children. I throw down to her the challenge that she act on behalf of the government and, on behalf of children, within the government to try and be a strong and more forceful advocate than she's been able to be on this issue in the past. Too many opportunities have been passed over on this very issue, as brought forward by my colleague the member for Chatham-Kent-Essex. I say this is the time is to act.

Private members' hour has too often become something where we embrace an initiative and spend a lot of time and personal energy on it. We work hard to gain the support of our colleagues, only to see the government manipulate the process in such a way as to not give full effect to the views of private members. I think that this is an issue where historically, in this House, we've been able to find support for it.

So I say to the government, and to that minister in particular, embrace this and advocate for it and make sure the government acts on it. We have a responsibility, it seems to me, to do everything we can to offer meaningful protection to kids, 900,000 of whom ride school buses every day.

I want to point out that some people view this as an issue which is essentially a rural issue. My own riding, perhaps the most urbanized riding in Ontario, has many kids who are accessing school buses as their mode of access and transportation to school. There is very broad

police, school board and parent support in urban areas for it. I would pay tribute to Ila Bossons, a member who recently retired from Toronto city council, who served the Midtown ward, including part of my riding, and worked very hard as a member of the Metropolitan Toronto and city of Toronto councils to try and ensure that this issue was embraced.

In looking at the stats that were provided by the then-Metropolitan Toronto Police Service here in the city of Toronto, we found that the incidence in urban areas is twice as high as it is reported in rural areas. We know from past debates in this place about issues like gridlock, about issues like road rage and about red light running, that my colleague from Eglinton-Lawrence has worked so hard on, that many people in the urban environment are frustrated by transportation gridlock and by the challenges of getting from point A to point B who are rushing about and in a careless way endangering the lives of children.

This protection would send a very clear message that you will be penalized if you don't take the responsibility for all of our children more seriously. This is a bill that is one step, I think a significant step, toward trying to offer those protections. The member from Chatham-Kent Essex has invested an extraordinary amount of his personal energy. He's to be commended for that.

We would be failing not only ourselves but our constituents and the 900,000 children who every day access school buses. I would encourage members of the government to find a way to embrace this and for the minister responsible for children's issues to get her government to act on this.

Mr John Hastings (Etobicoke North): I think this bill from the member for Chatham-Kent Essex is good because he believes in it. He has introduced it at least three times. What I find most curious about the bill, though—and he made a statement himself in this debate—is that increased fines are not the answer. That's certainly evident in the bill. If it should go to committee, one of the things that needs to be debated and focused upon is why the member would have a lessened fine for repeat offenders for this offence. That's a very troubling matter and something that needs to be corrected because, as it stands now, the ministry has in place fines that are higher than what the member for Chatham-Kent Essex has proposed in his own bill. Enforcement is the issue, and he wants to change the focus of the enforcement. You would think he would want to focus on increasing the fines if he believes as strongly as he does in this bill.

The Deputy Speaker: Further debate? If not, the member for Chatham-Kent Essex has two minutes to sum up.

Mr Hoy: I want to thank all those who spoke on Bill 24: the members from Simcoe North, Essex, Toronto Centre-Rosedale, Kingston and the Islands, Trinity-Spadina, Durham, Niagara Centre, Etobicoke North and Barrie-Simcoe-Bradford. I want to say to you that my sole purpose in bringing forth this bill is to protect the children who ride the 16,000 school buses that travel our

roads, some more than twice per day, in Ontario. I'm here to protect children from injury and death. There are over 800,000 who ride our school buses each and every day to and from their schools.

I want to say to members opposite, in regard to some of their criticisms, that we are looking here at an eyewitness account of an infraction of the Highway Traffic Act—not a machine, not a camera, but an eyewitness account. That eyewitness account will come from the bus drivers of Ontario, in whom I have so much faith and for whom I have tremendous respect. Currently, the government must remember that bus drivers in Ontario have the ability to identify the face of a driver who passes a school bus illegally.

The problem is that regardless of how big the fine is, there is no conviction mechanism. It is nearly impossible to identify the face of a person who passes a school bus illegally. There are many reasons for that, and I won't go into them, but there are many reasons. The public knows what the law is currently. They are passing school buses, as reported to me, with their hands beside their face so the bus drivers won't know who they are. For the sake of our children in Ontario who ride school buses daily, I ask for the government's support of Bill 24.

The Deputy Speaker: The time allocated for this ballot item has now expired. The decision will be taken at noon.

1100

PROTECTION OF AGRICULTURAL AREAS

Mr James J. Bradley (St Catharines): I move that this House request that the provincial government, through provincial policy, provide long-term protection for the unique agricultural areas both within the Niagara Peninsula and throughout the province.

The Deputy Speaker (Mr Michael A. Brown): Mr Bradley has moved private member's notice of motion number 27.

Mr Bradley: I want to say initially that this is truly a private member's resolution. I don't intend this to be a partisan issue because I suspect there are people in all three parties who have a great concern about the disappearance of agricultural land wherever it happens to be in Ontario.

It's not my intention to point fingers; it's not my intention to talk about whether government policy at the present time is ill-advised. What I'm here to do this morning is to encourage members of this Legislature to try to develop some plans that will help us to save agricultural land in this province, and if I may be parochial, specifically within the Niagara region.

Throughout my career as a person in municipal and provincial politics—that's since 1970—I have had as a major issue the preservation of agricultural land. One of the reasons is obviously that I live in an area of the province that has "unique soil" and a "unique climatic condition." That combination is so remarkable that it allows us to have both tender fruit and grapes grown there. If

you look at the Niagara Escarpment—I remember this from a grade 12 geography course—there are 27 more growing days below the escarpment than there are above the escarpment. It's the lake effect that allows us to do that. It's a microclimate that allows places like the Okanagan Valley in British Columbia, the Annapolis Valley in Nova Scotia, and the Niagara Peninsula—and southwestern Ontario, I must say as well, has some of these areas. I think it's extremely important that we preserve agricultural land in this province.

I'm afraid that in our desire as a province, as people in the province, to see development take place, development has taken place very often in the wrong places. That's understandable, because when people want to have development for commercial or residential purposes, often it's easiest to put it on good agricultural land; it's conducive to that kind of development. I think that we have to make a decision in this House, that we have to make a decision as government, to ensure that we instead allow development to take place where it would be most beneficial to us and where it allows us to preserve the agricultural land.

I think the problem is too serious and too urgent to engage in partisan bickering over whether one government is wrong or one party is wrong on the issue. I would imagine the Minister of Agriculture and the Minister of the Environment have a concern about this as well and I hope that is reflected in support for my resolution today.

The resolution actually arose out of a decision, I think an unfortunate and an unwise decision, by the Ontario Municipal Board in July of this year to allow over 500 acres of agricultural land to be converted to land for residential, commercial and business development purposes on what's called the Fonthill kame. The Preservation of Agricultural Lands Society fought that at the Ontario Municipal Board hearing but was unsuccessful. I would like to see the provincial government overturn that particular decision and I would like to see the provincial government invoke controls that will preserve agricultural land.

The reason I say this is that having served on a local government, I know how difficult it is for local politicians, local elected representatives, to resist the lure of development. There's always a case to be made for it, that it's going to produce jobs, at least in the short term, and that it's going to produce economic benefit. I think we must look at the millions upon millions of dollars that the agricultural industry in the Niagara Peninsula produces for this province and for this country and for the communities in which it's located.

Judy Casselman, who is a councillor, presented this resolution to the St Catharines city council. That's where I got the idea for this resolution. I wanted to reflect something happening in my community, a concern of my community, in this House. The resolution at city council read as follows:

"Whereas, the unique agricultural lands in the Niagara Peninsula capable of growing tender fruit and grapes are a limited and irreplaceable resource; and

“Whereas the availability of land is considered to be a major limiting factor in the expansion of the tender fruit industry; and

“Whereas in recent years we have seen tremendous competition between tender fruit growers, grape growers and greenhouses which is forcing fruit growers to look at lower-quality lands outside of the Niagara region; and

“Whereas in 1997 the provincial government removed the protection for unique agricultural lands and provided opportunities for municipalities to expand their urban areas if there were no reasonable alternatives; and

“Whereas pressure for continued urban growth is placing tremendous pressure on our limited supply of unique agricultural land; and

“Whereas other jurisdictions in North America such as Napa Valley in California are recognizing the need to preserve their unique agricultural lands for the long term;

“Be it resolved”—and then they said, in their case—“that this council request that the provincial government, through provincial policy, provide long-term protection for the unique agricultural areas both within this region and throughout the province.”

I think it's a reasonable cry.

These are urban politicians. During our recent municipal election campaign, most of the candidates talked about the need to preserve agricultural land, but that can only be done if the provincial government takes that role.

I would like to see, for instance, a select committee of this Legislature deal with this issue in depth. Send the whips away, send the House leaders away, and allow the members who are concerned about preserving agricultural land to check their partisan hats at the door and try to find ways to save that land, because I think we recognize, particularly those of you in this Legislature who are farmers, that if you want to save agricultural land, you have to save the farmers.

We have to have programs which assist farmers, such as when they have a problem with the plum pox virus in the Niagara region and many trees have to be torn out, so that there is compensation that takes place.

It's very attractive for farmers, most attractive, to sell their agricultural land for a huge price and get that money immediately than it is to sell it to another farmer. What's happening is that the price of land is going up so much that a person like Don Ziraldo, who is the president of Inniskillin Wines and a person considered to be one of the foremost people in the wine-producing industry, has asked the Premier of this province to establish an agricultural preserve in the Niagara Peninsula similar to what they have in the Napa Valley. I think that would be a very progressive step on the part of this government and I think it can be done. The fact that Don Ziraldo would ask for this I think adds weight to it, because he has recognized that if we allow development to continue on the Niagara Peninsula the way it has in the past, we're going to lose those lands and we're going to drive up the prices so that farmers cannot afford them.

I look at places like Vineland, Beamsville, Niagara-on-the-Lake, St Catharines, Grimsby and Stoney Creek,

which have development taking place that frankly is in the wrong place and is the wrong kind of development. I really think that should have been kept for agricultural purposes.

The value of the tender fruit and grape industry is tremendous to our area. I commend to members of this Legislature an issue paper from March 1991 by Jerry Richmond and Anne Anderson of our legislative library called *The Preservation of Agricultural Land*. It has a lot of good ideas on what other jurisdictions have done to try to preserve that agricultural land.

We recognize as well that it's a tourism attraction. People don't come to the Niagara Peninsula to see wall-to-wall development. They come to the Niagara Peninsula because there are large tracts of rural land and they really enjoy that. We've had wineries grow up in that area. So many wineries have grown up, and the member for Niagara Falls and the member for Erie-Lincoln and I see them throughout our ridings.

Dr Joseph Kushner and I, when we were on city council together, fought hard against the expansion of boundaries. We were both urban politicians within the city and there was always pressure on us. We fought against that. Dr Kushner has produced some reports demonstrating that residential development, for instance, isn't always a net benefit to communities in terms of the assessment that is there.

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We have a huge land mass in Canada and Ontario. Only a small amount of that is arable land or land where the combination of the climate and the soil enables us to grow products. If we have to import, we can be assured that those imports will be very costly and we will not have those products available for us.

The land often will be allowed to lie vacant, so the argument will be made, “Well, it's not being used for agricultural purposes, so you may as well develop it.” That's what developers do: they purchase the land, they let it lie there and then people will allow that argument to be made. I think we have to make it viable for farmers and that's what I hope happens here.

I think most members would agree that severances are not the answer, that that's death by a thousand cuts when you allow severances to take place and intrude into the farmland.

We have to ensure that our farmers get the appropriate amount of money for their products, and I think the select committee process is the very best way of doing this.

I remember hearing a statement by Will Rogers, a US humourist, who once said about farmland that they're not making it any more so we should be saving it. I say, indeed, and I hope members will support my resolution as a result.

Mr Peter Kormos (Niagara Centre): I support the resolution in its entirety without hesitation. My predecessor, the great Mel Swart, and Mr Bradley, during their contemporaneous careers here, had always been strong advocates for the preservation of agricultural lands in Niagara and were raising this matter in this Legislature

over the course of their respective careers on a regular basis.

It's trite but it needs some reiteration that we're dealing with a non-renewable resource, one that once it's paved over, you never get it back. We're also dealing in Niagara with some of the most dramatically unique agricultural lands in all of Canada and in all of North America. We're not talking about the huge tracts of land that, for instance, you find in California, with the huge, mega-acre pieces of land that are used for farming. You're talking about some very specific, some very identifiable and some extremely high-quality pieces of farmland, both below the escarpment—the microclimate talked about by Mr Bradley—as well as on top of the escarpment.

We're also talking about an incredible and bizarre obsession by some municipal leaders—at least one of them was defeated soundly in the municipal election earlier this week—who have bought into the need for constant urban expansion, constant growth, constant development.

I've got to tell you that the real tragedy is to witness farmland that developers have taken hold of and created some of the most mundane, tedious, boring and from time to time downright ugly housing tracts that one could ever observe. That, I suppose, for me is the real tragedy, in that the utilization of this incredibly scarce resource has been done so callously and cynically—we know the motive, generating profits that are pocketed and then that developer moves on to any other locations that are ripe for the picking. This is why it's important.

I'm extremely grateful to the Ontario Federation of Agriculture. I know Mr Bradley deals with them on a regular basis, as I do. We were at their annual general meeting in St Catharines for the Niagara North Federation of Agriculture just a couple of weeks ago. Niagara South had their annual meeting down at the Wainfleet community centre.

You see at these AGMs the incredible cross-section of farmers and types of farming that take place in Niagara region from north to south, from the Niagara River on west. It's incredibly diverse. The most commonly known, provincially and nationally, are of course the vineyards, great vineyards, and the tender fruit, but as well there's a huge diversity, a huge range of agricultural use of land, as represented by these farmers, incredibly hard-working people, who are participating, and let's understand it, in the second-largest industry in Canada. The auto industry is number one. Second to auto is agriculture. It's something that a whole lot of Ontarians don't really appreciate, but it's true.

It's also the process of feeding the community. I despair of the day when Ontario, Canada can no longer feed itself, when it becomes reliant upon out-of-country sources of food. I tell you, that is a very dangerous situation to put ourselves in. But the rapid attack on agricultural land makes that a very distinct possibility—in fact, an inevitable reality—unless the brakes are put on promptly.

Speaking further to the issue of farmers, I think it's important to understand that farmers in Niagara, and indeed across this country, are producing some of, if not the lowest-priced food anywhere in the world. It's something we had better understand as well as Ontarians and Canadians. We pay less for our food than any other country. I'll put it to that absolute: we pay less than any other country. The fact is that our inexpensive food, the price that the consumer is being accommodated with, is being subsidized directly by the farmers in terms of their low return on their incredible investment and the incredible amount of labour that's put into running what are, in Niagara region, primarily family farms.

Our farmers have been ill served by the federal government and by the provincial government—I'll put it in the plural: by federal governments and provincial governments—as they're called upon to maintain their production and to compete internationally with jurisdictions where farming is appreciated and where farmers are acknowledged for the incredible contribution they make to the economy and welfare of their national communities and receive support from their levels of government that is in no way equalled or even come close to by levels of support from federal governments and provincial governments.

Last summer, the summer of 2000, was a tough one, let me tell you, for farmers in Niagara. I should probably talk about the plum pox virus, along with the incredible rainfall. For whole crops—tomato crops, hot pepper crops, cucumbers—there simply was no harvest. Farmers were going out there and seeing their fields flooded day after day after day, when in fact they should have been anticipating the process of harvesting and moving that produce to the various industries, to the processors, or to their kiosks along the roadside or the farmers' markets in St Catharines or in Welland, and there were simply no crops. Farmers paid a huge price this past summer in terms of the weather conditions which devastated their crops. Nobody in the community is saying, "Farming is sufficiently important that we should be protecting farmers against these devastating losses."

I also understand, and I want people to understand very clearly, that the farmer and his or her family have huge investments in the lands and in the equipment they use to sow crops and maintain them and harvest them, and that farmers don't have pension plans. Farmers feel hard pressed and hard done by, and quite legitimately so, by the fact that there is no consideration of the farmer's investment being entirely within his plot or plots of land and in the capital investment and that there is marginal marketability of those plots for farming use, for agricultural use. We see farmers working lifetimes of incredibly hard work, feeding their communities, be they livestock producers, poultry producers, egg producers or growing crops or be they the farmers who grow our tender fruit and produce our tender fruit, or the vineyards that have excelled and attained international recognition for the quality of product, the grapes that are being grown in Niagara, reflected very much in the outstanding

Niagara wines, increasingly from the small, family-run, specialized, low-volume wineries—any number of them. You can go down there. People come from all over to do the wine tour. It's mapped out. You can visit a half a dozen wineries. Henry of Pelham, young Mr Speck was the king of the grape festival at the end of the summer, in the fall, as St Catharines celebrated its annual grape festival.

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I commend the people at Henry of Pelham for an outstanding winery, and one worth visiting on a Sunday afternoon. It's a short drive from Toronto or any other number of parts of Ontario. Drive down to Niagara, visit Henry of Pelham, take a look at what's going on. They'll show you the processing, they'll show you the wine manufacturing. They've got a wonderful boutique there at a historic location. You can sample wines, you can buy yourself a bottle or a case to take home—along with any number of wineries along Highway 8. You'll see the signage along the QEW.

But it's this industry that is very much at risk. I echo again the difficulty that municipal and regional levels of government have in effectively establishing policies that are going to meaningfully preserve the farmland as well as ensure that the farmer or owner of that farmland isn't punished by virtue of being a farmer and being in possession of this very scarce and very worthy-of-protection resource, those farmlands.

That's why, yes, it's got to be provincial government that accepts the responsibility for preserving farmland. Regional and municipal governments can be too readily pressured by the developers, who don't give a tinker's damn about the survival of farmland. They'd pave it over in a New York minute if they had the chance, and the proof is that when they do have the chance, they do. There's no regard on the part of developers driven by profit for the sanctity of this incredible soil and climate—none whatsoever. They couldn't care less. They move in with their bulldozers, take off the topsoil, sell it, knock down the peach trees or the cherry trees, pave it, pour your concrete and then they move on to the next development.

The corporate developer couldn't give a tinker's damn about the survival of farmland. Once again, the proof is that when they can take it over and develop it, they do it. Oh, they may pay some historic reference to it by names to their subdivisions that reflect the historical reality of that area, of that piece of Niagara, but they're not interested, not motivated and certainly have no intention of participating in the fight to preserve farmland and to ensure that farmers are adequately compensated where farmers' futures, especially their retirement futures, are impaired by any interference with the ability or the opportunity to subdivide their land and have it picked up piecemeal by the profiteers, by the developers.

Having said that I also want to commend a whole lot of municipal and regional leaders in Niagara, because not all of them fall into those obsessed with the profit goals of developers. But we find those people increasingly

overwhelmed by the huge pressures that can be put on municipalities and the regions to encourage development. Again, development is always pursued and presented as if, if you don't have this development, somehow you are being anti-progress, you are being reactionary; your feet are stuck firmly in the mud.

Well, that's poppycock. It's foolishness, isn't it, Speaker? You understand what I'm saying. You know exactly what I'm saying. It's foolishness to take that sort of attitude, because the progressive position is to recognize the unique qualities of those farmlands in Niagara region; to recognize the incredible contribution of farming and agriculture to the economy of Niagara region; to recognize that it's those farmlands and their produce that make Niagara region the attractive place it is, the envy of so many people in Ontario.

That's why people are moving to Niagara from places like Toronto and other big cities in Ontario, to enjoy the incredible quality of life that Niagara has the potential to offer. They aren't moving there to live in suburban Toronto townhouses, spread out over acre after acre of land. They aren't moving there to tread on concrete and mile after mile of asphalt. They are there because of the incredible diversity of Niagara; urban, small-town Ontario, granted, the kind of Ontario that constitutes most of Ontario and the kind of small-town Ontario that creates some of the best qualities of life, but also very rural and very agricultural.

I encourage all members to support this resolution so that this province feels compelled to move promptly to establish a process whereby some provincial policies can be established that are fair, that recognize the incredible value of this agricultural land in Niagara, that recognize the historic role of agricultural lands in Niagara, and indeed in other parts of the province, and policies that can be put into effect to ensure that Niagarans and people across this country continue to benefit from the incredible fruits of the labours of farmers on that very unique land.

Mr Garfield Dunlop (Simcoe North): Thank you very much for allowing me the privilege to speak this morning to this resolution brought forward by the member from St Catharines on the issue of development on agricultural land in the Niagara region. I know the member has a long and detailed record of statements in this House related to the farmland in the region, and I'd like to thank the member for bringing this issue up in this House. At the same time, I'd like to thank our members from Niagara Falls and Erie-Lincoln for continuing to raise the importance of the agricultural industry to our caucus, especially on the preservation of unique agricultural lands.

I have to say I totally support the resolution. I travel a lot to the Niagara region, basically as a tourist, and we always enjoy going to small communities like Jordan, Beamsville and Niagara-on-the-Lake. We've watched those communities grow a certain amount, and I've always enjoyed the wine tours. In fact, I've gotten to know a few owners of some of the smaller wineries that

make some unique wines. At one point, I think it was just a year ago, I was told there were something like 24 new applications in the Niagara region for additional wineries.

I always find it very alarming, as a member of this caucus or as a resident of Ontario, to think we would ever be in a position where huge amounts of those lands were being plowed under to develop more housing or more industry. I think it is very unique.

One of the things that comes to my mind with the Niagara region is that we have a program called the rural job strategy. I think everyone has heard of that. Two ladies in my community were fortunate enough to receive funding to develop a company called Chelsea Chocolates, and they actually use different icewines from around the province.

Mr George Smitherman (Toronto Centre-Rosedale): Are you giving us samples?

Mr Dunlop: No, of course not. There are no samples to go out.

It's a very unique business. A lot of people in Ontario are very proud of the fact that we have a great assortment of wines from that particular region. I've been in restaurants with a number of members of my caucus, and if they're going to have a bottle of wine or a glass of wine, they demand that it be from the Niagara region, although I admit some of them drink beer.

As a member of the Premier's task force on rural economic development, I had a chance to meet with people from across this province on this and other issues facing agricultural communities. I remember that in intensive agricultural areas in southwestern Ontario concern for the protection of land was high, while in other areas of the province there was less support for restricted development on marginal farmland. It is because of this wide range of support for the protection of farmland that I feel these decisions should be made as much as possible at the local level.

With that said, the region and local municipalities possess a number of tools and the ability through their official plans that I would expect to prohibit development on specialty cropland. Again I go back to the reason; I heard of the 24 applications that were in for new wineries. I've learned that the region of Niagara has already begun this by drafting policies which designate agricultural areas with the highest priority for protection of "good grape" and "good tender fruit areas" followed by "good general agricultural areas."

I don't have a lot of time this morning. A number of our caucus would like to speak. I do appreciate an opportunity to say a few words toward this resolution.

1130

Mr Smitherman: It's my pleasure to join this debate on the resolution by the member from St Catharines. I'll be supporting the resolution.

We all know well of the member's commitment to his region. This issue of the preservation of important and significant agricultural land is something he has a long record on. It's interesting that this issue comes before us today. It's extraordinarily timely, falling as it does in a

week when municipal governments had their elections here in Ontario, and the election results seem to speak, at least in the greater Toronto area, and I think in other places as well, to a great uncertainty on behalf of many constituents who see the diminishing agricultural land eaten, as it has been, by this unquenchable thirst for urban sprawl in so many centres here in Ontario.

I had an opportunity this morning to speak to my federal member, Bill Graham—we were out campaigning at bus stops—who is more of a wine connoisseur than I am. I mentioned that I'd be speaking to this issue, and he immediately said that this is very important, because the Beamsville bench is a world-renowned wine-producing area, irreplaceable because of the microclimate which produces the best icewine in the world. I think that helps to highlight the extent to which, and the fact that this member is from Niagara region, the Niagara region is so well known for its agricultural production and they help to focus on this issue.

We've talked a lot about the land and about the appetite for urban sprawl. I think it's really important to note that it is not just agricultural land that is at stake but in fact it's an agricultural way of life which has been so important in terms of Ontario's development. We have I think a very important responsibility, as a consumer society, to restrain ourselves when our activities run the very real risk of eliminating what has been a very important piece of history.

I say that as someone who represents probably the most urban riding in Ontario, but I'm very proud of the fact that in the centre of my riding is the Riverdale Farm, where the city of Toronto works very hard to provide people, and kids especially, living in urban areas an opportunity to see the importance of agricultural production there, so the importance of this is not lost on them. We can't take these things for granted. To a certain extent, I think the province giving away some of the mechanisms that have the powers over planning where they have simply shrugged their shoulders, is causing a multitude of problems with respect to urban sprawl.

In the greater Toronto area on Monday, we saw many races where a primary issue, a defining issue in the municipal election, was the protection of agricultural land.

Mr Mike Colle (Eglinton-Lawrence): King City.

Mr Smitherman: King City is one example. My colleague mentioned that a 53% voter turnout occurred in that community, an extraordinarily high turnout. The debate there really was around the nature of King township: would it continue to reflect its agricultural roots with very modest growth or would it have a faster rate of growth brought on by the big pipe? In Georgina the mayor, who went down to a narrow defeat, was viewed to have been a force in favour of more development.

Similarly, I think there are exciting occurrences out there where municipal leaders are trying to get Ontario to take an interest in the issue of protection of lands and make sure that the development we have is more

sensible, because we know it is not sustainable to continue down the path we are on. The issue of gridlock in the greater Toronto area is, in large measure, brought on by failure on the part of the provincial government to seize its responsibilities and link the protection of the natural environment, agricultural areas, planning and transportation.

The mayor of Burlington is one example of a mayor who's working very hard to try and improve the way that community accommodates growth. The mayor of Scugog, Doug Moffatt, who was re-elected on Monday night, has been an extraordinarily effective leader and a very strong spokesperson for the protection of these lands. He very often feels at odds with this government and with the member from Durham, who is supporting policies on the part of that government that are leading to this increasing sprawl.

Let's remember one thing as we approach our vote on this debate: there is a developer in York region who was quoted in a Toronto Star piece six months ago or so who said, "In the spring we plant sewers and in the fall houses pop up." That is using an agricultural analogy, but it helps to highlight the problem we've got. Let's keep one thing in mind when we talk about agricultural land: we're not building any more. We have a responsibility to protect it and to accommodate our growth in a more practical and responsible way.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I'm very pleased to join in the debate with respect to the resolution from the member from St Catharines. The wording in the resolution is fairly clear. It's looking for the provincial government, through provincial policy, to "provide long-term protection." I don't really know what the meaning of "long-term" is. I thought maybe the intent of what he's looking for is permanent protection if we're trying to protect our agricultural areas.

The province's role in land use planning is focused on defining issues of provincial significance and establishing policies to address them. Municipalities at this point in time "are required to have regard to provincial planning policies." That's already in existence. Under the current regulatory legislative scheme, the Planning Act and the accompanying provincial policy statements, also called the PPS, provide protection for prime agricultural lands, including specialty crop areas such as those present in the Niagara region. The Planning Act also mandates five-year reviews to determine any revisions to the policy statements, with the next scheduled for review in the year 2001, which is upcoming.

Section 2.1 of the PPS, the provincial policy statements, notes that "prime agricultural areas will be protected for agriculture. Permitted uses in these designated areas include agriculture, secondary uses and agriculture-related uses." Underlying the policy statements is the recognition that the agricultural land base provides economic, social and environmental benefits.

The sustainable management of this resource is a key provincial interest. Provincial policy statements are complemented by local municipal policies regarding matters

of local interest as designated in official plan documents which are the responsibility of, prepared by and passed by local municipalities.

The region of Niagara has drafted policies which designate agricultural areas. The highest priority for protection are "good grape" and "good tender fruit" areas followed by "good general agricultural areas." It should be noted that, in late July 2000, St Catharines city council asked the provincial government to ban development on Niagara's unique farmland. The region and local municipalities possess the ability, through their official plans, to prohibit development on specialty cropland.

Let's bring this into context. The official plan and the zoning bylaws of any municipality, whether through the region or whether through the municipality, are what people who own the land and want to change that land are subject to. But the municipalities or the region are also subject to the provincial policy statements, and any application for a rezoning or official plan change would also bring into the situation the municipal affairs ministry, also OMAFRA—the agricultural ministry—and the environmental ministry, where necessary, as watchdogs to deal with that particular issue.

I understand the intent of the member's resolution. I certainly understand that he wants a provincial role. That role is already there. The long-term protection is somewhat unclear, somewhat fuzzy. I would have thought he was looking for permanent protection, but be that as it may, that's how it was drafted.

1140

Mr John Gerretsen (Kingston and the Islands): I certainly support this resolution that has been brought forward by the member for St Catharines, who has had a long-standing interest in the Niagara Escarpment and the agricultural land that is located in that area. As we know, there are 27 extra growing days possible on that side of the escarpment, which is not so elsewhere in Ontario.

I found it rather interesting that the last Conservative member who spoke talked about the local decision-making process. Let me go on record as fully supporting the local decision-making process of planning boards, councils etc. However, to suggest that currently the provincial policies have the same effect on local decisions is totally incorrect. As we well know, that was changed some time ago last year, when in effect the government changed the wording of that by saying that local decisions no longer had to be consistent with provincial policy, but rather only had to have regard for provincial policy, which changes the entire focus and emphasis. I believe that even though local governments ultimately make the individual decisions in particular situations, it's up to the province to set the standards and it's up to the province to clearly set out what kind of development and what kind of rural lands we want to maintain in the future.

I get very disturbed when we get a document from the government's own ministry, the Ministry of Agriculture, Food and Rural Affairs, which indicates from a tender fruit survey that was taken in the Niagara area that there has been a decline in tender fruit trees in that area in the

last five years of 25%. There are 25% fewer trees in the tender fruit category that produce such fruits as peaches, pears, plums, nectarines, apricots, prunes, sweet and sour cherries and French hybrid and vinifera grapes than there were five years ago. When we see that the projections are that we expect the population of the GTA to grow from 4.6 million to 7.5 million over the next 30 years, one can well imagine the tremendous ongoing pressure there is going to be on the rural lands to turn them into subdivisions, turn them into residential areas.

That leads one to believe that there's even a greater emphasis or a greater need for the provincial government to set out clear-cut policies and to make sure that municipalities have to pass local zoning bylaws that are consistent with the provincial policy statements, not merely having regard to those policy statements.

This is a very important issue, and I think the future generations, such as our pages who are with us here today, the future young people we have in this province, demand that we take this issue seriously and demand that the province take an extremely strong stand to make sure that the tender fruit areas, the special agricultural areas that are located within the Niagara Escarpment area, are going to be maintained for future generations. Some 75% of all of the tender fruit growing areas in the entire country of Canada are located in this area. When we see that over the last five years there has been a decline of 25%, that's simply not acceptable nor sustainable in the future.

I urge the government members to support this resolution so the various ministries can get together and come up with a strong provincial statement that municipalities will adhere to.

Mr Bart Maves (Niagara Falls): It's a pleasure for me to rise and speak to this motion from the member for St Catharines. Let me just say at the outset that I can agree with the sentiment expressed in the member's resolution, that we want to see agricultural lands stay as agricultural lands and be farmed productively and successfully as agricultural lands. But that's about the only thing I can agree on with the member opposite, and I can't support this resolution.

One of my main problems with the resolution, quite simply, is that the resolution assumes that farmers don't want to farm their land, that farmers want to get out of farming and sell off their land for residential, commercial or industrial purposes. I think nothing could be further from the truth. The farmers that I know and the farmers in my riding, principally in Niagara-on-the-Lake, have farmed all their lives, and their families before them farmed, and they want their children to continue to farm. They are not interested in getting out of that business. So when we assume that there is going to be a rush to rezone land, to get land moved into industrial and commercial, I think it's a bad assumption. They, more than anyone in this room, want to remain in the business of farming.

Therein lies the crux of this issue. In the last four years, if you went up and down the lines and concessions of Niagara-on-the-Lake in my riding, you would have

seen more farmland than ever before put into production. For many years, a lot of that farmland sat idle and was not utilized. But now that farmland is being put into production by those farmers. Why? Because it's economically viable for them to do so.

I think one of the most important things that we're missing in this is that the problem with farming in Ontario today quite often comes from subsidized competition from other countries. If our federal Liberal government is not going to do anything to help—and I'm not making this a partisan issue, but trade is a federal issue. I've been visited by many people in the agricultural community, by the federations of agriculture, by my local farmers, and when product comes in subsidized from European countries or South American countries or the United States that depresses the prices that our farmers get for their food, it makes it a lot less economically viable for our farmers to continue to farm and stay on the land. Remember, for them their farms are their pension. Their farms are their retirement. If we lock up their farms and say they can't be used for anything else but agriculture, they can't sever a lot for their retirement and pass the rest of it on to their son, if we put so many restrictions on them, when those prices get depressed, they go bankrupt. They lose their farms. They lose their families. It has happened; it's in the history of Ontario. So we have to be very, very careful when we tread in this area.

I think it's more important for us to ask, how can we continue to help the farmers? We've done a lot, this government, since we've been in office, to do that through taxation changes. How can we continue to make them economically viable? If they are economically viable, and they have been for the past four years especially, the farmers, more than anybody else in this province, will continue to farm their property, will stay on the farms. I think that's the important point we have to make.

I could go on quite a bit longer. Mr Ziraldo of my grape growers—I have the greatest respect for Mr Ziraldo, who has spearheaded this move in my area. Many years ago, Mr Ziraldo, I'm told by my grape growers, severed parts of his farmland in order to raise capital to invest in his winery. He is now a very successful winery person, and I can understand why he has this position of protecting this agricultural land. My grape growers reminded me of that fact many years ago. Doing something like this limits that flexibility for those farmers today and may not be fair.

I can't support the resolution. I appreciate the sentiment of the resolution, but I think there are a lot of other ways the farming community would rather approach this problem. As I said, our farmers, more than anybody in this room, want to keep their land agricultural, but this is not the right way to do it.

1150

Mr Colle: I'm shocked by the member from Niagara Falls, first of all attacking one of Canada's most famous wine producers, Mr Ziraldo, and also denying my colleague's initiative here, which is non-partisan. The member from St Catharines is saying he wants the

government, in a non-partisan way, to look at ways of implementing provincial policies to protect these very precious agricultural lands in the Niagara region. I'm really shocked the member from Niagara Falls would not take that olive branch from the member from St Catharines, no pun intended.

The point here is that this government is standing on the sidelines and is missing in action as we're losing one of the most precious resources we have as Canadians, as Ontarians, and that is our farmland, our prime farmland. As the member from St Catharines said, in the Niagara region we have, next to the Okanagan Valley and the Annapolis Valley, some of the most precious lands in North America, which are being jeopardized by the greed of developers who want to pave and put these cookie-cutter subdivisions over this precious farmland.

I look at the young pages here, and I hope they take up the battle to preserve our farmland, because I think a lot of our young people presume that all our agricultural products, our fruits and vegetables, are imported from the United States or Mexico. They don't realize some of the most precious vegetables and fruits and some of the best-tasting fruits and vegetables, not to mention our wines, come from the Niagara region.

If we don't listen to the alarm being sounded by the member from St Catharines, we will lose these precious lands. I know we are losing thousands of hectares a day in the greater Toronto region. Some of the most precious farmlands are being paved over by greedy developers. This government stands by and encourages this. They even weakened the Municipal Act; it used to be tough, and municipal laws had to be consistent with provincial legislation. They weakened it and now have this wishy-washy "have regard to." So they are basically just listening to developers who want to make a quick buck and jeopardize these precious lands that we have, which are not only going to provide good fruits and vegetables for us today but for generations to come.

Once these lands are paved over, we can't get them back. They're gone forever. So unless the municipal affairs ministry gets off its rear end and stops allowing this free-for-all on farmland, we are going to lose these farms forever and ever. These are not just ordinary farmlands, by the way, as the member from St Catharines said. These are some of the most sensitive in all of Canada. The member also mentioned a very disturbing decision made by the Ontario Municipal Board. The friends of developers—the Ontario Municipal Board—allowed 200 acres of very precious farmland in the town of Pelham to be paved over.

Mr Bradley: It was 500.

Mr Colle: Now it's up to 500 acres. That was a landmark decision where the Ontario Municipal Board—again, the friends of developers, the OMB—allowed this land to be paved over. It's incredibly insensitive to the agricultural needs and the environmental sensitivities of that land in Pelham. The OMB allowed this to be paved over.

This government is not doing its job. It has no policies. It is again as I said, standing on the sidelines allowing development to take place indiscriminately. We are, on a daily basis, losing farmland. This farmland will not only provide good food, it's also good economic activity. Our countryside provides not only good farmland, it's a great tourism area. Look at the great tourism in the Niagara region. They don't go there to see the cookie-cutter townhomes being built. People visit the Niagara region to see the beautiful grape vineyards. That what they go for. Inniskillin—I was there just a few months ago. I know that one of Canada's greatest architects is going to build another winery in that area for Jackson-Triggs.

Good farming, good food, good water. I don't know why this government is allowed to get away with this, why they're allowed to basically let this precious resource be destroyed by a lack of any protections. Whether you're in the Oak Ridges moraine, King City, Uxbridge or the Niagara region, whether you're near Welland, Essex county, the wonderful tomatoes of Leamington, this government should be ashamed of itself for doing nothing but listening to developers.

Mr Toby Barrett (Haldimand-Norfolk-Brant): I agree with the sentiments of this resolution in the sense that as a society, to quote the resolution, we need "long-term protection for the unique agricultural areas."

Generally speaking, I support measures to keep high-quality agricultural land in production, but I point out to the House that there is a wide variance in agricultural land across this province. There is a wide variety of soil types and a wide variety of topography, even across farmland in my riding, even across my own farm. In my region we have clay in the east and sand in the west. To the north of my riding, dairy farmers in Oxford have a much different view, a view of more restrictions on urban development and severances, than many farmers to the south in my county of Norfolk. Certainly farmers in the rich agricultural counties in Kent, Essex, Lambton, Perth and Huron often take a very different view from farmers in Grey and Bruce, a different view from people who own marginal land in eastern Ontario.

So I have a concern with this resolution. Ontario, let alone rural Ontario, is not a homogeneous zone. One size does not fit all. A top-down, centrist approach driven by Queen's Park is not the answer.

I point out that we went through this with the Toronto-oriented Sewell direction in this area—John Sewell, the ex-mayor of Toronto. This came up in consultations during the Mike Harris Task Force on Rural Economic Development, where they travelled the province and heard very clearly the disgruntled feelings and opinions on that Toronto-oriented provincial approach to what should be local land use planning.

The Deputy Speaker: The member for St Catharines has two minutes.

Mr Bradley: I want to thank the members of the Legislative Assembly who have contributed to this

debate. There has been some good discussion of a very important issue, which I believe is urgent at this time.

I must confess to being somewhat surprised by expressions of opposition to the resolution because it's worded in a very moderate, non-partisan and reasonable way. In fact, this is a resolution that emanated from St Catharines city council, and there are people on St Catharines city council who might well want to see their boundaries expanded, but they recognize the problem that exists with preserving agricultural land.

As I indicated during my earlier remarks, I believe you have to have a viable farming business. This means that those of us who are decision-makers should be prepared to assist farmers when that assistance is necessary. I mentioned the plum pox virus, I mentioned other catastrophes which hit farmers, and I am certainly supportive of policies that will help them in terms of their ability to farm in this province.

I had actually hoped there would be unanimous support for this resolution. I didn't word it in a partisan way. I said I didn't want to get into finger pointing or things of that nature because I don't think it's productive. The problem is too important to get into that kind of partisan exercise.

There is one change I would recommend a committee look at, for instance, and that's the policy statement which says "have regard to" as compared to what it used to be, "be consistent with," because I think "have regard to" allows the kind of flexibility that means we're going to see more and more of our farmland disappear. I know there are people who are uncomfortable with "be consistent with." That's why I really think that, as you had in the days of minority government, a select committee on the future of agricultural land would be a marvellous opportunity for members of all parties to deal with a very complex issue.

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

PROTECTION OF CHILDREN
ON SCHOOL BUSES ACT, 1999

LOI DE 1999
SUR LA PROTECTION DES ENFANTS
DANS LES AUTOBUS SCOLAIRES

The Deputy Speaker (Mr Michael A. Brown): We will deal with ballot item number 47. Mr Hoy has moved second reading of Bill 24. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

There will be a five-minute bell, but first we will deal with ballot item number 48.

PROTECTION OF AGRICULTURAL AREAS

The Deputy Speaker (Mr Michael A. Brown): Mr Bradley has moved private member's notice of motion number 27. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the nays have it.

Call in the members.

PROTECTION OF CHILDREN
ON SCHOOL BUSES ACT, 1999

LOI DE 1999
SUR LA PROTECTION DES ENFANTS
DANS LES AUTOBUS SCOLAIRES

The Deputy Speaker (Mr Michael A. Brown): We will call in the members for second reading of Bill 24, ballot item 47. It will be a five-minute bell.

The division bells rang from 1201 to 1206.

The Deputy Speaker: All those in favour will please rise and remain standing until their name is called by the Clerk.

Ayes

Arnott, Ted	Dunlop, Garfield	Munro, Julia
Baird, John R.	Ecker, Janet	Mushinski, Marilyn
Barrett, Toby	Gerretsen, John	Newman, Dan
Bartolucci, Rick	Gilchrist, Steve	O'Toole, John
Bountrogianni, Marie	Gill, Raminder	Ouellette, Jerry J.
Boyer, Claudette	Guzzo, Garry J.	Patten, Richard
Bradley, James J.	Hastings, John	Pupatello, Sandra
Bryant, Michael	Hoy, Pat	Runciman, Robert W.
Caplan, David	Jackson, Cameron	Ruprecht, Tony
Christopherson, David	Johnson, Bert	Sampson, Rob
Chudleigh, Ted	Klees, Frank	Smitherman, George
Coburn, Brian	Kormos, Peter	Sterling, Norman W.
Colle, Mike	Kwinter, Monte	Stewart, R. Gary
Conway, Sean G.	Lalonde, Jean-Marc	Tascona, Joseph N.
Cordiano, Joseph	Marchese, Rosario	Wettlaufer, Wayne
Crozier, Bruce	Marland, Margaret	Wilson, Jim
Curling, Alvin	Martel, Shelley	Witmer, Elizabeth
DeFaria, Carl	Martiniuk, Gerry	Wood, Bob
Di Cocco, Caroline	Maves, Bart	Young, David
Duncan, Dwight	McLeod, Lyn	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 59; the nays are 0.

The Deputy Speaker: I declare the motion carried.

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

Mr Pat Hoy (Chatham-Kent Essex): Mr Speaker, I ask that Bill 24 be sent to the general government committee.

The Deputy Speaker: Is it agreed? Would the members who favour having the bill referred to the standing committee on general government please stand and be counted.

All those opposed?

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

We will open the doors for 30 seconds before we deal with the next ballot item.

PROTECTION OF AGRICULTURAL AREAS

The Deputy Speaker (Mr Michael A. Brown): Would the members please take their seats. We'll now deal with ballot item number 48.

Mr Bradley has moved private member's notice of motion number 27. All those in favour will please stand and remain standing until the Clerk calls your name.

Ayes

Arnott, Ted	Duncan, Dwight	Molinari, Tina R.
Baird, John R.	Dunlop, Garfield	Munro, Julia
Bartolucci, Rick	Ecker, Janet	Mushinski, Marilyn
Bountrogianni, Marie	Gerretsen, John	Newman, Dan
Boyer, Claudette	Gilchrist, Steve	O'Toole, John
Bradley, James J.	Guzzo, Garry J.	Patten, Richard
Bryant, Michael	Hastings, John	Pupatello, Sandra
Caplan, David	Hoy, Pat	Runciman, Robert W.
Christopherson, David	Jackson, Cameron	Ruprecht, Tony
Coburn, Brian	Klees, Frank	Sampson, Rob
Colle, Mike	Kormos, Peter	Smitherman, George
Conway, Sean G.	Kwinter, Monte	Sterling, Norman W.
Cordiano, Joseph	Lalonde, Jean-Marc	Tascona, Joseph N.
Crozier, Bruce	Marchese, Rosario	Wilson, Jim
Curling, Alvin	Marland, Margaret	Witmer, Elizabeth
DeFaria, Carl	Martel, Shelley	Wood, Bob
Di Cocco, Caroline	McLeod, Lyn	Young, David

The Deputy Speaker: Those opposed will please stand and remain standing until their name is called.

Nays

Barrett, Toby	Johnson, Bert	Stewart, R. Gary
Chudleigh, Ted	Martiniuk, Gerry	Wettlaufer, Wayne
Gill, Raminder	Maves, Bart	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 51; the nays are 8.

The Deputy Speaker: I declare the motion carried.

All matters relating to private members' public business now being completed, I will leave the chair to return at 1:30 of the clock.

The House recessed from 1212 to 1330.

MEMBERS' STATEMENTS

CHILD AND FAMILY SERVICES

Ms Caroline Di Cocco (Sarnia-Lambton): My statement today is to bring to the attention of this House the fact that the St Clair Child and Youth Services in Sarnia-Lambton will have to shut down its intensive child and family intervention services in March if the Ministry of Community and Social Services does not provide the ongoing, annualized funding.

The minister announced \$20 million of new funding for such programs. The St Clair Child and Youth Services began a much-needed, intensive intervention ser-

vice with the understanding that the funding would not be a one-time allocation, but would be long-time funding.

Unfortunately, the Sarnia-Lambton community was not among those slated for ongoing funding. What is unfair about this matter is that some centres in the province, providing the same service, have received annualized, ongoing funding to support intensive programs. Surely the need that led the Ministry of Community and Social Services to fund the intensive service on a provincial basis is as pressing in Sarnia-Lambton as it is across the province.

Dalton McGuinty and the Liberal caucus believe that the retention of the intensive child and family service on an annualized, ongoing basis is essential and that the funding should be applied equitably across this province. I ask Minister Baird to do the honourable thing and provide this ongoing funding.

ENVIRONMENT INDUSTRY

Mrs Brenda Elliott (Guelph-Wellington): I'm very pleased to draw the attention of the House today to the fact that this is the second annual Environment Industry Day at Queen's Park. This is an excellent opportunity for representatives of Ontario's environment industry to meet with elected officials. The event is organized by the Canadian Environment Industry Association—Ontario, in partnership with the Ministry of the Environment.

Roughly half of the Canadian environment industry is located right here in Ontario. There are more than 2,000 companies in this sector, employing upwards of 60,000 people. The industry has grown by 25% since 1995, and according to Statistics Canada generates some \$6 billion in annual revenues.

Before I came to this place, I was part of an organization called the Ontario Round Table on Environment and Economy. Like so many people, I understood at the outset that environmental protection and sustainability go hand in hand with economic prosperity. The people involved in this organization know this full well. They have a tremendous resource of expertise. They are creators of innovative products. They produce products that are sold all around the world and they enable governments like Ontario to ever improve our standards, to provide services that benefit all our citizens with a cleaner environment.

The Ontario government is committed to working with the environment industry sector to ensure that it flourishes at home and in the international market for these products and services.

We are joined by several members, and I ask my colleagues to welcome them today to the Ontario Legislature.

MEMBERS' COMPENSATION

Mr Rick Bartolucci (Sudbury): The last few years have been very difficult for many Ontarians, particularly northerners who have been forgotten by the Harris gov-

ernment. When it comes to our severe doctor shortage, hospital underfunding, health care apartheid, the crisis in education, the failure to develop economic diversification for the north, huge municipal restructuring costs, the effects of downloading, all this and more has been dumped in our laps courtesy of our part-time Premier, Mike Harris.

But today I stand to congratulate Ontarians on their recent victory. We've seen over the past few days the effect that a strenuous united lobby can have. We, the people of Ontario, have forced Mike Harris to reluctantly back away from the trough and to cancel his plan for an obscene 42.2% pay raise. This is a tremendous victory when you consider that the democratic process has been sharply eroded under Mike Harris. It was not a sense of fairness that caused the Premier to blink; it was an act of self-preservation and political survival, pure and simple. But the damage has been done.

We were once environmental leaders; now we're second only to Texas as the worst polluters. Millions of taxpayers' dollars are being frittered away promoting Mike Harris. Labour fairness is a thing of the past, and Mike Harris wanted a 42% pay raise for a job well done. His job hasn't been well done. The people of Ontario have won this round and I congratulate the people of Ontario.

DISTRICT SCHOOL BOARD OF NIAGARA

Mr Peter Kormos (Niagara Centre): The people of Welland must have their democratic right to elect their trustee to the District School Board of Niagara. Don Reilly, a long-time educator, trustee, board chair, was the only candidate to file prior to the deadline for filing papers seeking a position. Tragically and regrettably, Don Reilly, at a great loss to the community, passed away before the election. That means there is no runner-up. It means there is a vacancy without an election and the board so far has received some very ambiguous messages from the Ministry of Education.

The suggestion is that the new board will merely appoint a representative from Welland for the full three-year term. That quite frankly is unacceptable to the people of the city of Welland. It is grossly undemocratic and it does not serve the district board or the educators or the students in Niagara well.

I'm calling upon the Minister of Education to address this matter immediately. One of the issues, of course, is the funding that would be necessary to have an election. There are candidates eager to compete for the position. It is essential because these positions become more and more important with the megaboards; to wit, in Niagara a board that covers all of Niagara region, the Niagara district board.

We must have this Minister of Education involving herself to ensure that the people of Welland have the right to democratically elect their trustee on the Niagara district board of education.

VALLEYS 2000

Mr John O'Toole (Durham): There never seems to be a lack of positive things happening in my riding of Durham. I think everyone here would agree with that.

Today I want to tell the people of Ontario what one dedicated group of individuals is doing in the town of Bowmanville to help preserve our natural environment. Reverend Frank Lockhart is the moving force behind one of the province's millennium projects called Valleys 2000. He and other local residents like Al Strike, Carl Schenk, Dave Lawson and Bob Simpson are working hard to ensure that everyone can enjoy the valley lands adjacent to Bowmanville Creek. To date, 600 trees have been planted and two public trails have been created.

The project's chair, Reverend Lockhart, committee member Carl Schenk and several volunteers have spent a considerable amount of time clearing brush and making trails accessible for hikers. This is just the beginning of a project that has captured the interest and imagination of many local residents who want to be part of the vision. Local businesses are also involved. Blue Circle Cement has donated crushed rock for the trails, and Watson's Farm has given the group several large boulders to be used as lookout points.

Stopping erosion on Bowmanville Creek was one of the main goals of Valleys 2000. People would like to be able to walk into the area. Organizers hope to eventually extend the trail to Soper Creek. This is an environmental initiative, taking care of our environment.

With respect to that, I want to thank the members of the environment industry who are here in the gallery today for the work and the private sector people who protect the environment we all enjoy.

PROFESSION D'ENSEIGNANT SCHOOLTEACHERS

M^{me} Claudette Boyer (Ottawa-Vanier) : J'aimerais aujourd'hui parler de la situation qui prévaut actuellement dans notre système d'éducation. Présentement, comme vous le savez, il y a des enseignants et des enseignantes qui sont en grève et d'autres qui en font la menace.

It is documented that in the industry sector the average number of people on long-term stress leave is seven per 1,000. Within the Ministry of Education's own department, that number is 10 per 1,000. But most troubling is that the number of teachers, yes, teachers, on long-term stress leave is an unacceptable 17 per 1,000. These are the people whose job it is to teach our children the basics, and yet they cannot do this to the best of their ability because school boards are underfunded, resources are mismanaged and the demands placed upon them are overwhelming.

En faisant la grève, il ne faut pas penser que cette situation est la faute des enseignants et des enseignantes. Non, ce ne sont pas eux qui sont trop demandants. Ce qu'ils demandent, c'est simple. C'est un respect pour leur

travail, des ressources convenables, un salaire adéquat et un climat de travail stable où le gouvernement travaille avec les enseignants et les enseignantes, un climat propice à l'apprentissage. Avec Dalton McGuinty et mes collègues, je me range du côté des enseignants et enseignantes pour dénoncer l'arrogance et l'incompétence de ce gouvernement.

KARLA MARIA VEGA

Mr Wayne Wettlaufer (Kitchener Centre): I rise today to pay tribute to a young local hero in my riding, Karla Maria Vega. Ms Vega was a recipient of a fire safety award on Friday, November 3. These are handed out annually by the fire marshal. She received her award because of an incident involving a fire in her townhouse earlier this year.

What happened in that fire—understand that her parents came here from Colombia 10 years ago and their first language is Spanish—is that when the fire broke out in her townhouse, her mother panicked. When she dialled 911 to speak to the fire department, she immediately started speaking Spanish. She panicked and spoke Spanish and they couldn't understand what she was trying to report. So young Miss Vega, 10 years old, took the phone from her mother and translated for her. After the phone call she immediately went out and started knocking on the doors of all the neighbours. The next-door neighbours were asleep, having worked the night shift. She knocked on the door, woke them up and got them out. Her main concern was the parents of her friend next door. So I'd like to have all the House join with me in paying tribute to our young hero, Karla Maria Vega.

1340

SCHOOL BUS SAFETY

Mr Pat Hoy (Chatham-Kent Essex): Today I want to pay tribute to Larry and Colleen Marcuzzi and also to Ed and Ginny Loxton. They have taught me the meaning of courage, selfless commitment and determination. Both these families lost daughters who were killed by reckless drivers who ignored the school bus warning lights and snuffed out two young lives.

The Marcuzzi and Loxton families have been willing to come forward to share their pain with the public. They have allowed an intrusion into their very private grief in order to spare any other family the lifelong ache to which they have been sentenced. They support my school bus bill and they have done more to advance vehicle liability than anyone could reasonably expect.

They are normal people, not political or partisan, but they were heartsick and horrified here today to see the hypocrisy and political games employed by members of their government as they voted in favour of my bill before they sentenced it to death. They want the members opposite to know that the battle is not over; in fact, it has probably strengthened our resolve. We hope the arrogance and sheer duplicity of the members opposite will

ultimately make it easier for us to convince the public that such indifference to the children of Ontario cannot be tolerated.

Thank you to both families from the bottom of my heart. We will not give up. We will prevail and Ontario schoolchildren will be protected by vehicle liability.

PUBLIC SAFETY

Mrs Julia Munro (York North): I rise today to speak about my community's concern over public safety. We all have the right to be safe from crime. We should be able to walk in our communities, use public transit, sleep in our homes and send our children to school without fear.

Our government has made law enforcement a priority. We now have 55% more crown attorneys to prosecute criminals and clear the backlog of cases that were allowed to build up by the Liberals and NDP. We have hired 1,000 more front-line police officers in our communities and have provided support to the men and women who risk their lives to protect ours. We're investing in technology to make the justice system more efficient. We're closing old jails designed for minimum security and replacing them with modern, new jails built to maximum security standards.

But there is still more to do. Next week I will be introducing a private member's resolution that will address an issue that is of concern: the frequent use of alcohol and drugs in our correctional institutions by inmates. Many inmates in correctional institutions are found to have some degree of drug/alcohol dependency. The presence of illegal substances in the institution increases the danger to and compromises the safety and security of staff and inmates. Having drugs inside institutions also makes it more difficult for offenders undergoing treatment programs to successfully overcome their addictions and recover. Our goal is to ensure that inmates can successfully integrate back into the community.

SUPPLEMENTARY ESTIMATES

Hon Chris Hodgson (Chair of the Management Board of Cabinet): I have a message from the Honourable the Lieutenant Governor, signed by her own hand.

The Speaker (Hon Gary Carr): The Lieutenant Governor transmits supplementary estimates of certain sums required for the services of the province for the year ending 31 March 2001, and recommends them to the Legislative Assembly.

REPORTS BY COMMITTEES

STANDING COMMITTEE
ON GENERAL GOVERNMENT

Mr Steve Gilchrist (Scarborough East): I beg leave to present a report from the standing committee on general government and move its adoption.

Clerk at the Table (Mr Todd Decker): Your committee begs to report the following bill as amended:

Bill 119, An Act to reduce red tape, to promote good government through better management of Ministries and agencies and to improve customer service by amending or repealing certain Acts and by enacting two new Acts / Projet de loi 119, Loi visant à réduire les formalités administratives, à promouvoir un bon gouvernement par une meilleure gestion des ministères et organismes et à améliorer le service à la clientèle en modifiant ou abrogeant certaines lois et en édictant deux nouvelles lois.

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

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Pursuant to the order of the House dated October 17, 2000, the bill is ordered for third reading.

STANDING COMMITTEE
ON ESTIMATES

Mr Gerard Kennedy (Parkdale-High Park): I beg leave to present a report from the standing committee on estimates.

Clerk at the Table (Mr Todd Decker): Mr Kennedy from the standing committee on estimates reports the following resolutions:

Resolved that supply in the following amounts and to defray the expenses of the following ministries and offices be granted to Her Majesty for the fiscal year ending March 31, 2001:

Ministry of the Environment—

Mr Kennedy: Dispense.

The Speaker (Hon Gary Carr): Dispense? Agreed.

COMMISSIONERS OF ESTATE BILLS

The Speaker (Hon Gary Carr): I beg to inform the House that the Clerk has received a favourable report from the Commissioners of Estate Bills with respect to Bill Pr26, An Act respecting the Bank of Nova Scotia Trust Company and National Trust Company. Accordingly, pursuant to standing order 86(e), the bill and the report shall stand referred to the standing committee on regulations and private bills.

INTRODUCTION OF BILLS

CONTINUED PROTECTION FOR
PROPERTY TAXPAYERS ACT, 2000LOI DE 2000 POURSUIVANT
LES MESURES DE PROTECTION
DES CONTRIBUABLES FONCIERS

Mr Eves moved first reading of the following bill:

Bill 140, An Act to amend the Assessment Act, Municipal Act and other Acts with respect to property taxes / Projet de loi 140, Loi modifiant la Loi sur l'évaluation foncière, la Loi sur les municipalités et d'autres lois à l'égard de l'impôt foncier.

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.

Minister of Finance for a short statement?

Hon Ernie L. Eves (Deputy Premier, Minister of Finance): Very briefly, we are introducing a bill today which extends the business tax caps that have been in place in the province for the last three years, exactly as we said we would do. We are also providing municipalities with the tools once again that were made available to them in 1998, which is a cap, optional property taxes, graduated tax rates, municipal tax reductions and phase-ins.

We're also taking this opportunity to accelerate the business education tax cut for the year 2001. There will be an additional \$130-million reduction to business taxes as opposed to \$65 million in 2001. This will bring the total annual business education tax reduction to \$325 million a year.

REMEMBRANCE DAY OBSERVANCE
AMENDMENT ACT, 2000LOI DE 2000 MODIFIANT LA LOI
SUR L'OBSERVATION DU JOUR DU
SOUVENIR

Mr Wood moved first reading of the following bill:

Bill 141, An Act to amend the Remembrance Day Observance Act, 1997 / Projet de loi 141, Loi modifiant la Loi de 1997 sur l'observation du jour du Souvenir.

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

The member for a short statement?

Mr Bob Wood (London West): This bill grants employees the right to take a leave of absence from work without pay of up to three hours between 10 am and 1 pm on each Remembrance Day so that they may participate in observances for those who died serving their country in wars and in peacekeeping efforts. Attendance was up at Remembrance Day ceremonies this year in many

communities in Ontario and this was due, in part, to the fact that many were not at work on a Saturday. This bill, if passed, will give almost everyone the chance to observe Remembrance Day in the way that he or she deems most appropriate.

1350

HUMAN TISSUE GIFT AMENDMENT ACT
(TRILLIUM GIFT OF LIFE NETWORK), 2000

LOI DE 2000 MODIFIANT LA LOI
SUR LE DON DE TISSUS HUMAINS
(RÉSEAU TRILLIUM
POUR LE DON DE VIE)

Mrs Witmer moved first reading of the following bill:

Bill 142, An Act to amend the Human Tissue Gift Act / Projet de loi 142, Loi modifiant la Loi sur le don de tissus humains.

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

The minister for a short statement?

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): I'll be making a statement later.

GIOVANNI CABOTO DAY ACT, 2000

LOI DE 2000 SUR LE JOUR
DE GIOVANNI CABOTO

Mr Mazzilli moved first reading of the following bill:

Bill 143, An Act respecting Giovanni Caboto Day / Projet de loi 143, Loi sur le jour de Giovanni Caboto.

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

The member for a short statement?

Mr Frank Mazzilli (London-Fanshawe): Very briefly, this bill proposes that June 24 be proclaimed Giovanni Caboto day, in honour of the Italian explorer who arrived on Canada's shores on June 24, 1497.

STATEMENTS BY THE MINISTRY
AND RESPONSES

ORGAN AND TISSUE DONATION

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): I rise in the House to introduce a very important piece of legislation, the Human Tissue Gift Amendment Act (Trillium Gift of Life Network), 2000, legislation which builds on the outstanding work of the Premier's Advisory Board on Organ and Tissue Donation and moves the government closer to its millennium goal of doubling donor rates by 2005.

This past January, Premier Harris established an Advisory Board on Organ and Tissue Donation that was chaired by Mr Don Cherry. This nine-member advisory board was asked to consult with donors, recipients,

families, hospitals, doctors, nurses, health professionals and international experts, and come back with recommendations on how to improve and save the lives of many more people in Ontario.

I would like to take this opportunity to personally thank the board members, a number of whom are with us here in the Legislature today. I would like to recognize Bob Nesbitt, Fides Coloma and Maria Kjerulf for the work that they have accomplished on our behalf.

I know that the individuals who participated on the Premier's advisory board and on the phase 2 transition team donated generously of their time and expertise, and certainly, on behalf of the government and the people of this province, we want to thank them. I also want to thank staff of the Ministry of Health and Long-Term Care, Mary Beth Valentine and Allison Kelly, for the work they have done to support this board.

The result of their hard work, the Action Plan for Ontario, provided the framework for the legislation which I am proud to introduce today. Specifically, this legislation creates a new central agency, the Trillium Gift of Life Network, to plan, coordinate and support organ and tissue donation across Ontario; requires that hospitals notify the network when a potentially suitable donor becomes available; ensures that specially trained staff in hospitals talk to patients and families about opportunities for organ and tissue donation; and results in organ and tissue donation policies, as well as donation committees and donor coordinators, in designated Ontario hospitals.

Each year in Ontario, approximately 600 people receive organ transplants. For many patients, this much-needed surgery means a longer, better life. But it also means training individuals on how to approach donor families in a compassionate and sensitive way, providing people with the information they need and providing them with opportunities to make informed choices. We believe that this legislation today will go a long way in creating the framework to ensure that that takes place.

I want to emphasize that this legislation will continue to respect the rights of individuals and their families to make the decisions about organ and tissue donation that make them most comfortable. Critical to this strategy is that organ donation continues to be voluntary. We recognize that organ and tissue donation is an important and difficult choice that individuals and families make.

We cannot substantially increase our organ donor rate and organ transplants without a system that will deal with the current complexities. It was clear in the report of the Premier's advisory board that no single action will address all the complex concerns, nor will it increase the donor rate. The legislation, therefore, establishes a clearly mandated agency, the Trillium Gift of Life Network, that will lead a number of initiatives and report to the Minister of Health and Long-Term Care.

The Trillium Gift of Life Network would plan, promote and coordinate organ and tissue procurement and distribution in Ontario, and it will work closely with hospitals and health providers to develop methods to best deliver organ and tissue donation services.

The government has already taken a number of important steps to support organ and tissue donation. We have announced increased funding for organ and tissue donation and transplantation to over \$120 million by 2005. We have added 41 new dialysis units across the province to expand kidney dialysis services for those who are waiting for kidney transplants. The topic of organ and tissue donation has been recently added to the grade 11 and 12 health, physical education and science curricula.

Through this legislation, the government is implementing the action plan of the Premier's Advisory Board on Organ and Tissue Donation to ensure that transplants are more widely available to the people of Ontario. We have the clinical and technological advancements to help us move forward. The success rate of organ and tissue transplants is growing fast. More lives can be saved.

With the enactment of the Human Tissue Gift Amendment Act, I am confident that the future of the people of Ontario who need organ and tissue transplants, whether they are children, seniors or others, will be brighter and more hopeful through this legislation. I urge all members of this Legislature to support the passage of this bill as quickly as possible.

1400

Mrs Lyn McLeod (Thunder Bay-Atikokan): I too want to join with the minister, on behalf of my caucus, in commending the advisory board on all the work that has been done in encouraging more Ontarians to agree voluntarily to make organ donations.

I'm sure all of us share in the satisfaction that the rate of organ donations has risen by some 40% over the course of the last year. We look forward to seeing a constant increase in that rate. I think it's important that we acknowledge how important this continued progress is to the approximately 1,500 people who are waiting in Ontario for organ donations. An organ transplant is truly life-giving in ways that certainly benefit the individual and the individual's family, but in every case in ways that have untold spinoffs that benefit many others.

I want to take a moment to tell the story of Gary Cooper, a constituent in Thunder Bay, an OPP officer who came to Toronto about a year and a half ago for a liver transplant. It was touch and go, in the weeks Gary Cooper and his wife spent in Toronto, as to whether he would make it to the point where he actually received that life-giving transplant. Michael Gravelle and I had lunch with Gary Cooper and his wife the day before he got the call that there was in fact an organ and he was next on the list to receive the transplant. At that point, he and his wife were literally living from hour to hour on hopes and on prayers that there would be a donor and that he would be a successful recipient. Gary Cooper is alive, he's well, he's active, as he always has been, contributing to our community in a whole host of ways.

One of the ways in which he has returned the gift of life he received through an organ transplant has been to establish a foundation to assist northwestern Ontario residents with the financial costs of having to live away

from home for the months they often have to wait for that suitable organ donor.

That's why, in sharing in the commendation of the work that's being done and the hopes of the progress we're going to see in the future, I also want to recognize today that it isn't enough simply to encourage the donors, that the government has an extremely important, vital contribution to make to the success of an organ donor and transplant program. The government has an absolute responsibility to make sure that our hospitals have all the resources they need to ensure that when there is an organ available and when there is a recipient there, that operation can take place immediately.

We have heard from time to time horrific, tragic stories of organs being lost because there wasn't an operating room open, or a critical care bed. I don't ever want to bring those kinds of stories into this Legislature because the hospitals have not had the resources, financial or staff. We know there is a significant shortage of physicians and of operating room nurses and of anaesthetists. Those are all important components of a strategy and approach that must be in place if the government is serious about making sure that organ donors will know that their vital donation is being successfully used in a transplant operation to give that life to a new recipient.

I also want to take a moment to recognize the fact that there is not equal access in this province today for people to receive that life-giving organ transplant. I speak of course of people from northern Ontario who do have to travel to large centres and who have to wait for weeks, and sometimes months, if they're going to be available to receive that life-giving organ. I know there are situations in my part of the province where people who are on low incomes, people who indeed are on government support, family benefits, cannot become recipients of organ transplants because they simply don't have the financial resources to make that possible; and I believe the government must address this too.

We will want to consider in some further detail the way in which the legislation deals with the very sensitive issue of the required consent of family. It's my understanding that the legislation does stop short of actually requiring that every family facing a bereavement be approached with a request for organ donation. It's my understanding that the network, the agency that is to be established, would be given that flexibility to determine, to set protocols and procedures for the designated facilities. And so we'll look to get a sense of how that very sensitive issue might be approached. We'll also look to see whether there's enough room in this legislation to allow for some alternative routes, such as allowing donor cards to be given predominance in any decision that's made. We'll look forward to some further exploration of this very important legislation.

Ms Frances Lankin (Beaches-East York): I too want to offer my support as health critic for this important legislation. Of course that won't come as a surprise to the minister, given that on May 31 I introduced a private member's bill, also a Human Tissue Gift Amendment

Act, 2000, which sought to accomplish exactly what is in this piece of legislation: the establishment of a routine referral system and an organization to accomplish that.

I join with the minister in offering thanks for the hard work of the Premier's advisory committee. I had an opportunity to meet with members of that advisory committee and seek their input on my private member's bill, along with a number of other organizations, and I think we are all quite confident that this legislation will have a dramatic impact.

If I may share with members of the House other jurisdictions that have proceeded along this line and what has happened, in Pennsylvania, for example, they implemented a system of universal referral and training, and thus far they've seen a 45% increase in suitable potential organ donor referrals, a 26% increase in organ donations, and a 50% increase in organ transplants. That's after only three years. It's quite remarkable. It is the highest success rate in the United States, and one of the highest in the world. Their rates are twice the average in Canada. We have a long way to go, and this legislation will help. Other jurisdictions, such as the country of Spain, have similar legislation with similar results. North Carolina, which passed its legislation in October 1997, has experienced an increase in transplants of approximately 50%. British Columbia has also recently implemented universal referral and training legislation.

The impact of these new programs has been so significant that similar legislation has also been introduced or passed in Arizona, New Jersey, New York, Maryland, Tennessee, and Illinois. In fact, that prompted a national action by the Vice-President of the United States, who announced a national organ and tissue initiative which included regulations for universal reporting of all potential organ and tissue donors to procurement organizations.

We are doing the right thing in Ontario by proceeding with this. Once again, I have to say to the Minister of Health, as you thank everyone, let me add my thanks to legislative research and legislative counsel, who put in so much work on the private member's bill which sits on the docket here today, and also Brandy Miller, a former legislative intern who did much of the research work in assisting me in bringing forward that private member's bill. It always amazes me how the government fails to mention when other people have done work on this, and I want to take that opportunity to include those people in our collective thanks from the Legislature today.

I would say to the minister that her omission of any reference to Bill 82 and to the private member's initiative that has been brought forth could be made up for. Next week I have another private member's bill which involves the health jurisdiction of this minister. She is well aware of it. It is an act to regulate the non-medical restraint of patients in acute care hospitals. Many of you have received or will be receiving from me personal correspondence in which I tell you the story of my mother, a patient who has diffuse Lewy body disease, who has symptoms of both Parkinson's and Alzheimer's,

someone who has mild dementia and who has on more than one occasion now been tied into her bed at night in an acute care hospital. The policies in our acute care hospitals are not consistent. Where we have laws and regulations affecting psychiatric hospitals, long-term-care facilities, nursing homes, we don't affecting acute care hospitals.

I can tell you that while it will never happen to my mom again because she has an advocate, she has someone who will take care of her, I want to share with you that in speaking with geriatricians across this province, I am told it is not unusual on any night in this province for hundreds of elderly seniors to be restrained simply because of a matter of confusion and because we lack either the policies, the hospital culture and/or, more importantly, the front-line staff to give adequate care, and instead we resort to restraint of these individuals. All research shows that not only is this an inhumane physical assault on the individual; it is very dangerous to their health. It does not, as is suggested, protect them from falls. In fact, it increases dementia confusion and increases the number of falls that happen once a person is taken out of restraints.

I know there will be controversy among some of the professional groups and among the hospital community, although some have already indicated support. I know that a vast number of seniors' organizations are very supportive of this initiative, and I would ask the minister to give an opportunity for that bill to go to second reading and then to committee so that we can debate this very important issue in the province of Ontario.

DEFERRED VOTES

TOUGHEST ENVIRONMENTAL PENALTIES ACT, 2000

LOI DE 2000 SANCTIONNANT PAR LES PEINES LES PLUS SÉVÈRES DES INFRACTIONS DE NATURE ENVIRONNEMENTALE

Deferred vote on the motion for third reading of Bill 124, An Act to amend the Environmental Protection Act, the Ontario Water Resources Act and the Pesticides Act in respect of penalties / *Projet de loi 124, Loi modifiant la Loi sur la protection de l'environnement, la Loi sur les ressources en eau de l'Ontario et la Loi sur les pesticides en ce qui concerne des peines ayant trait à l'environnement.*

The Speaker (Hon Gary Carr): Call in the members; this will be a five-minute bell.

The division bells rang from 1410 to 1415.

The Speaker: Mr Newman has moved third reading of Bill 124. All those in favour of the motion will please rise one at a time and be recognized by the Clerk.

Ayes

Agostino, Dominic	Dunlop, Garfield	Newman, Dan
Arnott, Ted	Ecker, Janet	O'Toole, John
Baird, John R.	Elliott, Brenda	Palladini, Al
Barrett, Toby	Eves, Ernie L.	Phillips, Gerry
Bartolucci, Rick	Gilchrist, Steve	Pupatello, Sandra
Beaubien, Marcel	Gill, Raminder	Runciman, Robert W.
Boyer, Claudette	Hardeman, Ernie	Ruprecht, Tony
Bradley, James J.	Hodgson, Chris	Sampson, Rob
Bryant, Michael	Hudak, Tim	Smitherman, George
Caplan, David	Jackson, Cameron	Snobelen, John
Chudleigh, Ted	Johnson, Bert	Spina, Joseph
Clark, Brad	Kells, Morley	Sterling, Norman W.
Clement, Tony	Kennedy, Gerard	Stewart, R. Gary
Coburn, Brian	Klees, Frank	Stockwell, Chris
Colle, Mike	Kwinter, Monte	Tascona, Joseph N.
Conway, Sean G.	Lalonde, Jean-Marc	Tilson, David
Cordiano, Joseph	Marland, Margaret	Turnbull, David
Crozier, Bruce	Maves, Bart	Wettlaufer, Wayne
Cunningham, Dianne	Mazzilli, Frank	Wilson, Jim
Curling, Alvin	McLeod, Lyn	Witmer, Elizabeth
DeFaria, Carl	Molinari, Tina R.	Wood, Bob
Dombrowsky, Leona	Munro, Julia	Young, David
Duncan, Dwight	Mushinski, Marilyn	

Clerk of the House (Mr Claude L. DesRosiers): The eyes are 68; the nays are 0.

The Speaker: I declare the motion carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

ORAL QUESTIONS**DOMESTIC VIOLENCE**

Mrs Sandra Pupatello (Windsor West): Our first question is for the Acting Premier, who perhaps will give leave to the member from Guelph-Wellington, the parliamentary assistant to the minister responsible for women's issues, to respond to this question. The question is that yesterday our Attorney General critic, Michael Bryant, asked the Attorney General if he would in fact change his mind and allow the Liberal amendment in the Domestic Violence Protection Act to be accepted as part of the law. The Liberal amendment would allow judges to seize the guns from abusers before they have the opportunity to hurt women. The Attorney General refused.

What we're asking you today, Acting Premier or the parliamentary assistant to the appropriate minister, is to change your mind. What we're saying is that in our amendment we could actually seize the guns before they hurt women. But the bill currently says that the judges can only seize a gun from an abuser if the abuser has used the gun already or threatens to use the gun. We'd ask this of the office responsible for women's issues because surely those who are there to protect women and women's issues would agree that we want prevention to prevail in this bill. So I ask you, will you in fact change your mind and accept this Liberal amendment?

Hon Ernie L. Eves (Deputy Premier, Minister of Finance): First of all, the honourable member was in attendance yesterday and she heard the answer from the Attorney General, but perhaps what wasn't made clear

yesterday was that there is a section in the Criminal Code of Canada, section 111, that allows any judge upon application to prohibit any accused abuser from possessing any firearms whatsoever. That power is already there with judges under section 111 of the Criminal Code of Canada.

Mrs Pupatello: Even if what you're saying is true, it's giving us the sleeves out of your vest. The point is that we are asking you to include a Liberal amendment that will actually allow the judges to seize the guns before they're used or before they're threatened to be used. I am asking the Acting Premier, I'm asking the parliamentary assistant to the minister responsible for women's issues, are there any women in the Conservative caucus who have come forward to stand up for women's rights in this case?

We are suggesting to you that if there is any clear, blatant time that women ought to stand up, where it's completely obvious that you should have included this Liberal amendment, this is the time for you to have stepped forward. I ask any of the women in the Conservative caucus, did any of you come forward to stand up for women who are the subject of domestic abuse in this bill?

1420

Hon Mr Eves: First of all, the power already exists, as I have pointed out, in section 111 of the Criminal Code of Canada. It isn't the purview of provinces or any jurisdictions to pass legislation to reiterate powers that already exist, and this power already exists under section 111 of the Criminal Code of Canada.

The legislation introduced by the Attorney General, the Domestic Violence Protection Act, is extending domestic violence to a broader range of relationships than has ever been done anywhere in Canada in the past, and I think the honourable member should acknowledge that.

Mrs Pupatello: To the Acting Premier, I acknowledge that the simple answer for you was to say yes to the Liberal amendment. The simple answer for the women in the Conservative caucus was to come forward and say that this amendment made sense, that this amendment that said judges could seize the guns before they were used made good sense. The people who sat on that committee when it came forward knew that this made good sense, but you are choosing to be partisan when it comes to the protection of women involved in domestic abuse.

It is so easy to come forward today and just say yes to the protection of women. Allow the judges to seize the guns before they are used or before they are threatened to be used. Acting Premier, let me ask you again. It is so easy to just say yes to the prevention of domestic abuse against women. Will you just say yes?

Hon Mr Eves: I reiterate that in section 111 of the Criminal Code of Canada, a judge may prohibit any accused abuser from possessing any firearm whatsoever. The power is already there and it's Canada-wide.

ONTARIO REALTY CORP

Mr George Smitherman (Toronto Centre-Rose-dale): My question is for the Chair of Management Board of Cabinet. The Ontario Realty Corp is responsible for over \$6 billion worth of government assets, and one would think that as Chair of Management Board you would want to keep a very close eye on any operation that looks after so much money.

But the Ontario Realty Corp isn't just any government operation. For more than a year, serious allegations of fraud and secret commissions have engulfed the ORC. The realty corporation itself has claimed in court that these scandals have cost taxpayers at least \$41 million.

Minister, given the ORC's huge financial responsibilities, the growing allegations of fraud and the ORC's poor track record of protecting tax dollars, can you please tell me why you have directed the government's internal auditors to stay away from the ORC?

Hon Chris Hodgson (Chair of the Management Board of Cabinet): The member of the opposition is right: we have called in auditors, we have called the police, to take a look at some allegations that we think aren't appropriate. That's going through the proper process, and I think he's well aware of that. As for his specific allegation today, I don't know what he's talking about, but I'm sure in his supplemental he'll elaborate.

Mr Smitherman: "I don't know what he's talking about." Truer words have not been spoken recently.

Minister, I have in my hands, and I've asked the page to give it to you, an internal report to the president of the Ontario Realty Corp. It flows from an ORC executive update meeting, and I have to tell you it's very clear. It says the Management Board Secretariat wishes ORC to operate without MBS internal auditors except for forensic audit.

In light of what we have seen, Ontario Liberals believe that Ontario taxpayers want a bunch of people with vests and calculators overseeing the wheeler-dealers presently involved in liquidating Ontario's land holdings, because what this really means is that you have no intention of cleaning things up at the ORC. You just want the problems to go away so you can get back to the deal-making. Minister, the simple fact is that the ORC is responsible for over \$6 billion worth of government assets. If that doesn't tell you that your internal auditors should be at the ORC, the fact that \$41 million has been stolen from Ontario taxpayers should.

My question to you is, what are you afraid of? Why don't you want the government's internal auditors examining future deals at the ORC?

Hon Mr Hodgson: I think the member is well aware that the ORC are the ones that have gone to court to try to get back what they perceive to be losses. It will be up to the courts to decide guilt, not up to you or the Liberals or public opinion to say who is wrongfully convicted. Those people deserve their day in court and that's the process we're following.

In terms of the audit, there is a forensic audit going on right now. In terms of the board of directors that looks after the day-to-day operations of the Ontario Realty Corp, all members of this House, through the process of the committee that approves appointees, approved these people. They're qualified. They're doing a good job.

If you have the specific memo I can get you a specific answer on how they are conducting day-to-day operations, but I can assure this House the forensic auditors are looking over all details. This corporation is subject to the same audit requirements that are legislated by this House, and I'm sure they're complying with that. If you would send me over the piece of paper, I can get you a specific answer.

Mr Smitherman: Mr Speaker, I sent the minister over the piece of paper and it had the specific answer, and the specific answer is clear: your staff looked through those recommendations; your staff have made directions to keep the internal auditors out of the Ontario Realty Corp.

While you've been trying to keep them out, the Provincial Auditor has been looking around. Now, I don't know everything that the Provincial Auditor will have to say when he releases his annual report next week, but I do know that he has found other irregularities at the Ontario Realty Corp. While the police have been investigating questionable land sales, this report to the ORC president from its senior executives tells us that the Provincial Auditor has uncovered other serious problems dealing with the way you contract out business. Specifically, he has found three instances where the ORC broke its own rules by giving firms contracts that failed to protect taxpayers through upper limits. In one case, you didn't even bother to get a signed contract.

Minister, if there is one government agency that needs internal auditors around the clock it's the ORC. What are you hiding?

Hon Mr Hodgson: I'll look into the actual allegation here, but I do know that this member phoned over to the realty corporation last week. He was offered a meeting with the senior person in charge of this file so he could get an answer from the person who's in charge of it. He refused to do that. We phoned your critic to try to see if we could set it up. He didn't know what you were talking about. So I'm not sure where he's coming from, other than to say that I will get back to him and ask the board of the ORC, which all members of this Legislature have approved of, to look into it.

LABOUR LEGISLATION

Mr Howard Hampton (Kenora-Rainy River): My question is for the Minister of Labour. Yesterday you tabled an amendment to Bill 69, your attack on construction workers in the province that will allow you to go behind closed doors, without any public consultation, and wipe out the bargaining rights of any and all construction workers in the province. It says to construction unions in Ontario, "Get in line and shut up, or we'll wipe you out."

You told construction unions that your amendment would be limited to the eight general construction contractors in the province and would allow them, if they chose, to wiggle out of their union contracts. That would have been bad enough, but when we read the amendment that you tabled, you will give yourself the unilateral power, without any consultation, any discussion, to go into a closed room and with the stroke of a pen wipe out the collective bargaining rights of every construction worker in the province.

Minister, a tinpot dictator in the Third World wouldn't ask for this power. Why do you need it here in Ontario?

Hon Chris Stockwell (Minister of Labour): I kind of remember one of those tinpot dictators, Bob Rae, and the social contract, if you want to talk about tinpot dictators. That's pretty good language to be throwing around, "tinpot dictator."

Look, all it does is allow us to move an amendment by regulation to do for Bill 69 what the unions agreed to, which is to allow the generals out of their acquired working agreement outside of border area 8—that simple. There's nothing new about this. It was agreed to during the negotiations. There's no tinpot dictator. There's nothing about that. It's just a simple amendment to allow us to do the regulation that the unions agreed to.

1430

Mr Hampton: Minister, you should read your own regulation, because what you're trying to do runs completely afoul of all the rules of democracy. Your amendment is such that we asked for a legal opinion, and this is what the legal opinion says:

"The amendment, as worded, is extraordinarily broad and gives the government the unilateral power, through the enactment of regulations, to annul bargaining rights held by unions on behalf of employees in the construction sector, without any limitation on such power, and over the course of one year.

"It is troubling that the government is giving itself the power to make changes which fundamentally affect the interests of employees and employers in the construction sector, by regulation and without recourse to the normal parliamentary process of open debate on legislative amendments."

It doesn't say a word about the eight general construction contractors. It gives you the power to go behind closed doors and wipe out any construction collective agreement. I ask you again, Minister, why do you need the powers of a tinpot dictator in a province like Ontario?

Hon Mr Stockwell: All I can tell you is the amendment gives us power by regulation to do what the unions agreed to do during the negotiations.

Ms Frances Lankin (Beaches-East York): It's broader than that.

Hon Mr Stockwell: If the amendment is broader, it's academic. That's not the law. The law is the regulation, and when they pass the regulation, that's what's taken up in the law. You guys were in cabinet; you should know that. The amendment gives you the power to pass a regulation. I've spoken to the union leadership and told them

what it is we're going to do by regulation. They have come to the table and agreed that is what was agreed to. Unless we do something dramatically different, there's no question here.

The Speaker (Hon Gary Carr): Final supplementary?

Mr David Christopherson (Hamilton West): To the same minister, first of all, not only is it not academic, the fact of the matter is that you have given yourself powers beyond what you need to achieve what you say you want to achieve.

My leader has pointed out that what you're going to do is bad enough in terms of allowing the eight general contractors to wiggle out of their responsibilities, but your amendment doesn't just move to achieve that. Yes, you can do that under the regulation. Our question to you is, why have you written the regulation in such a way that you have broad, sweeping powers to go beyond that if you choose? If you choose, you could do exactly what my leader has suggested you could do.

What we want to know is, if you aren't planning to use that power, why did you give it to yourself? And please don't stand there and tell me that everyone can trust you that you won't use those powers. We've seen what this government does with power when they give it to themselves. Why do you not spell out specifically your intent? Why are you giving yourself broad, sweeping powers that go way beyond what you say you want to do?

Hon Mr Stockwell: I'm trying my best. The amendment gives us the power to pass a regulation to allow the generals—

Ms Lankin: Not just the generals.

Hon Mr Stockwell:—hold on, listen—outside of board area 8 to relieve themselves of their working agreements with the non-civil trades.

Mr Christopherson: That's not what it says.

Hon Mr Stockwell: The amendment doesn't say it because you haven't seen the regulation yet. When you see the regulation, you're going to see that's exactly what we're going to do.

I can only say that if we do something different by regulation, there may be a question in this House, but right now there's no question.

PHARMACARE

Mr Howard Hampton (Kenora-Rainy River): My next question is for the Minister of Health. I'm sure the Minister of Health would agree with me that no one in Ontario should ever have to choose between buying groceries and filling their prescription medicine needs, but this is a decision that one in 10 people in Ontario now have to make. Some 27% of Ontarians lack basic prescription drug coverage.

As a New Democrat, I suggest we need a national pharmacare program as part of medicare. The federal government has been promising this, but despite the surplus didn't deliver it. The other night the federal Minister of Health, Allan Rock, said the federal government is

now working with the provinces on a pharmacare program. Minister, what discussions have you had with the federal government regarding the introduction of a national pharmacare program? If you are having those discussions, please share the information with us now.

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): As we all know, in the red book of 1997, the Liberal government endorsed pharmacare as a national objective. However, I would tell you that they stopped talking about a national pharmacare program the day they were elected. Recently we have seen drug costs skyrocketing across all of Canada. I can assure you that to this day we get no assistance from the federal government. Recently I wrote a letter and indicated to Mr Rock that we really needed to get this back on the table. As I say, they stopped talking about national pharmacare the day they were elected.

Mr Hampton: My question was quite specific because the comment of the federal Minister of Health was quite specific. On CBC he said that he is talking with the provinces on a pharmacare program. I know what the federal Liberals promised. I know that you keep talking about the necessity of providing prescription medicine coverage, but while you're talking about it, you keep on racking up the user fees, making it more and more difficult for people to have access to prescription drugs. None of this is helping the senior citizens out there who have to choose between paying the grocery bill and paying for their prescription medicine.

What did the federal Minister of Health mean when he said he is now discussing a national pharmacare program with the provinces? If you're not talking about that, what are you talking about? What's the federal Minister of Health talking about?

Hon Mrs Witmer: I'm not sure what the minister is talking about, because as recently as this past week when we took a look at the increasing drug costs we are facing in Ontario and the fact that we are spending about \$200 million more on our ODP program now than we did in 1995, I was informed by staff that there are no discussions regarding pharmacare ongoing with the federal government.

LABOUR LEGISLATION

Mr Dominic Agostino (Hamilton East): My question is to the Minister of Labour. As you recall, during your discussions with labour and management on the abandonment issue, the discussions were restricted to non-civil trade bargaining rights for the eight general contractors that were gained through the extension of the Toronto-Central Ontario Building and Construction Trades Council working agreement outside of board area 8. That was the discussion and agreement you had come to earlier.

Minister, you stood up on an earlier question and said, "That's all we intend to do. We intend to do nothing else." When we look at your proposed amendment, first of all, the original is bad enough; Bill 69 was a bad piece of legislation in the first place. Now you've compounded

that with the amendment your committee is going to ram through tonight that is going to give you full, broad powers to get rid of or scrap any agreement anywhere across Ontario at any time.

If that is not the case, can you point out to me where in the amendment your power is limited only to what I read earlier?

Hon Chris Stockwell (Minister of Labour): The amendment gives us the power to do exactly what you said. That's what we're going to do. That's what I've agreed to do. That's what I've committed to do. That's what I'm saying today I'm going to do. The amendment merely gives us the power to pass that specific regulation.

Your suggestion is that it's broad and wide-ranging. Agreed; it is. But we need to pass an amendment that broad and that wide-ranging in order to do what we want to do in the regulations to relieve them of that responsibility. I understand both members from Hamilton don't agree with that legal opinion. I think I'll take my legal opinion from somebody else.

1440

Mr Agostino: What you're saying is, "Trust us. Have faith in me." You're the minister that had a gun to their head and said, "Agree to this or I'm going to blow your brains out." You're the minister who then said, "I'm going to withdraw Bill 69; we can't get a deal." You're the minister who then brought back Bill 69 and said, "We're going to ram it through under my terms, come hell or high water." It's your bill. You've mishandled this and now you want us to trust you.

Minister, do you know what this bill gives you? It gives you the power the morning after the contractors paid \$25,000 a table at your fundraiser to line up at the Premier's door and the Premier then orders you by regulation to scrap contracts, bargaining rights and negotiated deals right across this province.

Minister, if you want us to trust you on this, will you today commit in the House that before you bring any regulation in there will be significant input from the building trades across this province to any regulation you bring in with regard to Bill 69?

Hon Mr Stockwell: I will commit to you that if the regulation we bring in isn't what I've said today, we'll have meetings. I have spoken with the union executive; I have spoken with the generals; I have spoken with all parties that have been affected by this. I told them that was what was necessary in order to pass the regulation.

I agree with you; it's a broad amendment. But we need to bring in an amendment that broad so we can pass the regulation. It's just that simple.

Now if my friend opposite discovers that we pass a regulation that's different than I committed to, then yes, you can probably get up and get exercised and scream and yell. But we're not going to, and if we don't, this is just an exercise in futility. Wait until you see the regulation. It's what I committed to. That's what I'm going to do.

ENVIRONMENT INDUSTRY

Mr John O'Toole (Durham): On a much more subdued note, my question is to the Minister of the Environment. Minister, today as you know, is Environment Industry Day here at Queen's Park, and I thank you for being part of and being a leader in that area, making this happen for us members.

One of the current concerns that people in my constituency of Durham have is that the Ministry of the Environment, according to what I read, has not worked closely enough with industry to encourage environmentally sustainable practises. Minister, can you tell the members of this House what steps the ministry and you, personally, have taken to work with this profession in the environmental industry today in Ontario?

Hon Dan Newman (Minister of the Environment): I'd like to thank the member for Durham for his fine question. I'd also like to recognize the presence of many of the Canadian Environment Industry Association members who are here in the public gallery today.

I'd like to take this opportunity to assure him and all members of the Legislative Assembly that the Ministry of the Environment works very closely with stakeholders, like the Canadian Environment Industry Association, to ensure that our policies are good, sound environmental policies that can be implemented to go hand in hand with economic prosperity.

Ontario's environmental industry sector represents many innovative companies, such as Trojan, who have developed ultraviolet filtration technology, as well as ZENON, with whom we have worked using their membrane filtration technology to provide a safe interim water supply in the town of Walkerton.

I also want to recognize the efforts of Brenda Elliott, the hard-working MPP for Guelph-Wellington for her outstanding statement today recognizing the efforts of the Canadian Environment Industry Association.

Mr O'Toole: I also agree about the member for Guelph-Wellington. I think very highly of her as well.

I've often heard you say that you take the environment very, very seriously. I know that. I sense it and it's great to hear and have you attest to the importance of private-public partnerships. Speaking of partnerships, I'm not sure if you're aware that in Durham there's actually some great partnerships going on and the environment is a very important issue. Protect Air is located in my riding and I believe that Michael Young is in the Legislature today. Minister, you are aware of this company, I'm sure. They are one of the leaders in this province.

Hon Mr Newman: I again thank the member for Durham. Yes, I am aware of Protect Air, and the member is right that it is yet another great example of public-private partnering in our province.

Protect Air is a partner in a phenomenally successful program, Drive Clean. They are involved in a number of aspects of the program, including data management and the training of technicians within Drive Clean.

Building upon their technology, Protect Air is exporting their made-in-Ontario expertise to other jurisdictions outside our borders.

Finally, I'd like to take this opportunity to thank the Canadian Environment Industry Association for their support today of Bill 124, which passed third reading in this House earlier this afternoon. Unlike the NDP, they supported the bill. The NDP refused to go on the record in support of a bill that protects the environment.

HYDRO RATES

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): My question is to the Minister of Energy, and it concerns electricity policy and electricity rates in Ontario.

We are now six weeks away from the expected end of the five-year freeze that your government imposed on electricity rates between January 1, 1996, and December 31, 2000. Minister, can you tell this Legislature and the people of Ontario, is it your intention as a government to extend the freeze on electricity rate increases in this province beyond December 31, 2000?

Hon Jim Wilson (Minister of Energy, Science and Technology): Yes, and I apologize to the honourable member if it has not been clear in the past. I've tried to make it clear in my public pronouncements that the government's policy is to continue the rate freeze until such time as there's an open, competitive market in the province.

Mr Conway: There is more and more evidence being introduced into the public debate that Ontario individuals and Ontario businesses can expect significant increases in their residential, commercial and industrial electricity rates over the next six to 12 months. The Ontario Energy Board, in a report dated September 29, 2000, tells us that they expect, on the basis of evidence tendered before them this summer, that Hydro One's—that is, Ontario Hydro's—customers should expect, once the market opens, that those rates will increase by at least 13%.

My question to you is a very straightforward one. Once the market opens, presumably some time in the calendar year 2000, what do you as Minister of Energy predict will be either the rate increase or the rate decrease for residential and industrial consumers of electricity?

Hon Mr Wilson: Everything we're doing within our power is to ensure that prices will be as low as possible in the competitive market. That has been the experience in other jurisdictions where electricity competition has been introduced, and it's being introduced all around us. Ontario cannot be an island unto itself.

Clearly, companies like Direct Energy, which are out there right now offering contracts to residential customers, believe that they are going to be able to provide power to the customers that they're signing up right now at today's prices or below today's prices. So there are some people out there who believe that new generation will come on-line that will bring us prices that are very

competitive with today's prices, and they're offering those savings right now to their customers.

Overall, though, there is pressure on price. Natural gas prices are the highest we've seen in many decades in this province, and in fact throughout North America and the world. Much of our clean electricity is generated through the use of natural gas, and that will have an effect on future prices. We really won't know what the price will be until the market opens, but you're right, there is some price pressure. But there are those out there now marketing to customers offering price breaks. So we'll see what happens.

FORT HENRY

Mr R. Gary Stewart (Peterborough): My question is to the Minister of Tourism. There has been considerable attention in the media recently about the state of historic Fort Henry in Kingston. The effects of age and the harsh Canadian climate have taken their toll on this particular fort. This has resulted in the closure of some sections of the fort to ensure public safety.

Recent media reports contained much debate about who should support the major capital works required at Fort Henry. The member for Kingston and the Islands states that restoring this national monument is the responsibility of Ontario taxpayers and that provincial taxpayers are not contributing their share to subsidize Fort Henry and the St Lawrence Parks Commission.

Minister, could you please advise us how much Ontario taxpayers are funding this federally owned heritage property?

1450

Hon Cameron Jackson (Minister of Tourism): I'd like to thank the member for the question. Frankly, the comments from the local member could not be further from the truth in terms of the amount of money that Ontario taxpayers have been putting into the St Lawrence Parks Commission and Fort Henry. The truth is, it's gone from \$4.6 million to \$5.25 million under this government. We've increased funding. In fact, this year alone our government flowed \$3.1 million of additional capital and maintenance upgrades for parks in that area. The fort itself has received over \$7 million.

Our problem is the fact that this is owned by the federal government; it's not owned by the Ontario government. So we cannot get the landlord to sit down and talk about the health and safety of the workers there, as well as the general public who visit the site. We know that major restorations are required. In fact, the federal government's own report says there is between \$25 million and \$35 million worth of work to be done.

Mr Stewart: I would hope the Liberal House leader—oh, sorry, he's not here either—would make sure that the member for Kingston and the Islands would hear this answer. He's not here either.

This Saturday, November 18, Fort Henry will play host to the Kingston Festival of Lights. There are serious concerns regarding the safety of the fort.

Interjection.

Mr Stewart: It appears that the member opposite is not interested in safety. We are.

Although the federal government has acknowledged responsibility in the fort's ownership, it is still imperative that action is taken to ensure that the fort is not neglected any further than it has been. Minister, what have you done to address the safety concerns of the people who work at and visit the fort?

Hon Mr Jackson: First of all, I want to assure the members that even though sections of this fort are actually crumbling and falling apart, we are required by law and, with the support of the St Lawrence Parks Commission, have closed off sections of the fort so that the public is restricted to those areas. So the Festival of Lights will occur. Our ministry and the province are providing additional support funding there, but safety is our number one concern.

The other issue here is very important. We had written to Sheila Copps, the heritage minister, on May 31 and July 4, and she refuses to even acknowledge that there is an issue, even though her own ministry has a report that says it needs \$25 million to \$35 million of upgrading to its own property. The federal minister will not respond to concerns by the commission and by the city of Kingston and by our ministry. The fact is that the Department of National Defence put up a little bit of money that generates about \$200,000 a year, and immediate emergency repairs are in the order of \$1.5 million to \$2 million.

Perhaps next time the heritage minister shouldn't fly from Ottawa to Hamilton, her home riding. She should get into a car and find out that Kingston is on every tourism map in this province. She has a responsibility with her fort in Kingston—

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

SCHOOL EXTRACURRICULAR ACTIVITIES

Mr Rosario Marchese (Trinity-Spadina): My question is to the Minister of Education. Aren't you lucky today, Minister? My question is about your government denying extracurricular activities to students.

This morning I heard parents and students raise the alarm about the extracurricular activities meltdown in our schools because of your Bill 74. They held a press conference because your exclusive summit tomorrow morning is going to exclude them and is going to exclude hundreds of parents and students who represent so many people who are very interested in the things you're going to talk about tomorrow.

These parents fear that if you proclaim Bill 74, there will be out-and-out war within our schools, and I agree. My sense is that tomorrow you're going to force boards to do it and you will be looking for volunteers to be doing the extracurricular activities. Is that the case, Minister?

Hon Janet Ecker (Minister of Education): I'm so pleased that the honourable member knows the outcome of the meeting tomorrow before any of the participants in the meeting. I had no idea he had such foresight talents.

The only reason there are students in this province who are being denied extracurricular, co-instructional activities is because some teachers are choosing to work to rule. It is that simple. Secondly, that is not fair to the kids. They deserve those extracurricular activities. They are very important to their education.

The meeting tomorrow is one of many meetings I have had and will continue to have as we seek further options to resolve this issue. I have said many times that if we can't solve it one way, we're going to solve it another way. I am surprised—absolutely astounded—that the People for Education group who were in the news studio today would somehow think that the Ontario Association for Parents in Catholic Education or the francophone parents' association don't represent parents in this province. Mr Speaker—

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

Mr Marchese: It's true that I am not omnipotent, but I am about to tell you that I think tomorrow you will be announcing that boards will be instructed to provide the extracurricular activities and that they are going to have to find volunteers to do it. I predict that. I could be wrong. You haven't answered, but we'll see mañana, because tomorrow morning you're going to have 90 minutes with these folks, excluding all these other active people, to tell us what you're going to do.

Volunteers, in my mind, make a great contribution to our schools but they can't replace professional supervision. University of Toronto professor Bruce Kidd, an expert in this field, says, "Where abuse in sport has occurred, it has happened under untrained and unsupervised volunteers." In fact, it's volunteers themselves who have pushed for professional supervision. I dare say that the Ontario safety guidelines and the insurance industry recognize that it's teachers who should supervise these activities.

Minister, you messed up with Bill 74. You're going to mess up again if you force the boards to deliver this program by having volunteers provide it. I hope you're not going to be so smug as to pursue one incompetence of Bill 74 with another incompetence. I hope you're not going to do that tomorrow.

Hon Mrs Ecker: I really hope all of the many parents out there who are helping ensure that their students are receiving extracurricular activities from the education system appreciate the negative comments the honourable member has just made about their ability to supervise their kids.

Secondly, the only people who have messed up are those teachers who are destroying whatever public support they had by choosing to withdraw those activities from students who deserve those activities.

Thirdly, again I would defy the honourable member to say that the Ontario Teachers' Federation, the Ontario

Principals' Council, the Ontario Federation of School Athletic Associations, the associations of Catholic parents, public parents, francophone parents, school board trustees, the Ontario Parent Council—he said this is not representative of the education sector in Ontario? What dreamland has he been living in?

PROPERTY TAXATION

Gerry Phillips (Scarborough-Agincourt): My question is to the Minister of Finance and has to do with the new property tax bill he introduced today. You will know that the CFIB, the Canadian Federation of Independent Business, gave all of the members a study it did that went around Ontario measuring the property tax that business pays for education in Ontario. You will be aware that they found that if a business in Brockville pays about \$22,000 in business taxes, in London an identical business pays about \$20,000; in Oshawa, about \$14,500; in Barrie, about \$12,500; and surprisingly, in Parry Sound, about \$5,000. Identical businesses—education taxes set by Mike Harris. That's what the CFIB said.

Can you indicate how in this new property tax bill you have addressed the concerns of the Brockville business community?

Hon Ernie L. Eves (Deputy Premier, Minister of Finance): The honourable member will know that when we took on the project of changing and reforming the property taxation system in Ontario, we immediately went to one residential rate for the entire province. That was easy to do because most municipalities were relatively close. However, when you got to business taxes, there was a huge range: from less than 1:1 in some communities—I would say, in terms of a commercial and industrial base, poorer communities—such as the town of Parry Sound, if he wants to use that as an example—to the city of Toronto, which has a relatively lucrative business tax base where the ratio has been as high as 6:1 or 7:1, where businesses are paying 6:1 or 7:1 compared to residential taxpayers.

The ultimate goal of course is still to get to the same rate province-wide, but it is going to take a great deal of time, especially in municipalities that haven't really had any reform for, in some cases, 60 years.

1500

Mr Phillips: A business in Brockville—and you've indicated that education across the province now is funded equally—assessed at exactly the same amount as a business in Parry Sound is paying more than four times the rate. It is paying \$22,000 in taxes; in Parry Sound, it is paying \$5,000. It is set, not by the municipality, but by Mike Harris—almost five times as much tax, provincial education business tax.

My question to you is simple. That doesn't seem fair. A business identical to one in Parry Sound in every respect except the property tax you're charging them: \$22,500 in Brockville; \$5,000 in Parry Sound. My question is this: in this bill that you introduced today, will you point out to the businesses in Brockville how you are

going to address the gross inequity of them paying more than four times the tax rate that they would pay for an identical business in Parry Sound?

Interjection: Good question.

Hon Mr Eves: It is a good question. The answer is quite simple. The province adopted—and he knows the answer, I presume—exactly the same rate on the education side, commercial and industrial, that various municipalities had when we started this project in 1998. We are now setting aside a cap of 5% a year—as he knows—for those municipalities that are out of whack, a very real cap that has to go toward gaining more equity in CVA.

Yes, it will take a long time for municipalities that are, in some cases, decades out of whack with the rest of the province. Hopefully some day in this province there will be a uniform rate across the province. But obviously 60 years of inequities can't be made up overnight.

REMEMBRANCE DAY

Mr Bob Wood (London West): My question is to the Minister of Labour. As he knows, I introduced a bill earlier today that grants employees the right to take a leave of absence from work without pay of up to three hours between 10 am and 1 pm on each Remembrance Day so that they may participate in observances for those who died serving their country in wars and in peace-keeping efforts. Attendance was up at Remembrance Day ceremonies this year in many communities in Ontario. This was due in part to the fact that many were not at work on a Saturday.

This bill, if passed, will give almost everyone the chance to observe Remembrance Day in a way that he or she deems most appropriate. Surely it is time to do exactly that. What's the minister's opinion of this bill?

Hon Chris Stockwell (Minister of Labour): That bill was introduced today in the House by you. I haven't had a great deal of opportunity to go through it. On first blush, it makes some sense, and certainly it would be an idea to consider. Obviously, we'd have to canvass the caucuses and the cabinet. It is something you could do on both sides of the House. It crosses all party bounds, I'm sure. If we can hear from the opposition members and my own caucus, maybe we can see if it's an idea that's worth pursuing.

Mr Wood: When might we know whether or not the government is prepared to support this bill?

Hon Mr Stockwell: It is going to take some time. We think it is something that you should canvass with caucuses. I think our caucus would have an opinion on this issue.

Ms Shelley Martel (Nickel Belt): Tell him you want a late show.

Hon Mr Stockwell: Well, it would be the best late show, because his question makes sense. It would be something we would want to canvass I suppose right across both aisles. I can't give you a prescribed date as to when it would be adopted or not adopted. It is something

we should look at. We should invite interested parties to look at the bill, and we should seek their views as to whether or not it's something they would like to endorse.

CANCER TREATMENT

Mr Mike Colle (Eglinton-Lawrence): I have a question for the Minister of Health. My question concerns Phyllis Weinberg, who's a cancer survivor. She lives in my riding and has been diagnosed with cancer. Her son, Aaron Weinberg, is here today in the gallery. Mrs Weinberg is undergoing chemotherapy to treat her cancer. Her physician, Dr Jeremy Sturgeon, says that her disease responds to chemotherapy treatment, and in order to continue the treatment her doctor says a drug called Neupogen is essential for her health. This drug works for her. She can't fight her cancer without this drug.

The problem is that the bureaucrats in your ministry will not cover the cost of this expensive drug for Mrs Weinberg, even though other patients in Ontario get it. Mrs Weinberg has been forced to pay for the drug out of her own pocket, up to \$1,700 per month. The doctor has written your bureaucrats twice, and they have rejected the doctor. I have written you personally twice over the last couple of months, and you haven't even bothered to respond.

Minister, this is a life-saving drug. It helps Mrs Weinberg cope with her cancer. It is readily available to patients in the United States. Some patients in Ontario get it. Why won't you cover this drug for Mrs Weinberg?

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): I don't know if the member is aware of the fact that we have added a considerable amount of money to the drug budget in order to effectively treat cancer in Ontario. In this past year, 1999-2000, we have provided an additional \$24.9 million for 11 new drugs in order to treat 17 different cancer indications.

Mr Colle: Madam Minister, this is a very specific question about a drug that's saving this woman's life. I've written to you twice; no response. It's a drug that works. It's a drug that helps her cope and continue to have chemotherapy. You offer payment to other Ontario cancer patients. Why won't you make that same offer of covering the cost to Mrs Weinberg? The only answer your bureaucrats give is that this drug is not currently provided for patients with incurable diseases. Who are your bureaucrats to play God in this case, to determine who's going to survive cancer and who isn't?

Hon Mrs Witmer: As the member may or may not know, it is up to the individual doctor to seek approval for drugs. Certainly there is the opportunity for them to go through the section 8 process as well.

Mr Colle: You rejected it. Your bureaucrats said no.

The Speaker (Hon Gary Carr): New question.

ABANDONED MINES

Mr Joseph Spina (Brampton Centre): Since half the Liberal caucus seems to have taken off for the weekend,

I'm glad to ask this question to the Minister of Northern Development—

Interjections.

The Speaker (Hon Gary Carr): Order. The member take his seat. We're not going to start with smart-aleck comments like that. It started with the member for Peterborough and I let it go. I'm not going to let it go any more. Don't start with the smart-alecks late on a Thursday. Member for Brampton Centre.

Mr Spina: My question is for the Minister of Northern Development and Mines. As you know, the mining industry has a long history in this province, particularly in northern Ontario, and while this industry has helped to build many of our northern communities, one of which I grew up in, many of the mines that were once in operation have inevitably closed over the years as their resources were exhausted. Minister, can you explain, please, what the government is doing to ensure that these depleted mines don't pose a threat to the environment or the safety of our northern citizens?

Hon Tim Hudak (Minister of Northern Development and Mines): I appreciate the member's question. He's right on both counts. First of all, the mining industry is a major employer and also a source of investment in northern Ontario and, at the same time, has a responsibility to ensure public safety. I want the member and all members to know that mining operations face a rigorous set of rules under the Mike Harris government to ensure safe closure when they get to that point. In fact, the cost of the operation has to include the cost of rehabilitation in the overall cost of the mine, and most importantly, the mining companies do have to set aside financial assurances along with a closure plan so the taxpayer knows and is protected, so that individual mining company will have the resources set aside to make sure that mine is restored to its natural state once it is depleted. Safety is the main priority of this government.

1510

Mr Spina: Minister, I understand that the currently operating mines are safely in the process of being rehabilitated, but as you know, we have a lot of abandoned mine sites which reverted to the crown long before the current regulations were in place. The former owners of these sites don't seem able to be held accountable. One high-profile site I know about is the Kam Kotia site in Timmins, where an estimated 6 million tonnes of strongly acid-generating mine waste covers an area of more than 500 hectares. I'm concerned that these abandoned mines will still pose a threat to public safety and the environment. What can you, as the minister, do to address this issue and ensure the safety of northerners from these depleted mines?

Hon Mr Hudak: I thank the member for the question and his ongoing interest in issues of importance across northern Ontario. The member is right: currently there is a very strict set of rules and environmental regulations to ensure safe closure of sites, but these tight rules and enlightened practices did not always exist in the province of Ontario with our 100-plus years of mining history. As

the member correctly said, there are some abandoned sites that have reverted to the crown.

I'm very pleased to say that we do have a \$27-million, four-year fund to help revert some of these abandoned hazards back to their natural use for exploration, for recreational use and perhaps for further development exploration on the mineral side. Kam Kotia stands as a good example, one of the worst sites that has reverted to the crown, spilling into some of the close rivers.

That's why I'm very pleased to say here in the House that recently we committed to a \$9-million investment into ensuring that that site makes progress toward being cleaned up. In fact, community groups like Northwatch and actually the member for Timmins-James Bay—

The Speaker: The minister's time is up. New question.

NORTHERN HEALTH TRAVEL GRANT

Ms Shelley Martel (Nickel Belt): I have a question to the Minister of Health regarding her ongoing discrimination against northern cancer patients. Minister, on May 8 you promised to do a review of this government's unequal funding of cancer patients from the north and from the south. On September 13 I filed a freedom-of-information request to try and get this document. On October 14 your staff told me they needed to consult more about my request and I'd have an answer in 30 days.

Minister, I just received a letter from your government declaring that a decision has been made to deny me access to this report. Minister, what are you hiding? What are you trying to cover up?

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): Actually, we have been expanding the support we've given to cancer over the years, as the member knows, and we have been moving forward to review the northern health travel grant, and we will continue to do exactly that.

Ms Martel: The question was, what are you hiding? You see, I believe this report clearly shows that your government is discriminating against northern cancer patients and that's why you don't want to release it. I also believe the report would clearly show that the only way to end this discrimination would be to fully fund the cost for northern patients to access care too. That's why you don't want to release it.

Minister, the fact is that your government has been quite happy for 19 long months now to discriminate against northern cancer patients, and that's going to go on for a whole lot longer because of the long waiting lists for cancer treatment in southern Ontario. It's time to end your government's apartheid on this matter. When will you end this discrimination and finally fund the cost for northern cancer patients to access care too?

Hon Mrs Witmer: I think it's important that we set the record straight. There is no discrimination. There is no apartheid.

The member knows full well that there are two separate travel programs. There is a northern health travel grant program which assists only northern Ontario residents to access specialized health services. This program is not available for people in southern Ontario. There is also a travel program that was initiated by Cancer Care Ontario for cancer patients only who are being referred from their home centre, and that is accessible to people in the north, east, west and south.

Again I repeat: please be accurate when you speak about the cancer re-referral program.

FLU IMMUNIZATION

Mrs Lyn McLeod (Thunder Bay-Atikokan): My question is for the Minister of Health. On July 25, you announced, with considerable fanfare, that you would be making free flu shots available to every Ontario resident. Two weeks ago you launched an extensive advertising campaign telling people to go to the clinic and get their flu shot. Unfortunately, we are finding that hundreds of people who have gone to these clinics are now being told there's no vaccine. For example, a large medical centre in Scarborough, Your Total Health Centre, has had to call 100 people today who had appointments to come in for their flu shots to tell them they had no vaccine because they ran out of vaccine four days ago. They were assured that their vaccine would be there by the middle of this month. They even put up the posters you sent them urging people to come in and get their shots. They set up hundreds of appointments and the vaccine you promised did not arrive.

Minister, surely this was one time when you should have, when you could have, made sure that you really had a service in place before you launched the public relations campaign. Can I ask how it's possible that you failed to provide this vaccine fully two weeks after you launched a massive advertising campaign telling people to go and get their flu shot?

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): As the member well knows, we do have the flu shot clinics up and operational. Starting October 1, we were able to ensure that all those people who suffer from chronic illness and are vulnerable and those who work in the health care field would receive their flu vaccinations, and of course this month we are encouraging all others to get the flu shot.

I'm very pleased to say there's been a very positive response. Certainly the flu vaccine is available and it is here in the province for individuals.

Mrs McLeod: Minister, we know that many people have had their flu shots. We know you had a great photo opportunity getting your shot. But we also are finding out that for hundreds of others the situation has been chaotic. I've told you about the situation at Your Total Health Centre in Scarborough, where they're cancelling hundreds of appointments because they didn't get their vaccine. We reached two other walk-in clinics in Toronto today and we were told that they did not have their

vaccine and had been told by your ministry that they wouldn't get it until at least Friday.

We know the problem is not that the vaccine doesn't exist. We've talked to Aventis, the producer of the flu vaccine. They worked overtime to increase their production to the almost eight million dosages that are needed, and that was a process that would normally take six months. So it's not their fault; the vaccine is there. The problem is that your ministry took over the distribution and you simply haven't been able to get it out to every clinic.

Minister, I ask you today, will you give us an absolute assurance that every clinic will indeed have the flu vaccine they need and that you promised they would have by tomorrow afternoon at the latest?

Hon Mrs Witmer: If there is a problem, then the physician should be contacting their local public health unit, because I can assure you that more than six million vaccinations have been distributed.

PETITIONS

NORTHERN HEALTH TRAVEL GRANT

Mr Rick Bartolucci (Sudbury): This petition is to the Ontario Legislature. It has 3,580 names and it's regarding northerners demanding the Harris government to eliminate the real health care apartheid and the real discrimination that the Harris government is practising. It says:

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

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

"Whereas a recently released Oracle research poll confirms that 92% of Ontarians support equal health travel funding" and certainly are aghast at this government's health care apartheid and discrimination against northerners;

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

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

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government move immediately to fund full travel expenses for northern Ontario cancer patients and eliminate the" very real "health care apartheid which

exists” and is being practised “presently in the province of Ontario” by Mike Harris and Elizabeth Witmer.

I of course affix my signature to this huge petition and give it to Jenna to bring to the table.

1520

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

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

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

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

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

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

I support this petition.

REGISTRATION OF VINTAGE CARS

The Acting Speaker (Mr Bert Johnson): The Chair recognizes the member for Durham.

Mr John O’Toole (Durham): Thank you, Mr Speaker. You were looking over there. I appreciate that.

The Acting Speaker: I do that when I talk on the telephone too, and when I look at the telephone I don’t see the person I’m talking to.

Mr O’Toole: I’m impressed with the number of people who responded to this.

“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’s vintage automobile enthusiasts are unable to register their vehicles using the original year of manufacture licence plates”—what a shame—“and

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

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

“We, the undersigned, petition the Legislative Assembly of Ontario as follows: to” immediately “pass Bill 99 or amend the Highway Traffic Act to” allow vintage automobile enthusiasts to use year of manufacture plates on their automobiles.

I’m sure everyone here supports and signs this, because I got thousands of signatures.

SCHOOL FACILITIES

Mr David Caplan (Don Valley East): I have a petition from many parents and students at St Timothy school in Don Valley East. It reads as follows:

“Whereas Mike Harris promised in 1995 not to cut classroom spending, but has already cut at least \$1 billion from our schools and is now closing many classrooms completely; and

“Whereas the current funding formula does not account for spaces in portables; and

“Whereas over 40% of the children at St Timothy school in Don Valley East are housed in old portable classrooms, including over 60 children with special needs and physical challenges; and

“Whereas these portables are a real challenge for children with special needs and some of these children are not able to be accommodated in regular school because of the restrictions placed on the school; and

“Whereas the facilities do not allow for proper ventilation and proper caretaking; and

“Whereas the Toronto Catholic District School Board has closed schools on the understanding that the Ministry of Education would be making monies available for the expansion of overcrowded, unsafe facilities;

“Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to instruct the Minister of Education to provide adequate capital funding to the Toronto Catholic District School Board so that St Timothy school can be expanded and so that our children can all be housed in one building with adequate safe facilities.”

This petition is extremely important. I will affix my signature to it and I hope the minister will respond appropriately.

EDUCATION LABOUR DISPUTE

Mr David Christopherson (Hamilton West): My petition to the Legislative Assembly of Ontario reads as follows:

“Whereas 40,000 elementary students are not in the classroom as a result of the lockout by the Hamilton-Wentworth school board; and

“Whereas the teachers are entitled to a fair collective agreement, and the trustees have a responsibility to ensure that the classrooms and the programs being provided meet the needs of our children; and

"Whereas the chair of the committee that is doing the negotiating said, in a letter addressed to the Minister of Education, Janet Ecker, 'My frustration is because of the inability of the bargaining process to occur within the limits of a funding formula that is restrictive in allowing flexibility in the process, a funding formula that continues to ignore the professional aid that is needed outside the classroom'; and

"Whereas he goes on to say, 'Your government's mandate appears to be one of the continuation of manufacturing a crisis in public education and the insulting abuse bestowed upon the dedicated deliverers of public education'; and

"Whereas parents want their kids back in school, teachers want the kids back in school and the Hamilton-Wentworth District School Board wants the kids back in school; and

"Whereas the problem is that there isn't enough money because the Harris government has cut funding to education across the province and Hamiltonians have been especially hard-hit by these cuts; and

"Whereas the government caused this strike, and now has a responsibility to resolve this situation and put our kids back in the classrooms;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows: the Harris government has caused this strike by its relentless attacks on funding of public education. These cuts have especially hurt children, families and teachers of Hamilton. Therefore the Harris government has an obligation to immediately restore adequate education funding to allow a fair collective agreement for teachers without cutting crucial supports and programs to students."

I stand by the constituents of my community of Hamilton and affix my name to this petition.

REGISTRATION OF VINTAGE CARS

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): I'm honoured to join in this petition to the Legislative Assembly that has been previously presented by my honourable colleague John O'Toole. It says:

"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."

It is my pleasure to sign my name to it.

NORTHERN HEALTH TRAVEL GRANT

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

"To the Legislative Assembly of Ontario:

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

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

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

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

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

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

This is signed by a number of constituents who live in the town of Atikokan. I've affixed my signature in full agreement with their concerns.

REGISTRATION OF VINTAGE CARS

Mr Joseph Spina (Brampton Centre): I'm pleased to present this petition because there are a number of people in my riding who are enthusiasts of vintage vehicles. The petition reads:

"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 assign my signature to this petition.

1530

PRESCRIPTION DRUGS

Mr Tony Ruprecht (Davenport): I still keep getting \$2 user fee petitions from some time ago, and the petition reads:

“Whereas the Ministry of Health has started to charge seniors a \$2 user fee for each prescription filled since July 15, 1996; and

“Whereas seniors on a fixed income do not significantly benefit from the income tax savings created by this user fee copayment or from other non-health user fees; and

“Whereas the perceived savings to health care from the \$2 copayment fee will not compensate for the suffering and misery caused by this user fee, or the painstaking task involved to fill out the application forms; and

“Whereas the current Ontario Minister of Health promised as an opposition MPP in a July 5, 1993, letter to Ontario pharmacists that his party would not endorse legislation that would punish patients to the detriment of health care in Ontario;

“We, the undersigned Ontario residents, strongly urge the government to repeal this user fee plan because the tax-saving user fee concept is not fair, sensitive or accessible to low-income or fixed-income seniors; and lest we forget, our province’s seniors have paid their dues by collectively contributing to the social, economic, moral and political fabric of Canada.”

Since I agree wholeheartedly with this petition, I sign it as well.

REGISTRATION OF VINTAGE CARS

Mrs Julia Munro (York North): “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.”

I affix my signature to this as I too am an owner of a vintage automobile.

ORDERS OF THE DAY

LABOUR RELATIONS AMENDMENT ACT, 2000

LOI DE 2000 MODIFIANT LA LOI SUR LES RELATIONS DE TRAVAIL

Resuming the debate adjourned on November 15, 2000, on the motion for second reading of Bill 139, An Act to amend the Labour Relations Act, 1995 / Projet de loi 139, Loi modifiant la Loi de 1995 sur les relations de travail.

The Acting Speaker (Mr Bert Johnson): We had just finished the speeches, the debate, by the members for Ottawa-Vanier and Elgin-Middlesex-London, and now is the time for comments and questions.

Mr David Caplan (Don Valley East): I was here last night to hear the speeches by the members for Elgin-Middlesex-London and Ottawa-Vanier. I certainly want to congratulate them for really getting to the heart of the bill and what the problem is. Both of them pointed out that Bill 139 is totally one-sided. In order to have a good, healthy, strong economy, you need balanced labour legislation. I think that’s what both members said in their comments.

I remember quite clearly the commitment of Ontario Liberals under Dalton McGuinty that we believe in that sense of fairness and that we believe in that sense of balance. I know as well that the member from Ottawa-Vanier commented on the fact that of the last 20 deaths on construction sites, 18 have been through non-unionized operations.

Interjection.

Mr Caplan: I hear the chief government whip say, “What does it have to do with this?” Do you think it’s any coincidence? Do you really believe it’s a coincidence that 90% of deaths on construction sites happened in non-unionized operations? Do you really believe that’s a coincidence, that it just happened?

So the movement by the Harris government, by the Minister of Labour, I really think by Guy Giorno in the Premier’s office—

Mr James J. Bradley (St Catharines): That’s where it really is.

Mr Caplan: As my colleague from St Catharines well knows, to try to decertify unions is putting people’s lives in jeopardy. It is putting people’s lives at risk and is

really quite backward from what we should be doing in Ontario, which is to make sure we have safe workplaces, quality workplaces, which we do. But when 90% of the deaths on construction sites happen in non-unionized operations, that really says something. It is not a coincidence. I want to congratulate my colleague from Ottawa-Vanier for her comments last night.

Hon Frank Klees (Minister without Portfolio): I was here for the debate as well. I recall listening to the member from Ottawa-Vanier make her point. She stressed constantly the issue of the importance of balance. Certainly that makes a great deal of sense. Labour legislation should be balanced, which is the reason for this legislation: to bring balance.

What was lacking in this province for many years was balance in labour legislation. It was difficult for many years, prior to our government, for business to do business in this province. Everything was so unbalanced that business was leaving this province. They were going to other provinces. They were going to the United States where there is an element of balance. What we are saying is that it's time to return balance to labour legislation in Ontario, which is what this legislation will do.

One of the issues referred to in debate last night was that it is unfair for workers to be shown how, and for information to be posted about how, they can decertify. The claim was made that it should also be posted how they can be certified. We know that information is readily available. There are unionizing drives that go on throughout this province, and have for years, where the information is made very much available to employees, and rightfully so. What this legislation also does is ensure that employees know what the process is for decertification so that they can truly have choice. It's all about bringing democracy to the workplace.

Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell): As are the concerns of my colleague from Elgin-Middlesex-London and M^{me} Boyer from Ottawa-Vanier, this bill is unacceptable to the Ontario Liberal Party and also to the workers of this province.

I really wonder what the intent of this government is. This bill will ease procedures to decertify groups from being members of organized labour. This could be a dark day for the workers of this province because those people have been working for their future and also for their retirement.

As we know, there is a shortage of labour in this province, and as a matter of fact, a shortage all over North America. Is the intent of this bill to help companies hire unorganized labour from other provinces so we can pay less and increase the profits of our friends' companies? By allowing to decertify so easily, what type of protection will we have for our own workers? Decertification could mean no more protection for their retirement, no more protection for the future of their children and no more protection for the spouses of those workers. Local economies will be affected because if, for most of their lives, they have been used to getting a certain salary, being decertified they will get less salary and also

less protection. What is going to happen? Do we know if this government will ensure that those who are going to be decertified will continue having a pension plan? If not, we know what will happen. At the present time, we know this government doesn't protect our workers.

1540

Mr Rosario Marchese (Trinity-Spadina): I was fascinated by the comments made by the member for Oak Ridges. It didn't surprise me, because what he said is that we are restoring balance on the basis that somehow the 30% or 34% of people who are unionized have tipped the balance toward unions. Fascinating.

I recall the Toronto board of education debates where we, because we had a fairly good balance between New Democrats and others, encouraged labour education, because we didn't have it before. We felt we needed to introduce in our curriculum a perspective having to deal with workers, their tradition, their contribution to society, to the workplace, to health and safety, to benefits that ordinary men and women had gained as a result of having unions in the workplace. We were happy to have been able to, in a modest way, introduce some changes in our curriculum that brought a perspective about labour. It was fascinating. Therefore, when in the next election they elected more Tories than they did New Democrats, they got rid of the labour education committee on the basis that we had just gone too far. We had just tipped the balance. We had so much about unions that we just tipped the balance and the poor corporate sector was getting the raw end of the stick. It was just fascinating.

The member from the Oak Ridges moraine just said as much today. He's saying this, Bill 139, is about restoring balance. It is so laughable that I—

The Acting Speaker: The member's time has expired. The member for Ottawa-Vanier has two minutes to respond.

Mrs Claudette Boyer (Ottawa-Vanier): This legislation really represents an attack on the labour movement. Some members of the government, last night and again today, talked about balance. Let me remind you that balance in the labour movement is a priority for Dalton McGuinty and the Liberal caucus. There is absolutely no balance in this legislation. This should be a win-win situation for both parties.

What amazes me is that instead of speaking to workers when putting together this bill—the government, by the way, says that it will protect workers' rights—the minister spoke only with employers. No suggestions from workers were even taken into consideration. As I mentioned last night, it is just like speaking to the fox when building the chicken coop. Bill 39 is still an addition to this government's pattern of union-bashing and disrespect for working people. What's worse is that it's going to create an imbalance in the workforce, where there was stability. There was a positive working atmosphere, there was a good balance between working people, and this bill will threaten this relationship.

The Acting Speaker: Further debate?

Mr Howard Hampton (Kenora-Rainy River): I want to speak to this legislation because I believe under this government the words and the predictions of George Orwell are now becoming germane and relevant to our society. People who have read *Animal Farm* or who have read the book *1984* will know that specifically in 1984 they refer to a time when a government starts to manipulate the language and abuse the language such that words we commonly expect to have a certain meaning are used in a totally contradictory way. When a government talks about truth, they mean lies. When a government talks about consultation, they mean in fact no consultation whatsoever. When a government talks about democracy, what they mean is the removal of democracy. That is what we are seeing with Bill 139.

This government talks about workplace democracy. What they really mean is do away with democracy. Democracy is about people. It's about allowing people to make choices. It is about allowing people the capacity, on the basis of one person, one vote, to make decisions. But anyone who reads this legislation knows that is not what is in this bill. It's not about one person, one vote. It's about letting corporations have their way. It's about letting corporations overrule one person, one vote. This is about who has the most money, who can intimidate, who has the power. That's what this legislation is about.

What are the terms of this? We would think that in a democratic society, if workers want to form a union, then the labour legislation ought to allow them to form a union. It shouldn't place undue roadblocks in the way of forming a union. But what does this legislation do? It is riddled with opportunities for corporations—not one person, one vote, but the corporation that has the power to frustrate one person, one vote, to take away democracy, to deprive workers of democracy.

Let me give you a few examples of some of the things this government wants to put into the legislation to either make it more difficult for workers to organize into a union or to make it easier for corporations to, in effect, undermine workers and take away a union they may have formed.

Let me give you one example. It lengthens the period of time in which a union may be decertified. In other words, it creates a larger open period wherein a corporation, a corporate employer can use intimidation or other measures to scare workers, fire them or to use other intimidation tactics to get them to decertify from a union. It in effect creates a roadblock preventing workers from organizing into a union to promote their own economic self-interest. It's about promoting the economic self-interest of the corporation. That's not workplace democracy. That's not about providing people with tools so that they can effectively organize on the basis of one person, one vote. It's completely the contrary. It's about giving the corporation more power to deny democracy.

George Orwell would have been proud of this government. Perhaps I shouldn't say "proud." George Orwell would have recognized this government for what it is, the source of incredible doublespeak where democracy

doesn't mean democracy any more. When this government talks about democracy, they mean removing democracy, taking away democracy, placing obstacles in the way of democracy.

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Then there's the other issue. It's going to require workers, when they form a union, to hold separate votes on approving a first contract and on authorizing a strike. Somebody who's not technically aware or technically conversant in the mechanics of collective bargaining might not understand what this means. What it does is, it creates a scenario where effectively the workers can be put into a box. If they don't approve of the contract, the contract's not bad, the government can force and the corporation can force a vote on the first contract. If the workers don't like the contract and turn it down, they then have to call another vote authorizing a strike. If the workers have been intimidated such that they don't want to strike and they turn down a strike, they're now left in limbo. This is essentially about creating for corporations the capacity, even after workers have organized a union, to effectively put the union and the workers in a strait-jacket where they can't bargain and they can't strike; in other words, they can't do anything.

This is not about furthering collective bargaining. It's not about providing more effective mechanisms or machinery for collective bargaining to proceed. It's about putting in place another provision which has the effect of gumming up collective bargaining, of ensuring that productive collective bargaining doesn't happen.

Another proposal which will make it easier to decertify: this legislation will allow an application to decertify before an application for first-contract arbitration. Where workers have organized into a union, often the most difficult time for them is when they seek a first contract, when they go to the corporation and they say, "We have a number of issues, a number of grievances. This is the first collective agreement we'd like to have." Corporations will often at that point in time say, "No, we're not going to bargain a first contract." Under the existing provisions, workers could apply for the arbitration of a first contract. What this legislation now puts in place is that, in effect, an application for decert could be heard first. So before the workers even have a chance to show what they can achieve through collective bargaining, this government wants to put in place a provision which will drive a decertification. Before the workers even have a chance to improve their economic circumstance through collective bargaining, this government wants to ensure that they will be open to decertification application.

That's not democracy. That is, in effect, doing away with democracy and doing away with the democratic elements of bargaining a first collective agreement.

People who have looked at this bill actually refer to it not as the Workplace Democracy Act, but as the "More Workplace Firings Act," because what it does is put in place provisions that say that where workers have tried to form a union, where they've tried to organize for a union,

and let's say they're a few votes short of a majority, this legislation now says they can't try to organize again for a year. What will happen in that year? I can tell you what will happen in the year. The grievance and arbitration report—

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): On a point of order, Mr Speaker: Is there a quorum?

The Acting Speaker: I don't know, but I will find out if you want.

Mrs Dombrowsky: Please.

The Acting Speaker: Would you check and see if there is a quorum.

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

The Acting Speaker ordered the bells rung.

Clerk Assistant: A quorum is now present, Speaker.

The Acting Speaker: The Chair recognizes the member for Kenora-Rainy River.

Mr Hampton: As I was saying, we know what happens in many places of employment where an application for the formation of a union has lost by, let us say, five votes, 10 votes, and the workers are successful in getting 40% support. We know what happens. Automatically after that, corporations will often sit down, go through their list of employees and start firing the people they know or they suspect want to form a union. What this legislative provision will do is give employers more time. It will allow them more leeway in doing that.

Once again, this isn't about ensuring democracy. This isn't about equipping democracy. This is about saying to corporations, "Where you have workers who want to form a union and they're unsuccessful, we're going to create a big open period where you can go after them and intimidate them and fire them and make sure that they won't seek workplace democracy again." This is about the deprivation and denial of democracy.

The arbitration reports and grievance reports are full of situations where employers have done just that. Where there has been a union organizing drive, where the workers have had the temerity to say, "We want a union," but they didn't get 50% support on the vote, there are all kinds of examples where the employer then goes on a rampage of trying to fire, trying to intimidate or otherwise trying to get rid of those workers they suspect were responsible for the drive to form a union.

This government is going to help corporations in that situation. They're going to make it easier to fire workers. They're going to make it easier to intimidate workers who only want to exercise the democratic right, the charter-protected right of freedom of association when it comes to collective bargaining.

I have to quote from the Sault Ste Marie Star editorial of November 6. They looked at this legislation, and their conclusion is, "How limiting the right of workers to choose strengthens democracy is hard to fathom." That's what this bill does. It tries to limit the capacity that workers have to choose a union. It tries in many ways to either deprive them of the right to make that choice or it

tries to make that choice harder for them to achieve. Doing that has nothing to do with democracy; it has everything to do with the denial of democracy.

In this legislation there are also some real sweetheart clauses for some of the government's favourite corporate friends. Many of us will know that over the last four or five years the Toronto-Dominion Bank actually went all the way to the Supreme Court of Canada trying to have their construction union contracts torn up. They went all the way to the Supreme Court of Canada and they lost. So after losing in the courts, they come back to this government and they say, "What we couldn't do legally in the courts we want you to do in the back room." This government, of course, is only too happy to do that. It's not about democracy. How could anyone say that writing in labour clauses, especially for a large corporation like the Toronto-Dominion Bank, has anything to do with democracy? Democracy is about one person, one vote, not about what's good for the banks. Once again, in George Orwell style, democracy doesn't mean democracy with this government any more, it means what's good for the wealthy and powerful.

What would this bill do for the Toronto-Dominion Bank? It's pretty clear what it would do. It would now make it legal for the Toronto-Dominion Bank to do, through this government, through this bill, what they couldn't do at the Supreme Court of Canada. It would allow the Toronto-Dominion Bank to tear up the signed agreements they have with construction unions with respect to their own internal construction projects. It means that the Toronto-Dominion Bank could simply tear up those.

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It also means that under these amendments the labour board can be required to declare that a trade union no longer represents the employees of the non-construction employer, such as the Toronto-Dominion Bank. That means that any employer who is not a construction operator per se could go to the labour board and ask to be removed from the construction provisions of the Ontario Labour Relations Act if they feel they can use the new definitions of "construction employer" to seek non-construction status.

How broad is this? Well, this is how broad it is: it would permit municipalities, school boards, oil companies, banks and similar parties who perform construction industry work the right to simply shed that. Even though they've signed collective agreements with their workers, they can now simply shed that. Does that have anything to do with one person, one vote? Absolutely not. It has everything to do with giving powerful corporations, the corporate friends of this government, the capacity and leeway to walk all over one person, one vote, to deny one person, one vote, to deny democracy.

George Orwell would be pleased at his capacity to see into the future. He would be pleased at his capacity to envision that a government would actually be elected which tries to so distort the English language, which tries to so distort the common, everyday meaning of words

that it actually engages in doublespeak. But he would be ashamed of what's happening. He would be ashamed at this abuse of democracy. He would be ashamed that a government would try, in such an underhanded way, to take advantage of ordinary people who simply through one person, one vote want to organize to better promote their economic self-interest.

That is why all kinds of people now refer to this legislation as the more workplace firings act, as legislation which denies democracy, legislation which does the bidding for corporations that are already powerful, for corporations that already, in too many cases, deny democracy or ride roughshod over democracy. This legislation simply gives them more power, more authority and is a further denial of democracy.

That's why this government should withdraw this bill. That's why this government should be ashamed to put forward this bill and try to call it workplace democracy. That's why this government should go back to the drawing board and recognize that expressions of workplace democracy are not bad for the economy, they're good for the economy. Where we have workers who have the capacity to organize for collective bargaining, we have some of the most productive economies in the world. In Third World countries that have limited the capacity of workers to organize for themselves and to engage democratically in collective bargaining, you have some of the worst economies and some of the most backward economies. But this government, for all its ideological reasons, refuses to recognize that. It refuses to recognize, for example, that western European countries that protect and promote the capacity to bargain collectively have some of the leading economies in the world.

Although we have had a tradition of collective bargaining and of promoting collective bargaining in this country and in this province for over 60 years, and during that period this province has experienced some of its greatest and most sustained economic growth, this is a government that wants to take away the legal provisions that have enabled that to happen. It is unfortunate.

It is unfortunate that this is likely to cause great instability in the economy. Working people are not going to put up with this kind of anti-democratic activity. They're not going to put up with this kind of distorted legislation, which denies democracy and puts more power and more clout in the hands of corporations. This government is going to contribute to more instability in the economy. It's going to contribute to more situations where strikes and lost time on the job are more likely to happen. That's unfortunate. But I suspect that three years down the road, four years down the road, likely not this government but perhaps even this government will want to revisit this issue and want to recognize that they were headed in the wrong direction.

I want to say, so that everyone understands, where we're coming from as New Democrats. We believe, and have believed since the inception of the New Democratic Party and the CCF, that collective bargaining, the capacity to organize into a union, the capacity of workers

to come together on the basis of one person, one vote, to better promote their economic interest in the economy and in the workplace, is to the benefit of all of us. If this government believes that low wages and taking away economic rights and the right to collectively bargain is the way to go, maybe they can explain to us why all of those Third World countries that don't provide for collective bargaining have such horribly depressed economies, have such an incapacity to move ahead.

The Acting Speaker: Comments and questions?

Mr Tony Ruprecht (Davenport): The leader of the third party makes some interesting points that really open one's eyes. He says that even before the first collective agreement is signed, sealed and delivered, the decertification process can take place already. When most members look at this, they will surely shake their head and say, "This isn't right." Even Margaret Marland would agree with that, I think; I'm sure about that.

The second point he's making is that workers who want to form a union and fall just short of 50% cannot try again for another year. Of course, we know what the grievances are all about; we know that certain intimidation can and will take place at the workplace.

But then the leader of the third party asked this government to withdraw this bill. I think this is where he doesn't understand the function of this government; he doesn't understand that. Once this bulldozer of this government continues and is going and the motor is running and the process is in place, I think he will be disappointed to find that this bill will not be withdrawn, simply because it can't be. The bulldozer is moving, and if you're standing in the way, even if you make a reasonable and most just argument, the bulldozer will not stop—or will it? Has the leader of the third party somehow found a way to make this bulldozer stop? I would think he has not, yet he is hopeful.

Just the other day I was in front of the offices of the Minister of Labour. There was an assembly of about 80 people who were injured on the job. What were these injured workers asking for? They were asking for justice.

The Acting Speaker: The member's time has expired.

Hon Margaret Marland (Minister without Portfolio [Children]): I always appreciate it when members of the opposition try to speak on behalf of someone in the government. Although I have some regard for Mr Ruprecht, I would appreciate it if you didn't use words which you have not heard me use in the House in terms of supporting this bill.

The thing I am really proud about in terms of workplace democracy with our government is the fact that with this legislation we have a combination of workplace democracy and economic growth. Speaking as the minister responsible for children, the greatest thing we can do for the children in this province is ensure that their parents have jobs. With 795,000 new jobs in this province—not government jobs, by the way; the previous two governments, both the Liberal and NDP government, created jobs in this province by spending the taxpayers' money and creating "government jobs." We're talking

about 795,000 private sector jobs, so now the parents of the children for whom, frankly, we in this place are all responsible, those parents now can work.

For the first time in three decades the unemployment in this province is down to 5.5%, so if you have it as a given that there's always going to be a percentage of people who cannot work, we actually have 100% employment in this province.

I'm extremely proud of the leadership of our Premier on all of the policies of our government that have brought about this economic growth for Ontario, benefiting everyone who lives here.

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Mr Caplan: I'd like to congratulate the member for Kenora-Rainy River for his comments.

He talked about the cooling-off period that's contained within this bill, that after an organizing drive, if it's not successful, that there would be a one-year period where you couldn't organize. But you see it's far more insidious than that. It's not the union which tried to organize; it's any certification drive, any union which wants to go in and organize workers to be in a collective situation, not to have to deal individually.

I know that this is a foreign concept perhaps to members of the government, but what is so wrong with workers in this province acting in concert, working together for better wages, for better working conditions? What this legislation will do is prevent any of that activity from happening for one full year from one union or another union or a different one. That is draconian. That is beyond the pale and I know that the member for Kenora-Rainy River will want to comment on the fact that it's not just a prohibition on a certification drive again by the same union but by anyone.

I would seek the opinion from the member for Kenora-Rainy River because I know he has a lot of experience in these matters when it comes to workplace safety. It so happens that in the province of Ontario, of the last 20 deaths on construction sites, 18—fully 90% of those deaths—have happened in non-unionized operations. That's 90%. That is not a coincidence. That is not something that just occurred through happenstance. It is a fact that in a unionized construction operation you have a safer operation.

You have the possibility—and I would say to the minister responsible for children—for the parents of those children to arrive home and arrive home alive and safely. That should be the goal of every member of this Legislature.

Mr Marchese: I want to congratulate our leader from Kenora-Rainy River for his comments in highlighting what are essentially attacks against labour.

I'm not surprised that governments would do this. They have nothing else to debate. When you have lost track and you don't know what else to do, you go to your old standbys. What are those old standbys? They've organized Project Pee against welfare recipients. They're now going to test them for drugs as a way of determining whether or not they're entitled to welfare. It's a good old

standby. You can always go after welfare recipients, because there's a whole sector of the population who will say to the government, "Right on, Mike." And when you don't have that standby, the next best thing is you go after the unions and the union bosses.

They've got a couple of bills, this is one bill and we've seen another previous bill against labour, and we're going to see more changes to the Employment Standards Act. More and more is coming, because they've got nothing else.

So our new guy on the block, Guy Giorno, is advising Mike, "Let's go on the issue from which we can get the most mileage, the one that will divide society the best and keep us in the forefront of that struggle, and we do that by attacking labour."

Only 34% of labour is unionized in this country. What a culture Canada is. What a culture where the majority of the population doesn't support the fundamental nature of why unions are there in the first place, where this government could introduce changes and assaults on its unions and find enough support out there with the help of the corporate sector that says, "Right on, Mike. We're open for business as we go and do all the dirty things that we can against labour."

Support my leader and the comments he made. I'll speak to this later. Thank you.

The Acting Speaker: The member for Kenora-Rainy River, the leader of the third party, has two minutes to respond.

Mr Hampton: I just want to say a few words about this government's attempt to say that taking away the rights of workers to organize into a union, taking away the capacity of workers to bargain collectively, is somehow associated with a more prosperous economy. What balderdash.

I hear Mike Harris try to say that he is responsible for economic growth. I hear Jean Chrétien say that he is responsible. I hear Ralph Klein in Alberta try to say that he's responsible. When I listen to American news, Bill Clinton tries to say that he's responsible. I expect next week George Bush will try to make out that he is responsible.

The reality is that Mike Harris has nothing to do with the booming economy in western Europe and in North America. The reality is that Jean Chrétien has nothing to do with it either. The reality is that Bill Clinton doesn't have anything to do with it. The reality is that we are in a process where we're not engaging in wars all around the globe and where more of people's productive assets have been invested in making themselves more productive rather than in producing military equipment. The second thing that has happened is that, through the advantages of information technology, we can now make more workers, in fact possibly all workers, more productive. This has nothing to do with Mike Harris and his depriving workers of their capacity to organize. It's got nothing to do with tax cuts. It is of great benefit to people in western Europe and in North America, and these people are completely

farcical in trying to take credit for that and trying to associate it with attacking workers.

The Acting Speaker: Further debate?

Mr John O'Toole (Durham): It's very flattering to follow the member for Kenora-Rainy River, the leader of the NDP. I applaud him for his dogged defence of the union movement, as old as it is. Its ability, its lack of ability, to reform itself is really what this is about.

There's no question that workers, at whatever level, with whatever skill, need protection and rights in the workplace. If you look at the very important beginning point of Bill 139, it is fulfilling a Blueprint commitment that this government made to the workers, not just in my riding of Durham or the riding of Jerry Ouellette, the member for Oshawa, or for that matter for Janet Ecker, who's now the Minister of Education, or for Jim Flaherty, who's now the Attorney General, or for Frank Klees, who's the whip. We stand for people and people's rights. It's a starting point, I know, but it's a starting point that needs to be restated. In fact, many have referred to this bill as the giving back of rights, unlike the member for Kenora-Rainy River, who is saying it's a take-away. Of course that's an attitude anchored in sinking sand, the quicksand of not being able to adapt to the new economy, and at the same time recognizing that employees are better educated, better trained and looking forward to careers, perhaps two and three careers in their lifetimes. So it is a changing dynamic, as we have a globally competitive economy.

We're giving employees specific rights and responsibilities. Because Bill 139, which was introduced by the Honourable Chris Stockwell—whose father, by the way, ran for mayor in the municipality of Clarington just recently. Unfortunately, I have to report that he wasn't successful, but he had the courage to seek public office once more. That may be somewhat off the topic. Nonetheless, I'm going to help the members of the public, to whom I'm speaking—and I know when Stockwell Day spoke directly to the camera there were people who didn't like that. But I'm speaking directly to the people of Ontario who elected me to be here.

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I would say that the explanatory notes are very important, because they're somewhat technical, and if I remain uninterrupted I might get through this.

The open periods during which a trade union may displace another trade union under subsections 7(4), (5) and (6) of the Labour Relations Act are changed from two to three months. So what it's really doing is providing a little bit more time and cooling off between disputes or disagreements, whether it's a certification vote or a decertification vote. In fact, I'll be covering other sections on how employees in workplace democracy are now going to be making choices. That's something new. It's something quite new. But I trust the people, I trust individuals.

The member before referred to George Orwell or Brave New World. I really think it's the opposite to what he's saying. It's clear that the Big Brother mentality of

the past, the big unions—the OBU it was called, One Big Union—was what Walter Reuther, the founder of the industrial labour unions, was all about: protecting the early organizing of industrial trade unions. It's evolved today. If I look at the Ontario Federation of Labour, for instance, the federation wants to kick out the largest union, the largest union being the United Auto Workers. Under Buzz Hargrove, it's taking quite a different approach. So within the labour movement today, Mr Speaker, you would know that there is a certain amount of disharmony between Wayne Samuelson of the Ontario Federation of Labour and on the other hand the UAW under Buzz Hargrove.

There are those who think the public sector unions under Sid Ryan and Leah Casselman and people like that are quite terrified that as we look at other ways of delivering services, improved ways of delivering service and accountability, there are changes under foot, so that people in a position where a union for years has represented the strength of their position and the assurance of their employment have to change and adapt, because if we aren't competitive in some way—and the private sector sorts it out by finding out that the products themselves aren't competitive in quality or price, they therefore are no longer made in this country and therefore there are no jobs in this country and the economy moves to other parts of the world, and we become importers. When you look at the federal government's role today and you see the value of the dollar slipping dangerously close to 60 cents, you realize that when we have to buy products from other countries, whether it's food or industrial materials, or indeed services, we're going to be paying a higher price for that, because that's really a measure of our productivity.

But to get back on track on this workplace democracy legislation, there are other parts I want to mention. Sections 7 and 10 of the act are amended to provide for a mandatory one-year bar where a certification application is withdrawn before a representation vote twice in a six-month period, withdrawn following the vote or dismissed by the board. I think it's important to clarify here that in those circumstances the bar applies to any union with respect to a previous attempt to organize, and that's the key here. There's a moratorium from being able to just relentlessly try to organize, and it provides a breathing space, not just for that specific union but for any union attempting to organize that workplace. So it's one year, providing some stability in the workplace for the employer and, I might say, the employees, where there isn't this continual harangue going on in the workplace of trying to organize a certification vote.

An amendment to section 43 of the Ontario Labour Relation Act to make it mandatory for the board to deal with decertification applications or displacement applications before dealing with or continuing to deal with applications for first-contract arbitration: if the board grants the decertification or displacement application, it must dismiss the first contract arbitration application. It's quite technical, but if the board dismisses the decertifi-

cation or displacement application, it must then proceed to deal with the first contract arbitration application.

This isn't a case where a workplace is going through a process of trying to establish a first contract and where it has then gone to a decision of the Ontario Labour Relations Board. So despite some of the generalities that we'll hear today, this is a very technical bill helping to have the Ontario Labour Relations Board in some instances deal more responsibly with decisions in the workplace and the failure to make a timely decision and the right of a chair to make a decision if there hasn't been a decision rendered by the board, and also for the workplace participants themselves to have closure and stability in the workplace instead of this relentless attempt to organize, or disorganize.

The open period during which employees may apply for decertification of a trade union under section 63 of the act is changed from two to three months. We've added another month here where there's an attempt to decertify a trade union. That cooling-off period provides stability and competitiveness in the workplace, and I think for the betterment of those employees, and employers I might say, who are in the midst of making contract bids.

Section 63.1 is added to the act to require the minister to prepare and publish a document describing the process for making an application for decertification within one year of royal assent of this bill. In other words, if this bill is passed, the minister of the day will be required to prepare and publish a document describing the application for decertification. Today I can tell you, having worked at General Motors for over 30 years, that kind of explanation or information is simply not available in the workplace.

Employees have, first, no choice of whom to pay their dues to. In fact, if it's a closed shop, that means they have no choice of belonging or not belonging to the union. On top of that, they have no way of knowing how to get out of the union if indeed they should. But the keyword here, the operative word, is "democracy" in the workplace, and if that provides some sort of threat to the NDP, I don't think they're paying attention to the informed, educated, mobile worker of today who wants, first, to have a job and, second, to make sure that all the issues that collective bargaining deals with are dealt with. I'm certain they should be dealt with. In many cases, in the labour laws that cover workplaces in the province today and under the federal government, there are significant laws with respect to workplace safety, employer rights and fairness and equity in the workplace. I think it's incumbent on the government to provide that for either a unionized or a non-unionized workplace.

You'll see in another bill we have coming, the Employment Standards Act that is being reviewed, that some of the changes in there are quite necessary. I think looking at families working and parental leave, absence and those kinds of things are very important—modernizing the workplace. I don't think there's anybody who can talk against it. Flexible work time arrangements are

very important. Those simply aren't provisions that are available in the rather inflexible industrial and union environments today.

I challenge them to try and modernize and work with the minister to make sure that such things as seniority lists, which are sacred to the union movement, are looked at and examined to see if there are other ways of protecting workers' rights while allowing employers to remain competitive. Training comes into all of this, the ability to train employees. Who gets trained? Certain employees get to points in their careers and perhaps they're not interested in training, yet they're required to be called in on certain kinds of work certification situations, specifically in skilled trades areas.

Our new section 79.1 of the act applies to votes to ratify a first collective agreement and votes to strike in order to obtain a first collective agreement. It is very important to clarify this. It's simply a case of, "What am I voting for here?" It will require that the ballot question in a vote to ratify a collective agreement or memorandum of settlement be restricted to a clear choice between ratifying or not ratifying the agreement or settlement.

That would be a very clear question, rather than having a lumped-together question which would mandate a strike vote at the time of ratification or of not ratification. In other words, if I don't ratify, it means I automatically want to go on strike. No; maybe they want the union leadership to go back and negotiate further strengthening of their protections. Those protections may be different between the union leadership and the seniority membership, the dues-paying membership.

The membership might want something as important as job security. Rather than a pay increase—as opposed to more premiums or more health care or whatever under the private coverage under their pensions for dental—they may want improved vacation entitlement, time off to be with their families. Individual needs today I think clearly aren't permissible, aren't allowed to be recognized by the traditional kinds of attitudes that I've witnessed in the workplace over 30 years, I might say. Again, under section 79.1 it requires that the ballot question be clear.

Also, in a vote to authorize a strike, there would have to be a separate ballot question to restrict the choice to authorizing or not authorizing a strike. No reference to ratification of a collective agreement or memorandum of settlement is permitted.

It is providing a clear choice so people aren't drawn into voting one way when they only want part of the question on the ballot. That's one of the issues today in the modern debate on the whole referendum question: clarity. I think the federal government sort of solved that clarity bill themselves. Well, maybe they didn't. The courts will decide that.

1630

The new section 92.1 of the act requires unions to disclose the salaries of officials and employees whose annual income from salary and benefits is \$100,000 a year or more. Hopefully there won't be many on that list.

There aren't many members here in the House, except for the NDP, who've recently had a raise because of their party status. We agreed to give them all a raise, 25% to 40%. Howard Hampton voted for it. David Christopher, a strong union member, was the chief negotiator with our House leader to get party status so they could get a raise. The public doesn't know that. I hope some of the Liberals on the other side get that out.

The whole issue of the 42% increase for all of our members I think is completely unacceptable. I regret that the Toronto Star—the Toronto Star made this story up because I can stand here in the House today and tell you there was never a government document that I saw or that any member of this caucus saw with the number 42 ever appearing on it.

I look at the Liberals. They're drooling. The Liberals want it both ways. They want us to vote an increase, and yet they want to blame us. It is like the biggest flip-flop I've ever seen. "Give me the money, but blame Mike Harris." This whole thing here, you have to slow it down. If you check Hansard, the Premier answered the question yesterday. I'm sorry, Mr Colle. I think the future mayor of Toronto is right here with us today. No, he is. I believe that Mel has made a wise choice because you'll never be in government as long as you're here.

Anyway, getting back on topic, I believe the wage increase was settled yesterday. Dalton was asking for something like 10% or 12% or 15%. The Premier said, "That's too much." That's what's in Hansard. I challenge you to sign on to www.gov.on.ca. Check the Hansard. It's there. The Premier said no to Dalton McGuinty yesterday. Dalton is not up to the job anyway. Really you've got to look at Sandra as the future leader over there, the member from Windsor West. There's another one: Windsor-St Clair is very strong as well. I have a lot of respect for him.

I'll get back on the bill, though. We were talking about the \$100,000. Out of respect to the members sitting here on Thursday afternoon, those who have stayed—I won't go much further down that road—that salary thing is clearly—when I think of the mostly Liberal members in Ontario, all of them making about \$145,000 or more, I'm envious. There's no question about it, because I'm not sure what they do.

The Right Honourable Jean Chrétien was asked in question period, "Name one thing you've done." I can't think of anything. What he's done is that everything he has done, he said he wasn't going to do. I'm going to just give a little part of a déjà vu thing here. First of all, he said they were going to cancel the GST. No, they didn't do that. They were going to roll back the free trade agreement. They didn't roll that back.

Mr Dwight Duncan (Windsor-St Clair): On a point of order, Mr Speaker: I enjoy listening to the member for Durham speak. I really came to the House today to hear him speak about the bill before us, Bill 139. He has failed to address that bill even indirectly in the time I have been in the House. I came here specifically to hear his views on this important legislation. While I'm most willing—

The Speaker (Hon Gary Carr): Order. The member is right; he should stick to the topic. I'll pay attention and make sure he does.

Mr O'Toole: I don't stand up in your time, but you're right, and I do withdraw that comment, although it's true.

The act is amended to provide that disputes with respect to a trade union's duty of fair representation under section 74—I think this is where the chair or vice-chair can intervene and make sure there's a timely decision brought from the Ontario Labour Relations Board.

There are a number of sections in here that really do apply to many workplaces. The member for Kenora-Rainy River mentioned some things that I somewhat agree with. I have a lot of respect for the NDP's position with respect to representing the interests of organized labour and big unions. There's no question about it.

But I was at the opening last week, during constituency week—my final remark—of the General Motors stamping plant in Oshawa. They've invested in Ontario about \$1 billion in new capital to create job opportunities for hourly and salaried employees. The president, Maureen Kempston Darkes, was quite generous in sharing all of the attention with Mike Shields, the president of the local CAW. I commend her, because that's the new role that management has reinvented for itself in workplace democracy, and now we're waiting for the union.

I must compliment Mike Shields and Mr Scanlan, who is actually the president of the skilled trades group within the CAW local 222. They're working with Maureen Kempston Darkes. The workplace is changing, and I think some of the provisions in this legislation are allowing that to happen. I'm anxious to see the feedback, even though there are no NDP people here to feed back.

The Speaker: Questions and comments?

Mr Duncan: I am pleased to respond to the member from Durham's points with respect to Bill 139. I'd like to begin by reminding him, because he did allude to the fact that this bill must be taken in the context of Bill 69 as well as the pending changes to the Employment Standards Act, that all of these directions taken together by the government, in my view and in the view of the official opposition, reduce significantly the rights of working people. When you're speaking of the Employment Standards Act, you're not only talking about organized workplaces; you're also talking about unorganized workplaces.

Historically in Ontario, particularly under the Bill Davis government, there was always balance in our labour legislation. If there was a giveaway on one issue, there was something given back. There was always consultation; there was always a sharing, if you will, of changes to the legislation. There is no balance in this legislation. In my view, it's simply a number of changes that make it easier to decertify a union or not certify a union, make it more difficult for unions to organize.

The government and the member opposite, in his statement, argued that the Ontario labour market has to adjust to a changing economic reality. I think it has

adjusted very well and I think our economy is doing well. We've had relative labour stability, we've had significant job growth, some of which the government itself likes to take credit for. I think, given all that, the government is risking inevitable labour market instability by making these kinds of changes unnecessarily and in a manner that was only provoked by the employer community. I urge the government to reconsider this whole band of changes that they have proposed.

1640

Hon Chris Stockwell (Minister of Labour): The difficulty with the position proffered by the member opposite and the opposition is they speak of balance. They leave the impression that before this bill there was balance. I submit to my colleagues today that there wasn't balance. The argument is, with respect to posting, how to certify or decertify your union. Let's think of the history. In the past unions, rightfully so, have been very aggressive to go out and negotiate. So any non-union workplace is out there and they aggressively attempt unionization. I understand that. In a union house, in a union workplace, the unions don't inform their members how to go about decertifying. I don't blame them for that. I understand that. Why would they? This is the old law.

The employer couldn't talk to his employees about how to decertify, so there wasn't any balance—zero. There was no information. Employees came to me and said, "We can't get this information." So on the one hand, in a non-union workplace they were aggressively informed of the information, and rightfully so, but in a union place—if you want to talk about balance—the employee couldn't get any information. What made that fair? All this bill says is that the employee be allowed to get information on how to decertify or change their union. It's not just decertification. Mr Hargrove's big complaint has always been that there's no information on how to change your union or decertify, so there wasn't balance there. They are suggesting these changes aren't balanced. Well, they are. They're rebalancing the Labour Relations Act because in the past it wasn't balanced.

Mr Mike Colle (Eglinton-Lawrence): I was happy to be here to hear my colleague from Durham. I think he made some cogent points. We're certainly very interested in some of the comments he made.

One of the perspectives I have is a historical one. In my riding in 1960, we had one of the most memorable and most severe tragedies in construction. We had the famous Hog's Hollow cave-in, where five workers lost their lives underground because of inadequate supervision and because of inadequate safeguards. They weren't unionized. Remember that when a lot of these workers went to the bank on Friday night or Saturday morning to get their cheques, their cheques would bounce. They couldn't even get paid. They were getting paid almost at risk. They also worked in the most unsafe conditions. Because of that tragedy, a Conservative member of the Legislature, Mr Frank Drea, had compassion and had the understanding that you had to have protections out there for workers.

I know this government is not saying they're going to wipe out these protections, but I just ask the Minister of Labour to be cautious in terms of where this government is going, because there are extremists within his party who will want to take this government back to those days. They've forgotten. They don't have that sense of history and understanding of what went on before you had protections for workers.

Perspective is very important in looking at whatever legislation we put forward, because those gains that workers achieved were hard-fought. They didn't come automatically. I think we have to be very cautious with every change we make to ensure that workers are protected and that we don't take their rights, their safety and their privileges for granted, because many of them are not able to fight for themselves.

Mr Bart Maves (Niagara Falls): It's always a pleasure to rise in the House and speak for a few minutes about the member for Durham, who once again has taken part in a debate on a bill, with the always well-researched information that he provides and a very common sense and rational look at bills and issues that come before the Legislature. Again, he has provided that for us today and I want to commend him for that.

The previous member, instead of engaging in the highly partisan "the sky is falling" rhetoric, which many colleagues on the other side of the aisle have engaged in around this bill—which, if you look back at the history of every piece of labour legislation we've brought in, is the type of rhetoric that has been engaged in by the other side—the member who just spoke didn't do that. Instead, he hearkened back and said, "There is a history in labour. There is health and safety. There were many reasons why we do have labour unions in the province of Ontario," and he's right. I'm glad he took that tack, because he then said to the minister that he doesn't necessarily think the minister is eroding those rights or the health and safety of workers, but he cautioned the minister to go slowly and to be careful when he brings forward these pieces of legislation. I think that's a good, reasonable contribution to this debate by that member, and I thank him for it. I also would say to him that I know this minister did quite a bit of homework when he brought this bill forward. He did work with both labour and business and non-union workers before he brought forward this package of change in this bill. He's done his homework; he's had his consultations.

The bill before us is a very reasonable bill, and I think the content of the debate so far has proven that.

The Speaker: Response?

Mr O'Toole: I'd like to certainly thank the member for Windsor-St Clair and of course the Minister of Labour—it's very important for him to be here today listening, as he always is—and the members for Eglinton-Lawrence and Niagara Falls.

More specifically as to the member for Niagara Falls, I don't know of any harder worker. He was telling me this morning that he had to get up at 4:30 to come to a meeting that we had this morning. I know he has young

children, and I just can't say enough about him. I know he was parliamentary assistant to the Minister of Labour, I believe from 1995 to 1997, and so he's very well versed on this, because these consultations aren't new.

I do want to touch very constructively on some of the observations made, and hopefully our Minister of Labour will pick up on some of this, because I respect the members on all sides here—that are here, actually.

The member for Windsor-St Clair mentioned there should be balance in labour relations. I couldn't agree more. Part of my undergraduate degree is in labour economics. In that, I did work in labour relations for some time, and I knew it was important to have good relationships with the union leadership and indeed with the employees when I was a supervisor and had other roles in the workplace, to respect people, and it starts there. To have an imbalance in the relationship or a balance-of-power problem is not healthy. I think today we've taken away some of those imbalances. We have the investment. We have close to 800,000 net new jobs in the province of Ontario, so I think the evidence is there.

To the member for Eglinton-Lawrence, I have a lot of respect for some of the things he's done, more recently the election of the new mayor of Toronto, but he talked about a tragedy and where somehow the tragedy was caused by the fact that they weren't represented. I think clearly issues like safety are not negotiable. Safety should not be left to that language within a contract. It should be the law of the land, and our minister is doing exactly that. I believe we're doing the right thing. I expect your vote on this bill.

The Speaker: Further debate?

Mrs Dombrowsky: I will be sharing my time on this matter with the member for York South-Weston.

I really am very pleased to be able to bring a perspective from eastern Ontario, from my riding. I've had an opportunity to speak with some of my constituents who will be impacted by this legislation.

I would also like to make a couple of comments about statements that have been made. First of all, the Minister of Labour made a point with regard to balance. My colleague from Windsor-St Clair has, I think, very appropriately pointed out that when labour legislation has been discussed in the past, there was an understanding that there would be a balance in terms of the discussions and the understandings and the outcomes.

The Minister of Labour would suggest that, well, this is balanced, this is an opportunity for employers—not an opportunity, actually. If this bill becomes law, it will be a requirement for an employer to post how, in an environment where workers are unionized, those workers can be decertified from their union affiliation.

I would suggest that a balance to that would be that an employer in a workplace where there are no unionized employees would be required by law to post information on how to become unionized. That, to me, would seem reasonable. If an employer where there is a union must post information on how to decertify from a union, then it seems only fair that in a situation where an employer has

employees who are not unionized, they should be required by law to post information on how those employees would become unionized. I would suggest that the honourable member's presentation in terms of balance is really, in my opinion, not appropriate or actually applicable in this particular case.

1650

I would also like to make a comment on a statement that has been made during this debate by the minister responsible for children, a member of this House for whom I have the greatest regard. She made the point earlier in the debate this afternoon that she's very proud to be part of a government that has created jobs and that there are children who have parents who are working. It's interesting that she failed to present the fact that many of those parents are working at minimum-wage jobs and those children really are not much better off, but that's another whole topic. The point I'd like to make with regard to that particular issue is that this bill is certainly going to have an impact in terms of safety in the workplaces where these jobs have been created. So I would suggest that the government needs to be very careful. Taking a great deal of credit for creating jobs so that kids' parents will have work is certainly one thing, and perhaps to be applauded, but my question is, do you really feel so great about that if the jobs you are creating may put their very lives at risk and may orphan those children whose parents now have these unsafe jobs?

I indicated when I opened that I wanted to present a perspective that I received from people in my riding about this particular bill. I have to say that when we consider legislation that has an impact in the area of labour, certainly I've never personally belonged to a union, so I think it's very important, in order to appreciate that perspective, to be in touch, first-hand, with those people. During constituency week, I did have some time and was able to meet with people who belong to unions in my riding.

Mr George Smitherman (Toronto Centre-Rosedale): You didn't go to Florida?

Mrs Dombrowsky: No, I didn't go to Florida. It was very important for me to be in touch with the people in my riding, and I very much appreciate the time they took to share with me their concern about legislation such as this. Points that were made to me by people who work in the trades professions and who belong to unions—they are gravely concerned that the passage of this kind of legislation will put their own personal safety at significant risk. They of course were able to provide to me some really rather startling figures that would support that, that would demonstrate that. There is clearly a higher incidence of accidents, particularly in the construction industry, among non-unionized employers. It has been indicated, and I have some notes here, that with regard to the building and construction trades, a non-union construction sector has a higher accident rate by 250%. They have a 250% higher chance of being involved in an accident in those building trades. It's very obvious that there is significant concern and worry within the building

trades professions for the safety and well-being of their workers.

As I indicated, I've never personally belonged to a union and I needed to have some sense, some understanding of why that would be the case. My constituents were very generous with their information and would indicate to me that very regularly those safety concerns, conditions and opportunities for upgrade and awareness of the tradespeople in terms of how to work more safely are issues and initiatives from the unions, that union representatives take the safety of their workers very seriously. It's very important to them that their workers come to work in a safe environment, so they work with employers and negotiate with employers to ensure that the conditions to which their members come every day to work are the safest possible. I believe we as Ontarians have benefited greatly from that.

The member from Durham made the statement that this is democracy in the workplace. I think it's important to understand that there's one workplace partner that has not been consulted, or certainly it has been presented to me that they have not been consulted. I would suggest that the legislation very clearly indicates that there has not been consideration for the will, the desire of those people in the workplace who belong to unions.

The member from Durham also made an interesting statement when he said, "This legislation will allow employers to remain competitive." I'm rather curious about that phrase, that the legislation will allow employers to remain competitive. I need to understand what the risk is to the competitive nature of the construction industry. For example, if this legislation were not to happen, I have not been made aware—and in my riding I try to be as accessible as possible. I have to say that I have not had employers come to me very worried that their ability to be competitive in their field is at risk or in jeopardy.

We on this side of the House regularly get accused of fearmongering. I'm not here to fearmonger. I'm here to share with you what the people in my riding have told me. I would suggest that phrases like "We need to bring forward this kind of legislation so employers can remain competitive"—I think that's a bit of fearmongering. It's suggesting that without it, there won't be healthy competition, and then of course we all know, as consumers in the province, that could have a very negative impact on our well-being and the health of our economy.

I'm not here to fearmonger. I'm here to have members of the government understand that I don't believe this legislation is balanced. I do believe that if this legislation becomes law, the safety of people, especially in the construction trades, will be significantly compromised, and I think that is totally unacceptable. I believe we've come a long way in terms of achieving safe workplaces in Ontario, and I think this would be a regressive step.

1700

Mr Joseph Cordiano (York South-Weston): I'm glad to have an opportunity to speak to this piece of legislation. There are essentially three points I would like to make with regard to this legislation, the amendments

being proposed, firstly having to do with the question of safety, particularly with respect to construction workplaces.

It is true that the non-unionized construction sector has had a higher accident rate, up to 250% greater, than the unionized sector. As a result of that, we say we are concerned about the nature of this legislation being brought forward making it easier for workplaces to become non-unionized, particularly in the construction sector. That would seem to be the case and the intent of this bill. If you examine the bill very carefully, it does raise the bar and make it much more difficult for unions to organize and to be successful in bringing about a first contract.

The provision in the bill which would see decertification take place, extending the period for an application to 90 days from the current 60 days, is another hurdle and certainly allows for decertification to take place with regard to the notice that's required.

I heard the minister earlier talk about balance with respect to this bill. He spoke of the fact that unions would find there is balance in the bill, that there is democracy with respect to posting information at the workplace. The employer would be required to post information. The labour ministry would make available information to be posted at the employer's workplace for a decertification notice. This would be a requirement.

The labour movement then says that in order to be fair, the same requirement ought to be placed on a non-unionized workplace; there should be a posting of information with respect to the certification process. This would balance out a non-unionized workplace with a unionized workplace and the question of certification or decertification at either of those places. When all is said and done, the labour movement says, "Why not allow information to be posted on how to certify in a non-unionized workplace?" That would only seem to be fair, to balance out the legislation. This is what we referred to when we were talking about balance.

Other members have discussed the history around the labour movement in this province and the hard-fought battles throughout the years, particularly in the construction sector where in the past there have been horrendous accidents. My colleague the member for Eglinton-Lawrence pointed out Hog's Hollow. That stands out in our minds as one of the most tragic cases of an accident in a non-unionized workplace.

The other thing I would like to mention is that Bill 139 would in effect lead to labour shortages precisely at a time when the economy has a greater requirement for more labour. There are huge labour shortages at the present time in the construction sector in all kinds of trades. This bill, in giving municipalities, school boards and banks the ability to tender their construction projects to non-unionized companies, would then have the effect of lowering wages. Lower wages would mean there would be less of an incentive to be attracted to the construction sector and to do this type of work, precisely at the wrong time, at the time where we ought to be encour-

aging the recruitment of skilled labour, particularly in the construction trades.

That is the story at the present time that we have been told by both sides, by the labour movement as well as management. Many of these contractors are unable to fill positions today, because there is a huge labour shortage. The effect of this legislation will be to lower wages, with the result that many of these municipalities, school board projects and the like will tender their projects to non-unionized companies that would then go out and obviously hire non-unionized labour, which would be paid at a lower wage rate than unionized labour. That is precisely the implication of this bill.

I fail to see how this act would help Ontario's economy at the present time—precisely the opposite. I would argue that this bill is a threat to Ontario's economy for the simple reason that labour shortages will be exacerbated and not alleviated. This bill would have that effect. I repeat, if there is a reduction in wages, which I believe this bill will cause, as a result of these projects now being tendered to non-unionized shops, at the end of the day there will be fewer people attracted to those trades. They are already having a difficult time attracting people to those trades: bricklayers, carpenters, you name it. As a result, there will be greater labour shortages, resulting in a slowdown in the construction industry. We see labour shortages in other sectors as well. If you have a greater number of non-unionized enterprises out there, then you end up with a huge problem.

I don't think this is going to be very helpful to the economy in our province at this time, particularly with the GNP numbers running as high as they are. Our growth rates for this year were over 5%. I believe next year will be another strong year.

I would say to the minister, who has just returned, that the concern I have with this bill is that it would have the effect of creating greater labour shortages, in particular—and I want to repeat for the minister—in the construction trades, where they are having a hard time attracting people. If you allow for the tendering of construction projects to non-unionized companies, where they're paying lower wages, at the end of the day you're going to attract fewer and fewer people to those trades in the construction sector. You know that's a problem. That's a problem right across the industrial, commercial and residential sectors. They are having a hard time filling those jobs as it is.

What I'm saying here is that if you have the effect of lowering wages for non-unionized companies—and that's what's going to happen in a lot of these projects. You're saying yourself that you're going to have greater efficiencies if these municipalities, banks and school boards are able to tender out projects at lower cost to become more competitive. Obviously wages will be much lower for those non-unionized workers. What I'm saying is that's a disincentive to attracting labour. At the end of the day you're going to have a real problem here. That may be an inadvertent side effect of your legislation, but I'm telling you, it's going to be a problem.

We hear the labour movement and contractors tell us today that they are having a hard time attracting people to these trades, and it can only get worse with a bill such as this, which will make it difficult for those unionized shops to compete with non-unionized labour. Wages are lower in the non-unionized sector of the construction industry. Therefore, you're going to have fewer and fewer jobs go to the unionized companies than would otherwise be there for these projects.

I say to the minister, there are some concerns with respect to the balance. There's a very real concern with this legislation with respect to labour shortages that will be a side effect of this legislation, as well as the concerns we have around construction safety at non-unionized companies.

The Speaker: Questions and comments?

Mr Maves: It's my pleasure to respond to the member from Hastings-Frontenac who spoke, and the member from York South-Weston, a good member and a good friend of mine and not a bad hockey player in his own right. I appreciated the comments he made on the bill. But I want to say to him that it's true the construction industry has a high injury rate compared to many of the other industries out there; however, both the non-union and union sectors have those higher-than-average injury rates. As much as we work on health and safety and as much as all the construction companies work on health and safety, it's one of those industries that is a bit of a dangerous industry to work in. I don't foresee this bill having any impact or negative effect on injury rates at all.

The member also talked about a labour shortage. We do have a labour shortage right now and it's just going to get worse. In my area of the province, we're building a \$600-million-plus casino facility. Because of this government, we're doing a \$50-million expansion of Brock University. We're doing \$70 million of construction to our hospitals in the coming years. We're doing work at Niagara College. We're doing work on 650 new long-term-care beds. There's a lot of hotel development right now. A lot of commercial construction is happening, especially in my area. I've talked with both the construction unions down there and the construction employers and they know this is going to be a problem. That's going to in effect drive wages up, not down, in both the union and non-union sectors. Wages will go up because the laws of supply and demand say that when you have a labour shortage and you need a lot of labour, that drives wages up. This legislation is not going to reduce wages. In fact, wages will go up in the sector over the coming years because of the laws of supply and demand.

1710

Mr Dominic Agostino (Hamilton East): I'd like to congratulate my colleagues for a well-thought-out discussion in regard to the many loopholes and weaknesses in this bill. We've talked about this in the last few days, and my friend the minister is here, so I'm looking forward to maybe getting some answers here that I don't get in question period.

There are a couple of very parts to this bad bill that we focus on. My friend Mr Cordiano talked about the injury rates in industry. The numbers are awful when anyone gets injured or dies on any job site, but clearly when you look at last year, 18 out of 20 deaths in construction occurred on non-unionized construction sites. The injury rate is 2.5 times higher on non-unionized construction sites. Clearly there's a link between health and safety, the protection, the ability of unions to force changes on construction sites to help people in regard to injuries. There's a clear correlation. This bill drives toward more non-unionized construction sites, which will mean that unfortunately there are going to be more injuries, more deaths on work sites.

Maybe the minister can address the other part that's quite interesting. He has included a section that allows municipalities, hospitals and school boards to get out of those contract agreements from the point of view of using unionized labour only. I don't agree with his rationale, but one can make an argument in regard to taxpayers' dollars, the best deal and so on. We'll put that argument aside. What I'm really interested in is how banks fit into this category. The poor banks that are hurting, that are charging extravagant user fees, that are ripping off consumers, have been put into this category to be excluded and protected by the government of Ontario. These banks that are making \$1 billion a year need Mike Harris's protection here to make maybe \$2 billion next year. I want to ask the minister where the banks fit into this and how he rationalizes including corporations, banks that are making \$1 billion a year, into being protected by the government, and also the issue of the injury and safety rates which are extremely important.

Mr Marchese: I listened to the member from York South-Weston, unlike a few others in this place. One of the main comments he made is that this bill will have the effect of reducing wages. I think it's true. I not only think it's true, I believe it to be true, and they know that. The Tories know that. Of course if there's a shortage of workers, wages are going to be kept up, generally speaking. But the minister and the member from Niagara Falls know that if you've got a unionized workplace, you're likely to negotiate for better wages.

Hon Mr Stockwell: That's got to be the weirdest economic theory I've ever heard.

Mr Marchese: If you are in a non-unionized place, you've got no negotiating power. You're on your own. If you don't like it, the employer says, "That's OK. We've got a shortage. We'll get somebody else."

Hon Mr Stockwell: What are you talking about?

Mr Marchese: I'll start again. In a unionized workplace, Minister of Labour, wages are better and health and safety are better. I don't know whether you agree with that or not, but you might want to comment on that.

The intent of your bill in part, at least as it relates to this, is that if you throw off this contract to non-unionized labour, the intent is—and correct me if you think I'm wrong—it will have the effect of reducing wages. Why else would you be doing this except for that?

You quite clearly are showing your proclivities for your Bay Street buddies and the banks in particular, and you are no less pugilistic with labour because it suits your purposes to go and pick a fight with them. I know you're frank about it. You're quite frank when you say, "Look, we are for business and for the corporate sector." You make no bones about that. This is what it's about.

If you deny that this bill will have the effect of reducing wages, please help us. Tell me, will it increase wages? I'd like to know. Minister, tell me. Help me out.

Hon Mr Stockwell: You know, it's like going to a candy shop. I don't stop talking to these people. I just get to pick and choose what candy to pick up. I mean, you guys don't make any sense. I'm doing my best. You're the guy who stood over there—did you graduate as an economist?

Interjections.

Hon Mr Stockwell: Honest to God, he stood there and he said, "What they're doing here is creating a shortage of workers, and that way, with a shortage their wages will go down." What planet are you visiting? When there's a shortage of workers, wages go up. It's the whole capitalist thing, you know, the whole free enterprise. If you can't find the guy to do the job, then you're willing to pay more to get the job done. You're the only guy I know who said, "With a shortage of workers they'll drive wages down." I can't find anyone to fix the plumbing in my house, and I would have paid \$22. But since I can't find anybody, I'm only going to pay \$15. Honest to goodness, I just can't believe it. You're usually quite bright.

Mr Speaker, I'm talking to my friend Dominic Agostino over here. You know whom we're protecting? Municipalities, school boards, banks etc. The deal here is—now work with me; stay with me on this one. I'm going to help you. We're protecting the non-union construction companies; not banks, not municipalities.

Interjection: Why?

Hon Mr Stockwell: Why? Because I believe, in my heart of hearts, that in this great, free country of ours there shouldn't be a law on the books by a provincial government that says only unionized construction companies can do business with the government. That is absurd. I say to my friend from Hamilton, if it were the other way around and we had a law that said only non-union construction companies can do business with the government, you'd be apoplectic, even more than normal.

The Speaker: Response?

Mr Cordiano: Let me try and clarify what I had said in my original speech.

Hon Mr Stockwell: I'd forgotten what you said.

Mr Cordiano: My point was regarding labour shortages having been created as a result of wages being reduced, that you have the net effect, and it's an inadvertent effect, of fewer people being attracted to the trades. Get it? Right now there are few people attracted to these trades.

Hon Mr Stockwell: So the wages will go up.

Mr Cordiano: No. The fact of the matter is, they're having a hard time as it is attracting people to these trades with higher wages. At the present time you still have shortages. You have shortages today and it can only get worse tomorrow, when wages are lowered because fewer people will be attracted to those trades as jobs. Right now, that's what's happening. It's happening in other industries. You don't need to go any further than that to understand it.

At the end of the day, that's the real impact here. It's not about contracts being tendered. Contracts being tendered to do public works will mean lower wages. Obviously those non-unionized workers are going to make a lower wage than unionized workers. We know right now they make a very good wage. Unionized workers make a good wage today. There's no disputing that. When you're talking about cost savings, you will have cost savings because you are going to lower wages.

But let me repeat so that you get it: the fact of the matter is that when you have lowered wages, there are fewer people attracted to that type of work. You will have even fewer people attracted to that type of work when wages are lowered, because you are going to a non-unionized tendering company that will pay lower wages, because you're going to have more companies competing for that business. You will because there are many more non-unionized companies out there that are not competing at the present time. That's what is going to happen.

The Speaker: Further debate?

Mr Maves: Before I really get into all of my remarks I want to pick up on the member for York South-Weston's comments. One of the major reasons there's a shortage of construction workers in the commercial-industrial sector in Ontario is because the construction unions controlled apprenticeships in those areas. They knew it was in their best interests to have shortages of labour in the construction industry. The fewer people they brought into the apprenticeship program, the greater shortage they would have of construction workers in those areas, and obviously therefore wages would go up because the demand for a smaller number of workers in that field causes wages to go up. That's part of the reason why there exists today that shortage he talks about.

1720

Another aspect of the comments from the members opposite having to do with injury rates: the non-union sector in construction quite often is in residential construction, and residential construction in many places—Toronto usually excepted—is an area of construction where those who work in it have a lot less formal training. They tend to fly into and fly out of the sector. If injury rates are higher, that would cause the predominant amount of injuries in that sector. The non-union sector and the unionized sector—I think it needs to be realized when we're throwing around statistics—are just two totally different natures of the beast, between industrial construction and commercial construction and residential construction.

As I said in a two-minute comment before, every time we've brought in a piece of labour legislation, for the members opposite it was going to kill the economy, it was going to cause massive strikes, it was going to cause all kinds of health and safety problems. On every piece of labour legislation we've brought in since 1995, that's what we've heard from the members opposite.

Today, if you read what's in this bill—as the minister said in a wonderful opening speech—everything in this bill is very reasonable, very fair. He has had thorough discussions on all these issues with labour unions and employers. Some of the issues in here have been under discussion for a very long time. Once again the members opposite are predicting a holy war and this is just going to kill the economy. One of the reasons the economy is doing so well in Ontario is because of some of the labour legislation we've brought in in the past five years, not solely and completely but it is because of that. It's improved the economy. This legislation is also going to have that effect.

What's in the legislation? If we go through it, there's salary disclosure. We have salary disclosure: the members in this precinct, all of our deputy ministers or assistant deputy ministers in the public sector, our hospital CEOs, our regional CEOs, our regional governments, our municipal governments, our lawyers who are down there. Ontario Hydro used to have a raft of people. Every year we come out and the salary disclosure shows a whole list of people at the universities, the colleges, the hospitals, everywhere, who make \$100,000 or more. Publicly traded companies have similar salary disclosure requirements. Why wouldn't we include the leaders of the labour unions and the union executives in this sunshine law? We've never had it before. The membership of those unions have a right to know just like anybody else.

When we've brought it up before, the refrain on this issue for the past three or four years has always been, "They already know. We already disclose our salaries." Well then, fine. Then you should have nothing to worry about. If they are already doing it, then you should have absolutely nothing to worry about. Some of the labour unions have opposed it for a while now, but surely if they're already doing it, they can have no logic why they can't be included in the sunshine law the rest of us all live with. I don't think that sunshine law is going to cause the economy to stop and grind to a halt with massive strikes. I just don't see that.

What else are we talking about in this legislation? Decertification provision: right now, basically, when a workplace is unionized, the workers in that workplace have a very narrow window. There's a 60-day window at the end of a contract when they can file and try to decertify their union if they're dissatisfied with it. All this legislation does is expand that window to 90 days. It's a fundamental right, for any worker out there who wants to, to join a union. Similarly, it should be a fundamental right of any worker who is in a union, if he's not satisfied with the way he or she is being represented, to decertify that union.

I don't even know where they came up with this narrow 60-day window at the end of a contract where someone could try to decertify their union. I and a lot of other people can't understand why it's not open a lot more than the 90 days this legislation is proposing. But that's what it's proposing. Is that going to cause the economy to stop? Is that going to cause massive strikes and everything to grind to a halt? I don't think so.

What else have we got in here? Vote clarity: we've had many times in the past where a union will ask its membership to vote on whether or not they want to accept a contract offer. Combined in that question is the question of, do you like the contract offer and do you want to strike? It's a very confusing ballot. We've had labour board cases in the past over the confusion of these ballots, where two questions are asked and workers aren't sure what happens if they say yes to one and no to the other, or they're not even provided the opportunity to say yes to one and no to the other.

In this legislation we're saying that when you have a vote, the vote must be proposed in two different ways. The first question must be, "Are you satisfied and do you want to accept this contract, yes or no"? The second question, a totally separate and distinct question, has to be, "Will you give us a mandate to strike, yes or no"? I don't know how anyone can be opposed to that. Surely a union that is properly representing its members doesn't want to win a strike vote because of confusion among its membership. Surely they want their membership to be clear about what it is they're voting yes or no to. So vote clarity, is that going to cause the province to stop? I don't think so at all.

The next one—the minister just talked about this—right now, if a municipality or a school board or some other employer who does not have construction as his business takes on a construction project and hires a contractor, or a branch of a company hires a contractor or a plumbing company and that plumbing company happens to be unionized, then it's like the cooties. From that point forward, you have no choice but to hire unionized firms to do your work.

This legislation says no, municipalities, school boards and some of those companies whose principal business is not construction don't get the cooties when they happen to hire one person or one organized company to do some work so that forever more they have no choice but to hire only unionized contractors and unionized companies to do work. If I'm a municipality and we have some construction work that needs to be done and I want to put out a tender, is it fair that with taxpayers' dollars I can only look at a unionized firm to provide me with that service on that contract? It's not fair.

The members opposite—I've been in this place since 1995 and I've sat on several committees and I noticed in one of the press releases I saw that a former Liberal member from the members opposite, Mr Harry Pelissero, who is now the executive vice-president of the Independent Contractors' Group, said about this very clause that exists now that it is restrictive and unfair. He said,

"These changes introduced today would make it easier for these employers to restore openness and fairness to the tendering process." That former Liberal member of the Legislature has appeared before several committees and he has complained about this fact many times. Finally, after three or four years of hearing from the former Liberal member, we have heard his call and we are acting on it in this piece of legislation.

This is something else that is fair. A tender process should be open to all, not just 19% or 18% of the construction workforce. We believe that, employers believe that, most employees around the province would believe that in the construction sector, and certainly Harry Pelissero, a former Liberal from across the way, believes that.

1730

The Speaker: Questions and comments?

Mr Cordiano: I heard the member and his colleagues earlier, and I have to suggest to the member that the concerns we have with respect to this legislation are very valid concerns. We have concerns with regard to safety on non-unionized construction sites. We've pointed out repeatedly that safety is the major concern, that accidents happen at a much greater rate on this non-unionized sites, and in fact we have a 250% increase in the number of accidents on those non-unionized sites. That is a very real concern. Those are the facts.

With respect to balance in this legislation, as we've suggested and as the labour movement suggests, why not allow information to be posted on how to certify in non-unionized workplaces to balance out what's required under this act to post information in unionized workplaces about decertification. I don't think that's asking for too much. I think that's a proper balance. If that had been put in place by this legislation, we would have certainly been more amenable to supporting the thrust of this bill.

As it stands, it is unbalanced. It makes it much more difficult for labour to organize and to bring about a first contract. There are all kinds of hurdles there for the labour movement to go out and organize. In fact, the union movement has been dwindling in numbers, and that has been the case over the last decade. The numbers are shrinking. I don't think it's fair to say that this is a balanced piece of legislation.

Mr Marchese: I just remind the public that when the government titles its bills such as "workplace democracy," it belies the true content of the bill. It does the opposite. Why would they name it in such a way except to hide its true content? Why else would they urge employers, or want employers, to post something that facilitates the decertification of unions? Isn't there something there in terms of why this government wants to go after unions? That is obviously something that this government finds unsympathetic to their interests and to Bay Street.

What it is that unions really fight for, generally speaking? Isn't it better benefits for its members? Isn't it better health and safety so that their workers are protected on

the job? Isn't it better wages so that their members enjoy the benefits of a good economy, that we are having now for example, as opposed to not enjoying the benefits of a good economy? Why would this government facilitate decertification of unions, except to make those whom this bill is intended to benefit better and more profits?

When we speak about making it more competitive and that we are open for business, is this not intended to drive wages down by reducing wages and reducing the benefits that cost money to the employer? If this is not the intent, why else would Mr Stockwell and his government be doing it? How can he pretend, "Oh, this is for the non-union sector," as if it doesn't mean that it will drive wages down and have implications for health and safety and benefits for those workers?

Mr Joseph Spina (Brampton Centre): I'm really amazed because it appears as if both sides don't seem to get it. I say to the member who just spoke, he doesn't know why this bill has been named the workplace democracy bill. What's the situation right now without this bill? If a union wants to go in and organize, they can walk in. They have complete freedom under the labour legislation that exists to talk to the workers, to disseminate information, to pass information, to post information and to have a meeting. That is completely within their rights under the current legislation, and it will continue to be there.

What is the alternative if the worker wants to consider something else? The alternative is nothing: the owner's, the manager's and the employer's hands are completely shackled. They can't say boo. They cannot approach any employee to offer any alternative whatsoever. Nothing, nada, one word, whatever language you want to use. The employer cannot say anything, period, end of story.

Now what happens is, if the employee wants some alternative information, they now will have the right to seek that information, whether it's from the labour board, whether it's from the employer or whether it is from another union. If you want to talk about legislation that would bust the unions, we'd be breaking the Rand formula, and that is not what's happening.

Mr Agostino: Just to the last speaker on the government side of the House, if we follow the argument he has made, I would assume that the member would then support legislation that would make it mandatory to post unionization certification notices in every workplace across this province that is not unionized. That would be a rational extension of the argument why you would do decertification in unionized workplaces.

As my colleagues on this side of the House have suggested, this bill is all about driving down wages and increasing profits for the government members' friends in the corporate sector. If you were sincere about not driving down wages, about the fact that you're now going to allow unionized and non-unionized contractors to bid for certain sectors, including banks, if the argument your minister has made—that is, "We're not looking at driving down wages here, we're not looking at driving down benefits. What we're looking at is giving

non-unionized companies the ability to compete for jobs with unionized companies." If that is your real intent, here's a simple suggestion.

I was proud to be part of a group in the city of Hamilton, on council, that brought in what was called a fair wage policy. Do that here, if you're sincere about this. If you're sincere that your intent is not to drive down wages or to take away benefits, then bring in a policy that says, "Yes, non-unionized sectors can compete for those jobs, but they must pay wages and benefits equal to or close to what the unionized sectors would get." Then you have maintained that balance, you're not driving the wages and the benefits down. That would show some integrity in what you're trying to do.

So I challenge the government to look at that. They say we're always criticizing opposite. Well, here's a suggestion: bring in a fair wage policy to match this and then make it truly fair, make it truly competitive. Make it so that a bricklayer who is going to work for a non-unionized company makes as much money as one who works for a unionized company on that same job site. Then you've got fairness and balance. Anything short of that is simply a power grab and a greed grab by your friends who pay for tickets to your fundraisers.

The Speaker: Response?

Mr Maves: Thank you to all the members who responded to my 10-minute speech. The member opposite talked about being a municipal councillor in Hamilton who adopted a fair wage policy. What would be the sense of a municipality or a school board adopting a fair wage policy without the legislation? Without legislation, they can only use the union shops anyway.

After this legislation is brought in, they can then tender to either non-union or union shops. Then if a municipality or a school board wants to bring in a similar fair wage policy to that which exists in Hamilton, there's nothing to stop them from doing that. There's nothing that precludes that from happening.

Mr Agostino: If you don't have local agreements, what good does it do? You don't know what you're talking about.

Mr Maves: I know exactly what I'm talking about, Dominic.

The other point that the members opposite talked about was the dissemination of materials in the workplace, information materials. The members opposite just hate the idea that someone should have information about their workplace. They seem to hate the idea that someone should be allowed to know the procedures if they don't like the representatives; that they should be able to know the procedures for decertifying.

As the member from Brampton said, there is nothing stopping a union organization from entering workplaces now and disseminating all kinds of literature, phoning people at home and doing a whole variety of things—canvassing them outside the workplace to tell them about joining a union and how to certify. But there's no information for those people on the other side of the coin, if they want to decertify.

I'll quote the Hamilton Spectator. "What can be so awful about workers simply being advised of their rights in relation to their union? Is the union movement trying to hide information from their own workers?"

The member opposite should look at the whole Hamilton Spectator article. It's his paper. They understand that there is nothing draconian in this legislation and that it is indeed a democratization of the workplace.

1740

The Speaker: Further debate?

Mr Alvin Curling (Scarborough-Rouge River): I just want to make some quick comments in the few minutes I have about some issues that are very close to my heart and to the many people of this great province: the consistency of this government that normally speaks about democracy. To me, democracy means the participation of all people and the will of the people being exercised.

The key part of this bill that they spoke about is that Bill 139 is about enhancing workers' rights. I was very much appalled to learn that the minister admitted openly that while the economy, which we all know is doing very well—we're almost at full employment. The fact is they feel very strongly that they should change the terrain now. The whole fact is that the workers didn't ask for this, but the employers seem to have asked for that. This is the admission of the minister himself, that they should change all this. So the information basically came from the employers, a one-sided aspect of things. It does catch up with you sooner or later.

All during my working life, and continuing to work, there have been many times when people complained about the unions. Most of the people who come to my constituency office and complain about the unions, and say that the unions are not doing this and they should be gone out of the system, are those people who have no concerns at the moment. They are the same people who come back to me later on and say, "The employer is taking advantage of me and I would like to know if the union is doing something about it."

I think for the majority of the progress that we have made in the workplace, if it wasn't for the union it wouldn't be as progressive as it is today. The Conservative Party cannot come to their senses to admit that, but they know that is the case. It is evident. Why don't they open their eyes to see that even the safety of workers today in a unionized area is much better, and they are safer workplaces than those that are non-unionized. It is proven and shown that right now about 250% of places that are not unionized have accidents within the workplace—evidence of what has happened when we have a union there.

I presume that there is some sort of subtle thing undermining the aspect of things as to why they want to decertify many of these unions. That's one of the aspects of it that frightens me, that they would like to decertify unions. It's a matter of dismantling an organized way of protecting the rights of workers and it bothers me. Can you imagine if there were no unions ever? I presume no

one would get a lunch break, no one would even get time to go to the bathroom—no breaks whatsoever. I presume we would still have child labour. We would have women, of course, not getting any parental leave, and that brings me to the point itself about parental leave.

I think that this government, if they want, more or less as they say, to enhance workers' rights, what they could have been concentrating on today are things like extended parental leave. Here is an aspect of things that could have really improved the workplace and improved our society as a whole. As a matter of fact, I understand that this government bluntly turned that aspect of it down. Now, that is enhancing workers' rights, and I am appalled to know that we couldn't address that.

Very early on in this government's mandate, one of the first things it did to have better participation, better involvement, better contribution, was to cancel out employment equity. There are people within our workplace who are not having access because of a discriminatory act. They are paid less. You talk about enhancing workers' rights. Those are the things I think this government could be addressing, and then we would have got better productivity, even though the productivity is pretty high now. There are still people who are undermined because of some sort of class discrimination, colour discrimination, or whatever discrimination it is. The fact is, again, I'm not happy about some of the ways even the NDP handled the employment equity situation when it came about, because they were so blind about seniority rights, regardless of whether people were qualified, but the fact is they were addressing those issues very well, advocating for some of the issues that people wanted addressed in the workplace.

There are two people in my constituency—there are many others—who come to mind, Reverend John Borthwick and Vivien May, who spoke and wrote to me with passion and emotion about this parental leave—I'll go back to that—because they couldn't believe a government would openly turn that down, a situation that could easily enhance the workplace and society itself.

A fair wage policy: I hear the minister as he gets emotional and postures and flaps his hands around, and thinks that if he shouts louder or gets some cute words going, one will forget that their government should look after all interests of all people. When they focus on who they should protect, they say, "I think the banks should be protected because the unionized workplace is holding them back from making bigger profits." It's more or less for school boards. What they do is they throw that in. I presume you bring the school boards and other areas in that should be decertified after we bring the banks in, those capitalist individuals.

There's nothing wrong about making money. As a matter of fact, I wish everyone were a capitalist, but the fact is that as to how it is controlled and how legislation is instituted in this place, few people benefit. What happens is that the people who are wealthy and have most of the money in our society are just a few. The bottom line of it is that all those who are poor and have a

low income have to work harder and have to work under terrible conditions.

In the meantime this government will go to decertify an organization that has advocated much better than the government would. It is because of the inadequacy of what the government delivers to support those people in the workplace that we have unions today: to remind the government, to remind employers, that there are rights within the workplace, that people's rights should be protected. But it's not done; it's not done at all. Rather we put legislation in place that completely avoids those protection rights.

When I was the Minister of Skills Development, I remember that the boom truck operators were there, and if it wasn't for the union that had assisted and helped those organizations, we would have had more deaths in the workplace. We were having deaths there, and the unions and the employees and the employers had to get together to protect them and have a safe environment, a better workplace. What do we have today? We have a situation where this government is going to decertify that organization the best way they can.

All right, people will have a choice if they want a union or not, but of course if they want to assist, I think the information should be disbursed among the employers, among the companies, to say, "Here is how you can join a union," so we have a balanced aspect to it. But we don't have that at all. What we have is, "Here is how you can get rid of the union. Here is how you can go about it so that their rights are gone, because these people are exploiting your rights."

They have forgotten it was the union itself that fought so much to bring some decency and respectability to labour, to bring the fact that individuals can pay fair wages to someone who is working. If we had to depend on a Conservative government, it would be what we can get the least out of and make the highest profit, and the best way to get the highest profit is to make sure that those in the workplace are paid far less, under terrible conditions. If we can do that now, we can capitalize and manipulate and make sure our profits are maximized to the fullest ability.

I'm extremely concerned that when we talk about enhancing workers' rights, this is not going to do it at all. We can talk about all the mathematical formulas and what have you. That in itself has destroyed what governments are all about: protecting the rights of all people. We have, of course, employers and employees, but Bill 139 emphasizes solely protecting employers and enhancing profit for those who can make a profit. They're not at all worried today, because profits really abound. So I could never support a bill of this nature.

1750

The Speaker: Questions and comments? The member for Trinity-Spadina.

Mr Marchese: While I agree with much of what the member for Scarborough-Rouge River said, I disagree profoundly with his comments around employment equity where he hinted that somehow we had no due

regard for merit or the qualifications of the person in terms of getting a job. Nothing could be further from the truth in that regard. I don't know why he said it. I'm a bit sad by his comment with respect to it.

But with respect to everything else that's going on here, I can't help but think that when I hear the member for Brampton Centre—he was almost in tears in complaining about how the poor employers are shackled, they are powerless, the poor employees, to deal with their own workplace. Only 34% of the workforce in Canada is unionized—34%. How much further do you want it to go down? The poor employers with the big hefty power and money they've got are shackled by those few remaining unions to fight for better benefits, to fight so that there are fewer injuries on the board and to fight for better wages.

The litany of the attacks on unions is never ending. Bill 7 abolished anti-scab protection. In 1996 the Tories gutted the wage protection plan through Bill 49. In 1997 the Tories brought in Bill 99, which cut benefits for injured workers. In the same year they brought in Bill 136, which took away some union rights that would normally apply in amalgamations. In 1998, Bill 22, the Prevention of Unionization Act, stripped rights for workfare participants; and then Bill 31, Bill 139. I've got to tell you, incrementally, they're going to get to the Rand formula; it's just a question of time.

This is an attack on those poor unions that are remaining there, who are fighting for better benefits, for better protections for the workers who are in a unionized workplace and for better wages. That's what they're after and that's what the public needs to hear.

Hon John Snobelen (Minister of Natural Resources): It's a pleasure to rise on this important issue in the House and to follow the words—always sagacious words—of the member for Scarborough-Rouge River and to make comment on those.

I have really two purposes in this brief discourse this evening. One of those is to relate a personal experience. I know many members in the chamber have brought those personal experiences to this debate. I can tell you, when I was a younger man, not quite so follically challenged, I was in a workplace and a member of a union. None of the people I worked with in that facility had voted that representation into the workplace. This was a workplace that had been organized for some period of time. The people who had originally organized it had moved on, retired, done whatever, and now the younger and newer workforce that I was a part of had not actually ever been consulted as to whether that was the representation they wanted. That doesn't seem very democratic to me and it's always seemed to be something a little bit wrong with that.

I hope that as we move forward and we modernize our labour laws to meet with a new labour force and a new set of circumstances, that we will do so keeping in mind that the people who work in the province of Ontario know their best interests. They understand what's best for themselves and for their families, and we can trust them

to make judgments for their families and for their futures which will reflect their own best interests. I think that's what this legislation truly does.

I'll move quickly to my second point, which was to congratulate the member for Scarborough-Rouge River on celebrating his 39th birthday again yesterday and wishing him well for the rest of the year.

Mr Caplan: I too would like to compliment the member for Scarborough-Rouge River on his comments. He touched on a very interesting point: what this legislation is assigned to do. The attempt to decertify unions, which certainly this is promoting, will lead to lower wages.

I find it amazing that a party that embraces two-tier health care, that embraces private universities, that is embracing an agenda of vouchers in education, all of these additional costs that they are expecting and promoting that the citizenry should bear, at the same time trying to lower wages for the working people of this province, for hard-working families—it just doesn't add up. Obviously there is an agenda here to ensure that certain services within our province, be it health care, be it education, post-secondary education or other kinds of services, will be available to some, to an elite few in our society, but the rest of us will not be able to enjoy them because of the desire to drive down wages, because of the desire to attempt to—to use some of the lingo that's used—make us more competitive. But it's only competitiveness for a few. The rest of us will have to suffer. I find a glaring incongruity.

What is so offensive about men and women in this province organizing themselves through collective power to take on a Wal-Mart, to take on ING Direct, to take on the large, powerful institutions? Does any one of us have the ability to do it? No. It is through that collective action.

I once again congratulate the member for Scarborough-Rouge River for having perfect clarity about what this legislation is all about.

Mr Spina: I respect the words of the member for Don Valley East. There is nothing here that criticizes the right of the workers to certify or to organize. That's not the question here; that's not the point, and we are on the same side in that regard, I say to the member.

The point that is really opposite falls more directly in the hands of the member for Trinity-Spadina, who, had he had another chance to speak, I'm sure would have. But the reality is that he stated that employees don't have the right to decertify because the union knows best. That doesn't make sense at all. Where's the democracy in that? There's no question that the individual employee should have a choice, and if you're going to have

democracy in the workplace, it's true democracy: you vote to be able to certify; you vote to be able to decertify; you vote to be able to choose another union. All we're saying here is that the individual employee has the right to be given information to be able to make their informed choice.

Mr Caplan: You should have it both ways, though.

Mr Spina: Absolutely. But they can have it both ways. The right for the union to communicate to the worker is currently there and will remain there. What we're saying is that there is also a right for other parties to be able to communicate. Let the worker have a choice. That's why it's called a democracy act.

The Speaker: Response?

Mr Curling: I'm so happy to be the one who has the last word on this. The last word from the Conservatives, from the member for Brampton Centre, said let it be a democracy. That's a rather interesting word you use.

The member for Mississauga West was quite generous in his contribution, his remarks to me, and I want to thank him too, and the member for Trinity-Spadina made his comments.

My colleague from Don Valley East focused exactly on where I wanted to go and where we should be heading, in this direction.

But you see, he said it's about democracy. If there is one party within the three of us here that understands the word "democracy," I would say it would not be the Conservative Party. This is the party and this is the government that have cut off more debates in this House than any other government that has ever sat in this House. They have curtailed debate, they have curtailed consultation, and then my wonderful friend from Brampton Centre, this honourable gentleman, says it's about democracy.

If it is about democracy, give the workers more say. If it's about democracy, why don't you put all the information out so that if people want to know how to form a union, that is out there in the same balanced way, instead of saying there's a one-sided way about all of this? If it's about democracy, open this up for more consultation. Let people talk about it. Don't just go out and talk, make legislation or a bill, and then decide that's the way you're going to go and you have consulted.

Even with my speech today, we know we will not change the mind of that Conservative Party over there, because they are not a democratic party and they are not a democratic government in the least.

The Speaker: It now being 6 of the clock, this House stands adjourned until 1:30 on Monday.

The House adjourned at 1801.

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