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of Ontario**

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Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
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Greffier  
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LEGISLATIVE ASSEMBLY  
OF ONTARIO

Thursday 23 November 2000

ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

Jeudi 23 novembre 2000

*The House met at 1000.*

*Prayers.*

**PRIVATE MEMBERS' PUBLIC BUSINESS**

PUBLIC HOSPITALS AMENDMENT ACT  
(PATIENT RESTRAINTS), 2000

LOI DE 2000 MODIFIANT  
LA LOI SUR LES HÔPITAUX PUBLICS  
(MESURES DE CONTENTION)

Ms Lankin moved second reading of the following bill:

Bill 135, An Act to amend the Public Hospitals Act to regulate the use of restraints that are not part of medical treatment / Projet de loi 135, Loi modifiant la Loi sur les hôpitaux publics pour régler l'utilisation de mesures de contention qui ne font pas partie d'un traitement médical.

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

**Ms Frances Lankin (Beaches-East York):** I would like to ask unanimous consent to add five minutes from the time of the New Democratic caucus to my opening statement of ten minutes.

**The Deputy Speaker:** Ms Lankin has asked for unanimous consent for five minutes to be added to her time, to be deducted from the New Democratic caucus's time. Agreed? Agreed.

**Ms Lankin:** I want to begin by saying to my colleagues, who have been quite wonderful over the past year as I have gone through many struggles with my mom's health and who have come to me on countless occasions and asked me how my mom is doing, that if I had a dime, a dollar, for every time I've been asked, I would be a wealthy woman financially, but I am wealthier for the generosity of human spirit that is displayed among colleagues in this place and many of my constituents. I thank you all for that.

Many of you know by now, because I've spoken to you over and over again about what has happened, the personal story that has brought me here today with this private member's bill. It's often said, and it's almost become a cliché, that the personal is political. Today is a demonstration of that.

I'm not going to take the time to relate again my personal story because today I have the opportunity, the

honour, as an elected member of the Legislature to move this to the public, to move this to the political, to do something that will affect not just my mom and my personal situation but hundreds, if not thousands, of seniors and their families in this province.

I was shocked following the experience my mom and I had to learn that every day in Ontario thousands of Ontario's elderly people are restrained in our public acute care hospitals, not because it's part of their medical treatment, not because they are necessarily a danger to themselves or to anyone else, but because they're old, because they're confused and because the system doesn't know how to respond to the growing challenge of aging, the growing challenge of treating patients, not just for their illness or for the trauma—the reason they may present to the hospital—but the whole senior, in many cases seniors with confusion, with dementia.

Currently in Ontario there are laws in place under the Mental Health Act to deal with the issue of restraint if someone is in a mental health ward of a hospital or in a psychiatric hospital. We know what has to be documented. We know when restraints can be used, for how long, how the patient has to be monitored. There are also laws governing those people who are living in our long-term-care facilities—nursing homes, homes for the aged. Again, those laws are there to not just regulate when we use restraints and how we use them, but to try to set an atmosphere where we look to doing everything else before we consider the use of restraints. But in our public acute care hospitals there is no such law. There is common law. It is a criminal assault on a person—forcible confinement—to tie them up against their will. We have consent-to-treatment legislation in which, if a person is not capable of making a decision for themselves, their family must be involved. But that law, a law that I was proud as a Minister of Health at one point in time to shepherd into being in this province, a law that I thought would cover situations like this, routinely doesn't.

Let me tell you what my law would do. It would set up a situation where it is prohibited to use restraints that are non-medical except in certain circumstances: in an emergency situation where someone is presenting as a clear danger of perpetrating serious injury on another person or themselves, and there are times when you can imagine that would be the case. But when a restraint is going to be used, this law would say that a doctor has to actually see the patient. It can't be just a standing order that when you present at emergency rooms, because you're old and elderly, someone writes on your chart—it even has a shorthand—"PRN," physical restraint if

necessary, and that follows you through the system. You would actually have to be seen and assessed and a determination made, and if restraints were applied, you'd have to be monitored every 15 minutes to make sure that you were OK.

There are documented cases in this province and around the world where patients have died in restraints, where they've been left in restraints, where they have strangled. In one case, a patient set the restraint on fire to try to get free and died in that fire. They would have to be monitored. Their position would have to be moved every hour to alleviate problems of the restriction and bedsores and all sorts of other problems that come from that. Every two hours the order would have to be reviewed.

Those are a set of guidelines that say, if you're going to do it, what you have to do. But what's more important, what's at the heart of it is that you would have to document that restraint and you would have to document that you had explored all of the least restrictive options. That's where the problem is in our hospitals—a problem of resourcing, a problem of an understanding in our hospitals of what is age-appropriate care. We need to do much work, in addition to the law, through education and through a change in our attitude. We have many elderly patients in our hospitals, and we know with an aging population that's going to continue to grow.

Why are people being restrained? The most common reasons given are to prevent the person from falling and injuring themselves or to prevent them from pulling out an intravenous tube. All of the research shows that doesn't stand up to the light of day. People who are restrained become more cognitively impaired, more agitated, more confused and more likely to fall once the restraints are taken off. There's no evidence to show that the restraint actually prohibits someone who is in an agitated state from pulling out an intravenous tube. In fact, what the research does show is that this is a serious problem for the individual's health.

#### 1010

If I may, some of the things that result from a person being restrained: there is certainly evidence of physical damage; pressure sores; infection; incontinence, both bowel and bladder; decreased appetite; constipation; deconditioning; muscular atrophy; weakness; and death. But there are also psychological effects. It is an attack on the heart and the soul of these individuals. There is the sense of social isolation, there's panic, there's fear, there's anger, there's apathy, there's withdrawal, there's depression. Imagine being in a situation where you're unable to communicate well and finding yourself tied, restrained, unable to move, sometimes for hours, throughout a whole night.

I can't understand anyone who could object to the concept of the legislators of Ontario speaking up on behalf of some of our most vulnerable citizens and saying that this can't happen, this can't continue to happen.

Many will tell you that there are policies already in place in our hospitals. It's true. We've had a number of

coroners' inquests that have given clear direction that there should be laws, there need to be policies. The Ontario Hospital Association, for example, has developed policies; many hospitals have policies. But I am telling you, from reading the research that has been done, from talking to the front-line deliverers of service—the nurses, the geriatricians—those policies are not being observed. It's not being monitored.

One set of researchers here in Ontario—they've done much larger research, but in one hospital they went in and looked at patients over the age of 75 at 10 o'clock in the morning and found 70% of them restrained. At 10 o'clock in the morning. Do you know what else they found? It wasn't written on the charts. We do not have effective monitoring. We don't have a culture that understands what we're doing to people. The OHA's response to my bill is that they're very sympathetic but they don't want to see hospitals furthered burdened by regulation.

Again, I'm reminded of when I was Minister of Health and I brought forward the issue of routine referrals for organ donations. The OHA responded, "We understand. We will handle this through education and through policy. Don't regulate us further." Good intent; it didn't work. Here we are in the Legislative Assembly some eight years later about to pass a law to regulate hospitals around routine referrals of organ donations.

I don't accept the Ontario Hospital Association's argument. I do wholeheartedly accept their offer to bring together people to work on updating the policy, to provide education, to find a way to effectively monitor, but it must be underpinned by law. I also, with great appreciation, accept the RNAO's offer. If the Ministry of Health provides funding for another best-practices study—they're currently doing 10 in areas of best practices in nursing right now—they're willing to add an 11th, with funding from the ministry, to look at this issue of physical restraint. I welcome that. All of the education, all of the hands-on work that needs to be done is an essential part of making this law that I'm proposing effective. But it must be underpinned by law.

Let me say to the members opposite, because there are concerns that the words in my law may not be appropriate in all cases, maybe I've got the timelines wrong, maybe they should be monitored more frequently or less frequently, there is room for change. I have said to the government that I believe in the end a law that sets out a general prohibition and refers to exceptions, and those exceptions and conditions are set out in regulations, is the appropriate end result of this. To do that, we need to get to committee. To get to committee, I need the support of members in the House today.

I have had considerable support from the community on this bill. I want members to know that although I've been working on it for a very short time, we have letters of support and endorsement from groups such as Concerned Friends of Ontario Citizens in Care Facilities, the Older Women's Network, the Ontario Coalition of Senior Citizens' Organizations, the Alzheimer Society,

the Ontario Psychogeriatric Association, the Geriatricians' Alliance. Just yesterday the Canadian Association of Retired Persons, which represents over 400,000 retired persons across Canada, over 230,000 of them here in Ontario, endorsed this bill. Ty Turner, the chief of psychiatry at St Joseph's Health Centre, has endorsed this bill in principle. The Ontario Nurses' Association has said they believe this issue needs public debate in committee.

I've indicated to you that both the OHA and the RNAO say they're very sympathetic to the issue and have other suggestions on the way we should go about it but, again, are fully supportive of the concept of a public debate and getting to the right answer to how to handle this situation.

All of those people who have endorsed this accept the concept that at the end of the day the the law we pass in Ontario may not be worded verbatim as I have proposed to this Legislature, but they understand my goal of provoking the debate and of setting forward a bill that cobbles together best practices from around the world.

I want members to know that this is an issue that has been looked at in great detail in other jurisdictions. Do you know in the British Isles it is very rare, if ever, for restraints to be used on the patient population that I have referred to. Additionally, with all of the research that's done, a growing body of evidence, other jurisdictions that have used restraints in the past are moving to do away with them. For example, in the United States a national policy has been passed which is very similar to what is in my bill. Adherence to this national rule is a condition of participation for hospitals in getting Medicare or Medicaid funding. Legislation in place in New Hampshire has resulted in a 20% reduction of the use of restraints. In North Carolina legislation similar to Bill 135 has been introduced in its legislature. British Columbia has already passed legislation governing the use of restraints in hospitals.

People are coming to understand that we have an aging population. In this province, one of the sad things I have to observe is that at a time when we need more and more experts in this area, we are losing our core stock of geriatricians, the specialists who understand, who can help us chart the appropriate full-person care for the elderly. That's another issue we will have to address as legislators. But that group of people understands the indiscriminate use of restraints in our hospitals. Research that has been done shows that, for example, in the United States, 17% of patients routinely experience restraints, and they believe that's too high. In Ontario it's up to 33%. We are lagging behind the world in standards, in understanding the appropriate care.

This is about people's dignity, a right of treatment with dignity, a right of treatment without having the very essence of liberty assaulted. I know that members of this Legislature agree with the sentiment behind my bill. I pledge to work with them to get the right words so that as a Legislature all of us can agree to the content of the legislation that will go a long way, along with the educa-

tion, along with the hands-on practice and demonstration, along with the efforts of all of us in this system, to do the right thing by our elderly, by our frail, by our foregoing generation.

**Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):**

I'm very pleased to be here today to speak on Bill 135, An Act to amend the Public Hospitals Act to regulate the use of restraints that are not part of medical treatment, brought forth by the member from Beaches-Woodbine. I understand and share the concerns of the member for, I should say, Beaches-East York about the inappropriate use of physical restraints in public acute care hospitals. We need to find ways to address this problem to protect the frail elderly. However, I believe that the objectives of this legislation can be better achieved through the health care professionals who provide patient care. I understand that the Ontario Hospital Association has a position paper on the use of restraints. This paper was developed to address issues related to the use of restraints on patients in hospitals and to provide guidance to hospitals in the development of their own policies and procedures.

While this bill only addresses physical restraints and not chemical and mechanical restraints, the use of any of the above types of restraints is a clinical decision made by the patient's caregiver based on the physical and mental condition of the patient. I believe it is the role of the hospital to provide specific policies and procedures on the use of restraints that are appropriate to their own hospital. Most, if not all, hospitals already have their own policies regarding restraints. The Ontario Hospital Association, in a recent letter to the Honourable Elizabeth Witmer, Minister of Health and Long-Term Care, stated that they were "prepared to work with member hospitals in co-operation with their clinical partners to examine existing guidelines and to develop new guidelines that incorporate the most current clinical practices respecting the use of restraints." The OHA's position paper provides a statement of duty, which clearly states that when a restraint is necessary, "hospitals should ensure that their policies related to restraints are consistent with the policy of least restraint, and that restraints may be applied only when justifiable."

**1020**

Our government has taken many steps to help improve our hospital system. In 1995, when we took office, we faced a health system that was not prepared to meet the growing needs of Ontarians. Ten thousand hospital beds were closed between 1985 and 1995. No long-term-care beds were built between 1988 and 1995, despite the growing and aging population. Home care was mismanaged and underfunded. Hospitals were technologically unprepared. Our government has endeavoured to ensure that the health system is accessible to all Ontarians now and well into the future.

We have increased total health spending by \$4.4 billion, to \$22 billion, up 20% from 1995. Since 1995, community care spending has increased by 63%, to \$1.6 billion. We are currently building 20,000 new long-term-care beds in Ontario. We have put \$2.3 billion into

hospitals, for the biggest capital expansion in history. Our government continues to increase necessary funding to hospitals to improve our health care system.

However, we should not be in the business of creating legislation where we attempt to regulate decisions for health care professionals that are clinical in nature. The health care provider is the one who makes the decisions as to whether or not a patient needs to be restrained, if they are at risk of causing serious bodily harm to themselves or to others. All situations are different, and the health care professionals have the knowledge and the experience to make the tough decisions. We are listening and the stakeholders have told us that the objectives of the bill can be achieved without introducing regulations that could constrain health care professionals from exercising their best clinical judgment for each case.

In conclusion, I would suggest to the member for Beaches-East York that we should allow the Ontario Hospital Association to examine the guidelines and build upon them with member hospitals, in co-operation with their clinical partners on clinical practices respecting the use of all types of restraints. I respect the member's wishes in terms of what she's trying to accomplish here today and we're going to hear other views on that.

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** I'm pleased to speak in support of the bill that has been presented by the member for Beaches-East York. I want to do so not only in support of the principles and the direction of the bill, but in recognition of the personal distress which has led the member for Beaches-East York to bring this forward. It seems to me that the reason private members have the opportunity to bring forward legislation is because very often it's the reality of personal experience that shows the necessity of new legislation and changing laws. I don't believe any one of us in this Legislature can tolerate knowing of the kind of treatment Ms Lankin's mother received—"endured" is a more appropriate term—and not want to act. The least that we can do today is to support the legislative action she has proposed.

Ms Lankin's bringing forward this legislation has made us aware that the protocols regarding the use of restraints, the kinds of protocols that already exist in the Long-Term Care Act, the kinds of protocols that are in place for those who are in psychiatric hospitals, simply do not exist for patients in acute care hospitals. I'm not sure, indeed, that the specifics of the protocol set out in this bill would or should be found to be exactly right on more detailed consideration, on further consultation, and the member for Beaches-East York has acknowledged that she is more than willing to work to fine-tune the legislative proposals she has placed before us this morning. What I am sure of is that this legislation should receive second reading support today so that it can go on to committee and receive that kind of consideration. Furthermore, I want to see this legislation return for third reading and be proclaimed into law.

This is legislation that will indeed force acute care hospitals to examine their use of restraints. It's evident

from the personal experience Ms Lankin had with her mother that there need to be clear guidelines in place for our acute care hospitals, guidelines both for the use of restraints and for monitoring when they are used.

I believe that in some hospitals, as she has indicated, there are policies in place. I believe it is also true that they're not always enforced, even when they are in place. I hear the concerns of the Ontario Hospital Association that they don't like to be overregulated, but I also believe that good legislation is consistent with good policy and in fact good legislation can be the spur for good policy as well as for its enforcement. I believe that's what we're dealing with this morning.

Unfortunately, legislation cannot minimize the use of restraints to the extent I think we would all like to see.

One of the reasons restraints are likely to be overused is a lack of staff to give personal care that's needed. I'm not offering excuses for the outright neglect the member for Beaches-East York has described, but I am concerned when we don't have enough nursing staff to provide appropriate care to non-critical patients. I am concerned when uncertainties around hospital budgets lead to the hiring of part-time casual nurses and private agency nurses who simply don't have enough knowledge of their patients to provide more personal and appropriate care.

I am concerned about our long-term-care facilities, where there may be only one nurse to 300 or 400 patients at night because there are no requirements for minimum nursing care. I am concerned that in those long-term-care facilities we're hearing from staff who believe their personal safety as well as the safety of the residents is in jeopardy, in spite of the existence of a patients' bill of rights in the Long-Term Care Act and clear protocols for such things as the use of restraints. It is no wonder that under these kinds of circumstances staff in our hospitals resort to the use of restraints.

The Geriatricians' Alliance has said, and they're offering their support for this bill, "We do not condone the use of physical restraints as a substitute for adequate staffing," nor should we, but we do need adequate staffing. The Geriatricians' Alliance also stresses the need to educate hospital staff in how to manage patients without restraints. The alliance says we need that education and that we need hospital policies and legislation to prevent the indiscriminate use of restraints.

There are other facts from the Geriatricians' Alliance that are sobering, if not shocking, and the member for Beaches-East York has mentioned some of those. I was shocked to find out that the use of restraints is much more frequent in Canada than other countries. In the US, 7% to 17% of patients in acute care hospitals may find themselves in restraints at some point, whereas in Canada up to 33% of patients may experience the use of restraints. I was sobered to know that half of the patients who die in hospitals have been restrained at some point.

I have only a few more seconds left and I want to conclude by recognizing the support that's been offered by the Alzheimer Society for this bill. The Alzheimer Society has said that the most predictive factors of re-

straint use are age and confusion. Surely we can respond to the confusion of an older person with dementia without having to tie them up, without having to add to their confusion and distress. As disturbed as an Alzheimer's patient may be, that person is a feeling person. They need gentle care and not restraint.

My personal experience with my mother was fortunately different from that of the member for Beaches-East York. My mother spent the last three months of her life in a long-term-care facility. I had the good fortune that she was placed in a facility where they subscribe to the philosophy of gentle care for Alzheimer's patients, and they struggled to provide that gentle care regardless of the limitations of staff which were, in terms of shortages, very real.

My mother only had three months there before strokes took her life, but in those three months she was happier than she had been for many months prior to that because of the personal care they took to respond to her needs. Indeed, in the last month of her life, she had a lap restraint used so she could sit up in a wheelchair, but it was to enable her to sit up not to keep her in it.

I am very grateful for the care my mother received in those last three months of her life. I am very grateful that it was gentle care, that restraints were used appropriately, and with my understanding and consent as to why they were being used. I hope this legislation will make mother's experience more true for seniors, particularly seniors with dementia, in any setting in this province.

**Ms Shelley Martel (Nickel Belt):** It's a pleasure for me to participate in debate in support of this private member's bill, Bill 135, which has been moved by my colleague from Beaches-East York. I want to say at the outset, even though my other colleagues who were here have now left, that we really do appreciate that our colleague has brought this forward.

Members should know that although our colleague from Beaches-East York said briefly that it's been a year now that she has been dealing with all of this, many of us know that in fact it has been a very difficult year for her to maintain her legislative responsibilities, which are great because she is our critic for the Ministry of Health, her constituency responsibilities in a much larger riding with a much enhanced population, and the work she has had to do with some other family members to try and keep her mom out of an institution, to keep her at home with all the supports that are necessary.

**1030**

As she has related to us before, the particular experiences she and the family have had with her mom with this use of restraints has led her here today. That experience has been shocking, has been appalling, has been horrifying, and regrettably is an experience that probably thousands of other patients and families have had to experience in our acute care hospitals.

That is why we are here today. There is a time for some consultation and discussion and debate, and there is a time, I suppose, for the Ontario Hospital Association to want to develop a working group, to have some new

policies and procedures for the use of restraints and some working groups for education. But you know what? I don't agree with that.

The time is now for legislation to deal with this. It is very clear that this was not an isolated incident that happened to our colleague and her mom. It is very clear from the groups that have stepped forward, have stepped up to the plate to support this bill, that in fact it is happening all too frequently, all too commonly, all too routinely, all too regularly, across our hospital system. I think the time, frankly, for working groups and discussion and debate is over. The time to have some concrete, significant action that is legislated is here and now.

That's why I encourage all members of this House to support this bill. There's something dreadfully wrong when researchers go into an Ontario hospital at 10 o'clock in the morning and 70% of the patients who are over 75 are in restraints. Imagine what that number would be like if we actually had bodies of researchers going into other Ontario hospitals. I suspect we'd see the same. That cannot be acceptable for members in this House, to know that is happening to elderly patients and their families. This is very much a call to action. I don't know how else to describe it. We need to respond positively by passing this bill, getting it through second reading and to some public hearings.

I firmly believe we need provincial standards regarding the use of restraints in acute care hospitals. I fundamentally disagree with an approach that says, "We will leave it to each individual hospital and the administrators to determine what the policies and procedures will be in that hospital with respect to use of restraints." We need provincial standards so we can guarantee that in each and every hospital across this province, no matter where you live, no matter where you are a patient, no matter where your family is trying to support you, the rules around the use of restraints in that acute care hospital will be the same.

It would not be acceptable that in my community of Sudbury the new regional hospital would decide there would be very limited use of restraints based perhaps on the guidelines of the bill, and somewhere in Toronto, Cochrane, Timmins or Kingston there is something completely different so that the use of restraints regrettably continues on a regular and routine basis. If we are going to deal with this problem, if we are going to guarantee to the elderly, to seniors and to their families that we are going to deal with the excessive use of restraints, then we have to have a provincial policy that is supported by legislation. We need to ensure we do that through this bill.

I fundamentally disagree as well with the premise that we shouldn't legislate these kinds of decisions by health care professionals, that we have to let them use their own best judgment about how to deal with this matter. I disagree with that because in Ontario now we already legislate those decisions on the use of restraints for seniors who live in Ontario nursing homes, in our charitable institutions, in our homes for the aged and in our rest

homes. We already legislate those decisions and set out the guidelines that health care professionals must apply and adhere to.

Residents in those facilities are protected by a residents' bill of rights that establishes those same guidelines. The Mental Health Act also provides guidelines for restraint use in psychiatric institutions. We are already in the position in this province where we set out guidelines and expect health care professionals to adhere to them. It is a small step to then ensure that in our acute care hospitals we do the same. It's a small step but it's a very important step.

My colleague from Beaches-East York reminds me that in a press conference she held yesterday, the spokesperson who was there from the Ontario Psychogeriatric Association said very clearly that when the legislation was brought in, the residents' bill of rights that outlined the guidelines for use of restraints, yes, many health care professionals were not very happy about having to have those decisions adhered to in terms of a set of policies and procedures they had to abide by. But the law was passed, and they respected that the law was passed and they implemented what was passed in the law. As a consequence—and this was mentioned at the press conference yesterday—the use of restraints in our charitable homes for the aged, in our rest homes and in nursing homes has dropped dramatically. Surely that is the same thing we want to see happen in our acute care hospitals. That's why we have to legislate these guidelines.

We also need to know whether or not this overuse or indiscriminate use of restraints really has to do with a lack of staff in our hospitals, because if that is why this appalling situation is occurring, then surely as legislators we all have a responsibility to deal with that. What else can it be but a lack of staff when at 10 o'clock in the morning 70% of the population over 75 in that hospital is still in restraints? How else can we describe that? How else can we determine that that is happening but to say that there must be a lack of staff and those staff are having to use restraints because they just don't have the time in the day to deal with our elderly in an appropriate situation?

We know from the evidence that has been presented already in numerous jurisdictions which have looked at this that the use of restraints does not help to prevent falls, does not help to prevent people who are already confused. In fact, it makes them more confused, more frustrated, more angry, more upset and more fearful, and causes even more medical problems in the long term than what that individual is probably in the hospital for in the first place. So there is no evidence whatsoever to show that the indiscriminate use of restraints has anything to do with clear proof that this is actually helping patients. On the contrary, it is making their medical, their physical and their psychological situation even worse.

We have had any number of other jurisdictions which have taken the step to regulate the use of restraints in acute care hospitals, and my colleague from Beaches-East York has described those. Given her experience,

which I firmly believe is the experience of thousands of other patients and their families in the province of Ontario, surely it is time for this jurisdiction, for this province, for this government, for all of us to take a similar step. It is appalling and it is shocking that so many seniors, so many elderly, find themselves in the situation of being restrained merely because they are confused, merely because they are disoriented, merely because the staff fear that they would have a fall. That is a situation that we can rectify. We can develop—and it's very clearly set out in Bill 135—those situations where it will be necessary to use a restraint to protect patients from serious bodily injury or to protect others from injury as well. As the member already said, some of the guidelines that are set out in terms of time frame she is quite open to amend, quite open to change. But I think we need to take the basic framework that is outlined in Bill 135 and work with that in committee through the use of public hearings to address the concerns that people may have.

In closing, I want to say again that we appreciate the work that has been done by our colleague from Beaches-East York. I think the time for action is now. We need provincial standards to regulate this. We cannot let it be done hospital by hospital. We have to have very clear standards about when restraints can be used so we guarantee that the seniors and elderly are not being inappropriately restrained in our hospitals.

**1040**

**The Deputy Speaker:** Further debate?

**Mr Garfield Dunlop (Simcoe North):** I'm pleased to be able to make a few comments this morning on the member for Beaches-East York's private member's bill entitled An Act to amend the Public Hospitals Act to regulate the use of restraints that are not part of medical treatment. I thank the member for bringing this forward and all the other speakers today on their comments.

I'd also like to briefly thank the Minister of Health and Long-Term Care for an announcement that she made yesterday on additional mental health care funding that she provided to the Barrie-Simcoe branch of the Canadian Mental Health Association. The \$1.2 million will help relieve pressures that exist today in Simcoe county. I would also like to thank the parliamentary assistant, Brad Clark, for setting up meetings with stakeholders in Simcoe county to eventually see some of this funding announced.

As I understand it, Ms Lankin had a personal experience and it brought forth one of the main reasons for presenting this private member's bill.

"The bill amends the Public Hospitals Act ... to regulate the use of restraints that are not part of a patient's medical treatment. A restraint may be used only on written order of a physician to protect the patient or others from serious bodily injury. The least restrictive restraint that will provide the necessary protection must be used. The use of a restraint in excess of two hours requires reassessment and a new order by a physician. Policies and procedures governing the use of restraints must be established by hospitals, consistent with the rules

set out in the section. The policies and procedures must be provided to patients on admission and posted in patients' rooms."

I would like to go more into the background on restraints. The common law on restraint is, in general, that a caregiver has a duty to restrain when immediate action is necessary to prevent serious bodily harm to the person or others. It should be noted that the common law on restraint, and in fact the definition of "restraint" under the Mental Health Act, includes physical, mechanical and chemical restraint.

The remaining three statutes—the Nursing Homes Act, the Homes for the Aged Act and the Charitable Institutions Act—contain a residents' bill of rights that states that "every resident that is being considered for restraints has the right to be fully informed about the procedures and the consequences of receiving or refusing them."

I believe this bill has good intentions, but there are some problems with the bill—and I think the problems can be fixed—and I am not alone in my concerns. I know of a letter of David MacKinnon, President of the OHA, stating that his main reason for not supporting the bill is that the use of restraints should be a clinical decision, and policies should be established by hospitals, in consultation with caregivers. The OHA already has a set of guidelines or policies and procedures respecting the use of restraints for hospitals to follow when developing these policies.

The College of Nurses has expressed some concern that the bill requires that restraints be ordered in writing by a physician. It is within the nurse's scope of practice to determine the patient's need for restraint. There are also guidelines for nurses on the use of restraints.

The other problem with the bill, just looking through it, is that the bill addresses only physical restraints and not chemical or mechanical restraints. This may inadvertently lead to inappropriate use of other types of restraints. As well, it is my understanding that there is no other legislation that addresses restraints in such detail. I feel that this legislation could be viewed as too prescriptive for all facilities. I think problems such as this could be solved when the bill goes through the committee process.

With that, I would like to end my comments and pass on to some other speakers. I again thank the member for Beaches-East York for bringing this bill forward.

**Mr James J. Bradley (St Catharines):** I am going to support the bill. I believe it should go to committee. I think there should be representations made by various people who have these concerns. Obviously the concerns that Frances has expressed are very genuine and personal concerns, and I think it's something we all worry about as we see people, in their advanced years in particular, who are restrained, and sometimes in circumstances where we would really question that.

I would place it largely as a situation of lack of staff. I believe we need the guidelines. In not only the acute care institutions, where 15,000 nurses were fired out the door by the Harris government's policies, but also in long-

term-care facilities there simply is not enough staff on many occasions. That requires an investment of funds. I know a lot of people don't like to hear that: we have to invest funds in those facilities. But given the choice of this constant mantra of, "We must cut taxes"—and I've heard it from every political party in this country at some stage or other and to some degree or other—or provide funding for our institutions—and I say "institutions" in the best sense, in our hospital institutions, for instance—is in my view short-sighted.

I believe people in this province want to see a very adequate investment in health care. We've got to have those people—well-trained people, well-educated people—dealing particularly with our seniors, people who know about seniors in our province. The geriatric experts will tell us that this is absolutely essential.

What I fear as well is that people will become so concerned about what they perceive to be a lack of the kind of care they want because of lack of staff that we'll start to see people advancing the two-tiered health care system, similar to what they have south of the border. That's what happens when public institutions are allowed to deteriorate. People will then accept in desperation the privatization of our health care system. I think that would be a drastic error. For the wealthiest people in the province, that would be fine. I'm certain of that, because they are able to buy additional care. But for the average person in this province, I think people of all political parties in this House over the years have been supportive of a health care system that would not allow a two-tiered regime, although I see that potentially happening.

**Mr Mike Colle (Eglinton-Lawrence):** Stockwell Day, that's what he wants.

**Mr Bradley:** The member for Eglinton-Lawrence says Stockwell Day was talking about that, or at least Jason Kenney for the Alliance party. I think that would be a major mistake. We've resisted that here in Ontario. They haven't in Alberta. We've resisted that here in Ontario so far, but if the federal government is not in a position to enforce the Canada Health Act, then we have a problem.

The last thing I want to say is that there's a problem with retirement homes. I think all of us have had calls from uninspected, unregistered and unregulated retirement homes. It's absolutely essential that we have inspection and supervision of those homes.

**Mr Wayne Wettlaufer (Kitchener Centre):** I'm pleased to speak to this bill, which is a tough bill. I wonder if I could have permission from the member for Beaches-East York to quote from her letter that she wrote to me. She says yes.

She said, "Imagine the shock and horror you would feel discovering that one of your parents was being tied up in a hospital bed." Then I quote from a second section: "Even though I left explicit instructions about what drugs could or could not be given to my mother, they were ignored. Despite explicit instructions from her family and her geriatrician that my mother not be physically

restrained, she was still placed in a restraint jacket and tied down in her bed.”

I have a very close personal attachment to this. I certainly sympathize with what the member from Beaches-East York is trying to do here. I had enough concerns that I gave it a lot of thought. I talked to doctors back home in my riding and I spoke with people in hospitals, and they expressed some concerns. In fact, I was taken aback by the adamance with which the doctors opposed the bill. One of the doctors—and I don’t want to mention his name because he asked me not to—expressed that there is a terrible shortage of doctors throughout North America. He said, “We simply do not have the time to assess patients every two hours. What you’re trying to do to us with this bill will drive doctors out of this province. We simply cannot do it.”

One of the sections of the bill maintains that the caregiver at the hospital would assess the person who is under restraint every 15 minutes and that those restraints must be lifted unless a doctor looks at it every two hours, and I would like to quote: “A restraint must not be used for a period longer than necessary and, in no case, for a period exceeding two hours unless a physician reassesses the need for the restraint and gives a new written order.” The doctors were quite opposed to this. In addition, there has been reference made this morning to a letter which was written by David McKinnon of the Ontario Hospital Association, and I’m going to quote from his letter.

#### 1050

“While we are sympathetic to the issues raised by the bill, the Ontario Hospital Association is concerned that regulating practices that are essentially clinical in nature may undermine the ability of health care professionals to provide patient care.”

Going on further, he says, “The OHA is prepared to work with member hospitals in co-operation with our clinical partners, to examine existing guidelines and to develop new guidelines that incorporate the most current clinical practices respecting the use of restraints in hospitals.”

Further on he says, “I believe that we can achieve the objectives of Bill 135 without introducing regulations that may ultimately constrain the ability of health care professionals to exercise their best clinical judgment.”

I think the key words here are “health care professionals.” They are professionals, and we need to rely on them to use their professional expertise from time to time. I don’t think we should get involved in philosophy, ie, whether or not we should set provincial standards which would micromanage. I don’t want to see the discussion get down to that.

I sympathize a great deal with what the member is trying to bring forward here, but I’m probably in a minority when I say I cannot support the bill.

**Mrs Sandra Pupatello (Windsor West):** I’m very pleased to have an opportunity to stand and support the bill the member from Beaches-East York is bringing forward.

Let me start by saying that my caucus, the Ontario Liberal Party and Dalton McGuinty, believes that this

member has been very courageous to bring forward a bill that so impacts on residents in Ontario and in particular on Ms Lankin’s own family. It’s very difficult to stand in the House day after day, but in particular when it is something that is so close to you and something that you live with every day. It really stands to reason that we should be applauding this member for doing something that is so courageous. Many of us probably will never have the opportunity to do something that is going to be so meaningful to Ms Lankin’s family. I want to applaud you for that and tell you that it’s a very courageous thing you’ve done today. I want to support the bill. I plan on voting in favour of the bill. I encourage all members of the House to do so.

The bill is about resources for the hospital sector. There is no question that hospitals are under siege in Ontario today. I just came from a Ontario Nurses’ Association meeting. They’re having their convention these last three days and they finish tomorrow. Barbara Wahl was speaking this morning, and she told us that of her ONA membership, 56% are not working full-time. It’s an incredible statistic, made more incredible by the fact that we have a nursing shortage in Ontario. We need nurses desperately, and the examples that Ms Lankin brought forward today, including her own mom in a hospital, have everything to do with who is available on the floor to care for patients.

I’ve had too much opportunity over the last five and a half years since my election to spend time in hospitals, not just in my own community of Windsor West, in Windsor Regional Hospital and the Hotel Dieu Hospital, but right across Ontario, with an inordinate amount of time in the London hospitals as well. There aren’t enough nurses on the floor to care for patients. Barbara Wahl said something interesting this morning. She said, “When they can’t give what’s needed, it hurts.” I can tell you the people who work in the system know what they should be providing and know that today in Ontario they are not providing the level of care that’s required.

There are issues in hospitals; there are issues in long-term-care facilities. Regulations that this government has changed have dropped the level and the standard of what nursing care would be given in our long-term-care facilities. They just wrote by regulation that it’s no longer required to have a set higher level of care. They’ve dropped the standard. While members want to talk about increased funding in health care, what we know is the reality in our hospitals, in our long-term-care facilities. There is less care available, not because professionals don’t want to provide the care; there simply aren’t enough professionals who are working to give it.

The specifics of the bill: there are things that I think the member is perfectly prepared to discuss when the bill gets to committee. The whole reality of whether or not a doctor would be able, for example, to be back in the room to check every two hours, as is requested at this point in the private member’s bill, is something that I would hope the member is prepared to review. Perhaps as a committee we would come together and say that maybe it would be a professional, maybe it would be a nurse

who would do that checking on a patient on a regular basis.

It is something that even the hospitals—while David McKinnon from the OHA may write a letter and suggest why this thing can't happen, I think it's time that the Ontario Legislature says, "Why can't it happen?" In fact, let's look at what is required in the system to make this happen. Why can't we say that unless there's some very unusual circumstance which—in my view, you wouldn't want to physically restrain any rational person on the street unless you absolutely had to. If you were going to physically restrain in a hospital setting, there would be a set condition when that applied, as opposed to the reverse: having to explain away the number of times you've done it.

The truth is, not every family has the opportunity to be around the patient 24 hours a day, and the nurses simply aren't around. It becomes convenient in many instances to restrain patients instead of having nurses attend them on a regular basis. It is something that we, as family members—and all of us have been in circumstances, or will be, where we have had the experience that the member from Beaches-East York has had. When that happens to us, we will have wished that we voted in favour of this bill.

I applaud the member for bringing it forward. It's very timely, given the kinds of shortages in the nursing staff we see across the bill. I hope the bill goes forward to committee. I look forward to speaking to it and to seeing exactly how we can improve it and make it law.

**The Deputy Speaker:** Further debate.

**Mr Doug Galt (Northumberland):** I'm pleased to respond and speak on this particular bill and certainly have the greatest respect for the member for Beaches-East York and empathize with her in the situation that she's in. I had a similar one a few years ago.

But I am indeed surprised at this vote of non-confidence in the member's unions' brothers and sisters, particularly in the nursing profession. I certainly don't share that lack of confidence. I support our hard-working nurses, our medical professionals and recognize the difficulties of the job they perform, although, as I mentioned, I do empathize with her situation.

My own personal experience was back in 1981, when my father had a massive stroke and was in bed for five weeks prior to death. It was a pretty rough situation as he struggled to get out of bed; he developed bed sores. I searched my mind for what was wrong here. I had no alternative suggestion, and certainly the nursing profession were extremely kind and supportive. They put him on a waterbed, which helped significantly. But it really tugs at your heart to see that kind of thing going on.

This legislation really tars everyone with the same brush, and I'd urge the member to work with organizations like the ONA, RNAO and the OHA to review their policies. I believe there's strong accountability in the nursing profession, particularly as it's administered through the Ontario College of Nurses. If any of the members have ever read their magazine, you'll know that those convicted of professional misconduct are subjected

to severe and very public consequences. Not only can their licences be revoked and workers suspended, the names of those offenders, their misconduct and their place of last employment are published for the entire profession to see. I think that's quite a severe penalty. I believe the college does an excellent job of censuring those who break the rules or endanger any patient's safety.

I'm concerned that this legislation is like trying to kill a fly with a sledgehammer.

**The Deputy Speaker:** The member for Beaches-East York has two minutes.

**Ms Lankin:** I want to speak to my appreciation of all members who have participated here.

For those who say the bill is too prescriptive, I have already indicated that my attempt in this bill was to get the debate going—and I think that has happened, and that's good—and that I believe through committee an appropriate bill that sets out a general prohibition and brings the specifics and the clinical guidelines into regulations, and we work with the professions to do that, would be the appropriate end result.

But I have to say that people who make comments that there's an objection, for example, to monitoring every 15 minutes—as some of you know, I used to be a jail guard in Ontario. When I put someone in physical restraints or put them in an isolation cell—solitary confinement—I had to monitor them every 15 minutes. I think you've got to take a look at what the reality is here and the people we're dealing with. They're not flies to be swatted with a fly swatter—or a hammer. These are our citizens who have built this country, and we somehow don't have within us the understanding of what is happening to our senior citizens.

For those who say laws don't work, we have laws in place in long-term-care facilities, in psychiatric hospitals. Why should acute care hospitals be any different?

I appreciate the response of the OHA, and I appreciate their offer to do more work, and we'll work with them on that. But I have to say that all of the evidence that's out there doesn't support the argument that this should be left to just clinical decision-making. If you can have virtually 0% in the British Isles, 17% in the United States and find 33% of incidents of restraint in Canada, clinical decision-making isn't working.

Let me tell you, this bill—people have spoken about my mom, and I appreciate it—is not for her. She's got a strong advocate. It won't happen again to her. What I want you to join with me in doing is make sure it doesn't happen to any of our citizens.

**The Deputy Speaker:** That completes the time allocated for this ballot item. The votes will be taken at noon.

1100

#### DRUG USE IN CORRECTIONAL FACILITIES

**Mrs Julia Munro (York North):** Be it resolved that the Legislative Assembly of the province of Ontario,

(a) believes that the introduction of illegal drugs into correctional institutions is a grave danger to correctional staff;

(b) believes that illegal drugs cause violent and erratic behaviour in offenders;

(c) knows that the use of illegal drugs compromises the ability of offenders to successfully complete treatment programs to overcome their addictions;

(d) supports action to eliminate the use of illegal drugs in correctional institutions;

(e) introduces regular and random drug tests of all sentenced, remand and intermittent offenders in Ontario's correctional facilities.

**The Deputy Speaker (Mr Michael A. Brown):** Mrs Munro has moved ballot item number 50. The member has up to 10 minutes.

**Mrs Munro:** I would like to share my time today with the Minister of Correctional Services, the Honourable Rob Sampson; the member from Simcoe North, Garfield Dunlop; and the parliamentary assistant for the Chair of Management Board and the member for Brampton Centre, Joe Spina.

I rise today to speak to a resolution I believe is consistent with our government's agenda. Our agenda recognizes the importance of safety for all citizens. Our agenda recognizes the need to provide help and specific services to enable people to lead safe, law-abiding and successful lives. Our agenda recognizes the need for everyone to enhance their quality of life.

This resolution fits that criteria. It deals with a segment of the population that is at extreme risk. It also deals with the safety of staff and the public at large. It provides a means of identifying inmates and intermittent offenders who would benefit from drug rehabilitation programs.

This resolution deals with drug abuse in our correctional facilities. Everyone knows that illegal drugs create a huge cost to our communities. What is less well-known is the enormous repercussions illegal drugs have in our prison system. Substance abuse plays a significant part in criminal behaviour. In Ontario, a staggering 83% of adult inmates in correctional institutions and 61% of adult offenders serving sentences in the community are found to have some degree of alcohol or drug dependency.

Illegal drugs in our correctional facilities have a negative impact on inmates. Let me explain the devastating results of the current situation. The availability of illegal drugs in our correctional facilities has a negative impact on inmates. With the availability of drugs, an inmate with a drug problem will be discouraged from participating in drug rehabilitation programs. As well, without the ability to avoid a drug-ridden environment, most individuals, once released, will still be addicts. If an inmate wanted to deal with a drug problem in an effective way, it would be next to impossible with drugs all around them.

By dealing with the issue of drugs in our correctional institutions, we will be able to effectively treat people who are addicts. I give the following dramatic example of how serious this situation is. In August of this year,

members of the vice and drug unit of the Hamilton-Wentworth Regional Police Service, in co-operation with members of the Hamilton-Wentworth Detention Centre security staff, had been involved in a month-long investigation involving the trafficking of controlled drugs into the detention centre. On August 30, a male was arrested walking into the detention centre in possession of various types of suspected controlled substances, including heroin, crack cocaine, marijuana and hash worth approximately \$4,500. A Hamilton man was arrested and has been charged.

The issue of intermittent offenders and drug abuse is a severe hindrance to law enforcement officers and to those individuals who are addicts. Intermittent offenders are in and out of prisons on a regular basis to serve their sentence part-time. This is a ready-made opportunity for illegal drugs to go in and out as well.

Individuals who are serving an intermittent sentence are targets of drug dealers and pushers. An operational manager at the Hamilton-Wentworth Detention Centre has said, "People go to courtrooms and watch proceedings to see who is going in on Fridays. They will approach the prisoners and order them to deliver drugs and won't tolerate no for an answer." Intimidation is an extremely powerful tool and is used regularly in Ontario courtrooms and prisons.

A 26-year-old mother of three died on September 5, 1998, in the Hamilton-Wentworth Detention Centre where she was serving an intermittent 30-day sentence for theft. A 24-year-old man died on June 12, 1999, in the Niagara Detention Centre where he was serving an intermittent 90-day sentence for a driving offence. Both died of drug overdoses. The 26-year-old mother's autopsy showed a combination of drugs she had taken: methadone, diazepam and cocaine. The combination of these drugs would have depressed her central nervous system, her breathing became shallow and she choked on her vomit.

Josephine was one of the last people to see John before he checked into the Thorold detention centre and died of a methadone overdose. Every Friday night John prepared himself before he stepped into custody for the weekend. He would gas up, which means he would take some methadone, and then he would pack a suitcase. The term "suitcase" refers to the concealing of a balloon in his lower bowel when he went into jail. John took extra drugs because he didn't want to run out. John was addicted to methadone, which he took every day, and other illegal drugs.

John, who was 24 years old, was serving a three-month intermittent sentence for dangerous driving. He was found dead in his cell the next morning. He had overdosed on a combination of Valium and methadone and a quantity of other prescription drugs that were found in the balloon in his lower bowel. He was the second inmate in the past two years to die of a drug overdose while serving a weekend sentence.

The reality is that offenders are arriving at correctional facilities already high and with concealed drugs in their

bodies. What chance is there for them to break the cycle of drug dependency and criminal activity? How can our families and communities be safe?

The creation of a drug and alcohol testing program for offenders is part of the Ontario government's commitment to increase public safety, create more secure and efficient institutions and lower re-offending rates. Substance abuse is a known factor contributing to criminal behaviour.

By introducing this resolution, we can tell the people of Ontario that this government and this Legislature care about giving the people a hand up. Without testing for controlled substances, we have no way of knowing that these individuals are suffering from a terrible addiction disease and we are unable to assist them in recovery.

Drug abuse in correctional institutions is a very serious problem. In the examples I have given it is clear that lives are lost, staff are at risk and our communities are threatened. Eighty-three per cent of inmates are drug users. I am sure you will agree with me that this resolution addresses serious problems that are the result of inmates using drugs in our correctional institutions.

Having random as well as targeted drug tests in Ontario's correctional facilities will deter criminals from bringing and using drugs in institutions. Knowing that they could be tested at any time, without warning, and have to face significant penalties, including an increase in time spent in jail, will likely deter some inmates from using drugs, while at the same time having programs available to treat addictions will also assist inmates in helping to overcome these addictions.

I believe that random drug and alcohol testing for offenders in both adult institutions and under community supervision will enhance the ability of the Ministry of Correctional Services to monitor offenders' compliance with court and release orders, and thereby, re-offending rates. This, in turn, would create safer communities.

1110

**Mr Dave Levac (Brant):** I'd like to commend the member for bringing to the floor a resolution that needs to be debated in this House, and also needs to be debated in the province.

First of all, the ministry should be making more of an attempt to make sure that drugs don't get into the institution instead of dealing with drugs that are already in. One way that could be done would be to avoid fed bashng and move to a federal program that's been instituted that is working perfectly. That's the ion X-ray machine scanners that are used to help alleviate the problem at the door before it goes in. The federal program is highly successful in detecting those drugs before they even enter the institution.

What was the excuse given by the government? "It is just too expensive. We can't do it." They give lip service that they want to remove that process. They would have gone to the federal program that was instituted called the ion X-ray scanners.

This is a resolution that talks to the Minister of Correctional Services' recent bill that simply says, "It's a

smokescreen. We want to get privatization in here, but we've got to wrap it around something else so that everybody in the province is going to say, 'We can accept that. We want drug testing. We want to keep drugs out of the prisons.'"

Everybody wants that. We don't want drugs in the system because it jeopardizes the safety of our correctional officers, who work hard day in and day out on a regular basis. If the ministry were really interested in making sure those members were safe and secure, along with the rest of community, they would have introduced those ion scanners early, quickly and completely.

This is similar to the much-heralded announcement that work programs were going to be expanded to try to provide those people with an opportunity for optimism, when in fact the programs in the province, since 1995, have been depleted and reduced. We're now looking at a program that we need to have improved. They're talking about it again: lip service.

This is similar to the much-heralded zero tolerance for violence against correctional staff announcement, when in fact the offender who had a gun and threatened correctional staff at the Yonge Street probation and parole office was given a mere slap on the wrist. If we go back to the records we will realize that that person, who accosted someone with a gun, simply got a slap on the wrist. That's not justice. Unsupervised probation was what he was given, apparently. The Ministry of Correctional Services' staff did not tell the Attorney General they were getting tough on these offences because the Attorney General gave that guy a slap on the wrist too.

This is similar to the much-heralded announcement that correctional officers would be given new ranks and seniority status within the profession in order to foster respect and dignity. This week over 500 correctional officers were given notice that they either had to accept a job in a private prison or else find work somewhere else—that's respect?—a facility they know will be more dangerous and less secure because all the statistics around the world prove there's a 50% increase in assaults on correctional officers in private institutions. We also know there's a 47% turnover of correctional officers when you move to a correctional institution that's run by privateers.

There's also the electronic monitoring program that was supposed to be expanded, which has hardly been used. In the one facility I visited, we were told the program was up and running. I said, "How many times have you used it?" It was zero. The ministry has mismanaged the program and these individuals who are hired to do monitoring have not monitored anybody.

Perhaps before the Ministry of Correctional Services pushes on the new initiatives, they should concentrate on the glaring problems that were pointed out by the Provincial Auditor. The auditor indicated there was a very large amount of money being wasted in private institutions: With the first one they heralded as being a great success, there was \$400,000 that the auditor said was above and beyond the contract.

Let's talk about the programs. The treatment programs across the province have been reduced, outside the correctional institutions and in the entire province. They've been flatlined in terms of the amount of money they've been offered for support. A lot of people are on waiting lists who can't even get those services to help them with drug rehabilitation. The auditor indicated the intermittent programs, in terms of the outside, allowing the temporary absence passes. When the programs were being offered, in the use of the temporary absence programs, they were to be very good because they would address rehabilitation and the progress of the inmate not to reoffend. Instead, it was pointed out that it was a major problem, that there was overcrowding, that these people were getting away and weren't going into programs.

What did the corrections minister decide to do? He decided to cancel the entire program. He stopped the entire program, stopped those programs that were successful and overcrowded his jails again. As well, the cost of the jails skyrocketed, at a time when the number of inmates has gone down. That is the mismanagement we were talking about the other day, Minister, when the Provincial Auditor's report came out.

In terms of the idea of stopping drugs from coming into the jails, we believe strongly on this side that we should be working very hard and diligently to make sure those drugs do not show up in the jails. There was mention made by the honourable member for York North about, "Let's stop the drugs from coming out." Well, let's stop the drugs from coming in; that's the real issue. Where is the investment in this? This resolution is quite good in terms of motherhood, but where is the investment discussion? The investment discussion needs to take place around the idea that the implementation of ion X-ray scanners would eradicate an awful lot of the problems. She made a comment about what's going on in the courts; they have the preying junkies who are saying, "We need to get those drugs in and out of the system." Where's the security there? Where's the tougher security to make sure we can identify these people?

I want to take a proactive stance instead of a reactive stance, as this government continues to do. The reactive stance that this government is taking is saying, "We want to do what compromises the offenders from successfully completing their treatment programs to overcome their addictions." In terms of the problem that the member is trying to point out, we have to remember this: if we stop the drugs from entering the jails in the first place, we will not have to deal with how strong is their need to take those drugs. In many of the jails that I've visited across the province, there have been members who said to me, "If we stopped these things from coming in, in the first place, our jobs would be made easier, society would be safer and we wouldn't have to deal with scraping some of the inmates off the floor from these overdoses." I would suggest and respectfully submit that this is nothing but a smokescreen that simply says we have to prepare these people to accept the bill that the minister is going to step forward and introduce in the near future, and have us

accept the fact that we couched this wonderful bill with all of the privatization that they're talking about.

We have a very serious problem here. The resolution being offered right now is commendable. We do want to recognize that drugs are not acceptable in our society—drugs are not acceptable in our society outside of our prisons. They have underfunded the addiction problems; they've underfunded the programs that the jails had at one time in terms of recovery. Now they turn around and say, "But we've got a problem with drugs." By the way, they've diminished the use of dogs; they won't invest in the innovative X-ray machines that the federal government is using. They're not putting their money where their mouth is.

One of the things I caution the public in understanding is that when this bill gets introduced, we're all going to be expected to talk about it and support it strictly on the fact that we don't want drugs being used in our jail system. Very clandestinely we're going to be looking at a piece of legislation that's basically opening the door and permitting privatization. Therein lies the big rub, because when you introduce privatization across the world, there is an increased use of drugs, there is an escalation in violence against our correctional officers, there's an increased use of violence by the inmates themselves and there's a reduction in programs being offered to help them deal with their problems.

One of the last comments I want to make regarding this resolution and the bill itself that's going to be put in front of us is that the Minister of Correctional Services has had in front of him for months now, from a client and a constituent in Brant, from experts and former correctional officers, a program called the Alternative Solution, which deals exactly with the problem that the member is trying to address today. Instead of worrying about the drugs themselves, it's the rehabilitation and the addiction they're dealing with. As she said, a very high percentage in the 1980s had a problem with drugs, but it's not just drugs, it's all types of illicit problems. If you don't get the inmates to understand there is a problem, through programs that are designed inside, you're going to keep coming to that revolving door.

I fear one major problem. The revolving door is going to continue as long as we are moving ourselves away from publicly run, publicly accountable institutions to privateers who are in it to make money. Why? Because they need to fill the prisons. They need to have them full, they need to have more people coming in, and that means we have to reduce the programs to stop them from coming in. If we don't have recidivism rates drop, then the privateers are going to be all smiles and say, "Thanks very much, because we get to continue making tons of profit."

Mr Speaker, I have ended my time and I defer to the honourable member.

**1120**

**Mr Tony Martin (Sault Ste Marie):** I'm happy to have a chance to speak on this subject this morning, in that it is consistent with a number of things that this

government has been doing over the last number of weeks in the middle of a federal election to try and prop up and support the hot-button agenda of their federal Alliance counterparts.

There isn't anybody, I think, in this place who could not support initiatives to do the kinds of things that are contained in this resolution, if it wasn't so obviously a blatant attempt to do other things—another Trojan Horse—and I've spoken about those on a number of occasions over the last six years in this place.

This is another hot button issue in the middle of a federal election. It's paving the way for the privatization of prisons, and it's as well handing over to their private sector friends another opportunity to make money at the expense of the public accounts.

The legislation the minister introduced this past week, in keeping with the spirit of the legislation the Minister of Community and Social Services is going to introduce to make it mandatory for people on social assistance to be tested for drugs, which is in keeping with the spirit of yesterday's big, grandiose press conference to talk about welfare fraud, is to victimize and to demonize individuals in our society who need that least of all, who actually need to be worked with, to be given programs to correct their circumstance and their situation.

This government isn't interested in that. This government on every occasion has taken away from those people on the front lines who deliver these programs, who actually have a direct interest in making sure that their workplace is safe, their ability to do that by reducing their numbers and taking away the programs that were put in place by previous governments to make sure that those things in fact were happening. The prison system in Ontario until this government took over was the envy of the rest of this country and many jurisdictions around the world. Since then it has begun to deteriorate in a major and significant way, and it's simply because this government is ideologically bound and determined to turn it over to the private sector so that their friends and benefactors can make some money at the expense of these folks and at the expense of the public trough. There's no interest whatsoever in the issue of good and successful and helpful corrections behaviour and activity.

The legislation that the minister introduced is not only laughable but totally unnecessary. It's another attempt by the Tories to give out contracts to their corporate pals by privatizing drug and alcohol testing rather than cracking down on the real problem of how drugs are getting into our jails in the first place.

If the minister sat down and talked to correctional officers instead of his corporate friends, he would understand the link between drugs entering jails and understaffing, overpopulation, under-resourcing and the elimination of rehabilitation programs. Perhaps the government is simply acknowledging what we have suspected: with privatization of our prisons, the problem of drugs and violence in correctional facilities will get worse, not better. They are creating a problem within a problem, all so they can justify giving away millions in contracts to American for-profit prison corporations.

My colleague Mr Kormos the other day, in responding to the legislation introduced by the minister, had this to say:

"I would ask the minister to please have read his own statute before he made the announcement today. It's naïve to the point of outright wrong to suggest that he's introducing any sort of new regime. The fact is that superintendents of prisons across this province had the power, by way of discipline, to extend prison sentences beyond the two thirds and revoke portions exceedingly in greater numbers of the statutory remission for decades. The reality is that Mr Sampson hasn't had enough interest in the correctional system here in Ontario to call upon superintendents in our prisons to in fact do that."

The other issue I think we need to deal with here this morning—and if you don't believe me, if you don't want to listen to me, if you think that I'm ideologically driven as well, let's listen to some of the players out there who have been working in this industry for quite some time now. One of Canada's top criminal lawyers said on Monday, "The tougher parole standards would create more prison unrest and help future privatized jails in Ontario turn in a bigger profit." Imagine that. Clayton Ruby said the new plan "is helping pave the way for private prisons. Ontario's Tory government plans to open a pilot, privatized superjail in Penetanguishene, Ontario, next year.

"This is an attempt to help private prison operators control inmates without spending money on adequate food, programs, rehabilitation and psychiatric care," said the high-profile criminal lawyer."

That's confirmed by some of the findings of the Provincial Auditor this week in his report when he talked about the prison system and how they're spending more money to put facilities in place that will deliver less service, and will add in the long haul to, yes, perhaps the private sector, which will ultimately take it over because we're building the facilities for them, making a whole lot more profit. We know that's not beyond this government to do. He also says that the Harris government "has cut most of the rehabilitation programs that matter, such as continuing education."

Another gentleman who is held in high regard in this province where dealing with corrections issues and people in our jails is concerned, the executive director of the John Howard Society, says, "Keeping someone in jail until the last day of their sentence does not make a community safer."

I certainly support what these gentlemen are saying. Our caucus at Queen's Park, in watching over the last five or six years the diminishing of our correctional system in its ability to do its job—the wholesale move to privatize and turn over corrections to the private sector, thinking that they will deliver it more cost-effectively and more effectively where rehabilitation is concerned—will prove in the long run to be a huge mistake. We should look at the experience of some of the American jurisdictions where they've done this.

In wrapping up and bringing some conclusion to my comments here this morning, I would suggest to the minister that he spend a bit more time out there talking to superintendents and talking to the correctional workers. Come up to my community a bit more often and spend some time at the Northern Treatment Centre, because there is good work going on there. If he will resource it effectively and properly and enter into partnership with the federal government to make sure that we have the resources we've always had to provide that good work, he will be improving and doing what he says he wants to do to the correctional institution.

This is, no more, no less, this government supporting their friends the Canadian Alliance in a federal election by pushing another hot button issue, done in partnership with the Minister of Community and Social Services, who this week and last week kicked again the recipients of social assistance twice, not because they've done anything wrong but because it's politically an attractive thing to be doing, it seems, unfortunately, in the world we live in today.

This is paving the way for the privatization of our prisons and it's handing over to this government's private sector partners another opportunity to make money at the expense of all of us.

**The Deputy Speaker:** Just to remind members, because I've noticed we may be a little bit confused about how it works during private members' hour, we don't need to mention we're sharing time. It goes 15 minutes for each caucus around the room.

The Minister of Correctional Services.

**Hon Rob Sampson (Minister of Correctional Services):** Thank you very much, Speaker, for that advice.

I want to thank the member from York North for her insight in drafting this resolution and bringing it before the House for discussion today. I certainly have listened intently, and I will listen for the rest of the morning to the discussion from other members of the House, but so far to the members from Brant and Sault Ste Marie who have gone on their traditional rant on privatization. I want to say to the people watching today, what we're planning here is a drug testing program that will apply to all institutions. It doesn't matter who should be running them; what should matter is indeed how they are being run.

We think it's appropriate, in order to get at the rampant problem of drugs in institutions, to first identify the extent of the problem. You can really only do that if you test. How else would you know how bad the problem is until you perform a random test to determine the extent of the problem?

1130

The member for Brant ranted on about technology that is being used in some other jurisdictions, inclusive of the federal system where, by the way, drug use is about the same as what we have in the provincial institutions, if not in some cases higher. In fact, I heard a story in one institution where they're actually allowing inmates to grow marijuana so that they can consume it inside, because that's part—

**Mr Dominic Agostino (Hamilton East):** You know someone who knows someone who knows someone. Name names. What institutions?

**Hon Mr Sampson:** I say to the member from Hamilton, if you believe that drugs in an institution are a problem, then support—

**The Deputy Speaker:** The minister has the floor. It is not a chorus.

**Mr Agostino:** On a point of order, Mr Speaker: I'd appreciate it if the minister would mention the institution as well. I think all of Ontario would like to know.

**The Deputy Speaker:** Minister.

**Hon Mr Sampson:** I say to the member, all he has to do is listen to the radio interview that I did yesterday morning on CFRB, when one of the newscasters on that interview commented about this. You might want to call that person.

**Mr Agostino:** Is that your research: CFRB?

**Hon Mr Sampson:** I say to the member opposite—and I should be speaking through you, Speaker, and I know that's the challenge here.

*Interjection.*

**The Deputy Speaker:** Order.

**Hon Mr Sampson:** I say to the member across the floor, if you believe that drugs are a problem in institutions, then you should support this resolution.

I say to the member from Brant, who spoke to this item, that various technologies can be used to deal with the problem. I agree. In fact, we may embark upon the use of different technologies to deal with that. But there's no use putting the technologies in place if you don't know what it is you're trying to deal with, how extensive the problem is, because the problem of how—

**Mr Agostino:** How do you know it's a problem, though?

**Hon Mr Sampson:** If you don't know how extensive the problem is, you don't know what technologies to prohibit the entrance of drugs into institutions one should use.

Part of the problem in dealing with drug addiction is making sure those who have these challenges recognize these problems and are prepared to deal with them. The testing program we've put in place will allow the individuals who are still on drugs and addicted to drugs in institutions to recognize that addiction because it will show up through the testing results we will receive as a result of the program.

I say to the members opposite, I find it very difficult to understand their objection to this resolution. I firmly support the resolution. I think the member from York North has done some tremendous work on this and I encourage her to continue. I will listen to the debate, as I listened opposite, with some concern as I hear that they are not prepared to support it.

**Mr Agostino:** I found it interesting to hear the minister talk about "rampant use," but then he said, "We have to do that so we can find out what the problem is." Earlier, the minister believed it was a massive problem in

our jails. I appreciate that the research for the minister is done by state radio CFRB.

Clearly, this resolution is cutely worded. It's a cute code resolution that this government is expert at. The reality is that it's motherhood and apple pie and the basics. Who in their right mind would say, "Gee, we should support people using drugs in jails"? Of course that's wrong and of course we all believe that, but when you look at this resolution, it does nothing to deal with the problem. All it does is say, "Drugs are bad. Let's random-test prisoners. That takes care of the problem." It doesn't deal with the real problem. First of all, what do you do when they test positive? Is the government now going to commit to setting up treatment programs in jails for inmates who test positive or are we just going to say, "You tested positive and we'll just throw away the key"?

The resolution talks about people who have been remanded. Again, you're talking about someone who I still believe, unlike the Tory government, is innocent until proven guilty. If someone is in an institution—they've been remanded, they have to appear in court, they have to appear for bail—in any of those situations you're going to drug-test that individual. Again, the person up to this point has not been proven guilty of anything, but you're going to drug-test him. This government has absolutely no respect for the fundamental rights of individuals. We saw it with welfare. This follows the lead of Minister Baird's welfare testing. This is simply hot button politics.

If they want to deal with the real problem in our institutions, let's deal with the real problems there. Let's deal with the tour I took of the detention centre in Hamilton a few weeks ago, where there are two guards for 72 inmates. Look at the danger you're putting those guards in. Look at the potential you have for problems in jails.

Why don't we talk about the fact that we have three or four people per cells that were built for one? Why don't we look at the danger there? Why don't we look at this policy that this minister and this government have, because you've cut out the nursing staff in jails, where jail guards who are not trained medical professionals are being forced by this government, against their will, to hand out prescription drugs? They are forced against their will, and if they refuse to, as Ed Almeida, the president of the local union, did in Hamilton, they're disciplined. They're saying, "We don't know if someone reacts differently to a drug. We don't know if there's going to be a problem. We are jail guards—professional, trained jail guards." They're not nurses or medical people. They should not be handing our prescription drugs to inmates as part of their routine, but this government is forcing them to do that.

Those are some of the causes of the overdoses. Those are some of the problems that occur, but this government as usual just hides its head in the sand and says, "You know what? It's just hot button politics. Here we go. Let's just test them and that solves the problem." Where are the resources? Where are the resources to ensure that we have a system that, once we do that, if that's what you choose to do, there's treatment available? To what end is this, if there isn't?

I was interested that the minister's speaking in support of the resolution, but the minister had absolutely no answer as to what he'd do at that point, what he's do at the point where someone tests positive. Maybe the member who brought this resolution forward can address that in her remarks. Are there going to be programs in place? Is there funding that will be available? Are there treatment programs or are we just simply doing it so we know how many people are using it?

As my colleague from Brant spoke about, technology is available to stop it at the source, from getting into the jails. You're not using that. Staffing, as I said earlier, is part of the problem and the fact that we don't have enough staff, as we've seen in Hamilton. They have no standards. Understand that federally there are standards as to the number of inmates there can be for the number of guards. Provincially, we have no such standards, and if we do, they're not applied. Most of us would think it's unreasonable for two guards to be looking after 72 inmates. It is just unrealistic. It is unsafe.

I ask this government, if you're concerned about the situation in our jails, invest some money, invest some resources, back up those men and women who risk their lives every day on the front line in the jails, looking after the inmates, protecting the community. That's where your focus should be. Put some real investment into looking after and helping the people who risk their lives every single day to protect us, protect our community and look after inmates in our jails.

**Ms Shelley Martel (Nickel Belt):** I am really pleased to participate in this debate. Let me begin by saying that it's really clear that that 42% pay increase has really cut into this government's currency. Even its core supporters must have been really angry, because in the last week the government's done everything it can to try and divert attention away from the piggy-at-the-trough pay scheme and trying to retain some of that core support again. We see the Minister of Community and Social Services coming in and whacking social assistance recipients. Here we are today with a resolution where the government pretends it's going to get tough on crime and criminals, when the resolution does nothing of the sort, and neither will the legislation that the minister's introduced.

Minister, look, if you are interested in dealing with a drug problem in our jails, then you will figure out how the drugs are getting into the jails in the first place and you'll do something about it. We've got a serious problem here. We've got a problem that there is understaffing, under-resourcing in our jails. We need more correctional officers, but the government doesn't want to deal with that. We probably have an overpopulation of inmates in too many of our jails too. We've got a serious problem about drugs coming into the facilities, and neither the member who put forward the resolution nor the minister who put forward the bill is doing anything about that.

Let me give you an example at the Sudbury jail. The Sudbury jail had a courtyard where the inmates used to

be able to have some exercise. The problem is the courtyard is quite close to the parking lot, and they had a problem with people standing in the parking lot throwing drugs over the fence into the courtyard. So now the inmates can't use the courtyard at all. Instead of putting a roof on the facility, which might actually solve this problem, the Sudbury jail supervisory staff said they can't get the money and they don't have the money to even put a roof on. Here's one small example of drugs coming into a jail. This is how the government responds. We don't even have enough money to put a roof on to stop the flow of drugs into that courtyard and then into the jail. This is ridiculous.

Look, this government has an abysmal track record when it comes to programs for inmates. The auditor made that very clear in his report. Minister, here it is. Let me just give you one quote, page 90: "Twenty-seven per cent of the correctional program recommendations for meeting the needs of inmates were not met as the recommended programs were not even available."

1140

We're going to test inmates and you would think that after we test the inmates, we're going to try and have treatment programs for them, but the government is cutting back on its rehab programs in its jails. I'll just give you the example at the Rideau Correctional Centre, where there were five-week and 10-week intensive programs for drug rehabilitation. Rideau is closing down, and there goes the drug treatment programs that were actually in effect at one centre in this province.

Not only does the government not have rehab programs in most of its jails so it can't deal with offenders who have drug problems, but the fact is the government has also cut some of those supports to individuals who are being identified as having drug problems even before they got to the jail.

Let me give you another example in Sudbury. In Sudbury, the E. Fry Society operated a bail verification and supervision program. They got a small operating grant from this ministry for two part-time staff to go to the Sudbury jail to advocate for females who were up on charges to commit to judges that they would supervise the conditions set by the judges and make sure these female offenders would participate in any number of anger management and drug and alcohol addiction programs. By agreeing to do the supervision, judges and the E. Fry Society made sure that hundreds of women were kept out of the jails and actually went and got help and went to those programs and got clean.

Do you know what this government did? Three years ago, this government pulled the rug on the E. Fry Society in my community, and in Sault Ste Marie and Thunder Bay as well. It's interesting that all those ridings were served by opposition members. In any event, the government pulled the rug on those programs and withdrew the operating supports. Do you know what happens now? Women who are going to court on any variety of charges who do need anger management programs or drug and alcohol treatment programs can't get those programs

because there is no organization now in place that will agree to supervise them. As a consequence, all those women are being thrown in jail and there ain't any rehab treatment programs at the Sudbury jail.

So what have we accomplished? Absolutely nothing, because women who were previously getting help with the support of E. Fry, previously having to be in those programs because it was a condition of supervision that the E. Fry Society had agreed to meet, they got their money yanked by this government and all of those women now aren't getting treatment and are sitting in jail for a lot longer.

If we've got a drug problem now in our institutions, and clearly the member who moved the resolution said that we did, imagine what that drug problem is going to be like when we move to private jails. Is the private sector interested in putting money into rehab programs? Absolutely not. Is the private sector interested in seeing some of its profits being diverted for rehabilitation programs for inmates? Absolutely not. We know, if we look at the examples already in the United States—we have Wackenhutt and we have Corrections Corp of America—that in the private jails, the incidences of contraband, incidences of violence, incidences of murder and incidences of escape were far higher in the private institutions than those that were run in the public sector. There is more than one report that has been done to confirm that.

The public should be really concerned because it's clear that we do have a problem of drugs in our jail. It's also clear that the government is doing nothing to get at the problem of drugs coming in our jail. Now the government wants to hand that problem off to the private sector, which is not terribly interested in rehabilitation programs at all. People should be awfully concerned about who is going to protect jail guards in our institutions. Communities should be awfully concerned about who is going to guarantee their community safety.

I am opposed to this resolution because it makes very clear that this government is not interested in dealing with the real problem, which is how drugs are getting into our institutions in the first place. If they really cared about this situation, that's what they'd do.

**Mr Garfield Dunlop (Simcoe North):** Thank you very much, Mr Speaker, for allowing me the opportunity to speak to this resolution. I would like to thank the member for York North for bringing this important topic up in her private member's time. I would like to start by thanking Minister Sampson—he's not here in the room right now—for the leadership and the professionalism he's shown. I've enjoyed working immensely with Mr Sampson over the last year as we've looked at a private sector partner for the Penetanguishene and North Simcoe correctional facility in my riding. We've had an investment of \$85 million in that facility. It's nearing completion and right now the economic spin-off to the community of Penetanguishene has been approximately \$25 million in building materials, labour costs and housing and accommodation. As well, it's interesting to note that

not too far to the east of me, the Lindsay facility is going up as well and the same type of economic impact is occurring there.

I'd like to thank the opposition for their comments on this resolution as well. It's always nice to hear the fear-mongering continue. It's gone on for a year. When this Penetanguishene facility opens up and it's running in a professional and efficient manner, I think the corrections critic from Brant will be basically redundant in his position.

The comments from Ms Martel about the piggies at the trough were very interesting comments, especially when I hear the amount of concern she had about getting third party status here at the House and the type of money her party receives for research. It's actually very high per capita for membership in this building and I'm disappointed to hear you make those kinds of comments here today.

*Interjection.*

**Mr Dunlop:** Yes, seven out of nine of your members get extra money for whatever you do over there, and I think the leader gets a car and a driver as well.

It's no secret that illegal drugs are the source of many problems within our society. Many of us in this House have heard the horror stories about how illegal drugs have ripped apart the fabric of our province. Many people have died or are on the verge of dying due to addiction to hard-core drugs. Substance abuse is a known factor contributing toward criminal behaviour.

Drugs are extremely dangerous in our society, but are even more dangerous in the confined quarters of correctional facilities across our province and indeed across our nation. There are some who say that illegal drugs are not a problem in our prison system and feel that this resolution and the legislation introduced by the minister on Monday is not necessary. I have to tell you that I think they're completely wrong and I disagree with them 100%.

According to an article in the Hamilton Spectator, the number of prisoners in minimum security federal jails who tested positive for drugs has doubled in the last five years. According to a report, 13% of inmates randomly selected at minimum security jail tested positive for drugs in 1999-2000, compared with 7.4% in 1995-96. The federal government randomly tests 5% of its prison population for drugs every month. In Ontario, approximately 83% of adult inmates sentenced to incarceration in provincial correctional institutions and 61% of adult offenders serving sentences in the community are found to have some degree of alcohol or drug dependency.

I also read in Hamilton-Wentworth—and again today I had another one from the Quinte Detention Centre about other drugs being found. A huge drug bust was made in Hamilton-Wentworth in August. The place for this drug bust was not in the streets of Hamilton-Wentworth, but in the detention centre. On August 30 of this year, a man was arrested walking into the Hamilton-Wentworth Detention Centre in possession of various types of suspected controlled substances, including heroin, crack cocaine, marijuana, hash and hash oil.

In August, a federal inmate died of a suspected heroin overdose in a Kingston prison. That was the third inmate to die due to a drug overdose in a Kingston prison in 17 days. A couple of weeks later, the police intercepted a load of the same drug being smuggled into another institution. The worth of the drugs seized at that time was in excess of \$28,000.

According to a book by Kevin Marron called *The Slammer: The Crisis in Canada's Prison System*, prisons often create more serious addicts because drugs are an integral part of the culture. Having drugs inside institutions makes it more difficult for offenders undergoing treatment programs to successfully overcome their addictions. It is much more difficult to get back to the same cycle of substance dependency when there are drugs and alcohol readily available to everyone in the prison. The book went on to say that all the inmates across Canada being interviewed told him that drugs are more plentiful and accessible in prison than on the streets. Again, that's across the whole nation, not just the province of Ontario.

We need to do whatever we can to get drugs out of our correctional facilities. I feel that this resolution, as well as the bill introduced by the minister earlier this week, is an important step in trying to get this problem out of our prison system. Imagine working in a highly dangerous place and adding drugs into the mix.

**1150**

Inmates who fail to stop using alcohol and/or drugs in institutions are likely to continue using them when they leave the institutions, and often fall back into criminal patterns to support their addictions. That alone should support the reasons for this resolution.

Therefore, we should be doing drug tests on a regular basis on all inmates in Ontario's correctional facilities, and that is why we should support this resolution, as well as support Bill 144 when we have debate on it next week.

Having random as well as targeted drug tests in Ontario's correctional facilities will deter criminals from bringing and using drugs in our institutions. Knowing they could be tested at any time without warning and have to face significant penalties, including an increase in time spent in jail, will likely deter some inmates from using drugs, while having programs available to treat addictions will also assist by providing inmates help in overcoming addictions.

This resolution, which I fully support, is an important step in trying to make our prison system safer for both the inmates and the people working in the correctional facilities. Earlier this week the minister introduced legislation to continue to reform our prison system, forcing inmates to actually earn their release while they're in prison.

The proposed legislative changes fulfil our government's promises that we made during the 1999 provincial election. As a government, we feel we need to transform Ontario's correctional system into one that puts public safety first, achieves better results, creates more secure and efficient institutions, and improves accountability.

I'd like to conclude my remarks today by urging all members to support this resolution, and I'd like to sup-

port the Minister of Correctional Services and thank him for the 300 jobs that will be in my riding as a result of this correctional facility in Penetanguishine.

**The Deputy Speaker:** Further debate? The Minister of Community and Social Services. I'm sorry, the member for Brampton Centre.

**Mr Joseph Spina (Brampton Centre):** I'm glad I didn't have that promotion. I wouldn't want to be the Minister of Community and Social Services, because I think the current one is probably one of the best we've ever had in the history of this province, in addition to being the colleague who sits in front of me.

I'm really troubled by the comments made by the opposition today, particularly the members from Hamilton East and Nickel Belt. I think about the words that were used in the resolution the member for York North brought forward:

"Be it resolved that the Legislative Assembly of the province of Ontario,

(a) believes that the introduction of illegal drugs into correctional institutions is a grave danger to correctional staff."

By opposing this, I can only assume and draw the conclusion that these opposition members don't believe that. Further, this resolution "believes that illegal drugs cause violent and erratic behaviour in offenders." Clearly the members of the opposition don't think that's the case. They know "that the use of illegal drugs compromises the ability of offenders to successfully complete treatment programs to overcome their addictions." If the opposition is against this, I can only assume they are encouraging the use of illegal drugs in prisons. They support "action to eliminate the use of illegal drugs in correctional institutions." If they're opposing this, I can only assume that the opposition wants to support the use of illegal drugs rather than the elimination of them. You talk about being silly, but these are the kind of stupid, erratic conclusions that sometimes the opposition draws on government bills. Lastly, they are opposed to introducing "regular and random drug tests of all sentenced, remand and intermittent offenders in Ontario's correctional facilities."

I live in a community that has a minimum security prison, and this is a situation that has surfaced. Let me read this from the Standard, St Catharines-Niagara. This is written by Marlene Bergsma, Standard staff:

"Bold and intimidating drug dealers are using Ontario courts to arrange their drug deliveries, a coroner's inquest was told Wednesday.

"People go to courtrooms and watch proceedings to see who is going in on Fridays," that is, they're sentenced to intermittent terms.

For the individual who has been charged and convicted to go for intermittent service, this is not easy. They are intimidated. They can't say, "I don't want to participate in that. I don't want to run drugs into the prisons." The reality is they're intimidated. They're in a position where they have a lot to lose and they have to deal with other inmates in there. This is a gap in the system that we

are trying to plug. That's what this resolution is after. I can only assume that if the opposition opposes this, they endorse the use of illegal drugs in the prisons.

**The Deputy Speaker:** The member for York North has two minutes.

**Mrs Munro:** Thanks to all those who have taken part in this morning's debate. I certainly appreciate the comments that have been made.

I'd like to simply emphasize a couple of points that were brought up. One of the issues that more than one speaker referred to was the fact that the resolution didn't specifically deal with the allocation of resources. I want to remind the members that according to standing order 56, it would be inappropriate for there to be a specific direction of allocation of funds.

More importantly, as to their comments in regard to that, part (c) of this resolution refers to "successfully complete treatment programs." We understand that the first step is being able to have drug testing. This is the prime reason for this resolution, recognizing it is only through drug testing that any kind of change, any kind of opportunity for inmates can be effected. So it is to those two parts of the resolution that I would direct members' attention, because they clearly speak to the need to be able to, first, know the issue through testing, and then, second, be able to look at the ways in which we can make those people's lives more successful and break that re-offending pattern we have seen.

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

#### PUBLIC HOSPITALS AMENDMENT ACT (PATIENT RESTRAINTS), 2000

#### LOI DE 2000 MODIFIANT LA LOI SUR LES HÔPITAUX PUBLICS (MESURES DE CONTENTION)

**The Deputy Speaker (Mr Michael A. Brown):** We will deal first with ballot item number 49. Ms Lankin has moved second reading of Bill 135.

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.

We will call in the members after I put the voice vote on the next ballot item.

#### DRUG USE IN CORRECTIONAL FACILITIES

**The Deputy Speaker (Mr Michael A. Brown):** We will now deal with ballot item number 50. Mrs Munro has moved ballot item number 50.

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.

We will now call in the members on ballot item number 49 and then call in the members for ballot item number 50. There will be a five-minute bell.

*The division bells rang from 1159 to 1204.*

PUBLIC HOSPITALS AMENDMENT ACT  
(PATIENT RESTRAINTS), 2000

LOI DE 2000 MODIFIANT  
LA LOI SUR LES HÔPITAUX PUBLICS  
(MESURES DE CONTENTION)

**The Deputy Speaker (Mr Michael A. Brown):** Ms Lankin has moved second reading of Bill 135. Would all those in favour please stand and remain standing until your name is called.

**Ayes**

Agostino, Dominic	Gilchrist, Steve	Parsons, Ernie
Arnott, Ted	Guzzo, Garry J.	Peters, Steve
Baird, John R.	Hardeman, Ernie	Pupatello, Sandra
Barrett, Toby	Hodgson, Chris	Runciman, Robert W.
Bartolucci, Rick	Hudak, Tim	Ruprecht, Tony
Boyer, Claudette	Kwinter, Monte	Sampson, Rob
Bradley, James J.	Lalonde, Jean-Marc	Sergio, Mario
Christopherson, David	Lankin, Frances	Smitherman, George
Churley, Marilyn	Levac, David	Spina, Joseph
Clement, Tony	Marchese, Rosario	Sterling, Norman W.
Coburn, Brian	Marland, Margaret	Stewart, R. Gary
Conway, Sean G.	Martel, Shelley	Stockwell, Chris
Cordiano, Joseph	Martin, Tony	Tascona, Joseph N.
DeFaria, Carl	Martiniuk, Gerry	Tsubouchi, David H.
Dombrowsky, Leona	McLeod, Lyn	Turnbull, David
Duncan, Dwight	Molinari, Tina R.	Wilson, Jim
Dunlop, Garfield	Munro, Julia	Wood, Bob
Gerretsen, John	O'Toole, John	Young, David

**The Deputy Speaker:** All those opposed will please stand and remain standing until your name is called.

**Nays**

Elliott, Brenda	Hastings, John	Maves, Bart
Galt, Doug	Johnson, Bert	Ouellette, Jerry J.
Gill, Raminder	Klees, Frank	Wettlaufer, Wayne

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 54; the nays are 9.

**The Deputy Speaker:** I declare the motion carried.

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

**Ms Frances Lankin (Beaches-East York):** I'd like to refer it to the standing committee on the Legislative Assembly.

**The Deputy Speaker:** Agreed? Agreed.

DRUG USE IN  
CORRECTIONAL FACILITIES

**The Deputy Speaker (Mr Michael A. Brown):** We will now deal with ballot item number 50. Before we do that, we will open the doors for 30 seconds.

Would members take their seats. Mrs Munro has moved ballot item number 50. All those in favour will

please stand and remain standing until your name is called.

**Ayes**

Arnott, Ted	Hastings, John	Ruprecht, Tony
Baird, John R.	Hodgson, Chris	Sampson, Rob
Barrett, Toby	Hudak, Tim	Spina, Joseph
Bradley, James J.	Johnson, Bert	Sterling, Norman W.
Clement, Tony	Klees, Frank	Stewart, R. Gary
Coburn, Brian	Kwinter, Monte	Stockwell, Chris
Conway, Sean G.	Lalonde, Jean-Marc	Tascona, Joseph N.
DeFaria, Carl	Marland, Margaret	Tilson, David
Dunlop, Garfield	Martiniuk, Gerry	Tsubouchi, David H.
Elliott, Brenda	Maves, Bart	Turnbull, David
Galt, Doug	McLeod, Lyn	Wettlaufer, Wayne
Gerretsen, John	Molinari, Tina R.	Wilson, Jim
Gilchrist, Steve	Munro, Julia	Wood, Bob
Gill, Raminder	O'Toole, John	Young, David
Guzzo, Garry J.	Ouellette, Jerry J.	
Hardeman, Ernie	Runciman, Robert W.	

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

**Nays**

Agostino, Dominic	Dombrowsky, Leona	Martin, Tony
Bartolucci, Rick	Duncan, Dwight	Parsons, Ernie
Boyer, Claudette	Lankin, Frances	Peters, Steve
Christopherson, David	Levac, David	Pupatello, Sandra
Churley, Marilyn	Marchese, Rosario	Sergio, Mario
Cordiano, Joseph	Martel, Shelley	Smitherman, George

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 46; the nays are 18.

**The Deputy Speaker:** I declare the motion carried.

**Hon Margaret Marland (Minister without Portfolio [Children]):** On a point of order, Mr Speaker: I know the members of this assembly would wish to recognize the presence in the members' gallery of the Honourable Margaret McCain, the co-author of the Early Years Study.

**The Deputy Speaker:** As you know, that's not a point of order, but we welcome her.

All matters before the House relating to private members' public business now being complete, I do now leave the chair. The House will resume at 1:30 of the clock.

*The House recessed from 1211 to 1330.*

MEMBERS' STATEMENTS

LABOUR DISPUTE

**Mr Rick Bartolucci (Sudbury):** Earlier today in an outstanding gesture of compassion and community spirit, the Retail, Wholesale and Department Store Union in Sudbury announced it will provide 1,300 Christmas turkeys to our striking Falconbridge workers.

About 1,250 Falconbridge workers have been off on strike since August 1. These are people with families, people who helped build the community, people who pay

taxes and, last but not least, people who have the right to negotiate the terms of employment in a province that is not anti-union, not anti-labour and that disregards the reality of working people. Today's announcement is a bright glimmer in the otherwise bleak, anti-labour environment created by Mike Harris.

I am proud that my community has rallied around our workers. This has helped the Falconbridge workers in these trying times and will buoy spirits and strengthen their resolve. I applaud the efforts of the Retail, Wholesale and Department Store Union to ease the financial burden for these affected families. I commend its president, Robin McArthur, and his executive for their leadership on this initiative and I congratulate the membership for their generosity and their well-placed values.

I also commend Mine Mill/CAW local 598 president, Rolly Gauthier, who has remained steadfast, level-headed and focused on the issues.

In the meantime, I will continue to urge the Mike Harris government to stop their merciless attack on labour and abandon their plans to destroy free collective bargaining in Ontario.

#### RAMADAN

**Mr Bob Wood (London West):** As many members of this House will know, one billion Muslims throughout the world will be observing a month of fasting during Ramadan, starting around November 30 this year.

Muslims regard Ramadan as a spiritual tune-up. It's a time for inner reflection, devotion to God and self-control. The third pillar or religious obligation of Islam, fasting, has many benefits, the most important of which is that it teaches self-control. Ramadan is also a time of intensive worship, reading of the Koran, giving charity, purifying one's behaviour and doing good deeds. In fulfilling the teaching of their faith, they demonstrate to us a commitment to righteousness and a compassion for the needy, qualities to which we can all aspire.

Ramadan will end with the celebration of the feast of Eid Al-Fitr in about one month's time. At that time, Muslims will gather for prayers and then exchange presents and share alms with the needy so that all members of the community may be able to celebrate together.

I know I speak on behalf of all members of this House in extending greetings to the Muslim community of Ontario and in wishing them Ramadan Kareem and Eid Mubarak. These greetings, which in Arabic mean "May you have a month of giving and a blessed feast," speak to the central meaning of Ramadan.

#### EDUCATION FUNDING

**Mr Mario Sergio (York West):** I'm very sad to report to the House that Bill 74, the infamous funding formula, has claimed another victim, or I should say more victims. This particular time, 90 seniors in the tiny community of Bluehaven at Bluehaven school were shut out. The school has closed them out from one room

which they've been using for years, paid for by the city. The school has kicked them out. They have no more room, and it's a shame that these 90 seniors have nowhere else to go. The nearest community centre is about one mile away, and I don't think we have many seniors who would like to walk about a mile, in particular in weather such as today's, and cross one major intersection.

These are the kinds of seniors who don't have very much and ask very little. They were asking for this government to maintain this particular room where they congregate, have recreational activities, have all kinds of dos on behalf of the local communities. This is no longer, and I have to say shame on Mike Harris, shame on his government, shame on Bill 74, which fails to look after the most needy, the seniors in our community. Shame on this government.

#### BLOOD DONATION

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** Giving blood is giving the gift of life. Every year, thousands of Ontarians benefit from the generosity of strangers who give blood to save the lives of their fellow citizens, most of whom they don't even know.

**Interjection:** They must all be Tories.

**Mr Gill:** They are.

A well-stocked blood supply is particularly important this time of year, in the run-up to the Christmas season, as snow and ice make our roads treacherous.

It only takes a few minutes of our time to help save someone's life and make sure they make it through the holidays. Ontario citizens have shown, through their response to our organ donation drive, that they come through when there's a need. Blood donation is just as important, and I know Ontarians will come through, led by the city of Brampton.

Over the next three days, Brampton residents will have the opportunity to give blood at clinics sponsored by all three Brampton members of this House: Friday from 1 pm to 8 pm at the Bramalea Baptist Church at 9050 Dixie Road; Saturday from 12 pm to 4 pm at the Chinguacousy Wellness Centre, 995 Peter Robertson Boulevard; and Sunday from 12 pm to 4 pm at Shoppers World, Bay Court.

I know that many members of my caucus, as well as a few from across the way, run blood donor clinics to help meet the needs of this time of year. I join with my colleagues the members from Brampton Centre and Brampton West-Mississauga in urging our constituents to give the gift of life.

#### DOCTOR SHORTAGE

**Mr Dwight Duncan (Windsor-St Clair):** Last year the McKendry report was tabled. It called on the government to create an additional 110 medical school places in this province. Careful analysis indicates that we

should probably be creating between 170 and 250 new positions in order to meet increasing demand.

The University of Windsor and the University of Western Ontario have come up with what I think is a very unique, cost-effective way of increasing the supply of physicians. This partnership was announced in some detail yesterday and has widespread support from the London community, from our community and from the Sarnia-Kent-Lambton communities. I hope the government will act on the recommendations to in effect create a medical school campus at the University of Windsor affiliated with the University of Western Ontario.

This would aid in the physician shortage problem and would provide many opportunities for young physicians to locate in that part of the province, which includes ridings that are held by government members. It's my hope that my colleagues from London and Lambton on the government side will join with me in urging the Minister of Health and the Minister of Colleges and Universities to agree with the recommendations that would call for the creation of this joint initiative, which has been endorsed by the district health council as well. It's important for our community and it's important for our province.

#### LABOUR DISPUTE

**Ms Shelley Martel (Nickel Belt):** I would like to invite the Minister of Labour to come to my riding to try and tell workers there that the best thing that ever happened to them was the election of the Conservative government. In fact, I'd like him to speak specifically to the 1,200 Mine Mill/CAW workers who have now been on strike against Falconbridge for 115 days.

Thanks to the Harris government, the company has used scab labour from day one of this strike. Thanks to the Harris government, the company has been able to continue modest production at the smelter because of the scab labour. Thanks to the Harris government, the company is under no pressure to return to the bargaining table because it can use scab labour, continue modest production, meet a number of its commitments and still keep its employees out on the picket line. Thanks, Harris government.

I'm proud to have been part of a government which banned scabs during strikes and lockouts. When employers knew they couldn't use scabs to maintain production during a strike, they got to the table and they got on with the business of negotiating a contract. In 1993, in the first year of the ban on scabs, the Ministry of Labour reported the lowest days of production lost due to strikes in Ontario since the ministry began keeping such records in 1975. Our legislation worked exactly as it was supposed to.

If the Harris government really wanted to help working people, it would ban scabs again in Ontario. That would end the strike in Sudbury. As important, it would ensure that workplace parties elsewhere would get an

agreement, because there is no incentive to do otherwise. That would really help in Ontario.

#### MUNICIPAL RESTRUCTURING

**Mr Toby Barrett (Haldimand-Norfolk-Brant):** As many in the Legislature are aware, history was made in my riding with the recent election of councillors for the two new jurisdictions of Norfolk and Haldimand, new municipal bodies that take effect this coming January 1, 2001.

People know that I have been involved in the battles for a better form of local government over the past five years and long before that. In addition, my office has received many inquiries on municipal restructuring, and thousands of names on petitions to eliminate regional government in our area. I, as MPP, have taken these inquiries and petitions very seriously and I continue to dialogue and communicate with my residents on how best to achieve municipal goals of less spending, less red tape and lower taxes.

Over the years, local people have made it very clear to me that they want a more open and accountable form of municipal government. Through our government's bill, the Fewer Municipal Politicians Act, and my legislation entitled An Act to eliminate regional government, end duplication and save taxpayers money, we as a government continue to communicate our vision for municipal governance.

The residents of Haldimand and Norfolk chose to lower the number of politicians and lower the number of municipalities when they called for restructuring of the region. On January 1, we will deliver that promise.

1340

#### HIGHWAY 407

**Mr Gerry Phillips (Scarborough-Agincourt):** I want to comment on a question from the member for Durham, Mr O'Toole, yesterday to the Minister of Transportation about the 407 and urge him to join us in trying to get to the bottom of this 407 rip-off.

I'm sure he's aware, but maybe his constituents aren't, that when the 407 gets to his riding, for anyone who uses the 407 and drives to, for example, Yonge Street, their tolls will be \$4,000 a year. When the government announced the deal, they said that after 15 years the tolls may go up as much as three cents a kilometre—after 15 years. In the first year, tolls in many cases have gone up three and a half cents a kilometre.

This little licence deal—if any of you have had to renew your licence recently, you'll see on the bill that it says you have to pay a fee for your licence, any outstanding fines, and then outstanding 407 tolls. Your constituents are going to find that Mike Harris is now the toll enforcer.

The government ripped off the 407 users for \$1.6 billion. This toll road cost \$1.5 billion to build and was sold for \$3.1 billion; \$1.6 billion will be paid by the users: the 407 users, the 905 users.

Finally, the minister pulled a real fast one. He signed a deal that prohibited the buyer from releasing the deal, so we can't get the deal made public. We need your help, Mr O'Toole.

**Mr John O'Toole (Durham):** On a point of order, Mr Speaker: I believe the member for Scarborough-Agincourt has raised a question—quite seriously, the Minister of Transportation has made major commitments to the riding of Durham, and I thank him for it.

**The Speaker (Hon Gary Carr):** That is not a point of order. It may be a point of debate.

#### FEDERAL LEGISLATION

**Mr Doug Galt (Northumberland):** With a federal election scheduled for next Monday, I would like to draw to your attention several things. In their self-serving rush to call an early election, the federal Liberals have permitted dozens of acts and pieces of legislation to die on the order paper. It seems that the Prime Minister has been too busy renaming mountains and fending off RCMP investigations to spend time passing meaningful legislation. If he truly believed that the legislation was important to Canadians by introducing it in the first place, then I believe he owes Canadians an explanation for his inaction.

In Ottawa, there are almost 20 pieces of federal government legislation that will never become law. I have a strong interest in one, Bill C-17, An Act to amend the Criminal Code. This bill proposed an amendment to the Criminal Code to increase penalties for animal abusers. As the members in this House may recall, I brought forward a resolution to lobby the federal justice minister for those amendments. That resolution received the unanimous support of this House, but where is it? Dead as a doornail. I wonder where their priorities lie. Once again they're demonstrating their disdain for the opinions of Canadians, but taking their record into account, I'm not surprised that the federal Liberals have disappointed me once again.

#### ORDER OF BUSINESS

**The Speaker (Hon Gary Carr):** Members will be aware that there appears on today's Orders and Notices two notices of an opposition day to be debated next week.

Under standing order 42(d), the Speaker is required to select one of these notices for consideration, taking into account the order in which they were received.

I would like to advise the members that the motion by Mr Christopherson will be the one that will be selected for debate next week.

Reports by committees? Introduction of bills? Motions?

**Hon Chris Stockwell (Minister of Labour):** Oh, sorry. Introduction of bills.

**The Speaker:** Introduction of bills; the Minister of Labour.

**Hon Mr Stockwell:** I'm sorry, I was waving at my friends in the gallery, Mr Samuelson and Mr Ryan.

#### INTRODUCTION OF BILLS

##### EMPLOYMENT STANDARDS ACT, 2000

##### LOI DE 2000 SUR LES NORMES D'EMPLOI

Mr Stockwell moved first reading of the following bill:

Bill 147, An Act to revise the law related to employment standards / Projet de loi 147, Loi portant révision du droit relatif aux normes d'emploi.

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

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

All those opposed will please say "nay."

In my opinion, the ayes have it.

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

*The division bells rang from 1346 to 1351.*

**The Speaker:** Mr Stockwell has moved first reading of a bill entitled An Act to revise the law related to employment standards. All those in favour of the motion will please rise one at a time and be recognized by the Clerk.

#### Ayes

Arnott, Ted	Hudak, Tim	Sampson, Rob
Baird, John R.	Jackson, Cameron	Snobelen, John
Barrett, Toby	Johns, Helen	Spina, Joseph
Beaubien, Marcel	Johnson, Bert	Sterling, Norman W.
Clement, Tony	Klees, Frank	Stockwell, Chris
Cunningham, Dianne	Marland, Margaret	Tilson, David
Dunlop, Garfield	Maves, Bart	Tsubouchi, David H.
Elliott, Brenda	Mazzilli, Frank	Turnbull, David
Flaherty, Jim	Molinari, Tina R.	Wettlaufer, Wayne
Galt, Doug	Munro, Julia	Wilson, Jim
Gilchrist, Steve	Murdoch, Bill	Witmer, Elizabeth
Gill, Raminder	Mushinski, Marilyn	Wood, Bob
Guzzo, Garry J.	O'Toole, John	Young, David
Hardeman, Ernie	Palladini, Al	
Hodgson, Chris	Runciman, Robert W.	

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

#### Nays

Agostino, Dominic	Cordiano, Joseph	Martin, Tony
Bartolucci, Rick	Dombrowsky, Leona	McGuinity, Dalton
Boyer, Claudette	Duncan, Dwight	McMeekin, Ted
Bradley, James J.	Gerretsen, John	Parsons, Ernie
Bryant, Michael	Kwinter, Monte	Peters, Steve
Christopherson, David	Lalonde, Jean-Marc	Phillips, Gerry
Churley, Marilyn	Lankin, Frances	Ruprecht, Tony
Colle, Mike	Levac, David	Sergio, Mario
Conway, Sean G.	Martel, Shelley	

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 43; the nays are 26.

**The Speaker:** I declare the motion carried.

The minister for a short statement?

**Hon Chris Stockwell (Minister of Labour):** This bill today will increase parental leave provisions under the Employment Standards Act to match the federal benefits, effective January 1, 2001. It also includes 10 unpaid, job-protected family crisis leaves at places employing 50 or more people. It provides employers and employees with the flexibility to design working arrangements to fit their needs. Further, it maintains the 48-hour workweek and overtime provisions after 44, an eight-hour day to a maximum of 60 hours.

It will raise fines for repeat offenders who contravene the law. It will also establish a committee for the garment industry that will be made up of labour and employers, to determine whether there need to be special regulations.

#### WEARING OF PINS

**Mr John O'Toole (Durham):** On a point of order, Mr Speaker: With your indulgence, I'd like to seek unanimous consent that members would be allowed to wear this lapel pin, "Ontario's Living Legacy," being given out by the Ministry of Natural Resources.

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

**Mr Dominic Agostino (Hamilton East):** On a point of order, Mr Speaker: I ask for unanimous consent to allow the allow the Minister of Labour to give a statement in the House, as he did outside the House, in regard to this massive legislation that has been put on our desks.

**The Speaker:** Is there unanimous consent? I'm afraid I heard some noes.

Introduction of bills? Motions?

*Interjections.*

**The Speaker:** I'm sorry. A point of order. I knew somebody was yelling something.

**Ms Shelley Martel (Nickel Belt):** On a point of order, Mr Speaker: Given that the Minister of Labour says the government is going to extend parental leave, I'd ask for unanimous consent for this assembly to deal with Bill 138, the Fair Parental Leave Act, second and third reading today.

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

Motions? Statements by ministries? Then that brings us down to question period.

**Mr Rick Bartolucci (Sudbury):** On a point of order, Mr Speaker: Given the escalating crisis with regard to petroleum product prices, I would ask unanimous consent for second and third reading of my bill, Bill 52, An Act to provide an interim freeze in the price of certain petroleum products, which would roll back the price and keep that price at that level until this government can get a handle on this industry.

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

**Mr Mike Colle (Eglinton-Lawrence):** On a point of order, Mr Speaker: I have Bill 18, and I seek unanimous consent for second and third reading of my bill. It's a bill

that will set up a watchdog with respect to gas prices. As you know, this government is doing nothing as gas prices are going through the roof all over this province.

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

**Mr Dave Levac (Brant):** On a point of order, Mr Speaker: I'm seeking unanimous consent from the House to pass Bill 60, An Act to prohibit discrimination in the supply of gas and diesel oil to retail dealers. The purpose of this is to ensure that—

**The Speaker:** We won't get into the purpose. We'll just ask for unanimous consent. I heard some noes.

**Mr James J. Bradley (St Catharines):** On a point of order, Mr Speaker: I'm asking for unanimous consent—

**Interjection:** No.

**Mr Bradley:** My friend should be ready to listen. I'm asking for unanimous consent to have second and third reading of private member's Bill 15, which prevents oil companies from selling at one price to their own dealers and at another price to independents, to protect independents.

**The Speaker:** Unanimous consent? I heard some noes.

**Mr Mario Sergio (York West):** On a point of order, Mr Speaker: I would like to seek unanimous consent to allow the Minister of Labour to tell the House how many weeks of public hearings on Bill 69 we are going to have.

**The Speaker:** I heard some noes.

#### ATTENDANCE OF MINISTERS

**Mr Dwight Duncan (Windsor-St Clair):** On a point of order, Mr Speaker: It is customary for the government to inform the official opposition about which ministers will and will not be in the House. Earlier today we were informed that Premier Harris, Mr Eves, and Mr Newman would not be in the House. Accordingly, we planned our questions around a number of other ministers, including Mr Runciman, who is not here. Will he be coming in momentarily? Our very important questions—

**The Speaker:** What we'll do is—the government House leader, on the same point?

**Hon Norman W. Sterling (Minister of Inter-governmental Affairs, Government House Leader):** We attempt, as best as possible, to provide the names of ministers who can attend question period. However, recently opposition has divided on first reading, has asked for unanimous consents for every bill in the world. Therefore, ministers are unable to plan their schedules and be here right at the start of question period.

**The Speaker:** That's not a point of order.

#### VISITORS

**The Speaker (Hon Gary Carr):** I would like to inform the members of the Legislative Assembly that we have in the Speaker's gallery a parliamentary delegation from the National Assembly of Québec, led by Mr François Beaulne, attending the 11th general assembly of

the Ontario-Québec Parliamentary Association. Please join me in welcoming our guests from Quebec.

1400

### ORAL QUESTIONS

**The Speaker (Hon Gary Carr):** It is now time for question period; the leader of the official opposition.

**Mr Dalton McGuinty (Leader of the Opposition):** Speaker, if I may, before I begin, just a point of clarification: I'm not clear, then, as to whether or not the Minister of Consumer and Commercial Relations will be present.

**The Speaker:** If I understood some of the yelling, he is here. He may be just in the back. There is a procedure to stand down the first question and go to the second question, if you would like to do that.

### AGRICORP

**Mr Dalton McGuinty (Leader of the Opposition):** My first question then today will be to the Minister of Agriculture. In connection with the Agricorp scandal and your involvement, on October 2 you assured me and the farmers of Ontario that the farm safety net money was never used in any day trading. Of course, the press took you at your word when you made that statement in the House on October 2. A couple of articles were printed in various communities in the province. One headline read, "Farm Safety Net Safe"; another one read, "Farm Safety Net Not in Jeopardy."

We now know that in fact you met with the Provincial Auditor in January and that you received a written report in August informing you that farm safety net money had been used in day trading. On behalf of Ontario farmers, Minister, why did you provide them with a false assurance?

**Hon Ernie Hardeman (Minister of Agriculture, Food and Rural Affairs):** As I've indicated on many occasions, I acted to ensure that the problems at Agricorp were addressed as quickly and as expediently as possible. We continue to co-operate with the auditor on this issue and we are implementing all the recommendations he made in order to deal with this issue. The message I gave to the member for Elgin-Middlesex-London on September 13, when I wrote him about this issue, and the message I gave him in this House on October 2, on both occasions, was that the trading losses were absorbed in Agricorp's operating capital. I made that clear to the members opposite.

**Mr McGuinty:** Minister, you didn't answer my question. Things were so bad over at Agricorp, listen to what the Provincial Auditor said in his statement at the time he released his recent report: "In our audit of Agricorp we became so concerned about Agricorp's repeated attempts to violate its fiduciary responsibility that, in a very unusual move by my office, we had to take action to ensure that monies were not inappropriately used."

The Provincial Auditor met with you, Minister, sometime in January or February and then he provided you with a written report in August, and on both occasions he told you there was a serious problem at Agricorp. When I raised this very issue with you in October, you said you were unaware of any such problem and you provided assurances to the farmers who trusted you on this matter that there was no problem. I'm asking you one more time, on behalf of Ontario farmers, why did you tell us that farm safety net insurance monies were never at risk when in fact they were?

**Hon Mr Hardeman:** I'm having a little trouble understanding the question. I can assure the member opposite, as I have many times in this House prior to this, that I was made aware by our ministry staff that there were problems over at Agricorp. On January 27 we wrote the Provincial Auditor to ask for his assistance, to make sure that he looked at things and that when he had the appropriate information to get that to us as quickly as possible and to assist us in any recommendations we could implement to make sure the situation at Agricorp would not be repeated in the future.

**Mr McGuinty:** Minister, I think the bottom line is that we need to find out what truly went on here. We need to find out exactly what you knew and when you knew it. We also need to ensure that Ontario farmers can regain their confidence in the monies for which you have responsibility, in the knowledge that everything that should be done is being done.

Under your watch, Agricorp lost \$325,000 in day trading. They paid \$400,000 for advice that turned out to be illegal. They paid \$14 million for a reinsurance scheme for which no tender was ever put out, and the Provincial Auditor told us that scheme was probably not needed in the first place. The Provincial Auditor, in a very unusual move, had to step in to Agricorp and actually take action, and you tell us that on October 2 of this year you knew nothing about that.

My question to you, Minister, on behalf of Ontario farmers, is, don't you think it's time to call in the Ontario Provincial Police? The Premier said he had no aversion to that. You said that yesterday outside in the hall. Don't you think the appropriate thing to do, to get to the bottom of this, is to bring in the Ontario Provincial Police?

**Hon Mr Hardeman:** I have to question the selective memory of the leader of the official opposition. I just want to point out in the Hansard of October 2, the date to which the member refers, two statements I made in the House that day:

"I can assure you that when it was found out that the situation at Agricorp was that some actions had been taken with money that shouldn't have been taken, we immediately asked the Provincial Auditor to look at the matter. He did, and made recommendations as to some things we should do to ensure this would not happen again. We have taken all those measures...."

"Again, I want to point out that the losses at Agricorp are regrettable...."

"I want to assure you that all the money the member is referring to has been absorbed in the operation budget of

Agricorp to make sure that none of this money will come out of the safety net and the insurance program for the farmers.”

That's what I said on October 2, that's what I mean today and that's what I will mean tomorrow and next year.

#### SPECIAL REPORT, PROVINCIAL AUDITOR

##### **Mr Dalton McGuinty (Leader of the Opposition):**

The second question is for the Minister of Consumer and Commercial Relations. Ontario taxpayers have been left reeling with the news that at Teranet you somehow turned what was originally supposed to cost Ontario taxpayers \$275 million into a \$1-billion runaway locomotive.

This project was originally supposed to cost \$275 million. By June 1998, the cost had risen to \$560 million and you said, “Well, that's all right by me.” In 1999, the cost went up to \$700 million. You said on behalf of Ontario taxpayers, “Well, that's all right by me.” Now the auditor tells us we're looking at a cost of over \$1 billion. When you were asked to defend this 364% cost overrun, Minister, you actually tried to blame it on inflation. This isn't Brazil and this isn't Argentina. Would you now admit that it's not South American inflation that has influenced this terrible cost overrun, it's been gross mismanagement?

**Hon Robert W. Runciman (Minister of Consumer and Commercial Relations):** Maybe I should have blamed it on Greg Sorbara and David Peterson, because they're the folks who started this process. There's a long history to this, as the Leader of the Opposition should know. In fact, my colleague the honourable David Tilson was very much involved in the arrangements originally with respect to how this all came about. Quite frequently we see the names Sorbara and Peterson jump to the forefront.

We're not blaming anyone else for this situation. This is something that has evolved. The leader is talking about a projected cost if indeed we do not address the concerns the auditor has identified.

**Mr McGuinty:** Minister, your government's been on the job now; you're in your sixth year. You can talk as much as you want about ancient history, but at some point in time you're going to have to take responsibility for what's happening today.

Again, originally we started with a \$275-million cost projection. In 1998 that doubled to \$560 million. In 1999 it tripled to \$700 million. Now the Provincial Auditor tells us it has quadrupled to over \$1 billion. All of this has happened on your watch, but apparently you haven't even been watching. What I'm going to request you do, Minister, is spend a little less time protecting the interests of Stockwell Day and a bit more time protecting the interests of Ontario taxpayers. Will you now admit that this has nothing to do with inflation and that it has everything to do with your government's gross mismanagement?

1410

**Hon Mr Runciman:** We are concerned about this. I expressed that concern the other day. This is not a concern based solely on the comments of the auditor. The concerns were shared by the NDP as well. They went through a contract extension with the Teranet officials several years ago.

We did send in a company to take a look at the operations some time ago, several months ago, prior to the auditor's arriving on the scene, because we have concerns about what the future holds if we do not find ways in which to deal with these expenditures.

Indeed, the \$275 million was the original expenditure forecast by the Liberal government of the day, which conceived this project originally—

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

**Mr McGuinty:** I've only been here 10 years and I've only seen 10 Provincial Auditor's reports. But in those 10 years I have never seen or heard anything of the likes of this, a \$725-million cost overrun. That's what we are talking about here. These were the people who were going to protect the interests of Ontario taxpayers. These were the people who were going to bring government costs down.

It turns out that, at the end of the day, this minister is so devoted to the principal cause of putting Stockwell Day into the seat on Parliament Hill that he has neglected his duties in Ontario to look after the interests of Ontario taxpayers.

One more time, Minister: why don't you admit now that this has nothing to do with any other flimsy excuse you might bring to the fore, that it has everything to do with your gross mismanagement of this file?

**Hon Mr Runciman:** The member says he's been around here for 10 years, so I'm sure he can remember items like Ataratiri. What has that cost the taxpayers, \$1 billion, something like that? The Provincial Auditor wouldn't even sign off on the books to the Liberal government. You talk about sheer incompetence.

And he has the gall to get up here and talk about one of the federal leaders. He should be talking to his own leader at the federal level. We simply talk about mismanagement. The HRDC scandal, \$1 billion down the toilet from the federal Liberal government.

*Interjections.*

**The Speaker:** Order. The minister take his seat. Order. It is getting a little bit too loud. I can't hear the minister. Minister, sorry for the interruption.

**Hon Mr Runciman:** He uses sums and figures which are not accurate at all, but that's typical of a Liberal. These are projections if we do not make changes. These are alarm signals, if you will. If we don't address them now, we could be facing those kinds of cost overruns. We are addressing them.

#### LABOUR LEGISLATION

**Mr David Christopherson (Hamilton West):** My question is to the Minister of Labour. It would appear

that it is official today: your government is so committed to making your corporate friends happy that you're even willing to break up families to do it. Until today, workers at least had hope that if their boss forced them to choose between a 60-hour workweek and their kids, the government may step in and be on their side.

Now you're telling workers that they have to choose, "You're on your own." Your government doesn't seem to care how many hours people have to work. You don't care how many times working parents are going to see their children go home to empty houses. You don't seem to care how many parents are going to miss soccer games and Christmas concerts when they know they want to be there to support their families. Your answer seems to be: "You gotta work? Too bad. These are the rules, Mike Harris's rules."

Minister, you're telling people in Ontario, parents, that a 60-hour workweek is reasonable. I want you to explain to this House and to the people of Ontario what at all is reasonable about choosing between your job and your children.

**Hon Chris Stockwell (Minister of Labour):** Let's understand a few things first. The present system in place today allows people to work over 48 hours a week. When you were in government, you provided 18,000 permits to allow people to work more than 48 hours a week. The fact of the matter is, to my friend from Hamilton, rather than create an entire bureaucracy processing the permits, it seems to me it would be better to allow the employee and the employer, by written consent, to agree to extend their workweek. Nothing else has changed. It is still a 48-hour maximum, still overtime over 44 hours.

The only difference is that we're allowing the opportunity for the employee and the employer to make that agreement.

There's not a lot of difference from the old system; it's very similar. It just creates flexibility for parents and people out there who work to create their own workweek.

**Mr Christopherson:** First of all, let me remind you that most of the world is going in the opposite direction in terms of working shorter hours, not providing legislation that has people working longer hours.

Let me also remind you of the reality of the workplace. You make it sound as if being at work is belonging to some kind of social club where everybody sits around and is palsy-walsy. The fact of the matter is that it's very difficult for a lot of people to say no to a boss who pressures them to work overtime. You're now bringing in a law which will make it that much more difficult for workers to say no to a boss who's pressuring them to work overtime.

I ask you again, Minister, what on earth is reasonable, in terms of supporting family values, in providing a law that will have employers exerting pressure on employees, and they either say yes or no to that overtime and at the same time they're having to say yes or no to their own kids? What kind of family values law is that?

**Hon Mr Stockwell:** With great respect, the member opposite has got the facts wrong. You're telling me that all over this country they're going the other way. There

are six provinces that have no minimum workweek; you can work as long as you want. There's no maximum, no minimum, nothing. So what are you talking about? What are you trying to tell everybody, that out there somehow we're creating this brand new law that's not in place anywhere else and we're forcing it down their throats? It's not true.

The simple fact of the matter is more provinces in this country have no maximum workweek. We are capping the workweek as it was before, but we also believe that if an employee knows what's best for him or her and their family, they can make a decision about what workweek is going to work for them, and he doesn't need you telling him what are the best hours to work. I think they're big enough and smart enough to make that decision themselves.

**The Speaker (Hon Gary Carr):** Final supplementary.

**Ms Shelley Martel (Nickel Belt):** Minister, how quickly your government's concern for kids and families falls right off the table when your corporate buddies come calling, because the fact is that your bill is going to force workers to choose between their families and their jobs. The choice is: they can work 60 hours a week and they can kiss goodbye to their families, or they can tell their employer that they're not going to work 60 hours a week and they can kiss goodbye to their job. That's the reality in the workplace. What planet are you living on, Minister?

That choice isn't softened by the extension of parental leave. Most parents who can, had better take extended parental leave because when they return to work and are faced with a 60-hour workweek they're not going to see much of their kids ever again, are they, Minister? Why?

Your bill is an attack on families and kids. Why are you trying to destroy Ontario family life with a 60-hour workweek?

**Hon Mr Stockwell:** I'll tell you what planet I live on: Earth. You should visit it once in awhile.

If you were so concerned about this, why did you issue 18,000 permits for people to work longer than 48 hours a week? If this was such a burning, contentious issue in my socialist friend's head, while you were sitting over here in cabinet, why didn't one of you come up with the bright idea to abolish the permit system? You didn't. You allowed them to work. You thought it was a good idea. The only difference today is that more people are working and there are more jobs out there, thankfully, because we got elected. That's the big difference. I'll tell you, I don't understand why you think today it's a bad system and a bad issue and when you were in government you thought it was wonderful.

1420

#### PROPERTY TAXATION

**Ms Marilyn Churley (Toronto-Danforth):** For the Minister of Municipal Affairs: your property tax bill is like a home invasion. First you break into the house and

you dump the cost of transit, welfare and social housing, then you steal homeowners' hard-earned cash by forcing them to pay the entire cost of any tax increase while you are letting business off scot-free. Your downloading and your property tax bill mean that Toronto homeowners could face a 16% tax hike. That's \$400 on an average house in Toronto.

Once again you are tinkering with a system that doesn't work, more so now, with your download combined with the volatility of market value. Minister, will you go back to the drawing board and come up with a tax system that is fair to everybody?

**Hon Tony Clement (Minister of Municipal Affairs and Housing):** I do find it a bit surprising. I know the honourable members didn't understand the tax system when they were in government, but apparently they haven't learned anything in five years of opposition either.

The fact of the matter is that Minister Eves's bill fulfills our promise to cap tax increases for small businesses. The bill understands that there has to be a logical progression for tax equity in this province and, indeed, there is no obligation under this bill for any municipality anywhere to increase anyone's taxes. If there is an increase in assessment value, because we have jobs and opportunities and economic development in our cities, then they can lower the rates and thereby not affect the residents or the businesses in any particular community. That's the way the tax system works in our province, and that's why we have guaranteed equity through this bill as well.

**The Speaker (Hon Gary Carr):** Supplementary.

**Mr David Christopherson (Hamilton West):** Minister, you don't seem to be understanding the point that we're raising here. The fact of the matter is that your downloading is putting upward pressure on the expenses that municipalities are incurring as a result of the bill that you've introduced into the House. If there are any increases as a result of that downloading, which in many communities like Toronto, Hamilton and Sudbury is highly likely, the total cost of that increase is to be borne, according to your law, by homeowners only. Only homeowners pay the increase.

Tell us, what is fair about a law that requires any tax increases resulting from your downloading to be paid for only by homeowners? Why should homeowners pay more than anyone else in the province of Ontario?

**Hon Mr Clement:** I encourage the honourable member to read the bill, because there is nothing in the bill of the sort to which he is referring. There is no downloading in that bill. It is a tax equity bill for our small businesses that create the jobs and the opportunities that keep the people of Ontario working. If the honourable member has the intestinal fortitude to stand up in the House and say he is against small businesses, I encourage him to say that. I know their actions in government were to that effect, but he should come clean to the people of Ontario.

This bill is very clear and we have been very clear: there is an equity issue for our small businesses that we

are addressing through this bill. There is nothing in this bill that requires any municipality to increase any taxes for the residential property taxpayer or indeed for the small business taxpayer as well. Our bill is based on equity.

If the honourable member wants to talk about downloading, under his government education property taxes increased 120% for the taxpayers of Ontario. Maybe the honourable member should look at his record and then come clean to the people of Ontario.

#### ONTARIANS WITH DISABILITIES LEGISLATION

**Mr Ernie Parsons (Prince Edward-Hastings):** My question is to the Minister of Citizenship, Culture and Recreation. It is now exactly one year since this Legislature unanimously approved that, "The ODA will be in place and effective one year from now." It has been five years since the Premier first promised that he would pass a meaningful act.

In this whole five years, there has been no public consultation whatsoever. The Premier will travel anywhere in the province to meet with a contributor, but will not walk down the hallway to talk to people with disabilities.

The member for Elgin-Middlesex-London has presented you with a set in English, French and Braille of the results of his consultation tour around the province. We have another set here for the Premier when he is next in the House.

Minister, in this entire process you have held no public consultations whatsoever. You have met only with selected individuals. If Helen Keller were alive and well in this province, she could not get the opportunity to speak with you. I would ask for a pledge that you will hold a full, open, public process to allow all Ontarians to consult with you and make suggestions regarding a meaningful Ontarians with Disabilities Act.

**Hon Helen Johns (Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women):** It's certainly a pleasure to stand up and talk about disability issues in the Ontario because of course they're very important to all of us.

Let me say that I can't believe what I hear from the opposition. The opposition knows full well that Isabel Bassett, the previous minister, had consultations in 1998. We heard from 300 organizations from all the cities. She went to eight cities across the province. I continue to meet with people, like this week. I was out this morning and met with a group who were talking about employment opportunities for people with disabilities down at the convention centre.

We continue to talk to individuals. At that meeting, I asked any of them to comment on any issues they had with any of the services the government offers. I asked them to talk to us, gave them phone numbers, e-mail numbers—

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

**Mr Parsons:** Minister, I could have written that answer for you. You speak in code when you talk about your consultation. It is not open to the public. It is with selected groups. The bottom line for your government is that everything is a money issue. This is not a money issue. I am sure that back in 1920 someone said, "If we give women the vote, it will cost money." This is not a money issue. Ontarians with disabilities are not asking for money. They're asking for the right to work. They're asking for the right to shop. They're asking for the right to be full citizens of this province.

Your code really means we want everything voluntary. We know how voluntary water tests worked. I am asking for a commitment that you will present to the Legislature, in time to be implemented one year from today, an act that will be meaningful, that will provide for mandatory components and that will be enforced.

**Hon Mrs Johns:** Let's talk about what everybody else was prepared to do. Let me say that Mr Peters offered to me that he would give me the results of his consultations maybe five or six months ago. I understand more than anyone in this Legislature how long it takes to consult with people across the province and to make sure we have it right. I sympathize with how long it took him. Let me tell you I'm doing exactly the same thing. I'm out weekly talking to disability groups to ensure that I understand all the issues and that I understand what's going on.

Let me say that I actually agree with some of the issues that are in the report that was presented to me. He says we have some programming issues. I agree with that. I'm working with my colleagues here in the House to make sure that we look at all the programs the government provides, that we look at how we can better make those available to people with disabilities. On top of that, we have made a commitment that we will have a legislative and a non-legislative solution by November 2001.

#### EDUCATION LABOUR DISPUTES

**Mr Bart Maves (Niagara Falls):** My question is to the Minister of Education. We are seeing some headlines in the media about some labour unrest in education, especially lately in the Hamilton area. In many boards across the province it's business as usual, in others teachers are choosing to work to rule and in others they are threatening strikes.

We just witnessed a very unfortunate situation in Hamilton where students were kept out of school for over three weeks. Can you explain to the House your position on the collective bargaining process in education?

**Hon Janet Ecker (Minister of Education):** Teachers are part of a collective agreement process, and in many circumstances that collective agreement process can solve local issues and can resolve the employer-employee bargaining relationship and has indeed done this. In many boards and in many bargaining units across the province they have reached agreements. In the member's own

riding it was reported that the public high school teachers are indeed voting on a new contract offer. We have 48 bargaining units that have actually renewed agreements. So the process indeed can work.

But there comes a time in some school communities, as there did in Hamilton, where the interests of students must come first. In that circumstance this government made a difficult but, I believe, very necessary decision to legislate the teachers back to work and to end the board lockout by legislation so the kids could be back in school.

**1430**  
**Mr Maves:** Minister, you mentioned in your answer that you think the collective bargaining process is something that should continue, that you believe local collective bargaining arrives at the best solutions. I agree with that and support that process.

Why, then, did you feel the need to introduce back-to-work legislation? And what happened to the all-party support for saving the school year for those Hamilton elementary students?

**Hon Mrs Ecker:** As I said, the collective bargaining process can resolve many issues, but in some circumstances the interests of students must take precedence. In the Hamilton community they certainly did. We heard from thousands of parents. The MPP for Stoney Creek had talked to many parents. I, myself, had talked to parents. The Education Relations Committee had clearly ruled that the year was in jeopardy.

I have to wonder how the member for Hamilton East and how the Leader of the Opposition, Mr McGuinty, can face those parents when, after they called and asked for assistance after that party had said they would support that legislation, they then ignored the calls of the parents and the Education Relations Committee, and when McGuinty had to make a choice between his friends, the teachers' union, or the students, his choice was clear: he chose the teachers' union, not the students. I know the parents in that community find that very difficult to understand.

We believe that the students' interests must come first. That's why we took that difficult but necessary decision.

#### LABOUR DISPUTE

**Mr Dominic Agostino (Hamilton East):** My question is to the Minister of Health. There are 200 CCAC case managers in Hamilton who are in their seventh week of strike.

*Interjections.*

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

While we have the clock stopped too, just very quickly, in the members' east gallery we have Mr Jim Gordon, member for Sudbury in the 32nd and 33rd Parliaments. Will all members please welcome our former colleague.

I thank the members for coming to order.

**Mr Agostino:** Thank you, Speaker.

Minister, as you know, there are currently 200 CCAC case managers in their seventh week of a strike in Hamil-

ton. These case managers are mostly women whose job it is to plan and coordinate discharges from hospital, home care for people who are dying, people recovering from surgery, people who are in need.

Our system of health care in Hamilton right now is in chaos. Last month, as a result of the strike, 41% of the time Hamilton hospitals were on critical care bypass. Almost half of the time those hospitals were on critical care bypass. On average, discharges from hospital are two and a half days longer than they were the previous month. There's a clear correlation here between the CCAC strike, your lack of funding and our crisis.

Minister, will you step in today with the necessary funding to end the strike in Hamilton?

**Hon Elizabeth Witmer (Minister of Health and Long-Term Care):** As the member well knows, we have the most generous home care program in all of Canada. As the member also knows, with our recent \$92.5-million investment into community care services, we did provide an additional \$3.3 million to a Hamilton-Wentworth CCAC this year, which means that since 1995 we have increased CCAC spending in Hamilton-Wentworth by 48%. This year we are providing them with \$53 million.

**Mr Agostino:** A week ago in Stoney Creek, a 72-year-old woman was in desperate need of emergency treatment. She was suffering from congestive heart failure. It was 40 minutes before we could find a hospital that would take in this woman who had heart problems.

Minister, it's not just me saying there's a problem here. Let me read you something: "I've been advised by the hospitals that they're managing fine, but the statistics indicate something else is happening. The statistics don't lie. It's obvious it's impacting ambulances and hospitals." You know who said that? Your parliamentary assistant, the member for Stoney Creek. He agrees with us that there's a problem.

Now you're telling us everything is fine. Let me tell you, in order for the CCAC to meet your funding, they would have to cut out 1,000 home visits a day. That is the goal that you'd force them to meet. The reality is that we're in a crisis. Your parliamentary assistant from Stoney Creek agrees there's a crisis there with ambulances and people not getting out of hospitals. We have a critical situation that you can solve by adding the funding that is necessary. Minister, who's telling the truth? You or the member from Stoney Creek?

**Hon Mrs Witmer:** I don't see any difference of opinion. I think he thought my first answer was going to be different than it was and so had the second one ready.

I would just remind the member opposite, we do have the most generous home care program in all of Canada. Unfortunately, the Liberals in their last red book indicated we were going to have a wonderful home care program throughout Canada, which we've not seen any evidence of at all. I know other provinces are envious of the one we provide here. I would just remind the member that the dispute that's ongoing between the CCAC and their staff is a labour dispute and we don't become involved in labour disputes.

## DRUG USE IN CORRECTIONAL FACILITIES

**Mrs Julia Munro (York North):** My question today is for the Minister of Correctional Services. My concern today is about inmates in correctional facilities who have a dependency on drugs and alcohol. To promote safety and security in our institutions, as well as our communities, it is important to ensure mandatory drug testing for inmates. This morning, we debated a resolution to introduce drug testing for inmates. I am pleased that this resolution received the assent of the Legislature. Minister, can you remind the members of this House and all Ontarians why drug testing for inmates is so important?

**Hon Rob Sampson (Minister of Correctional Services):** I want to thank the member for North York for the courage and the effort to put through the resolution she had debated in this House this morning. I'm pleased to see that there was at least enough support on this side of the House to move it forward, and I'm a bit discouraged by the fact that there wasn't the support across the floor to have inmates tested for drugs. I don't quite understand it. I listened very intently to the debate. I thought they were going to support it.

Of all the language I've heard from Liberals in the past about getting tough on crime, it seems as though they're in a competition actually, to see how soft on crime they can get, with their colleagues in Ottawa who, according to the Ottawa Citizen—and I can't believe this—are considering not testing inmates but a needle-exchange program in their jails to deal with the problem of drugs. I say you need to deal with the problem of drugs by identifying that, and that's exactly—

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

**Mrs Munro:** I was heartened to see that some responsible members of the Liberal caucus clearly agree with us that drug use in our institutions is a serious problem. I don't know why any serious person would not want to support this government in its quest to keep drugs out of this province's correctional institutions, yet I notice that the corrections critic, the deputy leader and other Liberals voted against the resolution to test offenders for drug use. Minister, what do you make of the disarray on the Liberal benches?

**Hon Mr Sampson:** I am often quite confused as to the position the members opposite take on any particular policy item. You think you've got them figured out on one policy item and the next day it changes.

But I should say to the members opposite, who were heckling while you were questioning me and who asked, "What do you do when you find these inmates still have drug problems in jail?" I say you offer appropriate treatment programs, which by the way is what we are doing, despite not one but two Provincial Auditor reports during their five-year reign of terror in this province.

We are focusing on effective drug treatment programs in Ontario. We need to make sure the programs that are offered in provincial institutions in this province are

effective. You can only determine whether they're effective if you continue a testing program to see whether or not it's having a positive impact on inmates' lives as a result of taking the programs. Twice the auditor asked you to do that. You didn't do it; we are.

#### WALKERTON TRAGEDY

**Ms Marilyn Churley (Toronto-Danforth):** My question is to the Acting Premier. The cost of fixing Walkerton's water system to date is about \$11 million, yet we still don't know who's going to pay the bill in the end. For a small community like Walkerton—and I've been there on several occasions—being stuck with this bill would be a devastating blow. It would leave the municipality with a crippling debt and shatter the community's hope for economic recovery.

Minister, don't you think the people of Walkerton have suffered enough? Your government has the power to give the people of Walkerton some hope that their community is able to recover. All you have to do is commit to paying the repair costs of their water system. Will you promise to do that today?

1440

**Hon Chris Hodgson (Chair of the Management Board of Cabinet):** This question is better addressed to the Minister of Municipal Affairs, who has responsibility for this.

**Hon Tony Clement (Minister of Municipal Affairs and Housing):** I'm sure the honourable member for Toronto-Danforth will agree with me that the first and absolute top priority has got to be to fix the system, to fix the water supply, to have a clean, safe and healthy water supply for the residents of Walkerton. That has been our top priority, our top commitment.

The honourable member is quite correct that there are some bills coming in; there are some interim bills coming in as well. I personally have not seen the bill to which she refers. I can tell the honourable member in this House that it is not the intention of the government that the municipality of Walkerton be stuck with any bills. It is our intention to work with the municipality on those issues once we have dealt with the primary issue that is before us right now, which is a clean, safe and healthy water supply for the residents of that town.

**Ms Churley:** Minister, those are weasel words. We want an answer today.

*Interjections.*

**The Speaker (Hon Gary Carr):** We're not going to start getting into using those words.

**Ms Churley:** I withdraw. Minister, the people of Walkerton need an answer now. They do not need this uncertainty on top of everything else. Your government is always talking about giving people a hand up, not a handout. Your government has spent \$185 million in the last three years in handouts for advertisers to promote yourselves, but you won't commit to spending \$11 million to remove a threat of a crippling debt for the people of Walkerton.

The people of Walkerton have paid dearly already. They are asking for a hand up. I ask you again, will you give them a hand up? Will you now, today, relieve the financial anxiety faced by the people of Walkerton and commit to paying the repair bill for its water system? Will you do that, Minister, today?

**Hon Mr Clement:** Let me again be clear to the honourable member and to this House that we are working with Brockton, we are working with Walkerton. Actions do speak louder than words: \$6 million has been spent by this government to clean up the town's water supply to date, including replacing more than four kilometres of water mains; \$1.6 million has been given as a provincial, interest-free contribution to Brockton to cover scientific, engineering, legal and communications costs; \$1 million so far has been spent on 1,551 expense claims; a further \$12.2 million has been spent on our water quality monitoring program to ensure that nothing like this ever happens again.

We have more than talked the talk; we have walked the walk. We're going to work with our partners in Brockton and Walkerton once we get the water as safe and as healthy as possible for those residents. That is our top priority, and we are going to work with the residents of that town in the future on the financial issues as well.

#### SPECIAL REPORT, PROVINCIAL AUDITOR

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** My question is for the Minister of Community and Social Services. I was shocked and saddened to read in the auditor's report, with regard to the child welfare services program, that your ministry does not have sufficient assurance that children in need are adequately protected.

The report indicates that societies could not always demonstrate that they conducted their assessments of children in need, not all plans were prepared or implemented on a timely basis and program outcome measures had not been developed and implemented.

Minister, you stood in this House and boasted that your ministry has significantly increased the money it directs to children's aid societies, but the bottom line is, children are still falling through some very huge cracks. Your response to this situation in the auditor's report indicates that you have developed a strategy to improve accountability, effective 2001-02. Why do the most vulnerable of our province, abused children, have to wait two more years before you act to ensure their protection? Minister, will you act today to implement this accountability strategy?

**Hon John R. Baird (Minister of Community and Social Services, minister responsible for francophone affairs):** This government takes its responsibilities in helping vulnerable children in need of protection very seriously. That's why we've undertaken, under the leadership of the former minister and ongoing throughout the Ministry of Community and Social Services, a terrific reform agenda to expand the services and to expand the

supports available to children who are in need of protection.

We brought forward substantial new amendments to the Child and Family Services Act. We've seen well in excess of an 80% increase in funding. We have hired 760 new staff. We've increased rates for foster parents. We've provided improved training, the common risk assessment system, a new information database and 3,000 new desktop computers. We have undertaken a huge reform agenda in this sector.

Working with the sector, we've been very cognizant that we can't do all of these things at the same time, and it's a process which has taken a number of years. But the good news for vulnerable children in this province is that we are moving forward. Each and every day more and more services are provided to these children who so vitally need protection in the province of Ontario.

**Mrs Dombrowsky:** Minister, I am reminded of your government's commitment to introduce an Ontarians with Disabilities Act. I am reminded that on your watch child poverty has increased, the number of families living in poverty has increased, and the number of homeless and homeless families has increased. You have reneged on your commitment to the Toronto Native Family and Children's Services to make them a children's aid society.

Given your government's record in addressing the needs of the most needy in this province, your statement of intention to implement a strategy is cold comfort to our most vulnerable, the abused children of our province. These children need not only your attention, not simply your intention, but most assuredly your immediate action to ensure their safety.

You have been the government for over five years, truly long enough to act effectively to protect our children. How can we believe that you will keep your word?

**Hon Mr Baird:** If the member opposite wants to talk about how can she be assured that we'll keep our word, she can listen to the words of the executive director of the Ontario Association for Children's Aid Societies, who just this fall said, "We should be celebrating the fact that this imbalance has been addressed through changes to the legislation, better training for child protection workers, increased funding to children's aid societies, clearer reporting requirements for professionals who suspect child abuse and neglect and standardized tools to assist child protection workers in making more thorough assessments of risks to children." You could listen to Jeanette Lewis, executive director, when she said, "Rest assured ... that public concern about the capacity of the community to protect vulnerable children has been heard and is being addressed."

#### FEDERAL ECONOMIC POLICY

**Mr Garry J. Guzzo (Ottawa West-Nepean):** I have a question for the Minister of Tourism. Your counterpart in the federal government, Alfonso Gagliano—

**Interjection:** Who's that?

**Mr Guzzo:** He's the member for Saint-Léonard—Saint-Michel, an area of Quebec that I know rather well.

Mr Gagliano has spent in the past two years 71% of his budget for public works sponsorship initiative programs in the province of Quebec, for festivals and events there. By comparison, Ontario has received approximately 11%. I might just tell you—

*Interjections.*

**The Speaker (Hon Gary Carr):** I apologize to the member. Some of them were his own members who were talking to our friends in the gallery. Sorry for the interruption.

**Mr Guzzo:** I seem to bring out the best in them. I'm sorry.

By comparison, I would tell you this: my own member, the Honourable John Manley, the Minister of Industry at one point in time, had spent 77% of his slush fund in the province of Quebec. On the very day that Brian Tobin replaced Mr Manley in that portfolio, he immediately announced two programs for his riding.

Minister, my question is simple. I want to know if we're keeping our festivals and our events secret, or do we have a shortage of events and festivals in comparison to the province of Quebec?

1450

**Hon Cameron Jackson (Minister of Tourism):** I'd like to thank my colleague for the important question. As all members of this House know, tourism is one of the fastest-growing industries in the world. Ontario is doing a great job at expanding its lists of festivals and events, but we are concerned about this growing pattern of discrimination which shows increased generous support for Quebec and limiting dollars to Ontario. It's clear that Ministers Gagliano, Tobin and even Sheila Copps are unaware that Ontario taxpayers pay \$72 billion toward the federal coffers in tax and non-tax revenues—43% of the total.

Now we find out, the member for Kingston and the Islands, that if Ontario and Kingston taxpayers don't cough up \$35 million to fix Old Fort Henry, which they own, they're going to shut down the fort. All the citizens of Kingston are asking is that they get their fair—

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

**Mr John Gerretsen (Kingston and the Islands):** On a point of order, Mr Speaker: I would move unanimous consent that our guests from Quebec be allowed to ask the supplementary question.

**The Speaker:** Stop the clock for a minute.

We're not going to allow that, obviously. That's against the rules. I must admit, though, our friends from Quebec would, I'm sure, like to participate. Unfortunately, they can't.

Sorry for the interruption. The member for Ottawa West.

**Mr Guzzo:** I have a supplemental for the Minister of Tourism, but first of all just let me tell you that no one in Kingston ever referred to that member as the "tiny perfect mayor."

**Mr Gerretsen:** I was neither tiny nor perfect.

**Mr Guzzo:** He was smaller in those days, but he was a long way from perfect.

Minister, we have in central Canada each summer two Formula One races. In Toronto we have the Molson Indy, and this year the Molson Indy received from the federal government \$100,000 in support. Montreal has a Formula One race—

**Interjections:** How much did they get?

**Mr Guzzo:** I believe 11 times that: \$1.1 million or \$1.2 million.

**Mr Frank Mazzilli (London-Fanshawe):** Where are our 101 Dalmatians? What are our 101 Dalmatians doing?

**Mr Guzzo:** I might just say that it was this province that returned 101 Liberals to the federal House—last time.

Minister, can you assure the people of Ontario, particularly the people of Ottawa West and Ottawa South, of your support and our government's support for festivals and events in this province which boost tourism, increase jobs and revenue for the local communities, even though the federal government refuses to do it for us?

**Hon Mr Jackson:** Very clearly, tourism is important to our economy, and that's why in the last budget our government announced 170 million marketing dollars. Those new dollars have been invested, and I'll just give you one example of how we've been able to hold up our bargain for this important industry in Ontario: Caribana, an important festival. The city of Toronto and the province of Ontario each put \$350,000 into this festival. Do you know what the federal government put in the first year the federal Liberal government was elected? Some \$23,000. Then, after they got re-elected in 1997, do you know how much money they put in? Nothing.

It's hard not to use the words "discriminatory funding" when you think about the level of support. It would appear the federal Liberals are putting more money into other provinces and Ontario is not getting its fair share.

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

#### AMBULANCE SERVICES

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** My question is for the Minister of Health. The Provincial Auditor raised a number of very serious questions this week about our land ambulance system. He particularly emphasized his concern that you're about to download responsibility on to municipalities for an ambulance system that is already underfunded. His report says that over and over again you've been told your downloading is going to lead to inequities. Some municipalities will not be able to afford the same level of care that others can provide.

Minister, you heard exactly the same thing from the Land Ambulance Transition Task Force you set up in 1997. I want to quote just a bit, "Communities like Sudbury and Hamilton with an older population and a lower tax base may face more financial challenges than

younger...and wealthier communities such as Peel." It goes on to say, "Other communities like Renfrew county and the north have additional geographic problems. These areas are very large, so it may be especially difficult to service them without significantly new investment in infrastructure and resulting increases in costs which will certainly exceed any 'revenue neutrality' concept."

You've had three full years to respond to these concerns. Why do we have an auditor's report now, one month before the downloading takes place, that says you've not done anything at all about these problems you've known about for the last three years?

**Hon Elizabeth Witmer (Minister of Health and Long-Term Care):** The member opposite knows full well that is not accurate. She obviously has forgotten that we are working with the municipalities. In fact, what's happening is we have developed a new partnership with the municipalities. We have a committee that is presently taking a look at how we can best ensure that we have the appropriate standards in the province of Ontario.

I would just remind the member, it was her own colleague Ted McMeekin who said, "We'll want to get the best bang from our buck and the best way to do that is to run it"—the ambulance service—"ourselves." Even the newest member of the Liberal caucus agrees with us. He supported the transfer of ambulance services to the municipalities. He says, "We believe that by moving to a fully integrated ambulance service, we could reduce duplication in costs and dramatically decrease response time. I'm very excited about the potential."

I want the member to know, we are too.

**Mrs McLeod:** What I know full well is that you are underfunding the ambulance system, that you are failing to meet the standards you have set and that your performance is worse every year. For months now we've been raising concerns about what's been happening. We've been raising concerns about increased response times in Kingston, Ottawa, Brampton, Haldimand-Norfolk and Niagara region. The Fleuelling inquest spoke loudly and clearly to the problems with the Toronto area ambulance service. Those are the problems with land ambulances, the ones you're downloading on to the municipalities.

But, Minister, there is another startling revelation in the auditor's report. The auditor tells us that the air ambulance system is also in trouble. He says there are no response time standards for air ambulance dispatch. Even more shocking is the fact that dedicated air ambulances are in compliance with a contract that says they should be in the air within 10 minutes of receiving a call only 44% of the time.

Minister, how is it possible that 56% of the time air ambulances aren't even in the air within a reasonable time?

**Hon Mrs Witmer:** To the member opposite, how is it possible that the federal government, knowing they have taken millions out of the health system in Canada, refuses to restore the transfer payments until next April 2001? Why didn't they restore all the health payments to the

people throughout Canada immediately upon the signing?

That's what we are doing when it comes to the ambulance system. We have increased funding for the ambulance system since 1994-95 by 45%. We were funding land ambulances to the tune of \$200 million in 1994-95; in 1999-2000 we are spending \$290 million.

I'd also let the member know that our government leads the world in paramedic research. We have provided the OPALS with \$15.5 million. We have trained over 379 advanced paramedics. As I say, we lead the world in paramedic research.

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

1500

#### TRAINING AGREEMENT

**Mr John Hastings (Etobicoke North):** My question is for the Minister of Training, Colleges and Universities. It relates again to the issue of total discrimination, both provincially and gender-wise, by the federal Grits. We've heard our friends laugh—

*Interjections.*

**Mr Hastings:** I don't think we're going to be able to get the question in today. We are? OK.

In essence, we have across the way these laughing hyenas, flip-floppers and everything else. They laugh—

*Interjections.*

**The Speaker (Hon Gary Carr):** The member take his seat. The member will be able to place the question, but I would appreciate it if he would ask the question. We will have time for the question if he doesn't engage in conversation with the other side. There was time left. He can ask the question.

**Mr Hastings:** My question is, when will we see an end to this blatant discrimination by the federal government regarding training agreements that every other province and district and region and territory in Canada has except Ontario?

**Hon Dianne Cunningham (Minister of Training, Colleges and Universities):** I would like to thank the member for his question. We hear from the opposite side today, "As soon as we sign the agreement." The agreement is exactly the same as the agreement that was asked for with regard to the NDP government and the Liberal government. Our position has been a fair share.

*Interjection.*

**The Speaker:** Minister take her seat. The member for Kingston and the Islands, come to order. The time is almost up. We don't like to have things happen in the last minute of the game, as it were.

**Hon Mrs Cunningham:** I hear the Liberals on that side of the House say, "When we sign," with no help, I might say, ever, from one individual on that side of the House to persuade the federal government. Where were the federal Liberals in Ontario? We are the only province that has not signed because we are asking for our fair share. I will also say of the Job Connect programs we

deliver, 85% are successful. Less than 50% of the federal programs are successful. It's time we worked together. We have asked the federal government for their—

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

#### PETITIONS

##### NORTHERN HEALTH TRAVEL GRANT

**Mr Rick Bartolucci (Sudbury):** I have another 3,000-name petition to the Ontario Legislature dealing with northerners, demanding that the Harris government end the health care apartheid and discrimination it is practising now.

"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"—that's discrimination and health care apartheid.

"Whereas a cancer tumour knows no health travel policy or geographic location"—that's a fact.

"Whereas a recently released Oracle research poll confirms that 92% of Ontarians support equal health travel funding"—that's a fact.

"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"—which northerners consider discrimination and health care apartheid,

"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 and discrimination which exists presently in the province of Ontario"—being practised by the Minister of Health, Elizabeth Witmer, and the Premier, Mike Harris.

I affix my signature to this petition and give it to Rosemary Wilson from Chatham to bring to the desk.

##### PROTECTION OF MINORS

**Ms Marilyn Mushinski (Scarborough Centre):** I have a petition signed on behalf of many of my constituents of Scarborough Centre that reads as follows.

"Whereas children are exposed to sexually explicit material in variety stores and video rental outlets;

“Whereas bylaws vary from city to city and have failed to protect minors from unwanted exposure to sexually explicit materials;

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

“To enact legislation which will:

“Create uniform standards in Ontario to prevent minors from being exposed to sexually explicit material in retail establishments;

“Make it illegal to sell, rent, or loan sexually explicit materials to minors.”

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

#### HEALTH CARE FUNDING

**Mr Dominic Agostino (Hamilton East):** I have a petition to the minister who didn’t answer the question today. I hope she will listen to the petition.

“Whereas there are a higher number of elderly people and people with disabilities living in the Hamilton-Wentworth region because of the excellence of the health care system; and

“Whereas the case managers and placement co-ordinators in the Hamilton-Wentworth Community Care Access Centre have higher caseloads than other community care access centres in the central-southwest region; and

“Whereas the staff at the Hamilton-Wentworth Community Care Access Centre are paid less than their counterparts in the central-southwest region; and

“Whereas the health care system in Hamilton-Wentworth is a self-contained seamless system; and

“Whereas increasing funding will be needed to provide health care services to citizens in the future in this self-contained system; and

“Whereas all workers working in the health care system, and the citizens of Hamilton-Wentworth, expect adequate funding for the health care system in Hamilton-Wentworth, both now and in the future and recognize the equal importance of all the parts of the health care system working together;

“Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows: to provide adequate funding immediately to the Hamilton-Wentworth Community Care Access Centre so that pay and conditions for staff will be equal to those in other community care access centres in the central-southwest region; and that adequate funding will continue to be provided in the future according to the needs of the community.”

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

#### HIGHWAY SAFETY

**Mr John O’Toole (Durham):** It’s my pleasure to present a petition on behalf of the Catholic Women’s League of Canada, more specifically Mrs Joan Lonergan, resolutions convener for St Joseph the Worker Catholic Women’s League. I believe it’s in Oshawa. It’s to myself and to the Legislative Assembly of Ontario.

“Whereas motor vehicle accidents are the leading cause of death in North America; and

“Whereas studies conducted in the city of Toronto, the United States and Great Britain have reported that drivers using cellular phones while operating a vehicle significantly increases the risk of collisions; and

“Whereas people talking on cellular phones while driving may cause a 34% higher risk of having an accident;

“We, the undersigned, respectfully petition the Legislative Assembly of Ontario to ban the use of hand-held cell phones, portable computers and fax machines while operating a motor vehicle. We further respectfully request that Bill 102”—by member John O’Toole—“An Act to amend the Highway Traffic Act to prohibit the use of phones and other equipment while driving on a highway be passed unanimously by all members of provincial Parliament of Ontario.”

I’m pleased to endorse it myself and I expect everyone else to endorse it as well.

#### ORDERS OF THE DAY

##### CONTINUED PROTECTION FOR PROPERTY TAXPAYERS ACT, 2000

##### LOI DE 2000 POURSUIVANT LES MESURES DE PROTECTION DES CONTRIBUABLES FONCIERS

Resuming the debate adjourned on November 22, 2000, on the motion for second reading of 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.

**Mr Garfield Dunlop (Simcoe North):** I’m pleased to be able to rise this afternoon to speak on the Continued Protection for Property Taxpayers Act, 2000, or Bill 140, as we know it. I commend the Minister of Finance for once again drafting legislation that will strive to achieve tax fairness and continue to provide protection for Ontario’s businesses. I’d also like to thank my colleague David Young, the member for Willowdale, who’s also the parliamentary assistant to the Minister of Finance, for his comments over the time of this debate as well as the time he spent explaining some of the parts of the legislation to me over the last two or three days. I also want to thank Scott Andison from the Ministry of Finance and his staff, who have helped me as well.

This bill reflects the intent of our government to restore fairness to the property tax system here in the province of Ontario, not just in one day or one week or one year, but over a period of time that is manageable and through a system that respects the needs and

concerns of all the stakeholders in the business of Ontario.

I often reflect on my time in municipal politics. I've spent a lot of time on different municipal councils in Simcoe county—almost 19 years. I don't know how many times in that time I've attended conferences and seminars that were usually put on by the Ministry of Municipal Affairs and Housing and I listened to municipal and provincial leaders say over and over that the existing tax system here in the province of Ontario was both outdated and very unfair. Yet, year after year, nothing was done about that. There was a lot of talk and no action.

**1510**

The same type of talk occurred on the unfairness that existed in services like policing across the province, but there was a certain will put up by municipal leaders to use words such as “disentanglement.” That was one that I remember the NDP caucus used a lot—Premier Rae and Finance Minister Laughren and the Minister of Municipal Affairs and Housing, Ed Philip. They used it every time they addressed municipal leaders, but really they did nothing on that. They continually talked about tax reform, and nothing was ever done.

The same thing occurred in the years of Premier Peterson. He continued to use at the seminars and conferences the word “duplication,” and so did his Minister of Finance, Mr Nixon. But they were so busy raising taxes, adding civil servants and increasing the welfare rolls in one of the greatest economic booms that the province had ever seen that they too did nothing about duplication. One only needs to look at the difference in operations in Ontario Hydro between 1985 and 1995 to see the non-leadership that was provided in the lost decade.

It is this government, the government under Mike Harris, that had the courage to reform the property tax system, a system that was grossly out of date and extremely unfair. Of course, restoring fairness to such an outdated tax system is a monumental and very complex task, starting with over 700 municipalities and assorted groups of assessments, some that hadn't been dealt with in over 50 years. First of all, it requires a great deal of knowledge and the willingness to learn from provincial and municipal leaders, as well as financial administrators from all the different municipalities. Secondly, it requires time and patience because, inevitably, unforeseen problems will arise each time.

My understanding is that when the state of Florida implemented property tax reform—and we all know that's a much smaller piece of geography—that process took over 10 years to achieve fairness. In the province of Ontario, we've had some assessment bases that had not seen any change in over 50 years. That was certainly the case in the county of Simcoe. Before January 1, 1994, Simcoe county contained a total of 33 municipalities, as well as the separated cities of Barrie and Orillia. Under the County of Simcoe Act, the county of Simcoe restructured itself on January 1, 1994, and now has 16 municipalities, plus Barrie and Orillia.

As part of the restructuring process, an analysis was done on the financial impact of amalgamating municipalities. It became very clear that there were severe inequities in the existing assessments. A county-wide market value assessment was proposed as one option. However, I have to tell you that ratepayer associations from across the county lobbied against market value assessment. In the end, we as a county backed away from market value assessment and ended up with a mishmash of assessments across the whole county.

Clearly we looked for assessment reform from the province. That leadership and the assessment reform came in June 1995 when the people of Ontario elected Mike Harris in his first majority government. Municipalities began working with the government through AMO in a process called Who Does What. A series of subcommittees were formed to look at overlapping responsibilities between the province and the municipalities. Included in the Who Does What discussions was assessment reform.

I think a lot of municipal leaders, myself included, felt that the Who Does What committees were simply more of the same rhetoric we had seen with Bob Rae and disentanglement or David Peterson and his elimination of duplication. When I heard the members opposite or municipal representatives talk about downloading today, I really wonder how many of them sent a letter, a fax or attended a committee meeting of the Who Does What committees. The fact is, the Who Does What committees provided municipalities across the province with an opportunity for ample input. But today a lot of people want to forget that option existed for people. However, by January 1998 it became very clear that many of the Who Does What recommendations would be implemented, including assessment reform.

You might remember that January 1, 1998, was also the day that the new city of Toronto under the leadership of Mayor Mel Lastman came into existence. Another courageous move by the Mike Harris government that other governments had bandied about for the past 25 or 30 years.

As municipalities face assessment reform, there's no question that they did face some very complex and difficult decisions. We in Simcoe county were very fortunate to have in place a very dedicated and competent treasury department led by Treasurer Henry Sander. Henry was not only able to work closely with the treasury departments of the lower-tier municipalities, but he worked extremely closely with the Ministry of Finance staff as well. Henry took the time to learn the legislation. He made my job as the warden in 1998 much easier because of the fact that he was such a competent treasurer.

As I mentioned earlier, we expected assessment reform to be complex and controversial, and so it was. The largest inequity problems were the commercial, industrial and multiresidential property tax classes. Without any capping or looking at any of the tools provided to implement current value assessment, it was clear that some of

the properties would see 200% or 300% or 400% increases, whereas properties similar in value in another municipality, and it could be within half a mile of each other, could see their taxes decrease by 50% or 75% or 80%.

Those facing huge increases were vocal, and for good reason. Some businesses simply could not afford the increases and would be forced to close. On the other hand, other businesses that saw proposed decreases wanted decreases immediately, saying they had already been paying too much in taxes for far too long, and that was the case: some of them were paying for 15 or 20 years at a very high rate.

Although it appeared difficult to implement, I was pleased when the government brought forth Bill 79, which capped increases at 10%, 5% and 5% for 1998, 1999 and 2000. Bill 79 I believe makes life somewhat complex for our ministry staff, and certainly for the treasury staff departments of municipalities, but it did make it much easier for municipal politicians. They had somebody to point the finger at, and of course they pointed the finger at the provincial government.

By capping at 10, five and five, it would allow businesses the opportunity to add those increases into their operations slowly, and those businesses that were being overtaxed would slowly see the decreases, because their taxes were already built into their operating budgets.

At that time, the Mike Harris government was creating an economic climate here in Ontario that was creating growth, prosperity and confidence in all sectors of the economy. Companies were beginning to hire, jobs were being created, construction was growing and Ontario was back on track.

Bill 79 was a three-year plan, and we must now move forward with the Continued Protection for Property Taxpayers Act, 2000. The bill itself amends parts of different acts with respect to property taxes, including the Assessment Act, where there will be changes made; the Municipal Act; the Education Act; the Electricity Act; the Municipal Tax Assistance Act; and the Provincial Land Tax Act. I won't go into the details of how each act will be amended except to say once again that bringing fairness to property tax is a complex process that affects many pieces of legislation.

In the 1999 Ontario budget, our government made a commitment to maintain limits on property tax increases beyond 2000 to ensure the continuation of a manageable transition from the former outdated assessment system to the new current value system. That is why last Thursday Minister Eves introduced the Continued Protection for Property Taxpayers Act, 2000. If passed, the bill will provide municipalities with the mitigation tools to meet the limits on tax increases.

I was pleased to see Minister Eves's plan to accelerate business education tax cuts that will result in a further \$130-million savings for Ontario businesses in the year 2001. The \$130 million is double the reduction that Ontario businesses saw last year.

As of 2001, the total benefit from business education tax cuts amounts to \$325 million annually. This proposed

legislation basically limits property tax increases to 5% annually, replacing the 10, five and five for 1998, 1999 and 2000.

**1520**

**Mr Rosario Marchese (Trinity-Spadina):** On a point of order, Speaker: Could you please check for a quorum?

**The Acting Speaker (Mr Tony Martin):** Is a quorum present?

**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 member for Simcoe North.

**Mr Dunlop:** As I said earlier, as of 2001 the total benefit from business education tax cuts amounts to \$325 million annually. This proposed legislation basically limits property tax increases to 5% annually, replacing the 10, five and five for 1998, 1999 and 2000. We should be clear that the city of Toronto will have the option of maintaining the 2.5% limit it chose in 1998 or moving to the 5% provincial limit. The city will have until February 28 of each year to decide whether to apply a 2.5% limit, otherwise the 5% limit will apply. The new 5% limit will start in 2001 and will remain in effect until current value assessment is fully achieved in each municipality.

The legislation allows for permitted municipal levy increases to be applied in addition to the 5% limit. One example I've asked about—and want I to clarify this with the Ministry of Finance—is that we can levy for hospital expansion programs. I have a couple of hospitals in Simcoe county planning on some expansions over the next couple of years, and they will want to put in a separate levy for some of the local share of the hospital funding. As well, the limit each year would be calculated on the previous year's taxes.

The bill provides for the 5% limit to be applied to all property in the commercial, industrial and multi-residential classes. Those excluded would be properties in territories without municipal organization, farmland awaiting development, property that is subject to payments in lieu of taxes, international bridges and tunnels, convention centres that are eligible for an education tax exemption and certain generation and transformer facilities. It should be noted that commercial tenants in provincially-owned properties would be protected by the 5% limit, and the limit would not apply to property in residential farmland, managed forest and pipeline property classes.

I want to take a few moments to speak on water power generating stations. In my riding, I am fortunate to have what is known as the Orillia Water, Light and Power Commission. They operate three water power generating stations, the largest being the Swift Rapids plant on the Severn River. Under this legislation, a new provision would be added to section 3 of the Assessment Act and to section 3 of the Provincial Land Tax Act to exempt water power generating stations and related lands from property taxation. As well, an exemption from taxation would be added to section 3 of the Assessment Act for poles, lines

and towers owned by power utilities. That would replace an exemption that was formerly in the Power Corporation Act.

The Electricity Act would be amended to require owners of stations, who are successors of Ontario Hydro or municipal electrical utilities, to pay to the Ontario Electricity Financial Corp a charge calculated as a specified percentage of the gross revenue from the production of electricity at the station. Private water power producers would pay an equivalent tax to the province. For new stations that are completely rebuilt or expanded, the gross revenue resulting from the production of additional capacity associated with the plant expansion would qualify for a 10-year holiday from property taxes.

I believe the unique circumstances surrounding any tax relief or fairness surrounding water power generating stations is a very important issue. There is no better environmentally friendly power source than the rivers of our province. Anything we can do to encourage expansion or construction of more of these facilities is a very positive step.

I expect hydro users in the city of Orillia will benefit from this important move. I thank the CEO of Orillia Water, Light and Power, John Mattinson, for his leadership among power corporations here in the province. John has worked hard with Ministry of Finance staff to see this tax reform for water power generating stations.

Of course, on our path to true current value assessment, we need to be able to provide the proper mitigation tools to our partners, the municipalities, so that they have the ability to meet the 5% limit using assorted options. I would like to review the mitigation options that will be available to municipalities.

First of all, there's the capping mechanism that would be made available to municipalities under the new part XXII.3 of the Municipal Act. The features of this tool would include the following: it would be a permissive tool, authorizing but not requiring the limitation of tax decreases as a means of funding the limit; it would not require the use of a frozen assessment listing; and it could be used in conjunction with other tools.

A second mitigation tool would be the optional property classes. Optional property classes, as prescribed under section 7 of the Assessment Act, would continue to be made available to municipalities, and the deadline for adopting optional classes for the 2001 tax year would be extended from October 31, 2000, to April 30, 2001.

A third mitigation tool would be graduated tax rates. The graduated tax rate mechanism under section 368.2 of the Municipal Act would remain unchanged. Municipalities could apply different tax rates to various portions of the assessment of commercial and industrial properties.

A fourth tool would be municipal tax reduction. The municipal tax rebate tool under section 442.2 of the Municipal Act would be replaced with a new tax reduction mechanism. Using this mechanism, municipalities could reduce the taxes on commercial, industrial and multi-residential property to the limit by processing a

reduction on the tax bill rather than issuing an after-the-fact rebate. Municipalities would fund the cost of tax reductions under this mechanism. The cost would not be shared by school boards.

A fifth tool would be the new phase-in tool, which would be created under section 372.2 of the Municipal Act. The new phase-in would be a modified version of the existing phase-in that was made available in the 1998 reassessment under section 372 of the Municipal Act. The new phase-in mechanism would be a permanent tool that could be used to gradually implement tax increases and decreases upon each reassessment.

Finally, the new phase-in tool would allow municipalities to phase in all tax changes that occur in the year of a reassessment; take up to eight years following each reassessment to phase in tax changes; establish phase-in thresholds based on percentages or dollar amounts; replace an existing phase-in with a new phase-in, provided the new phase-in applies for at least as many years as remain outstanding under the original phase-in; and finally, phase in equal amounts each year or phase in variable amounts, provided the amount phased in each year is no more than the amount phased in for the previous year.

As I said earlier, it took a lot of courage to bring about current value assessment in Ontario. I know it has taken different pieces of legislation over the last three years to get to this point. But the importance we put on small businesses and on the business sector in this province—these are the private sector operators who have created almost 750,000 jobs here in Ontario. We have to have this province remain competitive with our neighbours to the south, as well as other provinces in our great country. I'm pleased we've been able to use current value assessment and tax reform here in Ontario to help these people along. I know it will take some time to come to fruition, but I'm pleased we're able to debate it here today, and I support the legislation.

**The Acting Speaker:** Comments or questions?

**Mr Gerry Phillips (Scarborough-Agincourt):** I appreciate the comments of the member. I'd like his response on an area he touched on in this bill that I think is going to have the most significant impact. There is no question that the Harris downloading of social assistance, social housing and 100% of transit is beginning to have an impact on municipalities. It is the area the municipalities worry most about.

**1530**

This bill will force municipalities in what appears to be a majority of the cases to put any increased costs as a result of that downloading on to just one class of property, and that is single-family residential. This isn't just for one year. This bill is, I gather, in perpetuity. So each year, if a municipality's tax ratio is above the average on commercial or industrial, it must put any increased cost on to single-family residential. That's for communities such as Brockville, Guelph, London, North Bay, Owen Sound, and many other cities and communities.

I understand the need to move and to help our commercial and industrial organizations, but at the same

time there are going to be many communities that are faced with enormous pressures to provide for the services that have been downloaded on to them that they didn't want. This bill forces, in all of those cases, 100% of those increased costs to go on to residential. I think we're going to handcuff the municipalities and put them in a position where they're unable to function efficiently.

I would appreciate his comments and his remarks on that.

**Mr Marchese:** I appreciate the modest defence made by the member from Simcoe North of Bill 140. Just to follow up on what the member for Scarborough-Agincourt was saying, I was just digging up something from the past. Mike Harris, when he wasn't a Premier—just before he became a Premier, in April 1995—when he spoke about property tax reform. "Let us remember there is only one taxpayer," Harris said. Prolonged applause. "We must end the old politics of downloading one government's problems on to another. During the last 10 years, governments believed that our tax capacity was unlimited, to the point where GTA has come to stand for Greater Taxation Area." He makes reference to the fact that there's only one taxpayer. He makes reference to the fact that he's sick and tired of the download. And yet this is what Mr Harris has done since he got into power.

In fact, he's downloaded on to the municipalities, on to the backs of the homeowners, things that ought not to be there, things that ought to come from the provincial income tax system because it's at least a little fairer than the tax base that comes from the homeowner or the tenants, including business in this particular instance. But we've downloaded ambulances, public health, childcare and more childcare on the backs of the property tax base, more welfare on the backs of the property tax base. We've downloaded, as the member from Scarborough-Agincourt said, transportation. This minister doesn't have transportation any more except highways, because he's gotten rid of the GO trains and all of transit. And now housing. Everything that should be paid by the province is being paid by the taxpayer, and so the total shift is now on the back of the homeowner. That's what's so bad about this bill.

**Mr Steve Gilchrist (Scarborough East):** I'm pleased to respond to the comments made by my colleague from Simcoe North. I think he stayed on topic, unlike the comments we've heard opposite.

It really has been quite remarkable. As I predicted when I had a chance to make some comments on this bill earlier on, not one substantive point has been made about the actual content of this bill by either a Liberal or an NDP; not in their speeches, not in their rebuttals. Not one clause has been referred to; not one specific word has been changed. Instead, they talk about issues that are three years old, this so-called downloading that AMO, the Association of Municipalities of Ontario, admits has been \$134 million to the good for municipalities.

But let's get down to an even more fundamental point. Mr Phillips from Scarborough-Agincourt continues to harangue that somehow this bill will suggest that single-family homeowners will have a tax increase, but let's get

something straight. Mr Phillips is suggesting the only solution in a municipality that's facing that problem—that would be a municipality that is getting more money from their commercial taxpayers than anyone else in Ontario and more money from their industrial taxpayers than the other cities in Ontario and more money from their tenants than everyone else in Ontario—somehow also needs to get more money from their single-family homeowners.

There is another solution, Mr Phillips. There's a solution that you didn't apply for five years and the NDP didn't apply for five years. It's getting municipalities to live within their means and, more importantly, to live within the means of their taxpayers. There are averages. Every municipality in this province should certainly be able to live within those averages. The city of Toronto is way outside that. They're getting more money per capita and yet they deliver equal or lesser services than many other municipalities. The solution is there: more efficient municipal government.

**The Acting Speaker:** I would remind the members of the House of a couple of rules. One is that you refer to members by their riding and not by their name, and the second is that your comments are to be on the comments of the speaker, not other members of the House.

Further comments or questions?

**Mr Mike Colle (Eglinton-Lawrence):** I listened attentively to the comments from our colleague from Simcoe North. He wasn't here, I guess, at the time, but I remember back in 1997 when the Minister of Municipal Affairs and the Minister of Finance bragged that they were going to fix the property tax system. That was back in 1997. You remember, Speaker. It was called the Fair Municipal Finance Act.

We now have before us the eighth attempt to fix the property tax mess. This is the eighth bill. They did another one in 1997, then they had the Education Quality Improvement Act, another one in 1997, a couple in 1998. How many times will they have to go through the passing of bills to fix the problem?

We now have the most complex, convoluted, confusing property tax system in the whole western world. In fact, I even talked to a tax lawyer. He said that if they pass one more act, which is this Bill 140, what they should call it—and this is a tax lawyer—is the Property Tax Consultants and Tax Lawyers Income and Pension Act. They love this kind of stuff; it's so convoluted. No ordinary citizen, and I don't care who you are, understands all these eight pieces of legislation. Tax lawyers have to have these meetings to try and figure out the act. The tax lawyers can't figure it out. The Ministry of Finance can't figure out what they're doing themselves. It is convoluted to the point where it is not good legislation when it's so complicated that ordinary citizens cannot understand it.

Therefore, we have bill number eight in an attempt to fix something they said they would fix, and all they've done is made it more convoluted, more complex, and put more money in the hands of tax lawyers.

**The Acting Speaker:** Response?

**Mr Dunlop:** I would like to say a few final comments on what's been said here this afternoon.

I guess in hindsight we can sit and criticize the so-called eight pieces of legislation. But again, I go back to the government that had the courage to make a decision and do something about it. Lots of the other governments over the last 25 or 30 years have had ample opportunity to bring in legislation that would fix the problems we had with assessments across our province. This bill that we're debating today, as was said earlier, is the eighth bill, but the intent of it is to bring fairness in our tax reform. We'll continue to work that way.

I go back to my comments earlier about my years on municipal council, and we talked about the Who Does What committee. I don't know how many people were involved in that, but in 1995, 1996 and 1997, that committee was very active. It had all types of representation from all across the province. That committee made a lot of the recommendations to the Ministry of Municipal Affairs and Housing on some of the changes that had to be made.

There are things like the county of Simcoe having received \$20 million toward what you call downloaded roads. They've invested that money and each year they spend so much money on it. As well, the county of Simcoe has had decreases in each of the last three years in their taxes. At the same time, with the strong economy we've had here in Ontario and the economic climate that this government has built, they've watched their welfare rolls drop from 11,000 cases to 3,800 cases. So although we continue to hear the fear-mongering from the members opposite, I believe this is a very appropriate piece of legislation and intend to support it fully.

1540

**The Acting Speaker:** Further debate?

**Mr Colle:** Again, just going back to my previous comments, I remember the speeches that took place in this House by the then Minister of Municipal Affairs, Mr Leach, who is now at the 407 trough on that wonderful boondoggle whereby they're reaping millions of dollars a week from motorists in Ontario. He's there at the 407, so he doesn't care that property taxpayers in Ontario are left holding the bag here. He said it was simple. He was going to fix it. "Trust me," he said. Then the Minister of Finance said, "Oh, yes, we're going to fix it." That was eight pieces of legislation ago.

I don't think there has been any other area of government where they've had to pass eight pieces of legislation to try to deal with an issue. It's unprecedented. I think the public out there should be reminded of that. Here are the eight bills they've put in trying to deal with this issue of property taxation:

They passed the Fair Municipal Finance Act, Bill 106. Then they came again with the Fair Municipal Finance Act, Bill 149. They said, "We'll fix it with 149." Then they said, "No, no, we left something out, so we're going to have to put some more changes toward property taxation legislation," with the Education Quality Improve-

ment Act, Bill 160. They said, "With 160, we've got it all figured out now."

Then they came back again. They said, "Oh, sorry, we left something else out." So they came out with Bill 164. They said, "That's it, that's over. We've now finally fixed it." It wasn't enough. They came back again with Bill 16, again saying, "Now we've finally seen the light."

They came again with an attempt in 1998 with Bill 79. They said, "Now this is the end." But lo and behold, they came with Bill 7 and said, "Here, we've finally found the answer. We're going to solve the property taxation issue." Then they came up with Bill 79, and then they came up with another one, Bill 14. That was seven.

Today, here we go, number eight. Eight pieces of convoluted legislation that, as I said, no average person will ever be able to understand. I know that people who deal in real estate law, people who deal in tax law, municipal officials, municipal treasurers—in fact, I remember when the municipal treasurers and clerks came here, and I know my colleague from Scarborough-Agincourt remembers. They are a very reputable organization, the municipal treasurers and clerks association. They warned this government. They said, "Before you proceed, would you please stop and listen to our advice." As this government has a habit of doing, they didn't stop and listen to the municipal clerks and treasurers, who are the experts in this field. They went ahead and passed their legislation, which—the municipal clerks and treasurers were right—was flawed. That's why we're back here again, because they are in a mess.

It's like the amateur mechanic who tries to take apart the engine at about 5 o'clock at night, before sunset. He's taking apart the carburetor, he's taking apart the engine block and all the different pieces of the engine are on the roadside and curb. Then it gets dark and, as it's dark, they're trying to put back the carburetor and the engine block, all the wiring, the ignition cables; they can't do it. That's what has happened to this government.

They said they had a simple solution to property taxation, and what they've really done is make it literally almost impossible for municipalities, ordinary citizens, to understand the taxation system they have imposed.

Like all pieces of legislation, there are things that are laudatory and things that are most difficult to accept. Certainly I'm happy to see that they've recognized the fact that there has to be some kind of protections or caps, because this type of system, which is a market value system—I think they call it current value or actual value; they've changed the name so many times. Basically it's a market-value-based system. It can't operate uniformly across the province, so they have to have these caps. They put in caps right across the province.

In Toronto they also put in caps because the bill they put forward I don't know how many bills ago basically was going to destroy small retail business if they had allowed the original legislation to go through. I was happy to join with small business people across Toronto at that time. We organized people on College Street, on Yonge Street—we closed off Yonge Street—to make the

government realize the mistakes they had made with this property tax mess they put them in. We had organized marches on Bloor Street, College Street, Eglinton Avenue. We were able to get the attention of this government to where they had a tax revolt on their hands and they had to give us the property tax caps on small business. Small business left to market value would have been destroyed in the Toronto area.

So I would like to say that the caps have to continue because pure market value, current value, doesn't work. It is really something they've had to do because they didn't listen in the first place. So now we have the caps. They're going to have to continue the caps because they know if they take off the caps they're going to destroy small business, because small business all across Ontario, not only in Toronto, is under a great deal of pressure. I know on St Clair Avenue in the city of Toronto, on one end you've got the big box stores of the retail strips, and the big box stores are successful because they're very handy. On the other end they've got the big supermarkets. In the middle, all small business retail is having a heck of a time surviving, even in this great economy. The little hardware store, the little flower shop, the little shoemaker, the small little restaurant, they are being squeezed at both ends, you might say, by the big box stores and the big, huge mega-supermarkets that are making it difficult for them to compete on a small basis.

This bill doesn't solve the ultimate problem, which is the ability of small business to compete with big business. It does keep the caps on. Without the caps, we would have our main streets as they are, I know—my colleague here from Brantford knows what has happened to the main street in Brantford. They're trying to resurrect Colborne Street in Brantford and it most difficult. And Main Street across Ontario, as you know, Mr Speaker—I'm sure in Sault Ste Marie it's probably the same—has a heck of a time competing with big business. So the caps have to stay on for small business. I don't know what else they could do.

In terms of this piece of legislation beyond the caps, I would like to say that this week people across Ontario received these notices. The government very shrewdly has set up an arm's-length bureaucracy. I see my good friend Bob Richards has been given the job of trying to sort out this mess of this new bureaucracy. They created this bureaucracy called the Ontario Property Assessment Corp. They've got fancy brochures, they've got fancy offices and I'm sure they've got some competent people. I know Bob Richards is certainly competent. He was the CAO of Metropolitan Toronto and did a great job down there.

Anyway, they've got this new bureaucracy. I'm going to give Bob a call next week. They sent out these brochures and they sent out notices. The problem with the notices is that they didn't even have the courtesy of giving people their previous assessments. They gave them their assessment for this year—"Here's what it is"—but they didn't say, "Here's what it was when it was based on 1996 values." I think that would have been very helpful if the people at the new OPAC had done that.

These notices are still not enough to explain this very complex system. I remember when I was on Metro council they used to talk about the mill rate and how confusing the system was at that time. I'll tell you, now it is doubly confusing, because you also now have a third party involved in property taxation. Not only has this government set up eight pieces of legislation, they've set up a whole new bureaucracy, the Ontario Property Assessment Corp.

So ordinary Mrs Delduca there, when she gets her tax bill, doesn't know where to turn: "Do I go to my MPP's office to find out who's responsible? Do I go to this OPAC, this new bureaucracy you created? Do I go to city hall?" Mrs Delduca has no idea who's responsible, because the system has become so complex.

#### 1550

Assessment is theoretically done by OPAC. The provincial government sets the mill rate, because they set it for educational purposes. They set up the policies, they set up all the rules, and then the city has to set up another tax rate. So you've got three huge bureaucracies dealing with Mrs Delduca's property taxes.

Mrs Delduca is saying, "Listen, I've got this bill. What does it mean?" They say, "You have to phone this number." Now, as you know, everybody's got these toll-free numbers and Web sites. Mrs Delduca can't afford a Web site. She's got to go pay for her rapini that's gone up double in price. She has to go and pay their hydro bill, which has gone up 45%. Her husband, Sam, can't even drive the car any more because the price of gas has almost doubled. Mrs Delduca and Sam Delduca have nowhere to turn. They get this bill—oh, it's an assessment. Who do they go to? "Go to city hall." City hall says, "It's nothing to do with us. The assessment is put forth by OPAC." They are very upset, and sometimes not so much because they got the bill; they just can't quite understand it. Then if they try to get hold of the Web site, as I said, a lot of people still don't have computers, aren't on the Net; they can't even afford it.

I just hope there's simplicity. I just hope people realize that we now have the most complex, convoluted system in the whole world. This is the eighth attempt to fix it; we'll probably have another eight. Just like they've done nothing for the price of gas when we're being gouged at the pump, they're going to do nothing to fix the property tax mess. They're just going to pass more legislation like drunken sailors and think they can solve all the problems of the world by passing legislation.

This is a pension bill for tax consultants who go door to door preying on people and it's a pension plan for tax lawyers. That's all Bill 140 will do, and they still have not got it right.

**The Acting Speaker:** Comments and questions?

**Mr Marchese:** I congratulate the member for doing several things, but one point in particular is memorable, and that is that this government never ceases to amaze us with its incompetence. He made reference to the seven bills that it had to pass. You'll recall when they introduced these changes to the Assessment Act. You would

think, given the fact that the public really believes these people are competent managers, that it wouldn't take seven bills, really, to fix a problem of assessment. You would think that if they had done their careful work and consulted with the municipalities, one bill might have done it. But no, seven bills, each one to correct the incompetence of the other. That's gross mismanagement. The public who believe that these Tories are good managers ought to know this.

Given what the auditor just said to us in the last couple of days, these would be the last people you would trust in terms of managing your money, because the people they're appointing on these corporations and the ones suckling at the public trough—and they're doing it very well, people appointed by this government and just sucking the money away for themselves and away from those very needs that pertain to citizens and to the entire Ontario population. These are the managers, the same managers who dealt with the Ontario Realty Corp, the people who are gaining, making a whole lot of money, because there are insiders who are helping outsiders and they collude together to make money. These are the managers of the public trust. These are the same managers who are going to protect businesses, and God bless, but what about the homeowner?

**Mr John O'Toole (Durham):** I couldn't resist the opportunity to comment on the member for Eglinton-Lawrence, who arguably could be the next mayor of Toronto when Mel Lastman relinquishes his reign of leadership—until he gets the Olympics.

The member for Trinity-Spadina always brings an interesting point of view; often not on topic, but always interesting and always entertaining. I think the sucking and the kind of dramatic references that he goes through is certainly one of the reasons I stay here this late in the evening.

But I am waiting for a thorough and substantive debate later on. For those watching, I'll be on in about 10 minutes, so there are substantive arguments that will be put forward. Stay tuned. Get your VCR ready; it's worth the time.

I'm waiting for the member for Scarborough-Agincourt. I've got people ready. They will be recording it and I'll be responding to his input on this important debate on Bill 140.

In fairness, we're all trying to reduce taxes here. Don't misunderstand the equation. The two previous governments, what we call the lost-decade governments, are something we'd rather forget, actually.

**Ms Marilyn Mushinski (Scarborough Centre):** The reigns of error.

**Mr O'Toole:** Yes, it's called the reign of error. That's one of the new expressions we use.

I know that in our municipality, regional chair Roger Anderson is a person whose main objective is to deliver high-quality services at an affordable price. Certainly our minister, Ernie Eves, has been working hard at this to get it right, and if it takes nine bills, I'm prepared to support an additional bill to get it right, to keep taxes down and quality of service up.

There are other members here who may want to speak, but there are only eight seconds left, so in the interest of saving time, I'm waiting for a response from the member for Eglinton-Lawrence, the future mayor of Toronto.

**Mr Phillips:** I'll just say to the public, don't put your VCRs on now. I'm just Gerry Phillips. Mr O'Toole will come later. You can leave your VCRs off.

I just want to comment on the remarks from my colleague on business taxes. The other evening we asked the government a question. These are the business taxes across the province of Ontario on education; this is the Mike Harris tax. This is set by Mike Harris. This is not the municipalities; this is Mike Harris's tax. We said, "Why is it that a business in Brockville assessed at exactly the same as a business in Parry Sound, identical businesses"—let's imagine an identical Pizza Hut: in Brockville it is paying \$22,000 in taxes; in Parry Sound it's paying \$5,000. That's \$22,000 in Brockville, \$5,000 in Parry Sound. In Toronto it's \$26,000. We said, "Why is that? Why is Mike Harris setting the taxes that dramatically differently?"

Mr Gilchrist, speaking on behalf of the government in his usual way, said, "I'll give you the answer." He has an answer for everything, of course. He says that the business tax today is the exact same as the school boards were levying three years ago. My businesses say, "I thought Mike Harris hated the school boards. I thought he took this over to fix this thing. I thought he said he was going to change it, and three years later it's identical? I thought that was the whole purpose of this."

We now have the answer as to why for the exact same business it's \$26,000 in Toronto; in London, by the way, it's \$20,000; Barrie, \$12,000; and Parry Sound, \$5,000. It's because no progress has been made over the last three years, in spite of the fact this was all about change.

**Mr Dominic Agostino (Hamilton East):** On a point of order, Mr Speaker: The member for Eglinton-Lawrence had about eight minutes left on the time. There was a mix-up on the Tory rotation. I would ask if the House would give unanimous consent to have the remaining eight minutes that was left in the 20-minute rotation for the member for Eglinton-Lawrence.

**The Acting Speaker:** Is there unanimous consent? Agreed. Further comments or questions? OK, that's fine. Go ahead.

**Mr Colle:** I appreciate the collegiality on the other side on this, on both sides. I think that really helps this place work better. I know we don't always practise that, but—

**Mr O'Toole:** You don't always co-operate, Mike.  
1600

**Mr Colle:** My esteemed colleague from Oshawa—I call it Oshawa but it's beautiful Durham—talks about the next mayor of Toronto. I guess he doesn't realize there's a Lastman dynasty being set up. Whenever Mel steps down, maybe after he gets the Olympics, it could be Dale Lastman taking over, who is one of the best lawyers in Canada, or maybe his other son, Blayne, who is one of the best business people in Canada. So the Lastman name

will be at city hall for decades to come, I predict. By that time they may even have megasized themselves to incorporate Durham under the Toronto umbrella; you never know. It depends on whether this mega merger mania continues.

One of the things that concerns me about this tax bill, because it is confusing—there are going to be appeals. I appreciate the fact that the Ontario Property Assessment Corp is allowing for a two-stage appeal. Just to let people out there know, you can ask for what they call reconsideration. You can get that by contacting them, and hopefully you can do it by mail, phone etc. You can ask for a reconsideration of your assessment. I hope that many people do that if they have questions. There also are public meetings throughout Ontario.

One problem I have is that these public meetings should be advertised more widely. I haven't seen them in local newspapers. This government is very good at advertising on television. I hope that some of these public meetings, for legitimate questions people have about assessments, are advertised and that they spend a little bit of the money they usually spend on advertising their own particular agenda, that they have money put aside to let people know there are public meetings. My understanding is the public meetings are scheduled for next week. Many people don't realize the dates and the places, so I hope the government gets those notices out and encourages the Ontario Property Assessment Corp to do so.

One of the other concerns about all these pieces of legislation is they have driven a lot of appeals. Last summer there were over 100,000, and the estimates were up to 200,000, appeals still left on the books from the 1996 assessment. I tried to get the actual number. We cannot get the number. There are literally thousands of homeowners all across the province waiting for their appeals. While they're waiting for their appeals based on 1996, they have a new assessment. The question is, will they combine the two appeals or do they wait this year and a half, two years, and another two years, and then the other assessment comes on board?

I hope that somehow they do something in terms of allowing for due process for property taxpayers across the province to get their hearings. They shouldn't have to wait two years to ask a question about their property taxes and appeal it before the tribunal.

The convoluted legislation has brought on a huge wave of appeals. I want to warn the public out there. I don't know if it happens in Sault Ste Marie, Mr Speaker, but there have been some scoundrels going door to door in Toronto. What the scoundrels do is they usually pick on the elderly. They'll say, "We will appeal your property taxes," and then in the fine print, underneath, it says, "If we appeal, you, on signing this contract, have to give up your first year's savings."

So if you win the appeal on your property taxes—a lot of them are wrong—and let's say you get \$1,000 off, they would take the \$1,000. But that's in the fine print. So a lot of seniors have come crying to my office over the last year or so saying, "I didn't realize I signed this

deal with these fly-by-night property tax consultants to give up my savings. I thought I was going to get the savings."

I hope this government sends out a warning to people all across the province not to sign these contracts with these door-to-door salesmen who are taking advantage of these convoluted, complex property tax pieces of legislation.

What they do is claim, "I will go to the assessment appeal board or the property assessment board and I will argue your case." A lot of them know nothing about property taxes. All they basically do is take a chance that the hearing officer will rule in their favour, and they pocket an easy 1,000 bucks. Some of these companies have made thousands if not millions of dollars, at the expense usually of seniors in this province.

They will be out in force again, because as soon as these property tax assessment notices come out, you will see these unsolicited mailings go out to households in areas all across this province where they will say, "Hey, we will appeal your assessment." Somehow the government has to put out some kind of warning or information or put a stop to these property tax door-to-door consultants who are ripping off the elderly and many people in Ontario who don't have English as a first language. That is one of the by-products of having legislation that sometimes is not understandable.

I hope the government gives out more information and advertises the open houses publicly in all the languages—Mandarin, Cantonese—so ordinary people can get information in their own language at these centres, in plain language they can understand. As of now, I have seen no advertising of these attempts to explain the property tax assessment notice they've received. Something as important as this should be advertised by this government, but so far, as I said, they're reluctant to do it and I think they're doing this to the detriment of ordinary people who are not conversant in property tax law.

The other thing that still hasn't been rectified by this legislation is people on fixed incomes who live in a tony, upscale neighbourhood and all of a sudden—like my colleague from Trinity-Spadina said, people have 15-foot frontages at their homes. I don't know if you get homes that small in Sault Ste Marie, Mr Speaker. I think your cars are 15 feet wide there. You go down to Euclid Avenue and they've got a 15-foot frontage. Their assessment has gone up 40% or 50%. They say, "I'm just a senior in this home. I'm not going to sell it."

This kind of legislation perpetuates that taxation and penalizing of people on unrealized capital gains. They just want to be left alone in their home, and all of a sudden they get a huge tax whack because, God love them, the yuppies, the speculators etc, are moving in. That's one of the dilemmas.

**The Acting Speaker:** Further debate?

**Mr David Young (Willowdale):** I am certainly pleased to have an opportunity to comment on the remarks made by my colleague opposite from Eglinton-Lawrence. I appreciate the fact—

**The Acting Speaker:** We're actually moving on.

**Mr Young:** Speaker, forgive me. I thought it was two minutes.

**The Acting Speaker:** We had a bit of a—

*Interjection.*

**The Acting Speaker:** You'll have to talk to the member from Durham, I think. We had unanimous consent to allow the member from Eglinton-Lawrence to finish up and then we were going to move on, because we already did the comments and questions. Further debate?

**Mr Marchese:** On a point of order, Mr Speaker: Just to be helpful, we didn't complete—

**The Acting Speaker:** Actually, we did. I asked twice for further comments and questions before I moved to the member from Eglinton-Lawrence and nobody stood up, so we're moving on. That's my ruling. Further debate?

**Mr O'Toole:** Thank you, Mr Speaker. I don't want to get caught in a controversial ruling, but I respect the fact that you recognized me. That's important. In all humbleness, I say this with a sense of humour on this last day of this week. Despite all of the voting for and voting against issues—

**Ms Mushinski:** It's not the last day; tomorrow's the last day of the week.

1610

**Mr O'Toole:** The last sitting day of the week.

I would say that Bill 140 is an ongoing commitment by this government to do the right thing when it comes to taxes. The first and most important thing to start with is to give a sense of background. I think all governments have wrestled with this idea of the difference between assessments across the province of Ontario, the equity even within the city of Toronto, which was made up of a number of smaller cities before they formed the new city of Toronto, and having a different assessment base for the whole calculation of raising the revenue by which we elected people spend money.

The previous governments had a number of commissions and studies and reports. They've all been mentioned. There was the disentanglement report, the Fair Tax Commission and the Who Does What. All of them were really trying to deal with the same issue, how to equitably distribute the tax load on different property classes. For those watching, to some extent we have sorted out some of those questions. We're just beginning to deal with a very technical area, and all of us here really ultimately want to make sure we get good value for the taxpayers. I don't think it's an exclusive jurisdiction of ours, but certainly we are committed to lowering taxes—that's our primary agenda—and improving the quality of service at the same time, if that's possible.

We worked out a number of solutions in a progressive direction of coming up with a current value assessment system. That system is certainly not fully implemented at this point, so what we have is a transitional period between the future point when we will have equalized assessment across the province, current value by area, and what we have today, being very skewed property value assessments.

I see the member for Scarborough-Agincourt is doing the right thing: he's going to watch this in the privacy of his office so he can actually take notes. I respect that, because Mr Phillips is a very well respected tax fighter—well, a tax increaser, maybe.

Bill 140 goes a long way to, first, giving some stability to municipalities to deal with the transition from the old system of inequity and poor distribution of the assessment equation to a new system of harmonized assessment bases. Once you've got the assessment base sorted out, if you ever do, you really have one part of the equation worked out. The other part of the equation, of course, is the responsibility of the municipalities to set the tax rate, or what used to be called the mill rate. How those two pieces work is actually quite interesting for the viewer and for those members here.

In my time on local council, I chaired about four municipal budgets and I think the most instructive time I had there was with the treasurer of the day—and I mean this respectfully—Ms Marie Marano. She basically helped me understand this whole mill rate and assessment equation. For those listening, once you have the assessments across the municipality at the upper tier or the lower tier, or for that matter across the province, you have a formula for apportioning the load of who pays for all of the services that the public enjoy, a way of disbursing or distributing the tax load. It's more complicated than that, because it isn't just one property class that we're dealing with. We're dealing with farm, with residential, we're dealing with industrial, we're dealing with commercial and we're dealing with managed forest lands, but there are a number of property classes, as you know. So we gave municipalities a number of additional tools within property class to apportion the load. That's all on the assessment side of the equation.

The other side of the equation is basically establishing the taxes, how much money they're actually going to spend in the municipality. They can make determinations that they're going to have so many parks and so many arenas and so many firefighters and so many road maintenance projects, so there's capital and operating budgets. They roll all that together and they make an equation that says, "We need a tax rate times the assessment rate," and that's the equation. You have your assessment and you apply a tax rate to generate his amount of revenue for the municipality and/or the region. When you get to that point you really recognize that the municipalities needed some tools during the transition period. If you look at Bill 140, they're clearly outlined here, for those that are paying attention, and I would hope that the opposition are. But some are doing Christmas cards and that's understandable. It's completely acceptable to be doing them.

**Mr Colle:** On a point of order, Mr Speaker: What does the member, my esteemed colleague from Durham, got against Christmas? Is he the Grinch?

**The Acting Speaker:** That's not a point of order. The member for Durham.

**Mr O'Toole:** I believe that the member for Eglinton-Lawrence is well intentioned, but he is using valuable time where there could be instructions being given to the

people of Ontario, the hard-working taxpayers of Ontario.

The municipal powers remain important, I just want to say for the record and out of respect for the people I work with and am committed to working with in my riding. At Durham region there's the current and probably future chair, Roger Anderson, as well as Pat Madill, who's the clerk, and Jim Clapp, who's of course the commissioner of finance. He's basically the boss—I mean the paid staff boss, not elected boss.

In the city of Oshawa are Brian Suter, who is the city clerk; Nelson Tellis, who's the city treasurer—a very important job; John Brown, the city manager, an excellent fellow I've met; Kathy Burley, who is the tax information officer, a very difficult job; Tim Dwyre, the tax collector. That's a job that dates back to biblical times.

**Mr Colle:** Who's the dog catcher?

**Mr O'Toole:** The dog catcher has recently resigned.

In the township of Scugog it's Kim Coates, who's the clerk, an excellent person; Yvonne deWit, who's the chief administrative officer; and a recent and very positive change, Kathy McCann, who's the treasurer, a very knowledgeable, hard-working, honest person.

The municipality I live in is in Clarington. Clarington is several subordinate municipalities, but Patti Barrie is the clerk there. They have a new mayor, John Mutton, just elected and replacing Diane Hamre. By the way, Diane Hamre is having her celebration tonight after serving her municipality for 20 years. I would love to be there. If I'm speaking to the people at home, it's at the Garnet Rickard centre at 7:30 tonight. I'll do my best to be there. You can count on John O'Toole.

Marie Knight-Stanley is the deputy clerk, a person I've known for some time; but here's one to take note of: Marie Marano is the treasurer in this valley—terrific—and she's also with the Association of Municipal Clerks and Treasurers, a very knowledgeable accounting person; Franklin Wu is the chief administrative officer, a former director of planning; Maureen Wiles-Frost is the tax collector; and Nancy Taylor is the deputy treasurer.

Now these people work to make sure that the public and the taxes they pay are well within their understanding and their support. But it's the elected people who set the tax rate, not the staff people.

The tools we've given them are the interim borrowing authority, setting tax ratios, the authority to set the interim levies, the phasing-in of tax increases and, I might say, decreases, the deferral of tax increases for lower-income seniors—an excellent input by Minister Eves. There's a series of tools here that they have the authority—there are property classes and subclasses, and they're able to lower the burden for some areas. Convention centres and airports would have an extraordinarily high tax rate.

I think if people want more information, they should start with the MPP. Most MPPs on this side understand this. Some on the other side think that you just increase taxes; you just keep increasing them. We are trying to

make sure that, for instance, all of this is about reducing taxes.

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** Value for money.

**Mr O'Toole:** Value for money, and we're happy with the auditor's report this week to remind us to keep our eye on the ball. Mr Speaker, I'm sure you support this comment: we're elected, we're accountable and we've got to be always mindful that it's the taxpayers' money that we're looking after. It doesn't matter if it's municipal, provincial or federal, we're here to make sure that the hard-earned taxes and the taxpayers are protected. I can assure you that on this side we'll be supporting Minister Eves's bill, and I suspect that at the end of the day those on the other side will support it as well.

1620

**The Acting Speaker:** Questions and comments?

**Mr Colle:** I was listening attentively to my colleague from Durham, who certainly understands his constituency very well. I'm glad to see him praising local officials, because they do deserve praise. I know they're under a great deal of pressure trying to cope with the downloading this government has put on local municipalities. They're caught in the middle because you've got this fancy new bureaucracy, the Ontario Property Assessment Corp, and this government is squeezing all this complexity down on the municipal clerks and treasurers.

They're great people out there in Scugog and Clarington. It's too bad that the member didn't mention that Bill Stockwell was unsuccessful out there, trying to run for Clarington. He would have made a great mayor of Clarington, but I guess he lost to a better person. Who knows?

I think the local municipalities are going to bear a lot of the load here because of a combination of two things. The clerks and treasurers of Ontario have repeatedly asked this government for their ear; they have not been given that hearing. I hope that in this process of Bill 140—and I see the parliamentary assistant there—they will sit down with the municipal clerks and treasurers. I would like to see their comments on Bill 140, because in past pieces of legislation, this government did not listen to them. So I implore that they sit down with the good men and women of the Association of Municipal Clerks and Treasurers of Ontario to get their input so that they don't make the same mistakes they made last time, because when you rush through these things as they've done in the past, you have to come back again with more legislation. I hope there's time for hearings and I hope there's time for consultation, especially with the clerks and treasurers of Ontario.

**Mr Marchese:** I don't doubt the member's sincerity at all in his belief that taxes are going to be held down and that he's seeking fairness for small business and he's hoping that the homeowner is not going to get a tax increase. But I've got to tell you good citizens of Ontario, many of you are going to get whacked. You're getting to get whacked big time with a tax increase that many of you will not be able to afford. And while there may be

some measures for some of you out there, for people with disabilities in particular and for people who have very, very low incomes—and I'm not sure what that threshold is—and while cities can create some measures there to protect you, I'm not quite sure whether the municipalities will do that, and if they do, I'm not quite sure how they're going to make up for helping some of you and not helping others. A whole lot of you seniors do not have a disability and you are not below that certain threshold. Many of you will have enough of an income and won't qualify for the kinds of measures that might protect a few and won't protect the many. My point to many of you good citizens, taxpayers, is that you're going to get whacked.

With many cities facing cost pressures due to transit capital costs, arbitrator labour settlements, repaying provincial loans of \$200 million—these costs alone here in Toronto amount to about—these pressures exceed revenues by about \$150 million, so they're going to have to do something. So property taxes are going to have to be increased somehow. The business class is protected and big rental building landlords are protected, but what about you, homeowner? What are you going to do and who's going to protect you? Is Mike Harris there to protect you? Who else is going to be there to save your neck?

**Mr Young:** I'm pleased to have an opportunity to comment upon the remarks made by the member for Durham. I want to say at the outset that the member for Durham not only understands but deserves a great deal of credit for the bill itself, because he has been an advocate on behalf of his constituents over the past number of years and the bill is the way it is largely because of the interventions and the assistance we have received from individuals like the member for Durham as well as individuals and groups across this province.

I should point out to you that we have in fact consulted with the Association of Municipalities of Ontario. Our ministry has consulted with the Municipal Finance Officers' Association, with the Association of Municipal Managers, Clerks and Treasurers, the Association of Municipal Tax Collectors, and on and on and on. And it's because of those consultations and it's because of the meaningful input that we received from those associations and the individuals therein that we have put together a bill that I'm confident will work and will work well.

One example, of course, is the removal of the frozen assessment listing, which was something that those very associations that the member for Eglinton-Lawrence referenced asked for and received in this legislation.

I do want to, in my remaining moments, also talk about the fact that the tax relief that is there for low-income seniors and low-income persons with disabilities is mandatory and must be used by municipalities. There is an additional clause within the legislation that provides for optional tax relief to be afforded to individuals who face undue burdens. It's up to any municipality across this province to exercise that option, and I'm quite

confident that they will do the right thing and ensure that those taxpayers do not face undue burdens that they cannot afford. So it is within the hands of the municipalities. That's what they asked for and that's what they received.

**Mr Joseph Cordiano (York South-Weston):** Imagine the shock that was received by homeowners this past week when they received their assessment bills. Of course, this is the eighth property tax bill in three years, all stemming from the panacea, the great saviour of this problem of property taxation, CVA, which was brought in by this government. So imagine the shock in the minds of the homeowners who received their notice of assessment with the huge increase that some of these people are facing right across the province.

Again, I say with regard to the member's comments, this is the eighth tax bill that you've introduced. It does not solve some of the problems that were there, lingering for quite some time now. For as long as I can remember, having gone through five provincial election campaigns, property taxation has been an issue and continues to be an issue. You haven't solved very much; you haven't dealt with the real problems inherent in the inequities of the system. You have not done away with those inequities, and it will continue to plague us.

My colleague the member for Scarborough-Agincourt, you will remember, pointed out the inequities that exist, comparing the case of Brockville to Parry Sound: identical businesses paying very different amounts of property tax in the form of the education tax. That has not been solved. That inequity continues to exist in this piece of legislation. There is no solution on the horizon that has been pointed out here. I say to the member, then, this bill is not dealing with the real problems inherent in the inequities across this province, and therefore you should rethink your position on this.

**The Speaker:** Response?

**Mr O'Toole:** Just to acknowledge the members for Eglinton-Lawrence, Trinity-Spadina, and York South-Weston.

The member for Willowdale, David Young, is the parliamentary assistant to the Minister of Finance and has been a stalwart leader, someone who has helped me understand and digest the important changes that Minister Eves has asked him to carry out in this province, and he has done it very capably.

The member for York South-Weston is right: the job is not done. Clearly there is more to do. But if I look at my own area, and I have it right here—this isn't just a prop—it says, "Durham Region Property Tax Update: The 2000 general levy budget results in a decrease in property tax." There you have it. I think they're doing a great job.

I'm going to mention the mayor of Clarington, John Mutton, and serving with him are regional councillors Jim Schell and Charlie Trim. Jane Rowe is a local councillor, along with Don MacArthur, Pat Pingle and newly elected Gord Robinson. I look forward to working with these people to keep taxes down and accountability

up. For Scugog we have mayor Doug Moffatt elected. He served in this House. He was in the wrong party and that's too bad, but people do make mistakes. Now he's the mayor, non-partisan; I can work with him. We also have a regional councillor who's new, Ken Carruthers. He has served locally. He's a business person, and certainly we'll be working together—maybe some hard work, but nonetheless. Larry Corrigan, for example, is brand new. Marilyn Pearce was elected, was out, and is now back in: some experience there. Jim McMillen, re-elected; Dave Dietlein, re-elected; and Charlie Norris who is elected. That's Scugog. There's more but the common purpose here is not to say that we've arrived at some Utopia. The job isn't done. It may take us two more terms. I figure in the year 2025 we'll be working to make sure taxes don't go up and to give municipalities the right tools to do the job at the right time.

With your permission, Mr Speaker, I'll continue until you rule I'm out of order. There is more work to be done. All of us here intend to keep taxes down and service up.

1630

**The Speaker (Hon Gary Carr):** The member's time is unfortunately up. He could maybe have gone on for an hour if I hadn't said anything. Further debate?

**Mr Tony Ruprecht (Davenport):** I am delighted to join in this debate on Bill 140. Some interesting comments have been made today, especially by the member for Durham. In fact, he has actually said that the PC Party had the courage to change the tax bill. Some courage. I'm sure all of us in this House would like to see taxes reduced. The cry I hear from the government benches has been, "We're here and we tried to get elected to reduce taxes."

I have news. The people of Ontario know what is happening to their taxes. Their taxes are not being reduced. The headlines in almost all the daily papers in Toronto have agreed. It says, "Tax assessments are in, and guess what? Taxes are up." It isn't that taxes are down. I'll tell you what, has anyone in Ontario ever heard that their taxes have gone down?

*Interjections.*

**Mr Ruprecht:** I must have struck an interesting chord on the other side because apparently some government members are saying, "We had the courage to do it." I've got to give you some credit. First of all, no matter what anybody would have done, it's true, there is no perfect tax bill. I understand that and our party understands that, so there are going to be some inequities, no doubt. You've had the courage, all right, to step into a tax mess and produce a bill, which as you know—I have it in my hands, Bill 140—is such a bill that you cannot be proud of this bill, that's for sure.

I know the member from Eglinton-Lawrence has a chuckle about being proud of it. If you're going to put your name to this tax bill and be proud, member from Durham, I'm telling you that you've got your blinders on, because how can anybody be proud of Bill 140?

Look at this. This is supposed to be making the taxpayers of Ontario smile. This bill, as was mentioned

previously—I don't want to repeat myself but I tell—is not only not the first bill, but it's not the second bill, it's not the third bill, it's not the fourth bill, it's not the fifth bill, and it isn't even the sixth bill or the seventh one. This one here, this Bill 140, is the eighth attempt to get it right. Courage? Is it the courage to set this right or is it the courage of a foolhardy man who walks into the mud and gets splashed all over? That's courage? You can't be proud of Bill 140 because, quite honestly, who understands this bill?

Did you read it, Mr Sampson?

**Hon Rob Sampson (Minister of Correctional Services):** Yes.

**Mr Ruprecht:** You read this bill from cover to cover? And you understand this bill?

**Hon Mr Sampson:** Yes.

**Mr Ruprecht:** Then please tell me why and tell the people of Ontario why, if you can, no one else understands this bill? Do you know why I say the people of Ontario don't understand this bill? It's not just because of the language, but simply because they have to go to hundreds of organizations that are in the tax business, whether they're tax lawyers, assessment counsellors or people who want to make a buck in terms of helping people reduce their taxes—we know those companies; the member was referring to them earlier. If they had an inkling about this bill, they wouldn't have to go through tax lawyers to try to figure it out. I wouldn't be surprised if even you had to hire a tax lawyer to try to figure this out to reduce your taxes because you don't really get what is in here. This is complicated and this—

*Interjection.*

**Mr Ruprecht:** You can smile and smirk as much as you want. If this is supposed to—

**Ms Mushinski:** You never had the guts to do anything about it.

**Mr Ruprecht:** I gave you credit at the beginning, didn't I?

If this is supposed to straighten it out—I know it wasn't right the first time, and you knew that too. We had demonstrations. In the first bill you introduced to straighten out business taxes, and I've mentioned this example in my earlier presentations—you can't come to the edge of a city and have a business on one side of the street. You need examples? I'll give you examples: Marrone's restaurant on the south side of Steeles Avenue—

**Hon Mr Sampson:** Mulroney's restaurant?

**Mr Ruprecht:** Not Mulroney.

**Interjection:** They serve baloney there.

**Mr Ruprecht:** I think you'd probably attend Mulroney's restaurant.

Marrone's restaurant pays \$15,200 in business taxes. The restaurant across the street, on the north side of Steeles Avenue, pays \$4,800; triple the amount, and that can't be right.

If you were trying to straighten it out on the second tax bill, OK. But it took eight attempts. So now we know. We're giving you specific examples of the inequities you

created—I know you didn't try to do it. I don't know what advisers you've had and what bureaucrats have advised you. I don't know who they were, but certainly they must have been from out of town or out of the country, or they must have been the advisers you get from the United States.

That brings me to another subject. You say, "We're here because we have respect for taxpayers' money." You say taxpayers' money is why you were elected. Yet what do we see with these increases? What do the people of Ontario find? You've spent literally hundreds of thousands of dollars on advertising, on ads promoting your party and the Premier, and you say you have respect for taxpayers' money. Producing this kind of document is not respect for taxpayers' money either. This isn't going to do it, and you know it.

I wouldn't be surprised, my party wouldn't be surprised and the taxpayers of Ontario wouldn't be surprised if you have to come back again and do number nine and maybe number 10. That's what is in the works. It still isn't working. If you came here to say you reduced taxes, this is not working. Taxes are not being reduced. How come, in the paper today, when people got their assessment notices yesterday, their taxes went up dramatically and drastically? I know you're saying this is current value assessment, and this may not be the appropriate forum to discuss what kind of assessment we should have, whether it should be current value or another kind of system. This may not be the appropriate forum, but this is still not working. Why is it not working? I'll tell you why. You can't take a senior citizen in Leaside—the example is in the paper today—and increase the taxes of a single woman who has been in a house for 30 years by more than \$1,000 a year. It doesn't work. How do you expect them to pay for the tax?

1640

You've seen the ads in the paper. You've seen them, too. Do you know what they say? Let's consider a reverse mortgage for seniors who can't make their tax payments. Consider reverse mortgages. What's a reverse mortgage anyway? We should be ashamed of ourselves as legislators to come in here and produce tax bills or to produce a tax situation whereby we are forcing some people into reverse mortgages. That simply means that the—

**Hon Mr Sampson:** The mortgages are reversed.

**Mr Ruprecht:** The mortgages are reversed. Thank you. I've tried to simplify it for you. I've tried to simplify it for this member. Occasionally you do get things right and this is one place you've got things right.

This bill is not doing it and we're waiting for—

**The Speaker:** Questions and comments?

**Ms Mushinski:** I'm really pleased to hear the comments of the member for Davenport, because he is a Toronto member. I really do have to remind him of the time when Mr Tonks, who happened to be the chairman of Metro council, attempted very bravely to bring about a reformed market value assessment system that he could take to the province in the hope that the province would

enact some fairness into what was a totally outdated and an extremely unfair system. When we went through that process—and Mr Speaker, you may recall, I was an executive member of the Scarborough council who sat on Metro council at that time—I think it was perhaps one of the darkest periods that Metro council ever went through. Mr Tonks himself had to go around wearing a bulletproof vest because of—

**Mr Colle:** Oh, come on, Marilyn. Don't exaggerate.

**Ms Mushinski:** Mr Tonks had to go around wearing a bulletproof vest because of the venom coming from the people in the downtown core who had been subsidized by taxpayers in places like Scarborough for years and years and years. When that government, the Liberal government, and the NDP government had a chance to show some intestinal fortitude, what did they do? They did nothing. Mr Eves and our government was the only government that had the intestinal fortitude to bring fairness to the property tax assessment system.

**Mr Colle:** I sit here attentively listening to my colleague from Davenport because my colleague from Davenport not only talks the talk, he walks the walk. He was there with me on St Clair, he was there with me on Bloor Street, on College, when small business was not being listened to by this government. He was there side by side with the small butchers, the shopkeepers, the florists. He listened to them and through his hard work we were able to crystallize small business people who rose up all across Toronto and make Mr Eves come to Bloor Street in haste on a Friday afternoon and say, "I surrender. We will protect small business."

My colleague from Davenport had the guts to be on the street with small business. There was not one member of this government who had the guts to stand with small business. So you can criticize my colleague, but when it came to standing up for little people in his community who had small homes that were being overtaxed, he was there with them, appealing their taxes. When the small business people were distraught, he was there fighting with them side by side and he was one of the persons who enabled this government to finally see the light and come scurrying down to Bloor Street to put in some protection. It wasn't because of the backbenchers here on this side, it was because of colleagues like the member for Davenport who had the courage to stand side by side with small business people who were being ignored by this government because they were going to whack them big time.

Rather than taking these cheap shots, we should talk about helping small businesses, helping residential owners and not saying we know it all. This is the eighth attempt. How many more pieces of legislation will you pass to enrich the tax consultants who prey on seniors? How many more bills will you pass to make our tax laws so complicated that only tax lawyers from Bay Street can understand this complexity?

**Mrs Julia Munro (York North):** It's certainly a pleasure to be able to rise and add further to this debate. I think there are many people who need to understand what

the difference is between assessment and property taxes. Very often, those fear-mongering people confuse the two. We are the government that took the initiative to ensure that there was fairness across the taxation system in this province. Many of us come from communities where assessments had not been re-evaluated for anywhere from 20, 30, 40 years. Very clearly, it was an enormous impediment. In fact, it created such inequities across the province that people were not fairly assessed and then those tax rates were applied to those unfair assessments. So it's really important for people to understand that this is a process that provides an assessment rate that reflects current value. It is up to the municipality then to assess the actual tax rate. That is the difference between the two parts, and it's an extremely important difference to understand.

It's also very clear by the introduction of this piece of legislation that we are looking at continuing our commitment to fairness in this process. It is after consultation with groups such as the Association of Municipalities of Ontario and the Canadian Federation of Independent Business that we are moving forward to ensure that this fairness continues for all Ontarians.

**Mr Cordiano:** When you look at this bill and when you look at what the government has done with current value assessment in the entire area of property taxation, you begin to realize that when you scratch beneath the surface and examine the true extent of this bill, there's nothing fair about it. You realize that when you come to the conclusion that municipalities no longer have the option of raising additional funds, if necessary, to meet their obligations—they will have many obligations now, given that this government has downloaded social assistance, social housing, land ambulances, very essential services to municipalities and to the people of this province. They have downloaded those costs on to municipalities. As a result of that, the municipalities are forced into a situation where the only way they can raise additional revenues is to raise them from residential property owners through property taxation on homes.

Faced with that very difficult choice, municipalities have no choice, they have no flexibility. They are going to be caught between a rock and a hard place. That's precisely what this government wanted to impose on municipalities: inflexibility, no decision-making capacity. They did not want the municipalities to raise additional revenues from businesses. They took that power away. They've given that power to themselves entirely in the form of the business education tax, with the express purpose of not permitting municipalities to raise additional revenues. So if they want to raise additional revenues, they have to raise the additional revenues from homeowners, which is an untenable political situation for municipalities. They've been loath to do that and are reluctant to do that. So it's unfair.

1650

**The Speaker:** Response, the member for Davenport.

**Mr Ruprecht:** I appreciate the comment from the member for Scarborough Centre. I never said that she

was totally wrong, but time simply doesn't permit us to get into the finer points of this 40-page document.

The member for Eglinton-Lawrence, of course, is right on target. Mr Colle has made in his presentation many comments about the various demonstrations that we actually had to organize because we were forced into it. The member from North York I suppose refers to those demonstrations in Toronto where literally thousands of people attended on St Clair, on Bloor and on College, and she talks about fear-mongering. If that's what it means to wake up a government that was totally insensitive to small business and to homeowners, totally insensitive, whereby tax increases in Toronto in some cases—and we have documentation—went up by 600%—I know these are outrageous tax increases and I use them in good cause. But let's face it: 100%, 200%, 300%, 400%, 500%, 600%. Many of these were in the 300% to 400% tax bracket increase range. That wasn't right. The only way they could possibly get this government to cooperate and to even pay attention to these outrageous increases was not to make a telephone call, not to write a letter, not to send in petitions; the only way they forced the government down and stared them down was when thousands of them came to Toronto and had these demonstrations. That was the only time they would listen. Otherwise, it was game over. So now we know what the final answer is: You've got to stare them down. Get out there and appeal your taxes. Get out there and demonstrate.

**The Speaker:** Further debate?

**Mr Marchese:** I just want to welcome the citizens of Ontario to this political forum. It's 5 o'clock Thursday afternoon and we're on live.

A number of claims have been made about who reads bills, who doesn't. Did you read it? Did you read it? You know the majority of members don't read these bills, and, to be fair, not because they don't want to but because no one has the time.

**Mr Young:** Rosie, did you read the bill?

**Mr Marchese:** It's quite possible the parliamentary assistant has the time to read all the bills—it's quite possible—but my suspicion, having been on both sides of this Legislative Assembly, the majority of the members in government get a briefing and that's about it. You get a five-minute briefing and you hope for the best. That's the extent of it. You know that and I know that. I don't want to lie to you, citizens. But that's what happens.

Imagine, if the members of this Legislative Assembly don't have a clue about the contents of these bills, how are you, citizen-taxpayer, to know what is contained in these bills? You see, we debate these bills for a couple of days in the afternoon, in the evening, or two evenings and one afternoon, and it's gone, and you, good citizens, will never know beyond listening to those in government and those in opposition what might really be contained in the bill. So we leave it to you to judge who is more clear, perhaps more honest than the other, based on what you hear. That's the extent of democracy. It is reduced to a couple of days of debate in this Legislature. It's pitiful.

A few members of the Liberal party talked about how when this government introduced the old assessment bills there were so many problems connected to those bills that particularly affected the small business community—

*Interjection.*

**Mr Marchese:** David, listen. I've only got seven minutes. Please help me out. I've only got seven minutes.

**Interjection:** Then ignore them.

**Mr Marchese:** I like to engage, but when I have so little time it's hard.

Small business was going to get whacked in such a big, big way under your former bill that the opposition parties, the New Democrats and Liberals, fought tooth and nail against your bill to protect small business. Why did we do that? We did it because we need small business, business in general, big and small, in the downtown areas of Toronto and other cities to stay where they are, because both the residential community and the business community are an integral part of our community so they both need to coexist and to survive. If you tax the hell out of the small businesses, as you would have done, they would have been in trouble. So you then had to amend the bill. But you don't say that; you say, like the member for Scarborough Centre, "We're the only government in this House brave enough to bring about fairness." But the bill you brought in the last time would have whacked small business most egregiously, and you had to correct it. But you don't want to admit that was the case. I just put that for the record. I've got so much to say and so little time.

I want to bring some quotes to your attention because some of them are good. This is the now Premier, then the leader of the Conservative Party. He said, "Let us remember there is only one taxpayer. We must end the old politics of downloading one government's problems on to another." That's your Premier saying that in 1995, just before he got elected as the Premier. I guess he doesn't say much about downloading any more, does he? "During the last 10 years governments believed that our tax capacity was unlimited," and then he goes on and on; I don't have time. Here is a man, now Premier, then leader, saying he's sick and tired of the downloading of one government to the other. He just downloaded housing; we're debating that in committee. He's downloading housing, both in terms of collecting taxes to pay for housing at the municipal level and its administration. But here's Mike Harris saying he's sick and tired of the downloading of certain responsibilities from one level of government on to another. He does it over and over again. What gives? How can you at one moment say, "We wouldn't do that," and then you get in and you do it? And then you attack the other parties for presumably not supporting it. Do you see how disingenuous that is? And the public, the good citizens of Ontario, realize that too.

This comes from your Blueprint, I believe: "We will work closely with municipalities to ensure that any actions we take will not result in increases to local

property taxes." Ha. Does he mean that? Has he worked closely with the municipalities to make sure that no one is affected, business and/or the homeowners? I don't think so. But it's in the Blueprint that he would work closely with the municipalities to ensure fairness. I don't think it's happening.

Here's another quote from M. Harris: "Why haven't you understood that the heart, the core, of our capital city"—I think he was referring to Toronto at the time, in reference to what we were going to do in 1992—"of this province, of this country, is being threatened? It is being threatened every day. Why haven't you done an impact study on these changes in conjunction with other changes that are happening?" in reference to the fact that we New Democrats were about to introduce market value assessment. Mercifully, by the pressure we decided not to.

Other quotes: M. Leach said, "What we're going to do is make sure that no segment of business and no segment of residential property taxpayers get hurt as a result of bringing in property tax reforms." But we saw how business was going to get whacked, and now they're protecting business, and homeowners are about to get whacked. So much for M. Leach, who has left a good legacy as he is enjoying, I hope, his one or two or three pensions. God bless.

Mr Turnbull said, in 1991, "I would just point out that we feel this started under the Liberal government. There's too much downloading on property taxes." That's M. Turnbull saying this. But I presume it's OK for M. Turnbull now to download housing, to literally dump more transportation. He has dumped on to the municipalities all of transit and the GO trains. All he's got left is highways. There's no more transportation from this minister. But he's the guy who said he was sick and tired of the downloading, that there was too much of it.

Here's a quote by AMO, where they say, "'The government has been clear that it wants to see the property tax burden on business to decrease significantly,' said AMO President Ann Mulvale. This is a reasonable goal and one supported by AMO. Achieving it is important to the competitiveness of Ontario. However, if the current income redistribution programs remain on the property tax base (eg, welfare, social housing) achieving this goal shifts more tax burden to the residential taxpayer."

But of course it does. Ms Mulvale, a Tory, understands this download that other members of the Conservative party at one point decried but now implement with glee, pleasure and satisfaction. They legitimize it in whatever way they can and explain it away. We're about to have the member for Niagara Falls explain it away. But the download is going to hurt and hurt badly.

**1700**

Our cities are broke. The city of Toronto is broke. By the time we get into the next recession, when we've got more and more problems to deal with, with the city having to take on more of welfare, to take on child care and transportation, to take more of public health and ambulances and housing, it's going to be broke. It won't have the money to sustain those services that ought to

properly belong in the hands of the provincial government. What is it doing downloading and dumping all these responsibilities on to the municipal taxpayer? How, good citizens, can you support a government that is so incompetent and doesn't know what it's doing?

In this bill, it bans many municipalities, including Toronto, Hamilton, Sudbury and the Niagara region, from increasing the overall tax rate, what used to be called the mill rate, on businesses and rental apartment buildings. That means any overall tax increase would have to be borne exclusively by the homeowner. You think Mel is going to shift all that responsibility on to the homeowner, as much as he and Harris would like to do? He can't, because it's political suicide. So what is he going to do? He's going to cut your services, good taxpayers of Ontario and good citizens. In the next economic downturn, don't wait for it, because a lot of you, good citizens and taxpayers, are going to be whacked. This bill certainly doesn't provide the kind of fairness you're looking for and I hope you pass that on to M. Harris, the Premier of Ontario.

**The Speaker:** Questions and comments?

**Ms Mushinski:** It's always very entertaining to listen to the very flamboyant speeches of the member for Trinity-Spadina. I think, having served in this place for five years now, that he perhaps is one of the most colourful speakers. I like to refer to him as the Chicken Little of socialist politics because all I ever hear from him is, "The sky is falling."

I will hark back to the time we went through some very difficult challenges to bring equity to the property tax system. To his credit, Premier Rae at that time, when he witnessed the very diverse debate at Toronto council, committed to doing something about it. He struck what I believe was called the Fair Tax Commission at that time. There were some very interesting recommendations that came out of that Fair Tax Commission. It's interesting that the member for Trinity-Spadina talked about political suicide. It's my opinion that Mr Rae and his government of the day completely ignored the greater concerns of the people in ridings such as mine, Scarborough Centre, who for 40 years have been saying, "We have been subsidizing the rich homeowners of Rosedale and Trinity-Spadina and we think it's about time there be some fairness in the system." It's unfortunate that the NDP government and Mr Marchese at that time didn't listen to the people of Scarborough.

**Mr Gerard Kennedy (Parkdale-High Park):** I want to commend the member for Trinity-Spadina for his comments in this instance. The members opposite still continue to have their heads stuck in the sand. We're on the eighth law, the eighth time this government has tried to fix its own property tax mess. This is not simplification, this is a pile-on, a plethora of mess upon mess. There are telephone-book-sized bills now for this government blundering around in the property tax area, having no real idea what to do.

We see what that's going to mean for people in Toronto. We see what's going to happen to people with

30% to 40% market increases. Why? Because this government has no laws against speculation. It is doing nothing about what is abounding in this area, which is market prices that are zigzagging all over the place. What they're basically saying to people on fixed incomes or low incomes is, "You don't matter." Big surprise that they don't matter in Mike Harris's Ontario. At least they used to be able to live in their homes; at least they used to have the security of that.

We have the member from Scarborough talking about, "We're OK. We're all right in my riding." That's not the way to do property tax. The way to do property tax is to be fair to all of the people all of the time, and that's not what's coming forward in this bill, this latest patch.

Who do they provide for in this bill? Did they provide for the poor? Did they provide for the widows? Did they provide for the people who might have to give up their homes from the ratcheting around of property taxes? They didn't. They provided only for some large, commercial bank tower owners to make sure they don't get big tax increases, but they've done nothing to create a small business property tax class to look after the people who provide some return to people in their neighbourhoods for their worthwhile businesses, nothing for the people who are stuck in their homes who have value they can't use and can't have their quality of life. Instead, we have another mess, another incompetence, another lack of effectiveness on the part of this government. It's starting to make an interesting story with a lot of chapters. The property tax mess is just the latest one.

**Mr Young:** I must confess that the longer I spend in this assembly, the more it feels like the Twilight Zone. I must tell you that when I hear the representative whose comments I'm so pleased to have an opportunity to reflect upon, the representative from Trinity-Spadina, when I hear him talk about being out there to protect business within this province, I can't help but reflect to myself, since when has the NDP been concerned about business within this province?

Were they concerned when they whacked them time after time with tax increases between 1990 and 1995? The answer is clearly that they were not concerned. Did they think it was good for small business when they reduced the power of this government, when they reduced the intake of revenue of this government to the point where they were spending \$1 million more an hour than they were taking in? Did they think that was good for the people of this province? Did they think that was good for business in this province?

It's very easy to throw terms around, as the member for Parkdale-High Park did, and to suggest that this legislation is not good for small business. I would encourage my friend to deal with the facts in this situation. I would encourage him to look at what the Canadian Federation of Independent Business said by way of correspondence dated November 16, 2000. This is an organization that is universally accepted as a spokesperson for small businesses across this province and across this country. They have applauded this government's courage. They have

applauded this legislation, which if passed by this Legislature, will provide the sort of relief that is about six decades overdue.

I would encourage the members in this assembly to consider that this is not a bill that was crafted to fix a problem that we created; it is a bill that was put together to provide redress for a problem that was ignored by Liberal and NDP governments, and indeed by Progressive Conservative governments in decades past. It's time to deal with it. We have the courage, we have the fortitude and that's just what we're doing.

**Mr Colle:** It is always very informative to listen to my colleague from Trinity-Spadina. I guess my colleagues on the other side don't appreciate the fact that just because you live in a well-to-do area doesn't mean you're well to do. They don't understand what's happening to our inner cities. They don't understand that you could live in Trinity-Spadina and you could have basically just a meagre pension of \$8,000 and have to make ends meet. People move in on either side of you who have huge amounts of money, and that poor widow with \$8,000 has to somehow cope with a 40% increase in her property tax assessment.

This government doesn't understand, and the parliamentary assistant had better try to understand this. I don't know if he ever served on municipal council, but he doesn't understand it. What they've done is downloaded this responsibility of helping disabled homeowners and people with disabilities on to the municipalities. The municipalities cannot help them because of the downloading that this government has imposed on municipalities.

You know what this government is saying?

*Interjection.*

**Mr Colle:** I know, the parliamentary assistant doesn't want to listen. Maybe he should learn a little bit first before he speaks. The municipalities hardly ever get anybody who applies for these allowances because the senior doesn't want a new mortgage on her home after spending 50 years paying off the mortgage. That's all you're giving her. You're saying to that poor senior, "Put a reverse mortgage on your home." Well, sorry, Mr Fat Cat, the poor senior doesn't want to put another mortgage on her house, and that's what you're asking her to do. She says no to you and your fat-cat solution.

1710

**Mr Young:** On a point of order, Mr Speaker: I have concerns about the use of the term "fat cat" by the members opposite. I think that's quite unparliamentary and beneath the member.

**The Speaker:** I thank the member. Further responses?

**Mr Marchese:** Two minutes, that's all I got to be able to answer to all these members who made these fine statements.

The member for Willowdale says he was surprised to see New Democrats supporting small business. Well, I don't know where he was, but I know where the member for Eglinton-Lawrence was and I know where the member for Trinity-Spadina was. We were out there in the

streets with small business people because they were about to get whacked by a 100%, 200%, 300% increases.

I don't know where you were, but I know where I was. I don't know where Mr Stockwell was, but I know where the member for Eglinton-Lawrence was. We were on the streets supporting small business. Where were you? I didn't see you in the streets, did I, as it relates to this particular issue?

We will have differences on other matters as it relates to your five billion bucks that you found to give away to business in general, but you don't have any money for hospitals or the environment or housing or anything else that's important, or education for that matter—but that's a different discussion.

People are indeed looking for redress. As much as they now support small business and business in general with this bill, homeowners will be looking for redress, because the reassessment is going to whack people big time. Where is this member, who's a lawyer, going to help out with redress for the homeowner? Where is the balance that homeowners are looking for? They're not going to get it.

The real answer is that you've got to upload to solve most of these problems, not download down responsibilities to the cities. Downloading responsibilities of transportation, housing, welfare, child care, ambulances and public health is wrong, and that's the cause of the problem. That's what cities will have to face, and that's where homeowners are going to have to pick up the slack, because they're not protected in this bill, member for Willowdale.

**The Speaker:** Further debate?

**Mr Bart Maves (Niagara Falls):** It's really interesting to listen to the member for Trinity-Spadina say to the members on this side of the aisle, "Where were you?" when he was out on the street. I know he has been out on the street for five years. He's out in the street trying to find any vote he can and making sure that he and his 9% can keep on there.

You know where we were when he was out on the street? We were in here passing legislation that fixed the province of Ontario. The province of Ontario was virtually bankrupt when this government came into office in 1995 because of the governance of those two parties across the aisle. Plain and simple. We were overtaxed. We were spending a million dollars an hour, 24 hours a day, seven days a week, 365 days of the year more than we were taking in. We lost thousands and thousands of jobs in Ontario. We had unemployment rates of 15.3%. The member opposite thinks that's a good record. He stands by his record with an unemployment rate of 15.3% in my region of the province.

You know what I stand behind? I stand behind the bills that we passed that reduced taxes in the province, that helped economic growth. We've seen this province create over 800,000 jobs now since we got into office. That's what we were doing when he was out on the street. We were in here working, earning our paycheques.

The members opposite were proud of their record: that as the economy grew in some years, more and more

people went on social assistance in this province. They're proud of that record. So where were we when they were out on the streets? We were in here fixing the welfare system, and now almost 600,000 people are no longer dependent on social assistance in the province of Ontario.

You know, another member opposite, the member for Parkdale-High Park, says there's nothing in this bill for seniors, nothing in this bill for people with disabilities. The member for Trinity-Spadina started out saying, "Read the bill. Not everyone reads the bill." Well, I know who didn't read the bill. It was that member, Mr Kennedy, who didn't read the bill.

Let's talk about some of the tax relief measures in this bill. For whom? Tax relief for low-income senior and disabled homeowners. That's right. This act allows municipalities to provide relief from all tax increases, including municipal levy increases, not just reassessment-related increases. It also requires relief to be provided from tax increases that result from future reassessments.

What other measures are in this act? An exemption for the portion of homes built for people with disabilities. That's right. The act would provide an exemption from taxation for a prescribed portion of the assessed value of new homes that are designed to accommodate people with disabilities.

They didn't read it. The member for Trinity-Spadina is right. He must have missed that part. Obviously the member for Parkdale-High Park missed it. Obviously he missed it, didn't he, member for Trinity-Spadina? He missed it. He must have missed it; it was right there. You're right: he didn't read the bill, member. When you're right about something, you're right. Some members don't read them. The member for Parkdale-High Park did not read that.

What else didn't he read? He didn't read about tax relief. This is the Tory government; this is the mean government, I thought. That's what the members say all the time. That's the demonization the member from Hamilton talks about all the time. Tax relief for people in hardship: that's right. In this bill, local municipalities would be given the option of providing tax reductions or refunds to owners of property in the residential farmlands and managed forest property classes if the taxes are unduly burdensome as defined by the municipality.

That's it. That's in this bill. That's what they're so opposed to. But the member just finished telling us we did nothing for people with disabilities in this bill; we did nothing for seniors in this bill; we did nothing for people in hardship in this bill. The member for Trinity-Spadina is right: the member for Parkdale-High Park did not read the bill.

Tax rebates for charitable organizations: in this bill, municipalities would be required to provide eligible charities with rebates of a portion of their property tax. Charities occupying commercial and industrial property will be eligible for this mandatory rebate if they have a valid registration number issued by the Canada Customs and Revenue Agency. It's important to have that, especially for those organizations that work in all of our communities and provide such a valuable service.

I guess the crux of this bill, let's face it, is that as we've moved to the CVA system throughout the province in many areas that were outdated—many areas like mine in the Niagara region had already moved on their own to the current value assessment system. If I remember correctly, when we brought in CVA a few years ago, about 70% of the municipalities throughout the province were already on that type of system. We moved with the rest of the province so that we'd all be in the same assessment system. We all needed to have updated assessments throughout the province of Ontario so that there was tax fairness.

When we do that, and every time we update the assessment system, there are impacts on different commercial business owners or industrial owners and homeowners. In some areas that was going to be a big hit, because some areas were so far behind, their assessments were so far off, that once their assessments were brought into the 1990s and you attached the current tax rates to those new assessments, there was going to be a big hit. Back when we introduced our first bill on this, we had provided municipalities with tools with which they could mitigate any big hit on any of those businesses, especially in areas where their assessments were many, many years old.

My area wasn't that bad. We had had reassessments. There were some areas where when we brought in the system and we brought in up-to-date assessments in 1998, there were some people who got hit hard, and the region elected not to use any of the tools that we had made available to them. Other municipalities elected not to do anything. So we came back with another bill, and one of the reasons we came back with another bill was because some of those municipalities elected to do nothing and there were indeed going to be businesses that were hit hard by that new assessment and those tax rates that had grown over the years. That's why we've had a couple of bills, in fact, because sometimes municipalities didn't use the tools that were available to them.

One of the things we came up with was obviously the 10-5-5 cap, where increases could only be up by 10% in 1998, 5% in 1999 and 5% in 2000.

**1720**

I've had a lot of people in my office, some of whom, when the new assessments were done, were going to have lower assessments. They were actually going to get a tax break. They've had to put off receiving that tax saving, that tax break, while we phase in the new taxes for them. Again, they thought there was going to be 10-5-5 and then everyone would move to their current value rate. They are now going to be left again, I admit, unsatisfied. They are not going to be able to feel the full measure of a reduced tax assessment. They're not going to be happy about that and they'll be into my office and they'll talk to me about that.

But I'll tell you one thing. Every one of those small business owners who came to see me about that problem, liked, number one, that there's some light at the end of the tunnel, liked, number two, just about every other

change this government had made. Many of them attributed a lot of the tax reduction work this government had done as saving their business, providing a little bit more, because a lot of these are small businesses. They're not big businessmen. They don't have big, huge salaries. They are people who have slaved away at their own businesses, sometimes paying their staff a lot more than they're paying themselves, and they needed relief. They needed relief from the huge amount of taxation that the two parties opposite did from 1985 to 1995. And they got that and it made life livable. It made their take-home pay a little more meaningful. It made their businesses a little more profitable, and so they're in business today because of that. Their businesses are doing better and they're actually hiring people; and they still may not get the benefit of having a lower tax assessment because of this bill.

But all in all, with the new tax regime that we've brought in, as shown by the support from the CFIB for this, and the many other changes we've made, those businesses are much better off because of this government and the province is much better off. The amount of job creation, principally done by small business—although our manufacturing sector has boomed, our tech sector has boomed and a lot of other areas have boomed and that's where there's been job creation. Principally, small business creates jobs and they've benefited from the whole program that this government has undertaken since 1995.

**The Speaker:** Questions and comments?

**Mr Michael Bryant (St Paul's):** I'm pleased to respond to the statements from the member from Niagara Falls. I can tell you that the property taxes for the people of St Paul's are not falling. They are going up and we are all in Toronto being bombarded by this political bazooka armed by the Premier of Ontario. If it was up to Mike Harris, at the end of the Common Sense Revolution we would have nothing but a wasteland in the 416. This is yet another anti-Toronto bill. This is yet another attempt to deal with the chaos of the property tax system that this government created.

You know the joke, "How many lawyers does it take to screw in a light bulb?" Well, how many bills does it take to create property tax chaos in the province of Ontario? Apparently, the answer is eight bills. Eight cracks at this, and yet it gets worse and worse.

The people of St Paul's need to understand that first off they need to look at their assessment and decide whether or not their taxes are going to go up. If in fact the assessment went up by 21% or less, you're OK for now. You're OK. Your taxes probably won't go up. But for many people in the riding, in fact, it's astronomical and they're being burned by this unrealized capital gain. For all those seniors and disabled people, people on fixed incomes, they're being burned by this government and this tax system.

You need to fight it. Our office is happy to help. Please go up on the Web site: [www.michaelbryant.com](http://www.michaelbryant.com). Please file the request for consideration. Please call up

your assessor and, if necessary, if you decide you need to appeal it, you need to make an appeal. I want you to know that your member of provincial Parliament and councillors in St Paul's west, Mihevc and Walker respectively, will do everything they can to try and fight to keep your property taxes down in the face of the mendacity of the Harris government.

**Mr Marchese:** The member from Niagara Falls is right, it is in the bill. There will be tax relief for low-income people and people with disabilities. That is true. In this respect, the government is very generous, because it makes it mandatory that municipalities provide relief. Isn't it wonderful for the province to say, "You, the city, will provide relief. It's mandatory. How you do it is not my concern, but it's up to you. We are magnanimous to those who will benefit from this, because we're forcing the city to do it"? God bless the province. They know how to download over and over again their responsibilities down to the city.

My question to you is, what is that threshold? Do you know what that threshold is? How many people will be eligible to get relief? What does "relief" mean in terms of real-money support? I'd like to know, because I bet you the threshold is going to be very low. So I'm not quite certain how many people are going to qualify who are seniors. Maybe the member from Niagara Falls knows and can help us, but I don't know.

I would add, to the member from Niagara Falls, that tax reduction for one group will mean a tax increase for another group. So if there is relief, whatever that is and to whomever, they're going to have to pass it on to somebody else. By law, the burden can't be passed on to business, because they're protected. So where is this shift going to go if you protect one group but must increase it to be revenue-neutral, pass it on to another? It's the residential sector, the property owner. There's no magic to this. Residents are going to be whacked with tax fairness, which is, presumably, Bill 140.

**Hon Frank Klees (Minister without Portfolio):** Thank God for members like the member from Niagara Falls, who is able to bring some clarity to this debate. As usual, he spoke about the facts of the bill. He balanced off the rhetoric of the Liberal and the NDP members here, who clearly haven't entered the debate to assure their taxpayers of the facts and intent of this legislation but want to continue to keep them in fear and concerned about things that will never happen.

Having said that, I also want to say for those who are watching who may have been listening to some advertisements that I've been hearing over the radio that have been put out by the Ontario Property Assessment Corp, they are, quite frankly, as well misleading. I've expressed this to the minister. I've expressed to the minister the fact that I'm very concerned that these ads are suggesting that the assessment they are receiving notice of will in fact determine their property taxes. Nothing could be further from the truth.

Property taxes will be determined by the rates that are applied by the municipalities against the properties. So

it's very much within the authority of the municipalities to determine whether or not there will be an increase in property taxes. It's true that there will be a reflection of the current market values of those properties, but we're looking to the municipalities to determine what the rates are going to be that they'll apply. We trust that the municipalities will do the right thing and ensure that there is fairness in the property taxes in their municipalities.

**Mr Phillips:** My comment is for the member from Niagara Falls. He will want to make sure that the residents of Niagara Falls understand the purpose of this bill. If Niagara Falls does need, in order to fund social housing, social assistance, their transit system, if any of those things are required, this bill, according to the government, means no taxes can go on commercial, none on industrial; they all have to go on to his homeowners. If he doesn't understand that part of the bill, he should make sure that he gets from the minister the sheets that were provided to us. The member will want to know that.

1730

The second thing is, the Canadian Federation of Independent Business published the tax rates for 25 municipalities across the province. These are not the taxes that the municipality puts on property, but Mike Harris on education property tax. Again, it's a public document. I would just say to the member, I don't have Niagara Falls on here, but in the chart it's there. A business in Niagara Falls assessed at \$500,000 is charged by Mike Harris for education property tax—this is paid to Mike Harris, property tax—\$20,000. The identical building in Parry Sound, the Minister of Finance's riding, pays less than \$5,000. So he'll want to point out to the businesses in Niagara Falls, for some reason or other, the Premier has decided that a business in Niagara Falls assessed at exactly the same in Parry Sound will pay \$20,000, and \$5,000 in Parry Sound. I just point these things out because they are part of this bill.

Finally, I would say to the minister who got up and once again blamed everybody, the government set up the Ontario Property Assessment Corp and now is blaming them for the problems. You set them up. They're doing your job.

**The Speaker:** Response?

**Mr Maves:** I want to thank all the members who responded to my comments.

The member for Scarborough-Agincourt knows full well that a few years ago when we did the transfer of services with municipalities, where we took 50% of the burden of education costs off of them and took it on to ourselves, we left them with a whole whack of cash that had been coming in through education property taxes. With that whole whack of cash that they were keeping now that used to go to the school boards, we said to them, "Please pay for the following services." Every year we say, "OK, how much did those services cost you? It cost you X. How much did you collect in those education property tax revenues? It's Y. Whatever the difference is, we make it up. It's revenue-neutral." We've gone over

this a million times. The members opposite know it. They choose to pretend not to know it.

The member talks about setting education property tax rates. One of the things that we did in this government, and we're proud of it, was take away the ability of school boards to increase your taxes. Why? Because they had increased them year after year in every school board in every municipality in this province. What happened? The municipalities got blamed, because they mailed out the cheques, so we set the rates. What are we doing with those rates? We're reducing them. We're lowering them. We've already lowered them on homeowners, and for businesses we came up with a provincial average. The tax rate was 3.3%.

All over the place, school boards had been irresponsible. The member doesn't care because he likes that school boards had the ability to tax. But all over the place, including Niagara, school boards were irresponsible, and the tax rate on our businesses was 5.5%. We're lowering that to 3.3% over an eight-year period. In fact, we're accelerating that because we've challenged the regional governments to come up with savings that they can apply to get to that lower rate quicker. That's what this government is doing for the businesses.

**The Speaker:** Further debate?

**Mr Cordiano:** I am delighted to have an opportunity to speak to this bill. I am delighted to have an opportunity to speak at all, so I'm delighted to be speaking today.

The important thing to remember about this piece of legislation, let's begin with this fact: this is the eighth version of an attempt to rectify the problems in the property taxation system, as this government saw them.

What have they heralded, in terms of a solution? What pops out of this bill immediately is that the inequities that this bill is supposed to rectify still remain in the system. My colleague the member for Scarborough-Agincourt has pointed this out time and again. It's the example of a business in Brockville paying their business education tax—and I would repeat what he said, to Mike Harris directly—of around \$5,000. The equivalent or the identical business in Parry Sound is paying much less than the one in Brockville. It's \$23,000 for that business in Brockville, and it's \$5,000 for the business in Parry Sound. Why the difference, an enormous gap between identical businesses?

If this bill was supposedly going to rectify that problem, the inequities that are inherent in the system, then why is it that that solution has no impact on this very problem that they set out to solve?

What's worse is that, flushing out of all of this, property taxpayers will be granted the luxury and the privilege of being burdened with additional responsibility for the increases that are inevitably coming as a result of this government's downloading of additional responsibilities on to municipalities. Clearly this government set out to do that right from the beginning, set out to deal with municipalities in that way so that municipalities could no longer turn to industrial-commercial properties for

additional funds. They have set a limit with respect to the municipal levy that could be imposed on industrial-commercial properties in municipalities. That was a direct result of this government's intention to limit increases.

The problem with that is that municipalities find themselves between a rock and a hard place, left with the additional burden now of responsibility for social housing and social assistance and things like land ambulances, which are essential services and, by the way, which the Crombie commission told this government not to impose on municipalities, not to off-load to them. These were essential services and should therefore not be paid for through the property tax base.

The province should maintain responsibility directly for those services because, after all, the intent there—and people who had designed the system in many administrations before this government had the foresight to think through what the problems would be. They had the wisdom to recognize that by their very nature, property taxes could not shoulder this burden, that the property taxpayer could not shoulder this burden, that these services being provided, these social services, were essential, and furthermore, that they should be equal across the province. So it would make no difference where I lived in this province, I should have access to a service like land ambulance. That makes infinite sense.

What we have from this government is a great departure from that principle, that regardless of where you live in this province, you should have access to the very best services when it comes to social services. In funding those services in a stable fashion, the senior level of government, which obviously has greater resources for providing those funds, would have the direct responsibility for providing those services.

You've changed all of that, and we're only beginning to see the real dramatic impact that that is having on our province. There is no longer a seamless system of land ambulance service across this province. We are beginning, daily, to see the results of that and the tragic consequences as a condition of what you've done. That is a dramatic departure from the history and tradition of this province in one fell swoop.

I want to talk further about the business education tax and what that means in terms of this government directly deriving revenues from businesses for the purposes of funding education. It is now \$6 billion that this Harris government extracts from businesses directly in the form of a business education tax. This is set without any debate in this Legislature, without any discussion. The minister simply imposes that on businesses without any kind of discussion whatsoever. We find it shocking that you could do this with that amount of revenue, \$6 billion, without any debate in this Legislature. I suspect that after today we won't have an opportunity to discuss that in debate ever again.

*Interjection.*

**Mr Cordiano:** Well, not in this chamber and not on this subject matter. We will be given opportunities to speak again, but certainly not to debate the increases the

minister might bring forward or to examine the system as it is structured with respect to business and education property tax.

Further to that, there is no distinct small business class created, which was promised by the minister. You like to claim you're the party that supports small business. I find that incredible. When we were the government, we had a small business committee. It was composed of parliamentary assistants. We used to meet frequently. We brought forward some initial regulatory changes designed to help small businesses.

What you've given small business, instead of real relief, is this red tape bill that frankly doesn't do a thing for small business in the long run. It's done away with the regulatory framework that was in place to protect the environment and that, I would suspect, most Ontarians supported. You did away with that in the guise of assisting small business. Nothing could be further from the truth, and that's a great disappointment. Instead, when you had an opportunity to assist small business and create a small business class when it came to property taxes, you failed to do that.

This is yet another attempt on the part of the government to bring about change and suggest to people, "We're the great reformers. We've solved these difficult, intractable problems that seemingly had no solution," and yet we find there are great inequities that will continue to aggravate, that will continue to exist long after this bill is passed.

Perhaps we will see a ninth version of a property tax bill some time in the near future. I suggested earlier that the government should recognize there are these inequities. One of the backbenchers, I've forgotten who, said, "It's a work in progress." You can say that again, that it's a work in progress. This is the eighth attempt to solve this problem and still there is no great solution to this inequity that exists.

At the end of the day, when all is said and done, what really annoys me about this initiative by this government to solve the property tax problems is that homeowners will be saddled with additional burdens. When all is said and done, it is homeowners who will have to pay additional increases in property taxes, probably imposed by municipalities that can no longer meet their responsibilities with respect to social housing, land ambulance services and social assistance.

You have burdened those municipalities with those responsibilities and they, in turn, will have no choice but to pass it on to homeowners. Imagine the shock of those people who received those notices of assessment this past week. They must have thought this government is trying to steal Christmas away from them, the grinch who stole Christmas.

**Hon Mr Klees:** On a point of order, Speaker: I'd like to point out that it's 5:45 on a Thursday afternoon, the last legislative day in the week, and the member from Bruce-Grey-Owen Sound is present in the chamber.

**The Speaker:** That's not a point of order but I know that because I was chatting with him. Questions and comments?

**Mr Marchese:** What an impressive point of order.

The member from York South-Weston made the point in the conclusion and in the beginning of the speech that it took this government many attempts to continue to bring about tax fairness, as they say. I call that “incremental incompetence” because we could never seem to achieve the kind of fairness we are all looking for. Perhaps by the 28th bill we might arrive at some level of competence by this government, but we’re a long way from those bills. We’re on our eighth at the moment, and I understand.

I’ve got to tell you, downloading is a serious problem and it’s a serious cause of many of the tax problems we are facing at the local level. Toronto is facing cost pressures due to transit capital needs, arbitrated labour settlements, repaying a provincial loan of over \$200 million and other items, and it is facing a whole host of problems that have been downloaded: housing and other areas I have not mentioned—ambulances, public health, child care, welfare. They’re going to be in serious trouble. But the three I mentioned in terms of initial estimates—these pressures exceed revenues by \$150 million. What does this amount to? It would be a 5% increase over the whole tax base or about 16% if it affects homeowners alone. The effects on the homeowner, we argue, are going to be incredible. Unless we find a way to achieve the balance and fairness you people are looking for, we’ve got to help the homeowner, and I don’t see it in this bill.

**The Speaker:** Further questions and comments?

**Mr Joseph Spina (Brampton Centre):** As an individual who owned his own small business for 20 years, it always amazes me to listen to people who have never owned a business suddenly become the world’s experts on this bill. It’s like teachers who try to teach but don’t know the subject matter. If anybody knows that, it’s the member for Trinity-Spadina. He is a former teacher, and I have a great deal of respect for that.

**Hon Margaret Marland (Minister without Portfolio [Children]):** And you’re married to one.

**Mr Spina:** Yes, I am married to one.

Why are there differences in the tax burden between business and residential taxpayers? That’s easy. Past decisions by municipal councils on reassessments determined how the tax burden was spread. Businesses don’t vote. So guess what? The municipal councils found it palatable to load burden on to businesses. That’s what happened in Toronto. That is how taxes got spread. Municipal decisions equal municipal accountability. That’s what you want.

We agree that business taxes are too high. That’s why we committed half a billion dollars to reduce those taxes. If a municipality reduces its burden itself, we match it dollar for dollar to the municipal average. How many times do we have to say this? The members opposite continue to get it wrong. This bill is good for Ontario taxpayers.

We went through the Assessment Act and the tax act. The member for Scarborough-Agincourt and I sat on the finance committee back in 1995-96, and I repeatedly had

to say at the public hearings that what the bill was doing was putting the power in the hands of the municipalities. They’ve got the flexibility to zone, they’ve got the flexibility to change assessment structures, they’ve got the flexibility to set different rates. Those are all the tools they need.

**Mr Phillips:** I’ll let a little air out of his balloon. I owned three businesses, I started two businesses and I had 300 employees. Many times you assume you’re the only people who sympathize with business. Believe me, I understand these needs. As I say, I had 300 employees.

I want to go on to the very good comments from my colleague from York South-Weston. He was reminding us, among other things, that there is an inevitability in this bill. The previous speaker said it gives the municipalities more flexibility. If you read the bill, half the municipalities in Ontario will have no flexibility now and for the foreseeable future, for years. Any increased costs will have to go on to one property class, and that’s the residential property class.

I quote from the president of the Association of Municipalities of Ontario, Ms Mulvale, who, by the way, is the mayor of Oakville. She’s a well-regarded mayor in Ontario. She has a terrific reputation. Here is what she says: “Previous property tax legislation has proven to be complex and it looks like today’s bill is no different,” the point my colleague made. She goes on to point out that you’ve downloaded social assistance, social housing and income redistribution programs on to property tax. We understand that reducing taxes on businesses is an admirable goal and one that all of us support, but at what cost? She points out that this goal is going to be at the cost of shifting more tax burden to the residential property taxpayer. So we simply say you’ve downloaded the social services, against the direction of David Crombie, and she points out the price we’re going to pay.

**The Speaker:** Response?

**Mr Cordiano:** I’m glad to hear that members are at least responding to the real concern that has been expressed by this side of the House. The fact of the matter is that municipalities will be overburdened. They will simply have no choice. My colleague the member for Scarborough-Agincourt has repeatedly warned this government that this is the case. Municipalities will have no choice than to pass additional levies on the property taxes of homeowners. The city of Toronto is \$150 million short in its budget, and it’s only going to get worse in the future.

You knew full well when you passed on the burden of additional social costs to municipalities—housing, social assistance and a variety of other services—that municipalities could cope with those additional pressures. Frankly, what you are trying to do is eliminate those services. You’re saying to the municipalities, “Choose between eliminating those services or having them passed on to homeowners in additional property tax increases.” You know that’s unpalatable to municipalities; they won’t do it. So they’re going to start eliminating services. In the end, that’s exactly what you intended to do with this.

Let's not try to kid anybody. It really comes down to the true agenda being exposed at this point. If at least you had come forward and said, "This is what we want to do to municipalities, we're going to do this," come clean and worked out something with them and not gone through some sort of backdoor exercise—because that's what this

is, a backdoor exercise and a backhanded approach to the municipalities.

**The Speaker:** It being almost 6 of the clock, this House stands adjourned until 1:30 on Monday.

*The House adjourned at 1753.*

# CONTENTS

Thursday 23 November 2000

<b>PRIVATE MEMBERS' PUBLIC BUSINESS</b>		
<b>Public Hospitals Amendment Act (Patient Restraints), 2000, Bill 135, Ms Lankin</b>		
Ms Lankin.....	5739, 5747	
Mr Tascona.....	5741	
Mrs McLeod.....	5742	
Ms Martel.....	5743	
Mr Dunlop.....	5744	
Mr Bradley.....	5745	
Mr Wettlaufer.....	5745	
Mrs Pupatello.....	5746	
Mr Galt.....	5747	
Agreed to.....	5757	
<b>Drug use in correctional facilities</b>		
Private member's notice of motion number 26, Mrs Munro		
Mrs Munro.....	5748, 5756	
Mr Levac.....	5749	
Mr Martin.....	5751	
Mr Sampson.....	5752	
Mr Agostino.....	5753	
Ms Martel.....	5753	
Mr Dunlop.....	5754	
Mr Spina.....	5756	
Agreed to.....	5757	
<b>MEMBERS' STATEMENTS</b>		
<b>Labour dispute</b>		
Mr Bartolucci.....	5757	
Ms Martel.....	5759	
<b>Ramadan</b>		
Mr Wood.....	5758	
<b>Education funding</b>		
Mr Sergio.....	5758	
<b>Blood donation</b>		
Mr Gill.....	5758	
<b>Doctor shortage</b>		
Mr Duncan.....	5759	
<b>Municipal restructuring</b>		
Mr Barrett.....	5759	
<b>Highway 407</b>		
Mr Phillips.....	5759	
<b>Federal legislation</b>		
Mr Galt.....	5760	
<b>FIRST READINGS</b>		
<b>Employment Standards Act, 2000, Bill 147, Mr Stockwell</b>		
Agreed to.....	5761	
Mr Stockwell.....	5761	
<b>ORAL QUESTIONS</b>		
<b>Agricorp</b>		
Mr McGuinty.....	5762	
Mr Hardeman.....	5762	
<b>Special report, Provincial Auditor</b>		
Mr McGuinty.....	5763	
Mr Runciman.....	5763	
Mrs Dombrowsky.....	5768	
Mr Baird.....	5769	
<b>Labour legislation</b>		
Mr Christopherson.....	5764	
Mr Stockwell.....	5764, 5765	
Ms Martel.....	5764	
<b>Property taxation</b>		
Ms Churley.....	5765	
Mr Clement.....	5765	
Mr Christopherson.....	5765	
<b>Ontarians with disabilities legislation</b>		
Mr Parsons.....	5766	
Mrs Johns.....	5766	
<b>Education labour disputes</b>		
Mr Maves.....	5766	
Mrs Ecker.....	5766	
<b>Labour dispute</b>		
Mr Agostino.....	5767	
Mrs Witmer.....	5767	
<b>Drug use in correctional facilities</b>		
Mrs Munro.....	5767	
Mr Sampson.....	5767	
<b>Walkerton tragedy</b>		
Ms Churley.....	5768	
Mr Clement.....	5768	
<b>Federal economic policy</b>		
Mr Guzzo.....	5769	
Mr Jackson.....	5769	
<b>Ambulance services</b>		
Mrs McLeod.....	5770	
Mrs Witmer.....	5770	
<b>Training agreement</b>		
Mr Hastings.....	5771	
Mrs Cunningham.....	5771	
<b>PETITIONS</b>		
<b>Northern health travel grant</b>		
Mr Bartolucci.....	5771	
<b>Protection of minors</b>		
Ms Mushinski.....	5772	
<b>Health care funding</b>		
Mr Agostino.....	5772	
<b>Highway safety</b>		
Mr O'Toole.....	5772	
<b>SECOND READINGS</b>		
<b>Continued Protection for Property Taxpayers Act, 2000, Bill 140, Mr Eves</b>		
Mr Dunlop.....	5772, 5777	
Mr Phillips.....	5775, 5779, 5792, 5794	
Mr Marchese.....	5776, 5778, 5782, 5786, 5789, 5791, 5792, 5794	
Mr Gilchrist.....	5776	
Mr Colle.....	5776, 5777, 5779, 5782, 5785, 5789	
Mr O'Toole.....	5779, 5781, 5783	
Mr Young.....	5783, 5788	
Mr Cordiano.....	5783, 5786, 5792, 5794	
Mr Ruprecht.....	5784, 5786	
Ms Mushinski.....	5785, 5788	
Mrs Munro.....	5785	
Mr Kennedy.....	5788	
Mr Maves.....	5789, 5792	
Mr Bryant.....	5791	
Mr Klees.....	5791	
Mr Spina.....	5794	
Debate deemed adjourned.....	5795	
<b>OTHER BUSINESS</b>		
<b>Order of business</b>		
The Speaker.....	5760	
<b>Wearing of pins</b>		
Mr O'Toole.....	5761	
<b>Attendance of ministers</b>		
Mr Duncan.....	5761	
Mr Sterling.....	5761	
<b>Visitors</b>		
The Speaker.....	5762	
<b>TABLE DES MATIÈRES</b>		
<b>Jeudi 23 novembre 2000</b>		
<b>AFFAIRES D'INTÉRÊT PUBLIC ÉMANANT DES DÉPUTÉS</b>		
<b>Loi de 2000 modifiant la Loi sur les hôpitaux publics (mesures de contention), projet de loi 135, M<sup>me</sup> Lankin</b>		
Adoptée.....	5757	
<b>PREMIÈRE LECTURE</b>		
<b>Loi de 2000 sur les normes d'emploi, projet de loi 147, M. Stockwell</b>		
Adoptée.....	5761	
<b>DEUXIÈME LECTURE</b>		
<b>Loi de 2000 poursuivant les mesures de protection des contribuables fonciers, projet de loi 140, M. Eves</b>		
Débat présumé ajourné.....	5795	