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**Assemblée législative  
de l'Ontario**  
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**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Wednesday 20 June 2001**

**Mercredi 20 juin 2001**

Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers

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## LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 20 June 2001

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 20 juin 2001

*The House met at 1330.  
Prayers.*

### MEMBERS' STATEMENTS

#### EDUCATION FUNDING

**Mr Gerry Phillips (Scarborough-Agincourt):** I want to express my significant concern about the government's plan to ram through its public funding for private schools. The public should be aware that this is a huge change to public education that will fundamentally change public education in Ontario.

I quote from the National Citizens' Coalition, which said, "This is the most significant development in education going on in North America." The Fraser Institute said it's the biggest change and most important change in education in 100 years. Both of these very conservative organizations have spelled it out for us: this is a huge change.

The second point I want to make to the public of Ontario: you should get a copy of Premier Harris's brief to the United Nations two years ago, where he, on behalf of Ontario, argued strenuously against doing this. There is strong language in this brief that said it's wrong to do it. A major paper calls this a huge flip-flop by Premier Harris.

We've asked for evidence of why they changed their minds. Mr Flaherty has refused to give us any evidence at all. We said, "How do you arrive at the \$300 million?" He refused to table with us any evidence of how they arrived at that. So, while public education is being attacked daily by this government, Ontario taxpayers are going to spend \$500 million that could have been better spent strengthening our public education system.

#### ONTARIO EDUCATIONAL LEADERSHIP CAMP

**Mr Garfield Dunlop (Simcoe North):** Today I am pleased to be able to introduce to you the board of directors of the Ontario Educational Leadership Camp, which is located on the east shore of beautiful Lake Couchiching, which is located in my riding of Simcoe North.

The Ontario Educational Leadership Camp, established in 1948 by Mr Gordon Wright, principal of Banting Memorial High School, Minister Jim Wilson's former school, in Alliston, Ontario, provides leadership

training and education to more than 2,000 young men and women each year. In addition, the Ontario Educational Leadership Camp, which is in its 52nd year of operation, is managed by a volunteer board of directors, and partners with organizations such as the Ontario Provincial Police auxiliary program to make use of the facilities on a more year-round basis.

Today I was joined by Minister Tsubouchi in presenting volunteer certificates to the board of directors of the OELC. I want to thank the board again for their efforts in administering the programs at OELC that will no doubt continue to produce our leaders of tomorrow.

I'd like to recognize Mr Terry Harkins, president; Ms Jane Cutler, vice-president; Anthony Burley, secretary-treasurer; Bette Turner, Eric Runacres, Gilles Metivier, Beccy Rodgers, Beverly Comfort, Rock Lachance and Jacques Riopelle. I'd like to acknowledge them.

#### SMALL BUSINESS

**Mr Ernie Parsons (Prince Edward-Hastings):** My statement today is to the Minister of Finance. Minister, there is a group of citizens in this province who need protection from you, and they are the small business owners. The retail sales tax branch has been going in and doing audits on a number of firms, and unfortunately, in some cases, hasn't even been going in. They've simply been doing a reassessment based on the provincial averages. They are then confronting these small business owners with reassessments of \$75,000 or \$100,000.

Now, here is where the whole system breaks down. Normally in Ontario, one is presumed innocent until proven guilty. In order for these small business owners to appeal this reassessment, which actually never took place within their offices, they must pay the reassessment in full. For many of these owners, \$75,000 or \$100,000 is simply not possible with their cash flow situation. And if they do pay the money, it is still a year or better, at times, before the assessment is held.

Minister, these small business owners deserve to be treated with dignity. The majority of jobs in this province exist because of our small business owners. They don't need reassessments done arbitrarily at length; they need reassessments done on a legitimate audit of their books. I call upon you to introduce fairness into the system and to allow these small business owners to continue to operate. Give them the opportunity to make the appeal before they are faced with a penalty and then the backlog of getting

their money back. We need to help our small business owners, not punish them.

#### MULTICULTURAL EVENTS

**Mr Wayne Wetlaufer (Kitchener Centre):** This weekend, the annual multicultural festival will take place, centred in my riding of Kitchener Centre. This year marks the 34th year for this outstanding cultural event. Members of this House may be surprised to learn that Kitchener-Waterloo is the fourth-largest immigrant centre in Canada. That means Kitchener-Waterloo is recognized throughout the world as one of the wonderful places in this truly great country to call home and raise a family.

This weekend, tens of thousands of people, including many visitors and tourists from foreign shores, will attend the multicultural celebrations. What the visitors and tourists will experience is a community that has learned that the diversity in the cultural, racial, national and ethnic makeup of the community is a source of pride and a reason for celebration.

Canada is a model to the rest of the world for the successful blending of peoples from all parts of the world. Our community is a model for the rest of the country in how peoples from widely diverse backgrounds can live together in a state of respect and harmony.

This weekend, I will attend this year's Multicultural Summer Festival to celebrate and enjoy the foods, dancing, crafts, displays and sporting events in Victoria Park, located in the centre of my riding. The activities will include people with backgrounds from India, the Philippines, Santo Domingo, Russia, the Sudan, Germany, Laos, Bosnia, the Ukraine, South America, Vietnam, Greece, the Arab countries, Ethiopia and Belgium, to name but a few. I invite all members of this House, and all viewers, to come to Kitchener to join me in this celebration of international respect and to experience the joy of a truly multicultural community.

Congratulations to Myrta Rivera and the Kitchener-Waterloo Multicultural Centre.

#### MENTAL HEALTH SERVICES

**Mrs Marie Bountrogianni (Hamilton Mountain):** In my riding of Hamilton Mountain there is a residence called Hillview Manor, which specializes in the care of mentally and physically challenged individuals from our community. The residents of Hillview Manor suffer from chemical imbalances, brain injuries, epilepsy, behaviour and mood disorders, and alcohol and drug abuse.

As advocated by the best-practice models, these patients are encouraged to pursue an independent lifestyle. They are able to come and go in the community, attend religious institutions, do their banking and shopping, and utilize public transit. The staff and management at Hillview Manor do their utmost to service their patients' needs and to provide a safe and warm environment.

Up until one and a half years ago, mental health services used to come to the home. Now, with cuts in funding, that service is no longer available. There is no access to a psychologist available to the residents. There are not enough case managers available, and these sick, elderly patients have to travel to see them.

Hillview Manor struggles to make its funding cover all the essentials; however, the residents in the neighbourhood are never sure about the state of the patients' mental health, and how can they be? These patients struggle with some of the most challenging issues and are at times a danger in the community.

With downloading and restructuring, there is no inspector, no clear standards. The rules to access funding are so restrictive that these types of homes, which provide an essential service to the community, cannot gain an increase in funds.

The government must investigate the situation around Hillview Manor. Because of cuts made by this government to the funding available to Hillview, conditions have deteriorated to the point of having an unsafe environment. Shame on Mike Harris for making the most elderly and frail suffer in our society.

1340

#### LONG-TERM CARE

**Ms Frances Lankin (Beaches-East York):** Last week I suggested to the Premier that perhaps he would like to take up a challenge from me and work an eight-hour shift in one of Ontario's long-term-care facilities. I don't think the Premier has had a chance to do that yet, with his busy schedule, but I want to tell you, Mr Speaker, that as I indicated to him last week, I intended to do that and I have done that.

I spent last Wednesday in Ottawa at the Perley and Rideau Veterans' Health Centre, and it was eight hours of amazing enlightenment for me. The intent was that I would spend that shift with front-line workers and see the daily routine and how hard they work to try and give the best services to the residents.

I saw situations where personal support workers were responsible for eight to 10 residents, to get them up in the morning, to get them toileted, washed, dressed, into breakfast, and quite frankly they couldn't do it. Those residents who were heavier care, who were just too hard to deal with, ended up staying in bed and were dealt with later in the day. I saw wards where there was one RN for 80 residents.

Recently, Price Waterhouse put out a report calling on the government and expressing the need to restore nursing levels in our long-term-care facilities, to increase the per diem average of resident and government co-payments to \$125. It is so urgent. I've seen it with my own eyes. I spent the time on the front lines with those residents, with their families, with the staff. It's urgent. I call on the government to act.

### CONESTOGO DAM

**Mr Ted Arnott (Waterloo-Wellington):** With regret, I must again address the House on the need for provincial funding to repair the gates on the Conestogo dam, an issue that should have been resolved months ago.

The repairs will cost between \$1.2 million and \$1.5 million, a burden that the Grand River Conservation Authority and the watershed municipalities should not have to bear alone.

It continues to be my position that the province should become a major funding partner for these repairs and that they should consider funding the maintenance of flood control structures throughout the province. The Conestogo dam is essential, and without the necessary repairs, in a worst-case scenario, lives could be lost in a flood and drinking water downstream could be at risk.

I have expressed these points directly with the Premier and the Minister of Natural Resources, whom I thank for meeting with us and for supporting further discussions with the chair and CEO of SuperBuild, David Lindsay. However, in a written response I recently received from David Lindsay, there is still no indication whether provincial support will be available, and so I'm compelled to continue to raise this matter. I do so with the support of my constituents, who also realize that this is a top priority issue for Waterloo-Wellington.

With that in mind, I am pleased to acknowledge my guests here in the east gallery: Mapleton Mayor Carl Hall; Councillor Jim Curry is here, as well as CAO Patty Sinnamon. Councillors Mike Downey and Earl Campbell will arrive shortly, I think. The Conestogo dam is located in their township.

I look forward to joining Mayor Hall and council for their tour of the Conestogo dam on Monday, June 25. In addition to serving as mayor, Mr Hall is also chair of our rural water quality program review committee.

It is my hope that the tour will generate the support and information needed to convince the government to help us fix the Conestogo dam.

### ONTARIO DRUG BENEFIT PROGRAM

**Mr Michael Gravelle (Thunder Bay-Superior North):** I want to speak this afternoon on behalf of all the seniors in my riding who are justifiably furious about the Premier's and the health minister's threat to terminate the universality of drug coverage for Ontario's seniors.

On top of the government's funding freeze to our vital home care sector, this public musing about eliminating the universality of drug coverage has provoked a response from my constituents that I have rarely seen.

The seniors I have spoken to are certainly angry. They believe they have earned the right to receive this support through their contributions over a lifetime. But they are also frightened about what this will mean to their future security and quality of life.

What is so cruel about this trial balloon is that it is taking place during Seniors' Month, the time when we

celebrate the contribution our seniors have made and are continuing to make to the betterment of our province. What a tribute from the province.

Let me be clear. Mike Harris and the Minister of Health, Tony Clement, must back off from this threat, and they should also apologize to every senior in the province. It is vital that this happen before the House rises next week, because the fear we have is that over the summer, while the Legislature is not sitting, the government will use its regulatory powers to increase the co-payment seniors already pay for their drug coverage. Such a sneak attack would be unconscionable, but it would not be the first time this government has used its regulatory powers to pile on user fees to our seniors.

So I say to Premier Harris and Health Minister Clement: back off. Our seniors deserve much better than this kind of treatment.

### EVENTS IN NORTHUMBERLAND COUNTY

**Mr Doug Galt (Northumberland):** I rise in the House today to announce the Cobourg Waterfront Festival being held this year on Saturday, June 30, Sunday, July 1 and Monday, July 2. The town of Cobourg has a wonderful schedule of events, with shows and entertainment planned for the upcoming July long weekend.

It will be three days of fabulous fun, with more than 250 artists and crafters, a Canada Day parade at 11 am on the Saturday, gigantic fireworks at dusk on July 1 and an exciting midway for the child in all of us.

Several community groups are contributing this year to the success of the weekend. The Lions Club of Cobourg will have an art show and sale featuring 100 well-known artists from across Canada. The Rotary Club of Cobourg is having a craft sale with more than 175 of Canada's premier crafters. The Cobourg District Chamber of Commerce, along with Post Cereals, will be offering a delicious pancake, sausage and cereal breakfast from 7:30 am until 10 am daily.

This is one of the largest, best organized and most interesting Canada Day celebrations in the province. I urge all Ontarians to consider joining us in Cobourg for what has become a fantastic weekend of fun and frolic on Cobourg's beautiful waterfront.

### VISITORS

**Ms Marilyn Mushinski (Scarborough Centre):** Mr Speaker, I'd like to take this opportunity to welcome a great group of grade 5 students from Pringdale Gardens public school in my riding of Scarborough Centre who are here in the east gallery.

## REPORTS BY COMMITTEES

### STANDING COMMITTEE ON GOVERNMENT AGENCIES

**The Speaker (Hon Gary Carr):** I beg to inform the House that today the Clerk received the eighth report of the standing committee on government agencies. Pursuant to standing order 106(e), the report is deemed to be adopted by the House.

### STANDING COMMITTEE ON JUSTICE AND SOCIAL POLICY

**Mr Toby Barrett (Haldimand-Norfolk-Brant):** I beg leave to present a report from the standing committee on justice and social policy and move its adoption.

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

Bill 58, An Act to ensure the provision of essential ambulance services in the event of a strike or lock-out of ambulance workers / Projet de loi 58, Loi visant à assurer la fourniture des services d'ambulance essentiels dans l'éventualité d'une grève ou d'un lock-out de préposés aux services d'ambulance.

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

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it. Carried.

### STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

**Mr Garfield Dunlop (Simcoe North):** I beg leave to present a report from the standing committee on regulations and private bills and move its adoption.

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

Bill Pr8, An Act to revive 1072550 Ontario Limited.

Bill Pr11, An Act to amend The Welland-Port Colborne Airport Act, 1976.

Bill Pr14, An Act to revive 1150982 Ontario Inc.

Bill Pr16, An Act to revive 1252563 Ontario Limited.

Bill Pr17, An Act to revive RDP Computer Consulting Inc.

Bill Pr19, An Act to revive 569924 Ontario Limited.

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

## SPEAKER'S RULING

**The Speaker (Hon Gary Carr):** The member for Whitby-Ajax has provided me with written notice of a point of privilege. I'd like to thank the minister for giving me sufficient time to carefully review the matter.

I wish to advise that I will be deciding on this matter without further hearing directly from the member at this time, as standing order 21(d) permits me to do.

The member's point relates to press reports concerning the vandalism that occurred last week at his Whitby constituency office, and specifically to quotes in those press reports attributed to the leader of the official opposition.

I think the minister will know, and I will now remind him and the House, that comments made outside of this place by other members lie outside the purview of the Speaker. The rules of debate as set out in the standing orders do not apply beyond proceedings in Parliament and, while a member may take strong exception to something said, this would constitute a personal disagreement but not a valid case of privilege.

However, I will say to the minister I note that the minister's written note to me also indirectly refers to the incident itself which occurred at his office last week, and I know the minister will be aware that the issue was raised in a point of privilege by the member for Oak Ridges, the Honourable Mr Klees. I am currently considering that matter and will be reporting back to the House in due course.

1350

## INTRODUCTION OF BILLS

### KEELE VALLEY CLOSURE ACT, 2001

#### LOI DE 2001 SUR LA FERMETURE DE KEELE VALLEY

Mr McGuinty moved first reading of the following bill:

Bill 84, An Act to provide for the closure of the Keele Valley waste disposal site and to amend the Waste Management Act, 1992 / Projet de loi 84, Loi prévoyant la fermeture du lieu d'élimination des déchets de Keele Valley et modifiant la Loi de 1992 sur la gestion des déchets.

*Interjections.*

**The Speaker (Hon Gary Carr):** Order. We've had enough time. We've had our fun. We now need to proceed. The members have had their fun and their little chuckle.

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

The member, for a short statement.

**Mr Dalton McGuinty (Leader of the Opposition):** What this bill does is revoke the certificate of approval to operate the Keele Valley waste disposal site effective December 31, 2002. The bill provides a guarantee to local residents that the Keele Valley waste disposal site will be closed by 2002.

PATIENT RESTRAINTS  
MINIMIZATION ACT, 2001

LOI DE 2001 SUR LA RÉDUCTION  
AU MINIMUM DE L'UTILISATION  
DE LA CONTENTION SUR LES MALADES

Ms Lankin moved first reading of the following bill:

Bill 85, An Act to minimize the use of restraints on patients in hospitals and on patients of facilities / Projet de loi 85, Loi visant à réduire au minimum l'utilisation des moyens de contention sur les malades des hôpitaux et des établissements.

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

The member, for a short statement.

**Ms Frances Lankin (Beaches-East York):** If I may begin, I want to thank sincerely the members of this House in all three parties who supported my earlier bill on second reading and at committee. As you know, that bill died on the order paper.

The bill I am reintroducing today is a bill that has taken into account what we heard at committee and, I am thrilled to say, has been drafted in consultation with the Minister of Health, with staff from his political office, as well as policy and legal staff from the ministry.

We have gone a long way to addressing the concerns that have been raised. It is a bill that will prohibit hospitals from restraining except in circumstances where serious bodily harm may occur. It will require hospitals to have policies. It will require training of staff. It will require measures to reduce the use of restraints. It will have regulations that will set out monitoring. It covers basically the same issues but in a way that I think stakeholders will find acceptable.

The collaborative work—and my true appreciation to the Minister of Health on this—I think speaks to the nature of this bill, that it is not a partisan or ideological bill.

Our intent is that, over the course of the summer, major stakeholders who have now been given a copy of the bill will have an opportunity to provide comment. The Ontario Hospital Association is currently devising new policy on minimizing the use of restraint as a result of the work of this Legislature and our committee. We hope that that will come forward in the fall and be incorporated into the regulations of the bill. So no further action will be taken at this time, but it is the opinion of the government—I've spoken with the government House leader and the other House leaders—that this bill need not go back to committee for hearings; in fact, the next stage should be clause-by-clause.

After I'm finished here I will be asking, Speaker, for unanimous consent to restore this bill to that committee.

On a point of order, Mr Speaker: I seek unanimous consent—I believe it is with the agreement of House leaders—that this bill, An Act to minimize the use of restraints on patients in hospitals, be given second reading and be restored to the Legislative Assembly committee.

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

STATEMENTS BY THE MINISTRY  
AND RESPONSES

GOVERNMENT ACCOUNTABILITY  
RESPONSABILISATION DU  
GOUVERNEMENT

**Hon David H. Tsubouchi (Chair of the Management Board of Cabinet):** Today I am pleased to table the Ontario government's 2001-02 business plans. These plans reflect on our commitment to an agenda of growth, accountability and fiscal responsibility.

The Harris government was the first to table business plans, in 1996, and has faithfully reported to Ontario taxpayers every year since. When we took office we made a firm commitment to manage government resources in a more businesslike way and to be more accountable to the public. Business plans are proof of this commitment. We constantly refine our business planning so that the public can measure the progress.

Today, with the Ontario budget, the printed estimates, the public accounts, Ontario quarterly finances, and the fall economic outlook and fiscal review, these documents provide more disclosure than ever before to the Legislature and the public on how the government manages taxpayers' dollars in a very prudent manner.

As you know, the Taxpayer Protection and Balanced Budget Act was introduced in 1999 to protect taxpayers from irresponsible government spending. The act provides personal financial penalties to the Premier and members of cabinet for not being able to meet budget commitments.

Business plans outline the responsible choices this government has made and that the public has come to expect. They not only tell the taxpayers of this province how we spend their money, they clearly outline how we do it in a prudent manner. Business plans reflect our intention to offer best value for money. They show we are listening to taxpayers and are delivering on our action plan to protect the economy and ensure Ontario's quality of life.

This year's business plans highlight the accomplishments of 24 ministries and our investment in services that people have told us are important to them: health, the environment, education, children's welfare, transportation and justice. We will continue to focus on services that are most valuable to the people of Ontario. We will undertake a value-for-money review of government spending. We will introduce initiatives designed to keep businesses of the province strong and to encourage new businesses to set up shop here. We have paved the way for tax cuts in this country. I believe no other jurisdiction

in North America is so actively pursuing value for taxpayers' money.

I want to reaffirm our government's intention to deliver the quality programs that the people of Ontario need and deserve in the most efficient way possible. Our goal is to make the government better for the people of Ontario, and to help make Ontario the best place to live, work and raise a family in the 21st century.

1400

**The Speaker (Hon Gary Carr): Responses?**

**Mr Bruce Crozier (Essex):** It's interesting today, as we look at these business plans that are being introduced, that we're almost three months into the fiscal year. We are nearing the end of the session. We won't be back till September; then there will be only about three months left in that session in which we might be able to determine whether they are even following these business plans.

It was only this morning that the Minister of Health said that the ministry is still reviewing hospital operating budgets and they'll have to wait until the reviews are done and that they would hope the hospital budgets would be provided earlier. I'm sure the hospitals would like as well to have their funding known a little bit earlier. In fact, they'd like to know that their funding isn't being cut by about \$100 million.

I wonder if these business plans contain the fact that health care is in a state that we haven't seen for many years. I wonder if these business plans, for example, include the lack of funding for community care access centres. I wonder if these business plans include the fact that cancer care is underfunded in Ontario. I wonder if these business plans also state that they want emergency rooms in chaos and that they are limited.

I wonder if these business plans contain information on education, where publicly funded education is being robbed, where students are being robbed of the resources that they need to learn in our province.

I wonder if these business plans contain some information that my colleague from Sarnia-Lambton brought to us earlier this year. I quote from her comments that day: "What I found incredible, and you talk about smaller government, more efficient government, is that the cabinet office costs have more than doubled since 1995. The cost in 1995 was \$7,858,000 and the cost in 2000 was \$15,816,000.... I'd like to know why the operational costs of the cabinet office have more than doubled and every other sector of this province has been nickelled and dimed to death for ... six years."

I haven't had an opportunity yet to review these business plans in their entirety but I doubt that it mentions those facts in these business plans. In fact I suspect, when I go to Management Board itself, that I probably won't find in there that the Red Tape Commission influences cabinet decisions and receives cabinet information even before the members of the government do. I wonder if the Management Board's business plans will mention the fact that the Ontario Realty Corp, with all its problems, is

in there as well. I doubt that those kinds of facts will be mentioned in these business plans.

I'm not even sure they're business plans at all. We're going to go back over the last three years and we're going to find out what the business plans were then and what the business plans are now. Dalton McGuinty and the official opposition are going to take our responsibilities seriously and we're going to hold the government accountable. I say again, I doubt very much that some of the issues I just mentioned are in these business plans.

**Mr John Gerretsen (Kingston and the Islands):**

One of the issues the minister brings up in his press release is, as he states, "Plans for the government's report card to the taxpayer." I submit that the best report card to the taxpayer of Ontario is to have a strong Provincial Auditor, adequately funded and with the right and authority to follow the money where it's actually being spent. I therefore call upon this minister to call forth Bill 5, a bill that I introduced earlier this year, a bill that's also been introduced in the past by government members and by other members of this House: An Act to amend the Audit Act to insure greater accountability of hospitals, universities and colleges, municipalities and other organizations.

Why don't you do something meaningful and give the Provincial Auditor the powers to make sure there is value for money in the taxpayers' money that's being spent? The Provincial Auditor is an independent officer of this Legislature. He's not there on behalf of the government or on behalf of the opposition. He can give this government a true report card as to how it's doing in the various aspects of the government's activities.

So I say to the minister, if you really want to do something positive in this regard, give unanimous consent and let's pass Bill 5 so that the auditor can get on with his work and follow the 60% of the total amount of money that's being expended by you through your transfer agents.

**Mr Peter Kormos (Niagara Centre):** The minister has tabled business plans for various ministries once again. Thanks to the Walkerton commission of inquiry, which this government didn't want and had to be dragged kicking and screaming to hold, now we know what the real value of these business plans is, these business plans allowed to be published by the cabinet and Cabinet Office under the thumb of this Conservative government.

We know what happens to ministry business plans once those folks in the Premier's office, the ones that the member for Bruce-Grey calls the "pimply-faced nancies," get their hands on them. What happens? Well, they get sanitized. It's like going to the dentist. All the stains get removed, the cavities get filled, and these business plans come out looking so nice and clean that no one would ever suspect that any of the business decisions like cuts and underfunding to ministries could ever have had any negative impact on the province, on the natural environment or—oh, yes—on the safety of our drinking water. Because that's exactly what happened to the 1996 business plan from the Ministry of the Environment, isn't

it? We know, finally, thanks to Justice O'Connor and the Walkerton commission of inquiry, that that's the case.

We learn that the first version, the unsanitized version of the business plan of the MOE, Ministry of the Environment 1996 business plan, actually contained a frank admission of the truth about this government's policies. It contained a very clear warning that cuts to the Ministry of the Environment could lead to increased risk to human health and the natural environment. That's what it said in the version of the business plan that went to cabinet and P and P. But what happened to that message in the business plan? Was it in the business plan that was tabled in the House? No. Was it buried? Yes. Has anyone accepted responsibility for that? No.

Does it give us any confidence, never mind any great confidence, that the business plans the minister releases today will tell the whole truth and nothing but the truth? Of course it doesn't. And you know what? I bet it doesn't give the Environment Commissioner of Ontario any confidence either. I bet that tomorrow when the commissioner releases his special report called Broken Promises, we're going to find that the Ministry of Natural Resources' business plans may not have been telling us the whole truth and nothing but the truth either. I don't know what you think, Speaker, but I'd be prepared to engage in a friendly wager and settle up with you tomorrow after the Environment Commissioner issues his report, but I wouldn't blame you for not entering into that wager.

Read the other areas of this so-called business plan, read the citizenship ministry's business plan, and you'll find that there's no intention whatsoever, there's no indication, no suggestion that there's going to be an Ontarians with Disabilities Act. There is no plan, least of all is there a plan for Ontarians with disabilities, notwithstanding the repeated promise. And you find those broken promises, that lack of commitment, in every tabbed section of this report.

**M. Gilles Bisson (Timmins-James Bay) :** Je dis simplement, quel culot. Ce qu'on voit dans ce rapport, c'est encore un autre exercice en relations publiques pour le gouvernement. C'est un rapport qui a été écrit par eux pour être capable de dire au public, « Regardez comment on est bon. On est en train de faire de belles affaires. » Je regarde le rapport du ministre délégué aux Affaires francophones qui dit, « Comme certains services gouvernementaux sont offerts par les fournisseurs de l'extérieur, notamment les municipalités, l'Office a rappelé aux ministères leurs obligations en vertu de la Loi sur les services en français. » Par l'admission d'eux-mêmes, ils n'ont pas la responsabilité de dire aux municipalités, à qui ont été délestés des services provinciaux de, eux autres, suivre la Loi 8, parce que la Loi 8 n'applique pas.

On l'a dit dans le dernier parlement. On a dit que les francophones, eux autres, n'étaient pas pour se retrouver sans aucune protection de s'assurer que les services dans les régions désignées qui sont délestés aux municipalités soient respectés quand ça vient aux services en français. Ce qu'on trouve astur, c'est que dans beaucoup de situations dans ces régions désignées, d'habitude les services

ne sont pas donnés en français ; d'habitude on les trouve en anglais. C'est dans les municipalités où on trouve beaucoup de francophones, dans les régions désignées.

Je dis au gouvernement que vous n'avez rien, vous autres, de quoi être fiers. Vous n'avez rien à vous dire que vous avez fait une terriblement bonne job, parce que tout ce que vous avez dans ce rapport, simplement, c'est un exercice quand ça vient à une relation publique. Je dis encore que vous, comme gouvernement, avez complètement échoué quand ça vient à la protection et de promouvoir les services en français ici en Ontario pour la communauté francophone.

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## VISITORS

**Mr Toby Barrett (Haldimand-Norfolk-Brant) :** On a point of order, Mr Speaker: I want members to know that the grade 5 class from Port Dover public school is in the gallery. They're from my hometown.

## FREEDOM OF INFORMATION

**Mr Peter Kormos (Niagara Centre) :** On a point of privilege, Speaker: If a page would please bring you a copy of my submissions, along with the various documents referred to. To the Speaker, please, Brittainy.

I stand pursuant to standing order 21, rising again today on a point of privilege, this time concerning the government's refusal to grant access to documents to the Ombudsman. It's our submission that once again the government has flouted its self-professed agenda of accountability and responsibility. I'm speaking today of statements made by the Ontario Ombudsman, Mr Clare Lewis, regarding his investigation into the Ministry of Health and Long-Term Care's funding for breast and prostate cancer patients who must travel for radiation treatment.

The report was laid before the Legislative Assembly on June 14 of this year and it confirmed what my colleague the member for Nickel Belt, Ms Martel, has been saying all along, that this government openly discriminates against northern cancer patients by refusing to offer them the same coverage for transportation, food and accommodation costs afforded to patients from southern Ontario who must travel to receive treatment for this life-threatening disease.

My concern today is not with the appalling discrimination against northern Ontarians that was confirmed by Mr Lewis's investigation, but rather I draw your attention to page 8 of his final report under the section entitled "Analysis," which reads: "I recognize that the Attorney General is entitled to exercise the authority to deny me access to documents in the restricted circumstances set out in s. 20 of the Ombudsman Act. However, this step has limited the scope of my investigation."

I cite here the contents of section 20 of the Ombudsman Act: "(1) Where the Attorney General certifies that the giving of any information or the answering of any

question or the production of any document or thing (a) might interfere with or impede investigation or detection of offences; (b) might involve the disclosure of the deliberations of the Executive Council; or (c) might involve the disclosure of proceedings of the Executive Council or of any committee of the Executive Council, relating to matters of a secret or confidential nature, and would be injurious to the public interest, the Ombudsman shall not require the information or answer to be given or, as the case may be, the document or thing to be produced.”

Speaker, this section, I submit to you, is written very clearly and very specifically about the limits that can be placed on the Ombudsman’s access to what we acknowledge and the Ombudsman Act acknowledges is necessarily from time to time sensitive information. It’s clearly not intended to act as a shield behind which the government can hide. I put to you that this is exactly what the government was doing when it denied the Ombudsman’s information request in the course of his investigation into discrimination against northern cancer patients.

Speaker, I refer you, sir, back to your ruling of June 19, 2001, on my point of privilege concerning comments made by freedom of information commissioner Ms Cavoukian. In that case you did not find, as you well know, that a *prima facie* case of contempt had been established because “there was no mention in the commissioner’s report that the commissioner was being hindered or obstructed. The report was simply expressing serious reservations about the impact of the government’s policy, and it was requesting a change in that policy.”

I argue, Speaker, that the case I bring before you today clearly goes well beyond the scenario with Ms Cavoukian and the one that you ruled on, because the Ombudsman, Mr Lewis, states, and I quote it again, “This step has limited the scope of my investigation.”

Like Ms Cavoukian, Mr Lewis was appointed an officer of the Legislature. He works for all of us collectively. He was appointed as an officer of the Legislature to exercise powers and perform duties prescribed in section 2 of the Ombudsman Act. It was his responsibility to investigate the allegations of discrimination that were made by Ms Martel. Here we find evidence of what Ms Cavoukian called the government’s “contentious issues management process” in action.

The government attempted to undermine Mr Lewis’s investigation into accusations of discrimination against northern cancer patients by denying him access to potentially incriminating documents. Interestingly, Mr Lewis found that the government did indeed discriminate against northern residents, even though Tory politicians and ministry officials blocked his requests under information access rights.

I submit there’s only one conclusion that we can draw as a result of this, and that is that there was an effort on the government’s part to conceal and certainly to inhibit access by the Ombudsman to certain information. One can only speculate as to how damning Mr Lewis’s report could have been had he had full access.

Speaker, I put it to you that the government’s obstruction—and in this instance I submit that it is obstruction; it’s the only inference that can be drawn from the words of the Ombudsman—of the Ombudsman’s information request constitutes contempt of this Legislature.

Once again, the 22nd edition of Erskine May defines contempt in this way:

“Generally speaking, any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any member or officer of such House in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results may be treated as a contempt even though there is no precedent of the offence.” That’s at page 108.

Erskine May goes on to outline contempt as it applies to obstructing officers of either House, and I submit to you that Mr Lewis clearly is an officer of this House. “It is a contempt to obstruct or molest those employed by or entrusted with the execution of ... their duty.”

It continues, “Both Houses will treat as contempts, not only acts directly tending to obstruct their officers in the execution of their duty, but also any conduct which may tend to deter them from doing their duty,” page 125.

The Canadian House of Commons Procedure and Practice by Marleau and Montpetit also speaks to this issue in its reference to the now increasingly better known ruling by Speaker M<sup>me</sup> Sauvé in 1980, which said, “While our privileges are defined, contempt of the House has no limits. When new ways are found to interfere with our proceedings, so too will the House, in appropriate cases, be able to find that a contempt of the House has occurred,” found at page 67 of that text.

You yourself found that a *prima facie* case of contempt had been made on May 18 last year in your ruling concerning the release of private information. In that instance you referred to section 46 of the Legislative Assembly Act, which defines the jurisdiction of this House to inquire into and punish as breaches of privilege or contempt a range of matters, including “assaults upon or interference with an officer of the assembly while in the execution of his or her duty.”

Speaker, I submit to you that, in the Ombudsman’s own words, the government’s actions have limited the scope of his investigation into one of the most controversial policy positions—obviously among many, but one of the most controversial policy positions—ever taken by this government.

I accept the points you made in your June 19 ruling of this year concerning the position of members of Parliament as it relates to freedom of information.

I want to describe to you the hurdles the member for Nickel Belt has come up against in her efforts to gain access to documents from the Ministry of Health. I want to paint a picture of what the Ombudsman was referring to. I think this is an important reference when looking at the conduct of the government and determining whether or not it and its policies effected a contempt of this Parliament by virtue of their obstruction, because I

submit that all the facts are necessary to determine, yes, indeed, there was a clear case of obstruction and therefore a clear case of contempt.

In September 2000 Ms Martel requested a copy of the report entitled Patient Travel Assistance Programs in Ontario in the possession of the Ministry of Health and Long-Term Care. She believes the report documents the discrimination against northern cancer patients in the inadequate northern health travel grant. The request was turned down in November 2000 on the excuse that cabinet was using the document to make decisions regarding travel grants. I submit to you that that explanation does not stand well in the whole context of the facts that have been laid out.

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Ms Martel appealed the decision to the Information and Privacy Commissioner in December 2000. A mediator ruled that the government was still using the document to make decisions about travel grants and advised Ms Martel to file again in four months if cabinet failed to take any action. Please, sir, understand that it was a mediator who heard from the government the same explanation that had been given to Ms Martel and who, based on that, recommended that Ms Martel wait four months, one can only infer, one must infer, based on information that that mediator obtained from the government in the ministry as the result of acting as mediator. Ms Martel waited and waited some more. Nothing happened. On May 3 this year she started the process all over again by filing yet another freedom of information request with the Ministry of Health and Long-Term Care, and here we are 273 days later. That's nine months after the first request was made by the member for Nickel Belt, and she's still waiting for an answer.

I feel compelled to raise this issue again because I think it is a matter of critical importance to this Legislature. I ask you, Speaker, to consider the damage being done to the democratic functioning of this House, which rests on the cornerstones of transparency and accountability, if officers of this assembly are continually obstructed in the process of carrying out their duties by cabinet and ministry officials who abuse the guidelines governing access to information. I ask you to look very carefully at the words of the Ombudsman. I believe that Mr Lewis has made himself very clear.

Finally, Speaker, I ask you to consider what is fair, because certainly fairness has to be one of the guidelines that determine your approach to this. Southern Ontario cancer patients have enjoyed financial support to help cover the cost of seeking remote treatment. At the same time, thousands of people living in the north have not received a dime in compensation from this government even though they were forced to drive for hours to receive radiation treatment. Northerners have been asking for fairness. Ms Martel, on behalf of those northern constituents, has been asking for that fairness during question period. The Speaker knows the nature of the responses given by the government. There has been an effort, I submit to you—and again I submit that this is

very relevant; the Hansard of this Parliament speaks very much for itself—that the government's responses inevitably have been obfuscatory at the very least.

Despite the government's best efforts to what we submit was an effort to conceal or cover up bald-faced discrimination, the Ombudsman found in favour of those northern cancer patients. This, we say, is only the tip of the iceberg. These people deserve to know the whole story. So do we. The government ought not to be allowed to hide the truth from them. As outlined in Maingot's Parliamentary Privilege in Canada on page 221, the responsibility of the Speaker is to determine if "the evidence on its face as outlined by the member is sufficiently strong for the House to be asked to debate the matter and to send it to a committee to investigate." In the words of the Ombudsman, I believe I have made such a case, Mr Speaker, and I ask you to find that that is so.

**The Speaker (Hon Gary Carr):** Further to the point of privilege?

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** I will be very brief because, as you know, we have raised this same issue in question period repeatedly over the past week. I do want to suggest, Mr Speaker, that since this is only the second time in history that the Ombudsman of Ontario has been denied access to information which he believes is important in carrying out his investigation, it is incumbent upon you to seek at least the reasons as to why that embargo was placed on his access to information. I do believe, unless you can be satisfied that there was a reason provided for embagoing that report that in no way blocked the Ombudsman in carrying out his responsibilities to this Legislative Assembly, that you do have a case to find that the privileges of all members have been violated.

**The Speaker:** I thank the member for his point of privilege. The government House leader as well?

**Hon Janet Ecker (Minister of Education, Government House Leader):** Just very briefly, I appreciate the concerns that have been raised here, but the document in question, as I understand it, pertains to cabinet documents. There was in fact a cabinet document itself, as I understand it. There has been a convention in many governments and many Parliaments that that information does have protection. There are many reasons for that. So I certainly would respect whatever ruling you wish to raise. But it's certainly our contention that nothing untoward has occurred, that the government has made a prudent and correct decision.

**The Speaker:** I thank all the members for the input, and I will reserve.

**Mr Dalton McGuinty (Leader of the Opposition):** On a point of order, Mr Speaker: Because of the importance of the bill I introduced a few moments ago, and because I know many members of this House want to ensure that the Keele Valley site is closed by 2002—I should tell you as well, Speaker, that I've given the House leader and the Minister of the Environment earlier notice of this so it does not come as a surprise to them—I

am requesting unanimous consent to pass second and third reading of the Keele Valley Closure Act, 2001.

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

## ORAL QUESTIONS

### EDUCATION FUNDING

**Mr Dalton McGuinty (Leader of the Opposition):** My question is for the Premier. Ontario Liberals understand that strong public education is an absolute essential for our working families. It is not an option. Public education is the ladder our kids climb to achieve their dreams. You don't agree. You pursue your attacks on public education, the latest manifestation being your voucher. Since you've introduced your voucher you have refused to call it a voucher and you choose instead to call it a tax credit, but your friends at the Fraser Institute disagree. Last week, during the committee hearings, Claudia Hepburn appeared before us and she said your tax credit is most definitely a voucher. Premier, if it looks like a voucher, if it sounds like a voucher, if it robs our public school system of money just like a voucher, if the Fraser Institute calls it a voucher, why not acknowledge that this is a voucher?

**Hon Michael D. Harris (Premier):** The only party I've heard entertain vouchers is the Liberal Party of Ontario. I know your critic and others have said that if you're going to entertain this policy, it should be done by way of voucher. I think you alluded to either voucher or direct funding to the schools, for those in the Liberal Party seem to favour either direct funding, which would be the same as a voucher—what we have brought forward, as you know, is a very limited tax credit to help those parents who make the choice of an alternative school for education. This year that tax credit amounts to a budgetary item of \$15 million versus \$13.8 billion for the public education system. So I would say our ongoing commitment to excellence in education has been demonstrated with every change we have made to enhance—

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

**Mr McGuinty:** Premier, let me just say that I was most appreciative last week of the Fraser Institute's candour and honesty when it came to their perspective on this matter. They said it was a voucher.

I can tell you, Premier, that the Fraser Institute isn't your only friend smothering you with kindness on this front these days. The National Citizens' Coalition recently started running ads praising your voucher program. They like it because they say it will save the government money. Let me quote the National Citizens' Coalition quoting you, Premier, "Premier Harris suggested the government will save about \$7,000 for each student who does not attend a union-run public school."

Premier, why not admit it? Your voucher isn't about choice; it's about saving money. Your voucher is an incentive for parents to remove their kids from public education and put them into private schools, thereby robbing our public schools of desperately needed funding. How can you defend this policy when it is, at the end of the day, a voucher, and when you know, as the National Citizens' Coalition is telling us, that this will take money away from public schools?

**Hon Mr Harris:** I think, as you know, that as to the number of people over a 10-year period choosing alternative schools in Ontario versus other jurisdictions that had a tax credit or a voucher or a direct payment for those students of those schools, the difference between Ontario, which had no voucher or no tax credit or no funding, was negligible.

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So when we looked at those other jurisdictions, the ministry, as you know, does not feel there will be any substantial increase—maybe a small decrease. But we don't think it will be affected by the tax credit. Therefore, we do not think there are any savings, nor are there any costs, to the public school system. The tax credit is a budgetary item over and above the full funding for the public school system, so therefore it costs the public school system nothing. In fact, it's all part of choice for parents. To suggest otherwise, I think, is just incorrect.

**Mr McGuinty:** Premier, this is not what you told the United Nations in a very detailed, extensive, considered and thoughtful brief. You told them this would cost somewhere between \$300 million and \$700 million, and that would come at the expense of public education.

Premier, there are three indisputable and irrefutable facts in this matter: (1) your private school tax credit is a voucher; (2) it's going to take money away from public education; and (3) you have no research, no evidence whatsoever, on which you relied to confirm that this would not cause harm to public education, to our working families and the opportunities for their children. You have been able to provide us with no such evidence or information whatsoever.

In light of all that, Premier, why not admit this was drawn up on the back of an envelope late one night, God knows why? Why don't you do the right thing and scrap this voucher program?

**Hon Mr Harris:** The ministry, as you know, had the available data from other jurisdictions and from Ontario that showed very little difference when you got some funding or some partial credit or some partial direct funding.

I can give you an example now. Enrolment in the district of Niagara board is projected to go down this year, but they're getting an increase in funding. We will fully fund the public education system, as we always have. We will make sure that it is funded to a level far in excess, as you know, of most jurisdictions in the world on any fair per student level.

The policy of fairness for a partial tax credit to parents has no impact on education funding. But we did get the

Liberal position; it was clarified by Greg Sorbara recently. He said that as a matter of policy, when you want to support denominational schools—and he said he wasn't opposed—you give the money directly to the denominational schools. You don't—

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

### COMMUNITY CARE ACCESS CENTRES

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

My question is for the Minister of Health. Minister, for years now we've heard horror stories about seniors in desperate need being denied access to home care services. Whenever we've raised these matters with you, you've washed your hands of them and said this responsibility lies entirely with the community care access centres, that they call all of the shots on the front lines; this has nothing to do with you. The fact is, Minister, you are the one who's supposed to decide who gets home care and who doesn't. You set the rules for eligibility, and so far you have refused to do so.

Well, Minister, the chickens have finally come home to roost. We now have in our hands a landmark decision of the Health Services Appeal Board, and this ruling says your failure to set eligibility rules means that CCACs can no longer make the determination as to who is and who is not eligible for home care. Seniors are now waiting on you, Mr Minister. They want to know whether or not they are eligible. What are your rules for eligibility and when will you give them to us?

**Hon Tony Clement (Minister of Health and Long-Term Care):** This is precisely one of the things that was part of the review that was done by PricewaterhouseCoopers. The conclusions of that review, which we have described before this Legislature, indicate that there are managerial issues at the local level with the CCACs, there are standards application issues where different standards are applied in different ways by the CCACs, and these are things that this government is quite concerned about.

Given the fact that we are funding the CCACs at a record amount—a 72% increase since we got elected—given the fact that 100% of those dollars are provincial dollars—not a cent, not a nickel, not a shekel comes from the federal government—that is, in fact, what we are doing: we are funding. Now we're making sure that the funding goes to the individuals, to the patients, to the recipients of that home care in our communities, but we have to make sure it's done right.

**Mr McGuinty:** I gather from that response, Minister, that you're unaware that there's a very important legal decision that was made on June 5 and it says that you have yet to fulfill your responsibility.

You have had six years in government to determine the eligibility requirements for our seniors when it comes to getting home care in the province of Ontario. All along you've been blaming those home care deliverers. You were saying, "Those people can't get it right. There are all kinds of inconsistencies out there; they're doing one

thing in one part of the province and another thing in the other part of the province." The problem is there are no rules. You have yet to establish the rules, Minister. That's the problem.

So the question I've got for you is, will you now tell our seniors where you draw the line when it comes to their obtaining home care services?

**Hon Mr Clement:** As the honourable member no doubt is aware, CCACs were formed by this government, but it was done in a way so that we could formalize the CCACs through revisions to a long-term-care act at the most available and most opportune time. But in the meantime there are standards in place in this province, there are rules in place in this province, done by regulation, and of course we're accountable to the Legislature for that.

But what is more important, of course, is that the dollars that are spent, the 72% increase in the CCAC dollars, go to the patients, go to the users of the home care system. That is what we're concerned about on this side of the House: to make sure that every dollar spent on behalf of the taxpayers, on behalf of the citizens of Ontario, goes toward patient care, goes toward home care. That's what we're concerned about on this side of the House. Perhaps the honourable member should spend more time being concerned about the same thing.

**Mr McGuinty:** Minister, I can understand why you are uncomfortable on this. You've been found out. For months now you've been blaming the CCACs. You've been telling them it's their responsibility to make decisions, the tough decisions about whom to provide services to and whom to deny when it comes to home care services.

Now we discover that in six years your government has yet to set eligibility requirements for our seniors. So you can't any longer blame people who work on the front lines, all those people in our community care access centres, those volunteers who dedicate themselves to their parents and their grandparents in their communities. Now it's up to you. You haven't been able to come up with one specific eligibility requirement.

But I have a question for you on behalf of Ontario's seniors. It's very straightforward and very direct. Seniors want to know, will you be income-testing them for home care services?

**Hon Mr Clement:** The premise of the honourable member's question is fundamentally flawed. He's suggesting that we're not concerned about standards. In fact, we inherited a system where there were no provincial standards, something that when he was a member of the government he seemed quite happy to perpetuate.

But on our side of the House we have been instituting standards. That's why we did a review of the report. Three years after the creation of CCACs as independent bodies, what are the standards that are being applied? Are they acceptable to Ontarians? Are they acceptable to our seniors? Are they acceptable to the recipients of the home care services? Despite the fact that we have increased funding by 72% over five years, is the money going to

the care? Despite the fact that there are zero federal Liberal dollars—zero, zilch, nada—we have put the money into the system.

*Interjections.*

**The Speaker (Hon Gary Carr):** Minister, take a seat. He's got a few seconds left. It's getting too noisy in here. I'm going to have to start to pick people out.

Minister of Health, sorry for the interruption.

**Hon Mr Clement:** I guess my point is, despite the current federal-provincial funding arrangements which have shown zero dollars on behalf of seniors, on behalf of those vulnerable in our society given by the federal Liberal government to the Ontario government or indeed any other government in the Dominion of Canada, we have put the money in, we have developed the standards, we are developing the expectations, and that process will continue. If the honourable member wants to be helpful in this regard, perhaps he should talk to his federal Liberal counterparts so that they can be part of the solution as well.

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#### OCCUPATIONAL HEALTH AND SAFETY

**Mr Peter Kormos (Niagara Centre):** Premier, I'm sure it's not your intention, but you're taking steps that could put lives at risk. The law requires that health and safety inspectors arrive and inspect on-site the workplaces where there's an unresolved workplace refusal as a result of unsafe work. These are unusual situations, less than one a day out of tens of thousands of workplaces, but that on-site inspection is vital. The proof is that there are only some 200 to 300 work refusals a year, but your inspectors issue 2,000 to 3,000 stop-work orders. The fact that they are there, on site, enables them to determine far more than the worker even reported, and it's because they go to the workplace and inspect.

It's a good law, Premier. Ontarians have supported it for 20 years. Why are you revoking it?

**Hon Michael D. Harris (Premier):** I think the Minister of Labour can respond.

**Hon Chris Stockwell (Minister of Labour):** Let's be clear: it will be the inspector's decision to go to a health and workplace safety place, and they'll be allowed to inspect—excuse me.

**Ms Frances Lankin (Beaches-East York):** Get it out of your system.

**Hon Mr Stockwell:** I'm going to need more than a minute.

They would be allowed to inspect these sites at any time. It is up to that professional civil servant to determine, if the call comes in, whether or not it's necessary for that inspector to go there. The simple case I gave you a couple of weeks ago was the person who phoned in to say their boss wasn't qualified to be their boss. That they can review by fax and e-mail and over the phone.

Let's be clear: if you're forcing these health and safety inspectors to go out there and inspect sites they don't necessarily have to go to, for many, many hours they're

being taken away from those places they should be at, where there is truly a health and safety risk, and taking advantage of a situation.

We are putting forward this recommendation because it was vetted within the ministry and the inspectors heard it and agreed.

**Mr Kormos:** That just doesn't add up, because you're shy 80 work site inspectors. Your full complement is some 278; you're down to around 200. You haven't replaced any of those who are gone.

Workplace accidents cause people to die horrible deaths every year. In 1999, the number of workers killed on the job increased to over 200. Last year it increased again to 243. That is 243 people dead because of workplace dangers.

Minister, look: your government listened to the critics of the mega-tribunal and you withdrew that plan. People are telling you to withdraw your plan to kill mandatory on-site inspections. Your own inspectors say, "Such an approach will inevitably result in tragic consequences that the lack of regulatory vigilance led to in Walkerton." Minister, will you listen to your own inspectors about this bill? Will you put safety first? Will you please reconsider Bill 57?

**Hon Mr Stockwell:** Let's be clear: your statistics are as flawed as your argument. From 1995 to 2000, after we came to office, field visits were up 38%. Inspections are up 45%. Orders issued by inspectors—get this one—up 92%. Stop-work orders, up 70%. Work refusals remain unchanged, I say to the member opposite.

We were not happy with the abysmal showing your government had with respect to health and safety. We improved on it. Is there more to do? Of course there's more to do. But we should celebrate this record. Your record was abysmal. I share your concern. That's why we could not accept the failed policies of the NDP, and we made Ontario a safer place to work.

**Mr Kormos:** I wish I could share your joy and pleasure in that record, because that record is one where, in 1999, the number of workers killed in the workplace rose to over 200. The record that you're praising is one where, in the year 2000, 243 workers died in workplaces in Mike Harris's Ontario.

Look, Bill 57 and its repeal of mandatory on-site inspections are part of the government's efficiency act. Senior Ministry of Labour staff have told us that sacrificing these on-site inspections could, on the basis of your guidelines, save them two or three trips a year. If indeed this service is privatized—and it appears that that's what Bill 57 is designed to do, to facilitate the privatization of Ministry of Labour inspections; it could be much more—are you prepared to pick a fight with the health and safety professionals of this province and even your own ministry but for what could be no more than two or three on-site inspections per year?

**Hon Mr Stockwell:** This is the flaw in the ointment with respect to your argument—

**Interjection:** The flaw or the fly?

**Hon Mr Stockwell:** The fly in the ointment with respect to your argument is that it only saves two or three trips a year. There are hundreds of inspectors out there, hundreds. If those hundreds of inspectors save two or three trips a year, that's hours and hours per trip, going to what they will determine in a call that they can do over the phone. Where they could be is at sites that need to be inspected. They can show up at a workplace and inspect a site that's unsafe. This is the flaw in your argument.

The point that you want is for them to go out there chasing inspections they can do over the phone, and not inspect places where they could really save lives. You're not interested in saving lives; you're interested in silly statistics and numbers. That's the difference. We're interested in saving lives. We would like to get them out to the places where they go. We're in favour of seeing the inspectors go to places where they need to go. Going to inspect a site where someone has complained that their boss isn't qualified for them to work for him—

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

#### COMMUNITY CARE ACCESS CENTRES

**Ms Frances Lankin (Beaches-East York):** My question is to the Minister of Health.

Minister, I want to talk to you as well about the June 5 Health Services Appeal Board ruling. That was a case that was brought forward by the Advocacy Centre for the Elderly on behalf of one of their clients. In that case, as you know, at least I hope you know, the ruling indicated that the CCACs cannot deny someone benefits because they are not able to set eligibility criteria.

A reading of that decision would take you to the next logical step, that the current actions of the CCACs, as a result of the funding pressures that they are experiencing, of cutting services to seniors based solely on the dollars available and not on the health needs of the seniors would also be an appealable item and an item which is likely to receive results in the Health Services Appeal Board similar to the ACE decision, which would overturn that decision.

In light of this new decision, could you advise this House what you're telling CCACs about their service cuts?

**Hon Tony Clement (Minister of Health and Long-Term Care):** The fact of the matter is that the decision is a commonsensical decision in the sense that, of course, we would all want certain minimum standards, at the very least, to be applicable province-wide and there is only one body in the entire province that can do that, and that's the province of Ontario. So in that respect it's a commonsensical decision.

The fact of the matter is, we are seized of that issue. When we created CCACs in the first place, we said, "Here are the standards that we expect you to meet." The problem that we're facing, based on the review that was done by the independent third party, is that they are meeting these standards in a very haphazard way, or

some parts of the province are meeting the standard, others are not meeting the standard. Some have the managerial competence to do that, others are struggling. That's the information that we shared with this House, that came about as a result of the third party report. So we are seized with this information. We want a solution too, and the solution is not the status quo.

**Ms Lankin:** Minister, I'm getting a really big suspicion here that you actually don't know about the content of this decision.

Let me say to you, CCACs are currently making service cuts based on the dollars that you have told them are available this year, not based on the health needs of the clients that they serve. There is a basic problem here in terms of those seniors, and for you to continue to say that your goal is that the \$72 million gets to client care doesn't help us resolve the issue of the cuts seniors are experiencing today.

I can tell you over and over again the reviews that have been done, your latest one, through the Fleuelling inquest, through many others, have told you that over 15% of the dollars are being spent administering your competitive bidding model. You've been told to scrap it.

Minister, you've got to do two things today: you've got to announce that you're scrapping the competitive bidding model, and you've got to announce that health services will be given based on health needs, not on your arbitrary budgets that you've set.

**Hon Mr Clement:** Again, the fundamental premise is that in some way underfunding is going on. We have increased the funding since her government by 72%.

We have example after example of individual CCACs that have said they can live within the budget and deliver the excellent services required by the citizenry. The Oxford CCAC said, "We can live within the budget, we can deliver the services." The Niagara CCAC said, "We can live within the budget, we can deliver the services." The York CCAC, after a 193% increase in their funding since they were in power, said they can live within the budget, they can deliver the right kind of services to the right people in the province of Ontario in their catchment area.

Those are the results that I care about. What I want to do is ensure that every CCAC has the managerial ability, has the competence, has the standards to deliver excellent services that are required to the people of Ontario who require them. Join me in that task and maybe we can get somewhere.

1450

#### VISITORS

**Hon Jim Wilson (Minister of Energy, Science and Technology):** On a point of order, Mr Speaker: Just before a group from my riding has to go on their tour, I know all members will want to join with me in recognizing the Adjala-Toronto Residents Association in the public gallery opposite. There's a very large crowd of them here today from my riding.

### ONTARIO DRUG BENEFIT PROGRAM

**Mr Dalton McGuinty (Leader of the Opposition):** My question is for the Premier. Ontario seniors are afraid right now of what it is you might be doing to their drug plan. They're afraid they might wake up one day to discover that suddenly you've imposed an income test or that they're going to have to start paying new user fees. To make matters worse, you can do all this under cover of darkness. You can do it when the House is recessed, after the by-election is over and you think no one is watching. You can do these things—put in a new income test, put into place new user fees—just by way of regulation, just by way of a signature. Premier, can you relieve Ontario seniors of their anxiety by guaranteeing for us today that you will not further restrict seniors' access to drugs or add any user fees?

**Hon Michael D. Harris (Premier):** Let me assure seniors of this: as long as this government is in office and as long as they continue to elect the Progressive Conservative Party to government, they will continue to get the largest funding for drug programs and for home care that is available anywhere in the country.

I can also tell them that when I look at the Liberal Party, when the Liberal Party was in office, the drug benefit plan that is so sacred and so important to seniors was funded to the tune of \$647 million, and that's when you left office; that's at the end of your term. Under our government today, this same drug plan has tripled to about \$1.8 billion. That's what happens when you elect a Harris Progressive Conservative government over a Liberal government when it comes to the drug plan that is so sacred and so important to them.

**Mr McGuinty:** I'm sure your words of comfort will be very well received by seniors, Premier. I guess that they've never felt more secure, that they've never felt they could have greater confidence in a Premier since your arrival. I guess that's how they're feeling.

Let me tell you the truth, Premier.

*Applause.*

**The Speaker (Hon Gary Carr):** Order. Leader of the official opposition.

**Mr McGuinty:** I guess sarcasm is perhaps a bit too sophisticated for the members opposite.

Let me tell you the facts, Premier. Let me—

*Interjections.*

**The Speaker:** Come to order, the government benches, and the other side now as well. The leader of the official opposition has the floor.

**Mr McGuinty:** Let me tell you some of the recent words of comfort offered to Ontario's seniors by the Minister of Health. He referred to our seniors as the "richest generation" of seniors "in the history of the world." That's what he said about our seniors. Here are a few facts. One half of our seniors between 65 and 75 years of age make just a little over \$16,000 a year; only 0.5% of our seniors have incomes over \$60,000, and still, Premier—

*Interjections.*

**The Speaker:** I'm sorry to interrupt him. I know it throws his speaking off and it's very disruptive, but I'm getting it now from both sides back and forth, when their own leader is trying to speak. Come to order. I'm going to start picking people out and they'll be asked to leave. My patience is up right now. The leader of the official opposition.

**Mr McGuinty:** Premier, you said that Ontario seniors should thank God they live in this province. Your Minister of Health himself said they are the "richest generation" of seniors "in the history of the world." I just gave you the opportunity to provide every possible reassurance to our seniors that you will not introduce income testing for their drugs or user fees for their drugs, and you refused to provide that assurance. I'll give you one more chance. Prove you're on the side of seniors now.

**Hon Mr Harris:** Let me carry on with what this government has done. I don't know why the Liberal Party wants poor seniors. We're very proud that our seniors are retiring, on average, with more dollars than ever in their history. We're very proud that through our tax cuts and a booming economy our seniors are better off. We want the wealthiest seniors that we can possibly have, and we're very proud that they're better off today than they were under the Liberals or the NDP. We're very proud that since 1995, 3,100 drugs are available today, 1,200 new ones that weren't available when we took office in 1995. We're very proud of this fact.

We're very proud of the fact that since the Liberals were in office—for example, in home care, you spent \$305 million for home care when you left office; we are now spending \$1.1 billion. We have more than tripled the funding for home care. Why have we been able to do this? Because we have a booming economy, because we have tax cuts to create more—

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

### LANDFILL

**Mrs Tina R. Molinari (Thornhill):** My question is for the Minister of the Environment. Minister, today the opposition has attempted to forward a position regarding the closure of the Keele Valley dump. This is an obvious reaction to the panic that the Liberal candidate in Vaughan-King-Aurora is facing in this by-election. Minister, this is just another flip-flop from the Liberal opposition.

*Interjections.*

**The Speaker (Hon Gary Carr):** The member for London-Fanshawe, come to order, please. He's yelling right beside her. The minister has been trying to answer. I can see their faces; they can't even hear.

Sorry. The member for Thornhill.

**Mrs Molinari:** Minister, this is just another flip-flop of the Liberal Leader of the Opposition. When the Liberals were in government they had the opportunity. They did nothing. Coincidentally, the candidate in Vaughan-King-Aurora is the one who is trying to come back.

Minister, can you clarify this government's long-standing—

**The Speaker:** I'm afraid the member's time is up. Minister?

**Hon Elizabeth Witmer (Minister of the Environment):** The member is right. The Liberal government has had 16 years to take a position on the Keele Valley dump site. Their solution to garbage for Toronto was the Keele Valley. Ever since 1995, our Premier and our member, Al Palladini, have made it absolutely clear the Keele Valley dump site will close in 2002.

**Mrs Molinari:** My supplementary question is, Minister, have you had a chance to look at the bill, and can you tell us what it means to the surrounding community?

**Hon Mrs Witmer:** Unfortunately, what we have before us is a very hastily and poorly crafted bill. It is a shameful example of political expediency and grandstanding. This bill, if introduced, would have dire consequences for the people in the communities surrounding Keele Valley. This is what happens when a party which has refused to listen to the concerns of the people for over 16 years drafts a bill. This bill would not allow for the remediation of the site. It would not allow for any dealing with erosion. It would not allow for anyone to deal with the littering. It would not allow for new fences to be constructed. It is absolutely unbelievable that such a bill would be introduced.

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

**Mr Dalton McGuinty (Leader of the Opposition):** To the master of muster when it comes to indignation, to the minister of indignation, on the same issue, the Minister of the Environment—

#### 1500

**The Speaker:** Order. You'll have to withdraw that.

**Mr McGuinty:** I'm sure viewers understood who I was talking about.

Madam Minister, you will understand why the people of Vaughan-King-Aurora have some very real concerns about your government's commitment on this front. The fact of the matter is, there is a loophole present in the legislation which allows you to extend the lifetime of the dump.

Mayor Jackson in 1996 wrote to the Ministry of the Environment, and then-Minister Elliott said that no, she would not then commit to closing this loophole because you might need to extend it. I'm just wondering why it is that you won't support my bill so that we can put this thing to bed with absolute finality.

**Hon Mrs Witmer:** I want to refer again to this McGuinty-Sorbara bill that has been introduced today. I want to point out to this Legislature once again how poorly drafted this bill is and that it is an example of political expediency and grandstanding. If you take a look at what is being proposed here, they are recommending that the certificate of approval be revoked. This would put the health and the environment of that community at risk. It would not allow for any remediation of the site. It would not allow for us to deal with problems

of erosion. It would not allow for us to deal with problems of littering. It would not allow for us to control leaching. It would not allow for us to maintain the surface above the waste. It would not allow for us to use the land in a—

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

**Mr McGuinty:** Minister, it's just a simple bill to close a dump. We're not talking about nuclear weaponry here. Let's take a look at the record. Let's listen to what the Minister of the Environment said to Her Worship Lorna Jackson back in 1996, when she said, "Would you please close this loophole." This is what the minister at the time said: "This section provides a contingency in the event that Metro Toronto ... runs out of landfill capacity before long-term alternatives can be found. I believe it would be appropriate to leave this part in place until the regions have found replacement landfills."

What the people of Vaughan-King-Aurora want is what I've incorporated in my bill. They want to know that you're prepared to nail the final nail in the coffin of this dump in 2002, and they want to know why you won't support it.

**Hon Mrs Witmer:** This simple McGuinty-Sorbara bill is an example of a party that eight days before a byelection has decided to grandstand. It's an example of a party that has refused to make a commitment. Our Premier and our colleague Al Palladini made a commitment to the people in that riding. That dump will close in 2002. I cannot support the McGuinty-Sorbara bill. We will close the dump in 2002.

#### LABOUR PROTEST

**Mr Doug Galt (Northumberland):** My question is addressed to the Minister of Labour. On Friday, June 8, on CFRB radio station I was informed that Sid Ryan planned to develop flying squads of union members for the purpose of randomly shutting down industries. Apparently Mr Ryan is opposed to the economic success of the Harris government and wants to penalize the industries that are doing well because of our policies.

Since he was unable to get elected, and I'm not surprised that he tried to win Marilyn Mushinski's riding, he now wants to use militant, brownshirt bullying to bring attention to the views of the union.

Are you aware of this plan, and, if so, is it legal to attempt to bring a company to its knees by such action?

**Hon Chris Stockwell (Minister of Labour):** I think all members would agree that we would expect all people in this province to live within the laws of the land. It is obviously against the law to do such a thing. It would certainly break any collective bargaining agreement that those industries would have with their unions.

I would hardly suggest that there would be anyone in this House who would counsel any member of the population within the province of Ontario to go out and wilfully break any laws of the province.

I can only suggest to Mr Ryan and his flying squads that it would be particularly important to understand that it's important in a democratic society to have laws, to live within the laws. Demonstrations are OK, they're acceptable and certainly welcomed, but it's very important to ensure that those demonstrations don't go too far and in fact break laws. I can caution everyone who would take part in these that that would be a watchword to live by.

**Mr Galt:** Thank you very much, Minister, for that response indicating how illegal it would be and that it would indeed be breaking the law.

It's very possible that Sid Ryan and his flying-squad band of bullies could hit an industry in my riding and try and shut it down. This could indeed be disastrous for the workers who depend on their paycheque. It could cause bankruptcy of the industry and result in large numbers of layoffs, who might be union members, and it could even be dangerous for the residents in the surrounding area. This action, of course, is wrong, ill-conceived and unfair.

Minister, should this happen within Northumberland, what advice can I share with the community and industry leaders as to how to respond to such an illegal action?

**Hon Mr Stockwell:** There are obviously many remedies they could use: through the courts and the Ontario Labour Relations Board would be some of the avenues they could take. I think there's a growing trend here, and I think all members of this House would agree that having CUPE fund OCAP and notably say in the funding that they agree with what they classify as street theatre and we would classify in this House as damage to public buildings and violent acts—I think we can all agree that these kinds of actions are reprehensible. I myself would suggest to Mr Ryan and to you and to anyone else that I think we need to band together and decide to say very clearly in one voice from this Legislature that intimidating and frightening constituency staff, intimidating and frightening workers at their workplace, is unacceptable. I don't think anyone in this House would disagree with that.

On a final note, I would ask that the members who have a closer tie with Mr Ryan—I know of maybe one—possibly talk to him and suggest that this is a flawed public policy approach for his union to take, and—

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

## AIR QUALITY

**Ms Marilyn Churley (Toronto-Danforth):** A question for the Premier. Premier, coal continues to burn in Ontario Power Generation plants, causing smog from Welland to Parry Sound, clear across the province these days, and pumping out 38 million tonnes of greenhouse gas. Look at the sad facts, Premier: the Sierra Club gave you an F minus on climate change.

Your own energy minister calls Nanticoke "the cleaner alternative," and claims that Kyoto requires him to allow emissions trading. Neither of these things is true,

Premier, but what is true is that you let OPG use trading to exceed emissions targets by 12 million tonnes. So I'm asking you today, Premier, will you agree to suspend the emission trading program that allows excess smog and greenhouse gas from OPG?

**Hon Michael D. Harris (Premier):** The emission trading program was a key part of the Kyoto commitment. It is viewed as one of the ways in which we can get overall reductions of greenhouse gases.

I think the member will also know we are committed to continuing to protect and to improve Ontario's air quality. We've aggressively tackled air quality, including climate change and smog, through transboundary air pollution initiatives. We continue to lead the way. We continue to commit to standards that are the toughest in Canada. We continue to commit to standards that are the toughest in North America. We continue to challenge the Americans to match these standards.

So everything from Drive Clean, where we lead North America, to new, tougher standards—far tougher than the NDP had for our electricity sector—are all part of our action plan. What we do here at the same time is we press others to do more.

### 1510

**Ms Churley:** So, Premier, what you're saying is that everything is hunky-dory and we shouldn't have to worry. That's what you told us about the state of the environment before Walkerton happened, and you were warned then about possible dire consequences.

I want to focus now on Nanticoke. Despite the fantasy of Minister Wilson, you know, or you should know, it's the largest source in Ontario of smog and greenhouse gas.

You could save lives in Ontario through smog reduction and you could protect the atmosphere from climate change by doing the right thing with Nanticoke. You could have Nanticoke converted to natural gas and you could eliminate it from participation in the emissions trading program that makes it possible for OPG to buy the right to increase air pollution, which is exactly what they're doing, which makes the air worse and our hydro bills higher. Will you do that, Premier?

**Hon Mr Harris:** I think the Minister of Energy can respond to that.

**Hon Jim Wilson (Minister of Energy, Science and Technology):** This government has done more to try and decrease smog coming out of the electricity sector than any of the previous two governments in this province: tough new emissions standards are tougher than those in the United States of America, tougher than any other province in Canada, including the great coal-producing province of Alberta, where they're actually building new coal plants, not something we're doing in the province of Ontario. In fact, we've spent \$2 billion in the last five years bringing in state-of-the-art pollution control equipment.

The honourable member and the NDP go on time after time and try and tell Ontarians that the reason our coal plants are running is we're exporting electricity. No one

exported more electricity than the NDP during their five years in office—in fact, 67% more than at any time during our time in office, and all of that coming out of the coal plants. Don't talk to us about smog created by electricity, because you created more than any other government before you and any other government—

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

#### RED TAPE COMMISSION

**Mr Sean G. Conway (Renfrew-Nipissing-Pembroke):**

My question is to the Minister of Economic Development and it concerns the Red Tape Commission. We know now that on the basis of the evidence tendered by the Cabinet Office, by the red tape secretariat and by Mr Steve Gilchrist that the members of the Red Tape Commission have access to a very wide range of very important, very sensitive and very valuable government information. Mr Frank Sheehan, the current co-chair of the Red Tape Commission, is a private citizen. My question today to you is simply this: given the extraordinarily sensitive and valuable government information that the Red Tape Commission and its membership possess, what specific rules does the government of Ontario apply to the members of the Red Tape Commission so that members—private citizens like Frank Sheehan—possessed of such extremely valuable information do not profit out in the marketplace by virtue of their possession of that information?

**Hon Robert W. Runciman (Minister of Economic Development and Trade):** Mr Sheehan is not a private citizen in the definition the member is suggesting here. He is an order-in-council appointment, appointed by the Lieutenant Governor in Council, and he takes an oath of secrecy like hundreds of others do, public servants who have access to confidential cabinet materials. This is nothing unusual.

In terms of the conflict question, I do agree that there is no provision for Mr Sheehan or other members in positions like he is in in this particular situation to reveal any potential conflicts. That has not been a requirement, but certainly Mr Sheehan has indicated that he is quite willing to undergo that process, if you will.

**Mr Conway:** This is very helpful. There is no provision to guard against potential conflicts of interest here. The Members' Integrity Act makes plain that all of you as cabinet ministers, in your duties as cabinet ministers, because you've got access to this very valuable insider information, are specifically prevented from a whole series of things. You can't be engaged in business. If you've got assets, they must be put in a management trust. That's there for a good reason.

We now know, according to the Cabinet Office documents, that this Red Tape Commission has access to a sweeping range of very sensitive and very valuable government information. Frank Sheehan and Steve Gilchrist, we know from their most recent filings to the ethics office, have active outside business interests. They

are in possession of extremely valuable information. I want to know, how is it that these people for months and years have had this extraordinary access and are not held to the same standard as cabinet ministers, who are understandably prevented from engaging in business because of the enormous potential there is for serious conflict of interest?

**Hon Mr Runciman:** There's a clear difference here. The Red Tape Commission is enabled to provide advice to cabinet and to committees of cabinet with respect to legislation and regulatory changes that are being proposed, as well as regulations of the government that they feel are onerous and not suitable to an enhanced business climate in Ontario. To suggest that individuals like Mr Sheehan should be required to place their assets in trust I think is quite inappropriate. Mr Sheehan has sworn an oath of secrecy. He abides by the same confidentiality provisions as any member of cabinet or any member of the public service who also has access to these kinds of documents.

#### SENIOR CITIZENS

**Mrs Julia Munro (York North):** My question is for the minister responsible for seniors. There has been a lot of media attention recently about the well-being of seniors in Ontario and in Canada. Last Saturday the Toronto Star printed an article that compared the quality of life for seniors in Ontario vis-à-vis the rest of Canada. In fact the article states, "Within Canada, Ontario ranks high among the provinces and territories.... Seniors are living longer and healthier." However, this was not always the case. Historically, long-term care and community services were underfunded in Ontario. Since the Harris government was elected in 1995, these services for seniors have seen the largest increase.

As the minister responsible for seniors, could you please elaborate on what proof this government has that Ontario is a leader in investing and planning for seniors?

**Hon Cameron Jackson (Minister of Citizenship, minister responsible for seniors):** I'd like to thank the member for York North for her question. She is quite right: more has been invested in seniors' health services in this province than by any other government in this province's history. Historically, low funding by previous governments has been a challenge.

I recall that the Sorbara-Peterson Liberals, when they were in government standing on this side of the House, promised Ontarians they would build 7,000 new hospital beds. What in fact happened was that Elinor Caplan and Greg Sorbara—not only was he silent when they closed hundreds of hospital beds in York region; they closed thousands of beds across Ontario. In the last three years of the Sorbara government on this side of the House, the Sorbara Liberals didn't build one new long-term-care bed.

The fact of the matter is the Liberals don't understand the needs of seniors as an aging population and they have

done nothing but break their promises and give hollow words to seniors.

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

**Mrs Munro:** Minister, thank you for your response. I appreciate your answer with regard to the province as a whole. However, York region has had a dramatic growth in the population over 65 in the last five years; in fact, 21,000 people, or a 40% increase. Today, how can we be assured that services for seniors will continue to keep pace with the growing number of seniors in the ridings of York region?

**Hon Mr Jackson:** There's no question that the Liberals broke every promise they made to Ontario seniors when they were in government. When we set about, six years ago, to correct the inequities of the past Liberal government, the proof is very clear for Ontario's seniors, and the Toronto Star agreed with us: we've got three times as much funding for the Ontario drug benefit plan, \$1.8 billion, and we've got five times more home care funding for York region, up to \$50 million. Yet we know that in the last year Greg Sorbara watched as his government cut home care in his own York region.

We have seen a 90% increase in the number of long-term-care beds: at the Villa Colombo, 160 new beds; Yee Hong Centre, 200 beds; Mon Sheong, 120 beds; the Baycrest Centre. Seniors have benefited from the leadership of MPPs like Tina Molinari, Frank Klees, Julia Munro, David Tsubouchi and Al Palladini—

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

1520

#### RED TAPE COMMISSION

**Mr Sean G. Conway (Renfrew-Nipissing-Pembroke):** My second question is to the Minister of Economic Development and Trade. Minister, you seem to not understand what your own Cabinet Office has said is the function of the Red Tape Commission. Let me refresh your memory and the memory of the House.

"According to the Cabinet Office, the Red Tape Commission is inextricably connected to the cabinet decision-making process." According to the Cabinet Office, the Red Tape Commission has been acting "as a screening process for cabinet and its committees on a wide range of policy issues." The director of the red tape secretariat swore an affidavit to confirm that in fact the Red Tape Commission had sweeping access across all aspects of the Ontario government.

With that as evidence tendered by your government, I want to come back to the critical question: we know that people like Frank Sheehan and Steve Gilchrist—Gilchrist has confirmed it—have routine access to a great amount of very sensitive and highly valuable insider information. Are you telling us that cabinet ministers are expected to behave at one standard and people like Sheehan and the other red tape commissioners are expected to operate at a much lower standard, with no conflict oversight?

**Hon Robert W. Runciman (Minister of Economic Development and Trade):** I'm not suggesting that at all. I'm stating clearly that Mr Sheehan, I think, can be quite fairly compared to senior civil servants who indeed have access to the same kinds of material. They do not have to put their assets in trust. I think that's what the member is suggesting, and that's simply not the case. This is an effort, I think, to suggest that something nefarious is occurring here. That's not the case. Mr Sheehan is doing a good job. The Red Tape Commission is doing a good job. Any suggestions to the contrary are just inappropriate.

**Mr Conway:** Let me say, as a former cabinet minister to a current cabinet minister, we both know that the cabinet is specifically precluded from these kinds of outside activities, as are public servants, for a very good reason: you've got very valuable insider information. The province is about to find out that Mike Harris's Red Tape Commission has been everywhere, across policy, across enforcement, across compliance. Frank Sheehan and Steve Gilchrist have very powerful mandates. They are armed with very, very important and valuable information. In the morning they do their red tape work, and after hours they are out actively engaged in business, something you are not allowed to be doing.

**Mr John Hastings (Etobicoke North):** That's a scurrilous attack. Shame on you.

**Mr Conway:** I have got the filings. I want to know—

**The Speaker (Hon Gary Carr):** The member take his seat. The member for Etobicoke North isn't going to yell out. This is his last warning. The last warning to the member for Etobicoke North and he's out. You don't shout across like that to the members.

Sorry, to the member.

**Mr Conway:** I want to know in the public interest why Bob Runciman, cabinet minister, possessed as he is of insider information, is specifically precluded by statute from a whole range of business and outside activity, and Frank Sheehan and Steve Gilchrist, possessed, we hear now, of the same kind of information, apparently are not so proscribed.

**Hon Mr Runciman:** This is, I think, an unfortunate attack on the integrity of at least two individuals here. The reality is these individuals are not the decision-makers. They provide advice to the government and cabinet committees of government. They have access to information that parliamentary assistants have access to, hundreds of public servants have access to.

They have a clear record of success. One is a former member of this House; one is a current member of this House. They have a clear record of success—the facts are there—as individuals. As a commission on the part of the government, they have cut thousands of unnecessary regulations and improved the business climate in this province.

As I said, the facts are there. Some political smear job is simply not going to change that.

## LIVING LEGACY DAY

**Mr Frank Mazzilli (London-Fanshawe):** My question is to the Minister of Natural Resources. I know he's taking his seat. Minister, my question is in relation to a constituent who wants to compliment you on the job that you're doing in the protection of logs and frogs. My constituent also noticed something the other day, something called Living Legacy Day, and was wondering if that's a new statutory holiday in Ontario through your ministry and if you could explain Living Legacy Day.

**Hon John Snobelen (Minister of Natural Resources):** I think that the question from the member for London-Fanshawe is an excellent one. I'm glad he put it forward today, and I'm glad to edify all the members of the Legislature that in fact this next June 24 will be Living Legacy Day in the parks in Ontario. We will waive the gate fee for all the people who want to participate on June 24. We have some excellent programs planned, including a Carolinian tree tour at Wheatley, a Legacy Kids' Creature Theatre and Game Extravaganza at Rainbow Falls Provincial Park and other of those kinds of activities for young people and families all across our parks system.

Of course, Living Legacy celebrates 378 new parks and protected areas, over six million additional acres of protected land in Ontario and a \$100-million commitment to the largest Ontario heritage program ever in the history of this province. We're going to have fun on June 24.

## PETITIONS

### HOME CARE

**Mr Rick Bartolucci (Sudbury):** I have a 10,000-name petition which was gathered by the clients, administration and staff at the community care access centre in Sudbury. It is to the Legislative Assembly of Ontario and it says:

“Whereas the need for home care services is rapidly growing in Ontario due to the aging of the population and hospital restructuring; and

“Whereas the prices paid by community care access centres to purchase home care services for their clients are rising due to factors beyond the control of community care access centres; and

“Whereas the funding provided by the Ontario government through the Ministry of Health and Long-Term Care is inadequate to meet the growing need for home care services; and

“Whereas the funding shortfall, coupled with the implications of Bill 46, the Public Sector Accountability Act, currently before the Legislature are forcing CCACs”—community care access centres—“to make deep cuts in home care services without any policy direction from the provincial government;

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

“(1) That Legislative Assembly direct the provincial government to take control of policy-setting for home care services through rational, population-based health planning rather than simply by underfunding the system; and

“(2) That the Legislative Assembly direct the provincial government to provide sufficient funding to CCACs to support the home care services that are the mandate of CCACs in the volumes needed to meet their communities' rapidly growing needs; and

“(3) That the Legislative Assembly make it necessary for the provincial government to notify the agencies it funds of the amount of funding they will be given by the government in a fiscal year at least three (3) months before the commencement of the fiscal year.”

I agree with this petition and I have signed it.

## EDUCATION TAX CREDIT

**Mr Peter Kormos (Niagara Centre):** Thank you kindly, Speaker. I've got another group of petitions from young James Sandham Jr, a Centennial Secondary School student, addressed to the Legislative Assembly of Ontario:

“Public money belongs in public schools.

“We, the undersigned students, teachers and parents, are in opposition to the Ontario Progressive Conservative's proposed Bill 45, which would see public tax dollars used to fund private schools through a system of tax credits. This bill promotes a two-tier education system with one set of schools for the wealthy and one set of schools for the less privileged; undermines the concept of a public education system equally accessible to all, regardless of social class, religion or race; encourages segregation and isolation of religious groups, therefore undermining the multicultural aspect of Ontario's education system; paves the way for future privatization of public services,

“Therefore we, the undersigned, oppose the passage of Bill 45.”

I have affixed my signature as well.

1530

**Mr Joseph Spina (Brampton Centre):** As opposed to the member from Niagara who has a couple of signatures, I have hundreds here and many of them come from Kennedy Road Tabernacle Christian School, John Knox Christian School and Khalsa, in the member from Bramalea-Gore-Malton's area. The petition says:

“To the Legislative Assembly of Ontario:

“Whereas wide parental and student choice are essential to the best possible education for all students; and

“Whereas many people believe that an education with a strong faith component, be it Christian, Muslim, Jewish, Hindu or another religion, is best for their children; and

“Whereas many people believe that special education methodologies such as those practised in the Montessori and Waldorf schools are best for their children; and

“Whereas over 100,000 students are currently enrolled in the independent schools of Ontario; and

“Whereas the parents of these students continue to support the public education system through their tax dollars; and

“Whereas an effective way to enhance the education of those students is to allow an education tax credit for a portion of the tuition fees paid for that education;

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

“To pass the budget bill giving tax credits to parents of children who attend independent schools as soon as possible.”

We firmly agree with this, and this young lady, Leora, is going to be pleased to take this down to the Clerk’s desk.

#### NURSES

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

“Whereas the nurses of Ontario are seeking relief from heavy workloads, which have contributed to unsafe conditions for patients and have increased the risk of injury to nurses; and

“Whereas there is a chronic nursing shortage in Ontario; and

“Whereas the Ontario government has failed to live up to its commitment to provide safe, high quality care for patients;

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

“We demand the Ontario government take positive action to ensure that our communities have enough nursing staff to provide patients with the care they need. The Ontario government must:

“Ensure wages and benefits are competitive and value all nurses for their dedication and commitment; ensure there are full-time and regular part-time jobs available for nurses in hospitals, nursing homes and the community; ensure government revenues fund health care, not tax cuts; ensure front-line nurses play a key role in health reform decisions.”

There are now more than 13,000 signatures on this petition, and once again I sign my signature in full agreement with the concerns.

#### NORTHERN HEALTH TRAVEL GRANT

**Ms Shelley Martel (Nickel Belt):** I have a petition addressed to the Legislative Assembly. It reads as follows:

“Whereas the northern health travel grant offers a reimbursement of partial travel costs at a rate of 30.4 cents per kilometre one way for northerners forced to

travel for cancer care while travel policy for southerners who travel for cancer care features full reimbursement costs for travel, meals and accommodation;

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

“Whereas 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 ... Ontarians Seeking Equal Cancer Care, founded by Gerry Lougheed Jr, former chair of Cancer Care Ontario, Northeast Region, to correct this injustice against northerners travelling for cancer treatment;

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

I agree with the petitioners. I have signed my name to it and I call on the government to do something with respect to the Ombudsman’s report.

#### EDUCATION TAX CREDIT

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

“Whereas wide parental and student choice are essential to the best possible education for all students; and

“Whereas many people believe that an education with a strong faith component, be it Christian, Muslim, Jewish, Hindu or another religion, is best for their children; and

“Whereas many people believe that special education methodologies such as those practised in the Montessori and Waldorf schools are best for their children; and

“Whereas over 100,000 students are currently enrolled in the independent schools of Ontario; and

“Whereas the parents of these students continue to support the public education system through their tax dollars; and

“Whereas an effective way to enhance the education of those students is to allow an education tax credit for a portion of the tuition fees paid for that education;

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

“To pass the budget bill giving tax credits to parents of children who attend independent schools as soon as possible.”

I am pleased to affix my signature to this petition.

#### HOME CARE

**Mr David Ramsay (Timiskaming-Cochrane):** “To the Legislative Assembly of Ontario:

“Whereas the need for home care services is rapidly growing in Ontario due to the aging of the population and hospital restructuring; and

“Whereas the prices paid by community care access centres”—commonly known as CCACs—“to purchase home care services for their clients are rising due to factors beyond the control of the CCACS; and

“Whereas the funding provided by the Ontario government through the Ministry of Health and Long-Term Care is inadequate to meet the growing need for home care services; and

“Whereas the funding shortfall, coupled with the implications of Bill 46, the Public Sector Accountability Act, currently before the Legislature are forcing CCACs to make deep cuts in home care services without any policy direction from the provincial government;

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

“(1) That the Legislative Assembly direct the provincial government to take control of policy-setting for home care services through rational, population-based health planning rather than simply by underfunding the system; and

“(2) That the Legislative Assembly direct the provincial government to provide sufficient funding to CCACs to support the home care services that are the mandate of CCACs in the volumes needed to meet their communities’ rapidly growing needs; and

“(3) That the Legislative Assembly make it necessary for the provincial government to notify the agencies it funds of the amount of funding they will be given by the government in a fiscal year at least three months before the commencement of this fiscal year.”

I affix my signature to that.

#### EDUCATION TAX CREDIT

**Ms Shelley Martel (Nickel Belt):** I have a petition addressed to the Legislative Assembly. It reads as follows:

“Whereas the Harris government is planning to take funds that our public schools desperately need and funnel them to private schools through tax credits; and

“Whereas the government’s plan is to give parents a \$3,500 enticement to pull their kids out of public schools; and

“Whereas this initiative is, in effect, a voucher system and is the beginning of the end of quality public education in Ontario,

“Therefore we, the hundreds of people undersigned, call on all members of the Legislature to fight and defeat this attack on the choice parents want most: stability, co-operation and respect in clean, safe public schools.”

I agree with the petitioners and I have affixed my signature to it.

**Mr Wayne Wetlaufer (Kitchener Centre):** Contrary to the previous petition, which is only one page, I have 707 signatures here from such ridings as Hamilton West, St Catharines, Essex and Vaughan-King-Aurora.

“To the Legislative Assembly of Ontario:

“Whereas wide parental and student choice are essential to the best possible education for all students; and

“Whereas many people believe that an education with a strong faith component, be it Christian, Muslim, Jewish, Hindu or another religion, is best for their children; and

“Whereas many people believe that special education methodologies such as those practised in the Montessori and Waldorf schools are best for their children; and

“Whereas over 100,000 students are currently enrolled in the independent schools of Ontario; and

“Whereas the parents of these students continue to support the public education system through their tax dollars; and

“Whereas an effective way to enhance the education of those students is to allow an education tax credit for a portion of the tuition fees paid for that education;

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

“To pass the budget bill giving tax credits to parents of children who attend independent schools as soon as possible.”

I am pleased to affix my signature.

#### AIR QUALITY

**Mr James J. Bradley (St Catharines):** I have a petition which reads:

“To the Legislative Assembly of Ontario:

“Whereas the Harris government’s wholly owned Nanticoke generating station is North America’s largest dirty coal-fired electricity-producing plant and Ontario’s largest producer of the chemicals and acid gases which contributed to deadly smog and acid rain; and

“Whereas the Nanticoke plant, which has more than doubled its dangerous emissions under the Harris government, is now the worst air polluter in all of Canada, spewing out over five million kilograms of toxic chemicals each year, including many cancer-causing chemicals and mercury, a potent and dangerous neurotoxin; and

“Whereas at least 13 Ontario municipalities and seven northeastern US states have expressed concerns that Ontario Power Generation’s proposed cleanup plan for Nanticoke is inadequate in protecting the air quality and health and safety of their residents; and

“Whereas the Ontario Medical Association has stated that 1,900 Ontarians die prematurely each year and we pay \$1 billion annually in health-related costs as a result of air pollution; and

“Whereas, because the Harris government has now lifted the moratorium on the sale of coal-fired power plants and has set a date for deregulation of electricity, the operator of the Nanticoke plant will likely stoke up production to maximize profits which will only worsen the air quality in cities like Toronto, Hamilton, Welland, Niagara Falls and St Catharines;

“Be it resolved that the Mike Harris government immediately order that the Nanticoke generating station

be converted from dirty coal to cleaner-burning natural gas."

I affix my signature.

**1540**

### HOME CARE

**Ms Shelley Martel (Nickel Belt):** I have a petition signed by 1,500 people from the riding of Nickel Belt condemning this government with respect to home care. It reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas the need for home care services is rapidly growing in Ontario due to the aging of the population and hospital restructuring; and

"Whereas the prices paid by community care access centres to purchase home care services for their clients are rising due to factors beyond the control of community care access centres; and

"Whereas the funding provided by the Ontario government through the Ministry of Health and Long-Term Care is inadequate to meet the growing need for home care services; and

"Whereas the funding shortfall, coupled with the implications of Bill 46, the Public Sector Accountability Act, are forcing CCACs to make deep cuts in home care services without any policy direction from the provincial government;

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

"That the Legislative Assembly direct the provincial government to take control of policy-setting for home care services through rational, population-based health care planning rather than simply by underfunding the system; and

"That the Legislative Assembly direct the provincial government to provide sufficient funding to CCACs to support the home care services that are the mandate of CCACs in the volumes needed to meet their communities' rapidly growing needs; and

"That the Legislative Assembly make it necessary for the provincial government to notify the agencies it funds of the amount of funding they will be given by the government in a fiscal year at least three (3) months before the commencement of this fiscal year."

I agree with the petitioners and I have signed this petition as well.

### ORDERS OF THE DAY

#### TIME ALLOCATION

**Hon Dan Newman (Minister of Northern Development and Mines):** I move that, pursuant to standing order 46 and notwithstanding any other standing order or special order of the House relating to Bill 57, An Act to promote government efficiency and to improve services

to taxpayers by amending or repealing certain Acts, when Bill 57 is next called as a government order, the Speaker shall put every question necessary to dispose of the second reading stage of the bill without further debate or amendment, and at such time the bill shall be referred to the standing committee on general government;

That pursuant to standing order 28(h), the vote on second reading of the bill may be deferred until the next sessional day during the routine proceeding "deferred votes";

That the standing committee on general government shall be authorized to meet on the morning of Wednesday, June 27, 2001, in addition to its regularly scheduled meeting times on Wednesday, June 27, 2001, but not during routine proceedings, for clause-by-clause consideration of the bill; and

That the committee shall further be authorized to meet beyond its normal hour of adjournment on June 27 until the completion of clause-by-clause consideration; and

That all proposed amendments shall be tabled with the clerk of the committee by 9 am on Wednesday, June 27, 2001; and

At 4:30 pm on that day, those amendments which have not yet been moved shall be deemed to have been moved, and the Chair of the committee shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of the bill and any amendments thereto. Any divisions required shall be deferred until all remaining questions have been put and taken in succession, with one 20-minute waiting period allowed pursuant to standing order 127(a);

That the committee shall report the bill to the House no later than Thursday, June 28, 2001. In the event that the committee fails to report the bill on the date provided, the bill shall be deemed to have been passed by the committee and shall be deemed to have been reported to and received by the House;

That upon receiving the report of the standing committee on general government, the Speaker shall put the question for adoption of the report forthwith, and at such time the bill shall be ordered for third reading;

That the order for third reading may be called on the same day the bill is reported from committee and at such time the Speaker shall put every question necessary to dispose of the third reading stage of the bill without further debate or amendment;

That no deferral of the third reading vote pursuant to standing order 28(h) shall be permitted; and

In the case of any division relating to any proceeding on the bill, the division bells shall be limited to five minutes.

**The Speaker (Hon Gary Carr):** Mr Newman has moved notice number 39. Minister? Oh, sorry, Minister of Labour.

**Hon Chris Stockwell (Minister of Labour):** Thank you very much, Mr Speaker.

**The Speaker:** I apologize. The mover has the floor first; otherwise it goes to the other side. Further debate?

**Mr Mike Colle (Eglinton-Lawrence):** I'm going to split my time with a number of my colleagues, the member for St Catharines being one.

I would like speak to the closure motion. For people out there who perhaps don't understand the jargon of the Legislature, a closure motion basically means that this government is trying to cut off debate. This is a usual pattern of this government. It has probably cut off debate more times than any other government in recent history. It has a habit of ensuring that the public doesn't get the chance to find out what's going on in major pieces of legislation. This closure motion, an attempt to cut off debate, refers to Bill 57, a bill supposedly aimed at promoting government efficiency etc.

What is interesting about Bill 57 is that basically it is an omnibus bill, which means it deals with a huge number of ministries and affects the citizens of Ontario in many ways, whether it be the Mental Health Act, the Notaries Act, the Public Guardian and Trustee Act or things like the Charities Accounting Act. It also deals with things like family responsibility and labour law. It deals with the Ontario College of Teachers and with the Funeral Directors and Establishments Act. It deals with a vast number of government activities, and this government essentially is saying, "There shouldn't be any debate on this. Pass it and trust us."

What has been brought to light by my colleague from Renfrew-Nipissing-Pembroke is that this bill is a by-product of a secret part of this government called the Red Tape Commission. It is secret, in camera, like a Red Guards committee of this government that basically has insider information on how this government operates.

As you know, a cabinet gets all kinds of proposals before it that could affect everything from the price of land—it could affect future policies in education, future policies in technology and economic development. So cabinet ministers are sworn as cabinet members, and they also are supposed to put their business holdings in trust so there isn't any conflict of interest with the decisions they make as cabinet ministers.

We've found out through the government's own documents that the secret commission called the Red Tape Commission, which is the author of this piece of legislation, has in essence extraordinary powers to investigate, to comment on, to change, to block and to alter legislation that this government passes. Bill 57 is a product of the secret Red Tape Commission, and as you know, one of the leading members of the Red Tape Commission, one of the co-chairs, is not even an elected member. He is an appointed citizen. He has access to private information.

The question we ask on this side of the House in regard to Bill 57 is, how many of these deliberations over Bill 57 did the Red Tape Commission in essence have insider information on before it made these decisions that turned into law? As the government's own documents have shown in recent days, in a submission to the Information and Privacy Commissioner, the government's Cabinet Office—their own Cabinet Office—said

the Red Tape Commission is inextricably connected to the cabinet's decision-making process. Ministers are asked to appear before the Red Tape Commission to discuss their policies, proposals and draft legislation before they appear at cabinet or any of its committees. So this secret Red Tape Commission brings ministers up on the carpet to basically get their approval.

**1550**

So the genesis of this Bill 57 really strikes at the heart of the English parliamentary system. We have an un-elected, basically unaccountable body that has the extraordinary powers to make laws in this province, while at the same time these members of the commission don't have to declare conflicts and can continue to participate in business activities while they make these, in some cases, serious inputs on government legislation.

We on this side of the House are saying the tradition in this Parliament has been for cabinet to in essence declare their conflicts, to in essence ensure that there was a process that made sure there wasn't what we might call insider trading going on before they made cabinet decisions. Now we know that this extraordinary body called the Red Tape Commission in this bill made decisions on everything from the Conservation Authorities Act, Crown Forest Sustainability Act, Lakes and Rivers Improvement Act, all kinds of areas of serious impact and serious financial impact, everything from the Chartered Accountants Act to matters of government property.

Almost every aspect of life in Ontario is touched upon by this legislation that is the product of this secret Red Tape Commission that in essence in some ways is more powerful certainly than we MPPs, more powerful than the cabinet, because they can overrule proposed legislation or change it. What is most extraordinary is that they can do it without those qualifiers whereby they have to declare what business interests they have.

That is unheard of. This Red Tape Commission that produced Bill 57—I really wonder whether there's a similar body in any jurisdiction in North America or any jurisdiction in the British parliamentary system. It's not just about reducing so-called red tape, because as Mr Conway, our illustrious member from Renfrew, said, one of the members of the Red Tape Commission even wrote a letter to the Minister of the Environment asking him to back off prosecution of a polluter, interfering, basically, in a legal proceeding by writing under the heading of red tape commissioner, trying to basically stop prosecution of a polluter. As the letter said—this is Mr Sheehan, one of these red tape commissioners, probably the most powerful one there, a private citizen now, to the Minister of the Environment—"I would like to bring to your attention the case of a landfill operator being prosecuted by your ministry." The Ministry of the Environment, according to Mr Sheehan's letter, "is continuing to pursue enforcement of this matter with a vigour that might be better applied elsewhere." In other words, this most powerful red tape commissioner, who is more powerful than most cabinet ministers, was telling the minister to

not prosecute this polluter and telling him to move on to another matter.

We know from the Canadian Environmental Law Association that the same Red Tape Commission has, by stealth, weakened dozens of environmental laws in this province on water quality, on air quality, on pollution. The Canadian Environmental Law Association, a very esteemed body, has said the same commission has been diluting these protections from environmental law in this province.

It comes back to my point: who does the Red Tape Commission serve? With Mr Sheehan's letter we can see the Red Tape Commission certainly was not on the side even of the Minister of the Environment. The red tape commissioner was on the side of the polluter. We know by the record that the Red Tape Commission has gutted environmental law systematically for the last six years.

It raises the question, not only in terms of—now we know why the government wanted to cut off debate on this bill. We know that, because this is the incredible by-product of a secret, extraordinary commission that has almost dictatorial powers in this province. This needs to be exposed, and that is why we in this House are saying that this bill should be stopped. This bill and all the back-room shenanigans that went on to bring about this bill and the work of the Red Tape Commission should be the subject of an independent examination, because this stinks. It stinks to high heaven, this bill and what this commission has been doing behind closed doors.

**Mr Bob Wood (London West):** On a point of order, Mr Speaker: On behalf of the member for Parry Sound-Muskoka, I know the whole House will want to join with me in welcoming the grade 4 and 5 class of Edie Thurston and accompanying parents from V.K. Greer Public School in Port Sydney.

**The Speaker:** Further debate?

**Ms Shelley Martel (Nickel Belt):** I wanted to let you know, Speaker, that I'll be sharing the time that we have with my colleague from Hamilton West and my colleague from Timmins-James Bay.

In the time that I have, I want to focus first on the closure motion that we have before us yet again today. Secondly, I'm going refer to one of the schedules in Bill 57, the one that I have obviously the most concern with, and that is schedule I, which, in my opinion, guts the real heart of the Occupational Health and Safety Act and puts workers at risk in our province.

First, though, let me begin with the time allocation motion because, of course, it's Wednesday, and yet again this Wednesday, as we did last Wednesday and the Wednesday before and the Wednesday before that, we are here dealing with another closure motion. The government uses its majority and shuts down legitimate debate yet one more time in this House.

Usually the government starts at the beginning and talks about how long this bill has been debated, and I notice they didn't do that today. Maybe they'll do it later. I suspect that's because there has been completely inadequate debate on this bill, and if the government

actually told the people how many hours it has been debated, everyone would clearly see that.

We're dealing with a bill that covers any number of acts. Bill 57 is one this government's omnibus bills, which is about 100 pages long. It amends 50 different acts, it involves 15 ministries, and it repeals a handful of others. Like every other omnibus bill that this government has brought before us, it is a bill that in fact tries to hide some really difficult and really controversial and frankly some really dangerous changes that the government wants to make to legislation. But instead of bringing forward a separate bill to deal with those changes, to have adequate debate, the government chooses to hide what it wants to do, to try to put that in with a number of other changes—hundreds and hundreds of other changes—in the hope that the public won't pick up on some of the more dangerous and controversial of those. But I'll deal with schedule I momentarily.

What the government wants to do today is effectively shut off any meaningful, legitimate, reasonable debate on any number of these changes. The government has, this week, tabled two closure motions with respect to this bill. The first, which was tabled earlier this week, on Monday, was a time allocation motion that would have allowed for no clause-by-clause debate in committee, there would have been one day of debate on third reading, and there would have been a deferred vote. That was the first proposal the government had. That was tabled on Monday.

Then on Tuesday the government withdrew that motion, and last night a different one was tabled. The motion that we're dealing with today, different than the one on Monday, allows for clause-by-clause. I suspect the only reason that's happening is because the government has some amendments to move and wants to allow itself the opportunity to do that in committee, because, God knows, the government is not going to accept one single amendment that comes from the opposition parties. That's clear.

There will be no debate on third reading whatsoever, even though under normal parliamentary process there would be at least some kind of debate on second reading and some kind of debate on third. The government has completely done away with that opportunity for members with this motion. And there would be no deferred vote, of course, because the day this is going to come back is next Thursday, and the government surely wants to shut down the House next Thursday because the Premier is going to be testifying at Walkerton and we sure don't want the House to be sitting when that's going on, do we? Maybe then the Premier would have to answer for his role and for his lack of taking responsibility for what happened in that tragic circumstance in that community. The government's going to be sure that this House shuts down next Thursday so there's going to be no opportunity in here to question the Premier on what will come out when he goes to Walkerton to finally testify.

**1600**

But I find it offensive that in neither motion, the one that was tabled and withdrawn and the one we're dealing

with here today, is there any allocation for public hearings. We've got a bill that's 100 pages long and affects 15 ministries and 50 different acts, and this government is not going to allow one second, one moment, one minute of public hearings so that the people of this province who are going to be affected by these changes might actually have an opportunity to come and have their say—not a half-hour, not five minutes, not five seconds, nothing, no public hearings, because in truth this government doesn't want the public of Ontario to come and have a say. This government has decided this bill is going to go through, and I suspect the only reason there's even a period for clause-by-clause, which was different from the motion that the government had before us on Monday, is because the government itself has found that it's going to have to move some amendments to fix the bill and so they're going to allow that to happen in the clause-by-clause next Wednesday.

I can tell you, if the opposition were to spend any time developing some amendments—and there are surely some amendments that could be developed in schedule I, which essentially guts the heart of the Occupational Health and Safety Act—the government wouldn't want to consider any of those anyway because the government hasn't been interested in a long, long time—too long for me to care to count—in accepting amendments from the opposition parties with respect to government bills. So here we are today, Wednesday, the fourth Wednesday in a row that this government is moving a time allocation motion to shut debate down on an important bill. Here we are today doing it again on yet another government bill.

I am really angry about schedule I in this bill, and I resent that the government is not going to have one moment, one second, one hour, one minute of public hearings on this bill. Separate and apart from all of the other changes that the government makes in this bill, the changes in schedule I are very detrimental, very negative, very draconian, very difficult for workers to accept. Schedule I refers to the changes being made under the Ministry of Labour; in this case to the Occupational Health and Safety Act, the act that's supposed to be in place to protect workers when they go to work day in and day out in this province, the act that's supposed to be in place with rights that they are supposed to be guaranteed, that if they go to work and the work is unsafe, they can exercise their right to refuse and that will be investigated by an independent third party, namely an inspector from the Ministry of Labour.

What is the government doing in schedule I that will so seriously undermine the rights of workers? The first thing the government wants to do is to repeal subsection 47(7). That's the section in the act that currently requires, demands, makes it mandatory, makes it obligatory for a health and safety inspector from the Ministry of Labour to investigate on site in the presence of a worker a work refusal made by that worker. That's a requirement now, not an expectation. It's a requirement. It has to happen. It's automatic. So when a worker in this province exercises his or her right to refuse unsafe work and the

employer says, "Work anyway," and that worker says, "I will not because it is unsafe," a health and safety inspector has to come and investigate that site and investigate the complaints of the worker and decide whether or not it is a legitimate right to refuse, and issue a work order if it is.

When my colleague Mr Kormos, who is our labour critic, went for a briefing at the Ministry of Labour, he asked, "How many times in a given year does a worker refuse or do workers collectively exercise their right to refuse?" Do you know how many times that was? Ministry staff told us this: 200 to 300 times on average in a year a worker will exercise a right to refuse. That's not even one every day in the province of Ontario, and we know that people go to work every day in the province of Ontario—not even one a day across this province. That's how rarely workers exercise this right. So the government has no grounds to say that it is being used frivolously, that workers are taking advantage of this right—not even one per every working day in a year across this entire province, because workers don't take this right and just exercise it frivolously. They take it very seriously. I suspect that every single worker who exercised their right to refuse was a worker in a unionized shop, because God knows that a worker in a non-unionized shop exercising a right to refuse might as well sign their pink slip themselves, because they'll be out the door. So it doesn't happen frequently at all.

Then Mr Kormos asked why the government was doing this, and did that mean that in most cases an inspector now, who doesn't have to appear on site automatically but who only has to be contacted at the end of the telephone to make a decision about whether or not it's a legitimate work refusal—how many times would the ministry still come out on site to see what was happening? The ministry staff assured us that in 99% of the cases the ministry staff is still going to go on site when a worker exercises their right to refuse.

So I ask the Minister of Labour, who is here today, what is the point of this? What is the point of your changing the law to take away what is a mandatory provision and making it into a decision that can be exercised at the discretion of a health and safety officer at the end of a phone, making a decision as the details of the work refusal and the condition of the workplace are described to him or her? What is the point of changing that from being mandatory to something at the discretion of the inspector if you don't intend to use it, if in 99% of the cases that inspector is still going to go on site?

Do you know what? I have to admit that I don't believe for one moment that in 99% of the cases the inspector is going to continue to go out on site. I don't believe it because I don't see why the government would go to the trouble of amending the act to allow that inspector to have the discretion if he or she is not going to be able to use it. I clearly believe, and I hope I'm proven wrong, that once this revision goes into effect there will be many, many instances where that health and safety inspector no longer visits the work site with the

worker there to see why the work refusal was initiated in the first place.

I think it's a basic right of a worker to be able to refuse unsafe work, and when a worker takes the risk in doing that, because it is a risk, especially in a non-unionized environment, then there is an obligation on this government to provide an independent third party to examine the site to determine why the work refusal was exercised, to determine if the worker was right, and if so, to initiate a work order on the company or to shut the site down. I believe workers are entitled to that. There should be no discretion; it should be automatic.

I say to the Minister of Labour, who is here, if it is not your intention to not have these inspectors go out in the majority of cases, then why is this provision before us? Why are you allowing this to happen?

**Hon Mr Stockwell:** The majority of cases.

**Ms Martel:** Actually, I should use the words of your own ministry staff, which were, "in 99% of the cases." If it's not your intention that they don't go out in 99% of the cases, of the times when the work refusal occurs, why are we doing this? Why are we here?

**Hon Mr Stockwell:** You don't listen.

**1610**

**Ms Martel:** No, that's what your ministry staff told my colleague Mr Kormos in a briefing, that in 99% of the times they would still go out. Then take this section away, leave it unchanged, leave it the way it was and make it mandatory for an inspector to appear.

Before I go any further, I think it's important that I read into the record again a letter the Minister of Labour got on June 11 from the OPSEU chair of the Ministry of Labour MERC team and the OPSEU vice-chair from the Ministry of Labour MERC team. These are the folks who represent the health and safety inspectors in the province. The reason I raise this is that these are the very people who automatically go to a site now when there's a work refusal. This is what they had to say about this government's change:

"We are writing you as representatives of health and safety inspectors seriously concerned about the adverse impact of the proposed changes to the Occupational Health and Safety Act introduced by Bill 57."

These are the minister's own staff.

"We have grave concern about the proposed changes to section 43(7) of OHSA which will now allow an inspector to investigate a work refusal without having to be present at the workplace to examine the actual work situation. As health and safety professionals, we find this an absolutely unacceptable approach that perverts the basic tenets of good investigative practice and sound health and safety and industrial hygiene principles. Such an approach will inevitably result in the tragic consequences that the lack of regulatory vigilance led to in the town of Walkerton."

"From our own experience"—I know he doesn't like to hear this from his own staff. Isn't it interesting that this letter comes from the ministry's own health and safety staff, the very people who have to put in place, maintain

and enforce the Occupational Health and Safety Act, the very same people who are going to have to deal with the changes the government is making? Isn't it great?

Let me read you some more.

"From our own experience, we have found that what seems like a minor health and safety problem from an over-the-phone work refusal report generally turns out to be much more serious when we are able to investigate the circumstances directly. Indeed, the ministry's own data will bear out the fact that the work refusal provision is used quite infrequently (a couple of hundred times per year) when compared to the thousands of contravention and stop-work orders we issue annually. Likely, there could be many more well-founded work refusals than actually do occur.

"As inspectors we are perplexed by the introduction of this questionable approach. While this approach may save some inspector time in the field, we find it inefficient with respect to achieving the desired end of enhanced workplace health and safety. We know that the ministry does have a staffing shortfall in terms of the number of inspectors in the field." I believe it's about 280 positions, with only 200 filled. "We also have a shortage of other professional disciplines such as industrial hygienists, professional engineers, scientists and occupational health doctors and nurses. These, you will recall"—"you" being the Minister of Labour—"were drastically cut from the occupational health and safety program in 1996," under this Conservative government.

"However, further limiting an inspector's vital investigative roll is hardly an appropriate way to go about addressing a staff problem. The OPSEU MERC team has met with your senior officials on several occasions and requested accurate data on staffing levels, only to be rebuffed. We have also raised our concerns about the loss of these significant support functions from these professional disciplines and our once world-renowned occupational health laboratory.

"There are many other elements to the proposed amendments that we have concerns about. For example, we do not see the virtue in repealing section 34, requiring an employer to post notice when introducing a new substance in the workplace. Nor do we find it wise to repeal section 36, which required the provision of hazardous materials inventories. And what is one to make of the proposed code of practices?"

**Hon Mr Stockwell:** They don't even understand it.

**Ms Martel:** Isn't it interesting? The minister says they don't even understand it. This is his own health and safety staff. These are the people who do the job. These are the people who enforce the Occupational Health and Safety Act in the province on behalf of the Ministry of Labour, and the minister says they don't know what they're talking about. Well, that tells you what he thinks about his own staff.

"What has been the experience from other jurisdictions? Is this a step to now deregulate workplace safety and health? Again, senior officials have been in

the process of developing ‘new’ systems without inviting the participation of field inspectors in this endeavour.”

Here’s the final paragraph: “In light of the probable adverse impact of these proposed changes to the legislation we are entrusted to enforce, we request a meeting with you at your earliest convenience. We also request that you consider withdrawing these amendments until your inspectors and other workplace parties have been given an opportunity for meaningful input. This is not the time to be expedient. This is the time to be thoughtful and measured in our judgement.”

It’s signed by the chair and the co-chair from the OPSEU MOL MERC team, I remind everyone the very same people, health and safety inspectors, who are supposed to uphold the provisions of the health and safety act. That’s what they have to say about the government changes.

Since the minister is here, I trust that he’s going to respond to me as to whether or not he did have a meeting with these folks about this matter. Because we know they certainly won’t have an opportunity to have their say at public hearings on this bill, because the government isn’t permitting any public hearings on this bill.

If you look at the motion, it’s very clear that next Wednesday morning there will be clause-by-clause consideration of the bill, and then the bill will be reported here on Thursday. No third reading debate, no deferred vote. It’s all over, it’s done. And where is the meaningful public input, not only from the minister’s health and safety inspectors but from health and safety activists who work with this act in the workplace every day? I’ll tell you, they’ve got concerns.

I was in Sudbury this morning and had the privilege of speaking at the workers’ memorial day held by Mine-Mill CAW, which is held every June 20 to commemorate the deaths of four miners that occurred June 20, 1984, in a rock blast in our community on Falconbridge property. When I talked about these changes—and many in the room knew about them, because the health and safety activists were there—they couldn’t believe that this government is going down this road. They couldn’t believe that they would be put in the position of a worker underground at 4,000 feet, trying to explain to an inspector over the phone the reason why they’re exercising their right to refuse at 4,000 feet underground and that that individual might actually have the discretion to try and determine over the telephone if that work refusal was legitimate or not. They cannot believe it, and frankly neither can I. That’s just one workplace in our community.

Because I am sharing the time with my other colleagues, I’m going to wrap up. But I’m going to close by saying the changes alone in schedule I are so ridiculous and so dangerous to the health and safety of workers that they merit public hearings. But people won’t have a chance to come and have their say on these important provisions, the work refusal that I talked about and the two other sections on notification to the director of new agents to be introduced in the workplace or the repeal of

the section that demands that an employer post the chemicals that people are working with in the workplace. I didn’t even touch on those.

Those things are such dramatic changes, things that used to be in place to protect workers’ rights, that workers themselves and their health and safety activists should have had a say, and they won’t. I guess that’s typical of where we’ve been heading over the last number of weeks with respect to the ability of people to have their say. But again, as I said, Wednesday, four weeks in a row, we’re dealing with yet another closure motion, which not only shuts down debate but leaves no opportunity for people to have their say.

I hope the government is happy. That’s the way they want it. I just wonder what it will be like a year from now when people, workers in their workplaces, don’t have the opportunities to exercise their rights, what our health and safety stats, what our injury stats and what our death statistics are going to look like when these changes are implemented.

1620

**Hon Mr Stockwell:** It is a frustrating job, this one. You stand in this House on two or three occasions, and you walk very slowly and speak very slowly and explain very rudimentarily to the members opposite. You explain it to them so that you believe virtually anybody would understand, and it never fails: the next day or the day after, you’ve got somebody standing up like the member before and she says exactly the same thing the day after that she said the day before. You explain to them the rationale, the reasonableness, the sensitivity specifically to the bill.

But she got up again, frustrating as it may be, and now I feel some obligation, as difficult a task as it may be, to try and explain it to her again. So here goes. This is productive use of time, the opposition thinks. “Oh, sure, we’ll make them move time allocation motions” on the simplest bills with straightforward language that’s very understandable, that have been through the process. Now you see, sometimes what happens is they don’t pay attention on purpose. In my mind, I think sometimes they don’t know because they don’t want to know. It’s not that they don’t understand; it’s that they just kind of put their fingers in their ears and start going, “La, la, la. I don’t want to know the truth. I don’t want to know the facts, because if I know the facts, how am I going to stand up and make an incoherent speech?” like the one we just heard. You can’t. So it’s best to pretend to be working or talking to somebody and pretending that you’re not listening so I can go out and make that very same speech again.

Let’s start at the beginning. She made a lot of invaluable, unreasonable, inaccurate comments, and I guess I’d better walk through them. But again, we’re going to have to do this because they don’t want to debate important bills. They want to take every bill to time allocation. They don’t want to get any bill through this House. They want to hold up every single one of them. Do you want to know what they want to hold up? Renaming the

university, Sir Wilfrid Laurier. They think we should take three or four days debating that. Rather than important stuff, no, we'll take three or four days to debate what we'll name Sir Wilfrid Laurier. That's their House leader. That's the guy. He says, "Boy, that's way more important than debating education bills or budget bills. We should take four days and debate renaming Sir Wilfrid Laurier." Then they say, "Oh, the heavy hand of the government is coming down again with time allocation." We've got to move time allocation; otherwise we'd spend two or three weeks in here talking about what new name Sir Wilfrid Laurier would have. But that's the priority of the opposition.

I will say that when you offer them committee time, they don't want it. They don't want committee time because they want to make you move another time allocation motion.

So here we are, and I'll work my way through this again. I'm really happy she stayed. I think it's important. I'll have more than 10% of the NDP caucus listening, and I feel very welcome and happy about that. So let me walk through it.

She did mention right off the top the easiest one to explain. I can't believe she keeps bringing this one up, because it is so straightforward: section 36. You were talking about withdrawing section 36. Here, I'll go slow again, OK? I'll say it so I'm sure you'll understand and then you won't have to repeat this again.

**The Acting Speaker (Mr Bert Johnson):** Through me, please.

**Hon Mr Stockwell:** Through you. I'll do it through you. Maybe you'll have more success. Maybe this will work better off you to you.

OK. Section 36 has never been in effect. Got that? Never been in effect.

Now, let's help her on that. Has—you know what "has" means. "Never" means it's never happened, it's never occurred, like "The Toronto Maple Leafs have never won five Stanley Cups in a row." You see? That's never happened. So we've had "has" and "never." "Been." "Been" is a simple one. I'm helping you on this one. "Human being"—it's not like that; it's "been." "In effect."

So "Why?" you want to say. "Why" moves on to the second part of this complicated sentence, as long as we're OK on the section 36 never being in effect. I've got you so far, OK? If I lose you, just shake your head; I'll hear you.

Section 36—

**The Acting Speaker:** I would ask the minister to direct his comments through me, please.

**Hon Mr Stockwell:** Mr Speaker, I'm doing my best.

*Interjection.*

**Hon Mr Stockwell:** Here she goes. She can't listen and talk. Maybe she can.

Section 36 has never been in effect. "Why?" you may say. Good question. I didn't hear you say it, but I'll ask it for you. "Why has section 36 never been in effect, Minister of Labour? Why would you withdraw a section

that's never been in effect?" Why? Because WHMIS is much more comprehensive. WHMIS is more comprehensive than section 36, passed by the Liberals. You didn't like section 36. WHMIS was better, so you passed WHMIS, and you never repealed section 36.

Now please stop saying that you think it's a travesty that we should be withdrawing section 36—

**Ms Martel:** Your own health and safety inspectors say it.

**The Acting Speaker:** Order. Member for Nickel Belt, come to order.

**Hon Mr Stockwell:** —because it doesn't even apply. Section 36 doesn't apply. It never has.

**The Acting Speaker:** I'm directing the member for Nickel Belt to come to order.

*Interjection.*

**Hon Mr Stockwell:** I don't think she came to order, Mr Speaker. I don't think she came to order. I think this is why we have to keep repeating ourselves.

So we're there. Section 36 has never been in effect. So you're OK with that one? WHMIS overrode it. WHMIS is more comprehensive. WHMIS is the thing that tells you where all the hazardous chemicals are in the workplace. Everybody passed that bill. Everybody agreed that's way more comprehensive than section 36, so we repeal section 36, that has never been in effect. So you can stop saying that. That's one.

Two—and I hope I'm not going too quickly—health and safety inspectors. There is no law in this bill that—and this is a big word; it's a compound word—prohibits inspectors from visiting a site. Not there. Doesn't exist. Nowhere in here does it say an inspector is prohibited from visiting a site. It's completely up to the inspector to determine whether or not they visit the site. It's not the government, it's not the member of the opposition, it's not my good friend from Cambridge, it's not I and it's not you, Mr Speaker. It's not even my friend Mr Decker at the Clerk's table. No. It is the inspector who decides whether or not to visit a site.

I read into the record the other day an example of a case where an inspector may decide—may decide—whether to visit a site. That example was example 1. That's "1," example 1: a work refusal stating the worker's supervisor was not qualified to be his boss. Clearly it's not a health and safety issue. However, under the current act's language, we had to send an inspector to that workplace. Even the member opposite, I think, would be chillingly alarmed and agreeable that for somebody who says, "I don't think, sir, you are qualified to be my boss," that probably isn't a health and safety issue. That probably shouldn't shut down the entire factory. That probably shouldn't need to get an inspector to travel two hours to visit the site. You probably shouldn't need to get everybody together for a couple of hours to have a discussion about it and you probably shouldn't need to shut the plant down for five hours only because somebody says, "Sir, I don't think you're qualified to be my boss."

**Ms Martel:** It doesn't anyway. Don't be silly.

**Hon Mr Stockwell:** Oh, “Don’t be silly.” That’s an example. That’s an—

*Interjection.*

**The Acting Speaker:** Member for Nickel Belt, come to order.

**Hon Mr Stockwell:** The member says it never gets shut down for four or five hours. She doesn’t even understand that. She doesn’t understand that, because a lot of these places that have made these requests are many miles from where the inspectors are actually located. A good example would be that sometimes they have to travel great distances up north and it takes longer than a couple of hours—I hate to lose her attention now. I thought I was making yards—and not just a couple of hours. Sometimes it takes days. You had to go days if somebody said, “I don’t think you’re qualified to be my boss.” Now, everybody in this House would agree that’s not a health and safety issue. That may be a disagreement, that may be a personality conflict, that may be a union-management disagreement, but “You are not qualified to be my boss” is not a health and safety issue.

Here’s another example.

**1630**

**Mr Bruce Crozier (Essex):** Has anybody ever asked you to—

**Hon Mr Stockwell:** They’ve actually done that.

Example 2: MOL received notice of a work refusal and investigated. Here’s one—I’ve lost her. I really say I’m sorry because I might have to give this speech again.

They received a work refusal and investigated. Hours later a work refusal by another employee, under the exact same circumstances, came in. Let’s try and put this in perspective. The health and safety inspector got a work refusal at a plant. The health and safety inspector went out, investigated the plant, sat down with the people, discussed it and resolved it, went back to their office, sat down at their desk, the phone rang, picked up the phone. In exactly the same place, under exactly the same conditions, a different employee phoned up and had exactly the same health and safety request.

Under the old law, the inspector then puts the phone down, gets their coat, goes back out to the site, however far that may be—in some cases, hours and hours—gets the parties together, sits down and says, “My goodness, I was just here. This isn’t a health and safety issue. Maybe we should all go back to work,” gets up from the table, puts their coat back on, gets in their car and drives back to work.

Those are two really interesting examples of why an inspector couldn’t say to the person who said, “I don’t think you’re qualified to be my boss,” or to the one whose work refusal was exactly the same as the circumstance he had just investigated a couple of hours ago, “Hold it. Why don’t you send me the information. Maybe I’ll have a look over it and then maybe I, as a professional civil servant, will determine whether or not it is necessary to go out and inspect.”

That’s the second one. Just to recap, we’ve got the first one, which was section 36 has never been in effect,

and the two examples of work refusal where a person would actually do it on the phone rather than say the boss isn’t qualified or inspect a site they had just inspected not more than two hours ago.

We move on because there is more interesting stuff. Apparently in this dissertation—and I’m really disappointed because she’s doing that old trick again. Isn’t that right? The old opposition trick. If they’re making sense and refuting all your arguments and making your debate look silly, pretend you’re talking to somebody else or leave the room, but since there is only one of them, I guess they can’t leave the room. See, there they go, they’re discussing it. They don’t want to listen any more. They don’t want to know the facts, because then they can’t give those kinds of speeches they just gave. If they actually knew that section 36 has never been in effect or that people actually make these kinds of health and safety complaints, then how could they stand up and get so indignant and outraged? The synthetic indignation drips out of their mouths. They couldn’t do it, because then they would have all the facts. We all know that as an opposition member, what the hell we don’t need is all the facts.

Then we move on to, what about the employees? Well, in this provocative, frontier-like, 21st century government, we have what you call independent committees made up of management and unions who come together and meet about legislation. We had one of these committees, an internal labour ministry committee, made up of unions and management. They came together and discussed the very issue of inspectors and whether or not they need to go out for every call. They discussed it for upwards of a year.

*Interjection.*

**Hon Mr Stockwell:** The member opposite says these two people didn’t know. Well, I’m sorry they didn’t know.

*Interjection.*

**The Acting Speaker:** Order. I’m sure these two debaters would rather be sitting somewhere holding hands and settling this, but I can’t have this back and forth. I purposely controlled the Minister of Labour during the debate, and I’ll take whatever means are necessary to have his debate listened to.

**Hon Mr Stockwell:** I am simply giving my speech. I know it seems a tad slow and a little rudimentary, but I was forced into that situation. I’m doing my best.

We have these committees within the Ministry of Labour. The union participates. This is frontier thinking. I don’t know if they did it when you were in government, but we think this is a really good thing: to get unions and management together and talk about these issues that are percolating to the top. They had their opportunity to have input. They had their opportunity at that committee to make arguments one way or the other. They percolated to the top, and that was the suggestion brought forward by the civil service.

That’s the frustration I have as Minister of Labour. They’ve really hung their hat on three issues: one, about

this letter, and they had ample opportunity to input through the adopted, principled processes of the Ministry of Labour—I think the NDP put them in place; we've continued them—on how members and union officials and employees can have input into the drafting and designation of government legislation. The second we've already heard, that section 36 has never been implemented, which really is a kick in the jaw, don't you think, when you've been standing up and complaining about the withdrawal of section 36, and then somebody actually stands up a few seconds later and says, "Well, jeepers, it was never actually implemented." You've really got to feel like you've been kicked in the jaw, because you've just wasted a whole bunch of time talking about how wonderful a section it is, when really the section was never law. Then, of course, we've got the examples of people who phone in to help in the workplace.

Mr Speaker, you're probably saying, "You've taken this too far." I guess it's because I am frustrated. We all think health and safety is important. I think everybody in this House would suggest that health and safety is important. Nobody believes for a second that people should be working in unsafe workplaces, putting themselves or their lives at risk. The arguments that the opposition make infer that we're passing legislation that does that. That's unbelievable. Frankly, it's unbelievable that anyone would suggest to me that I am passing legislation that would put people's lives at risk. That's absolutely absurd. I wouldn't do that.

I could counter that argument. By allowing these people to do these phone investigations for the more frivolous and vexatious ones, we are actually creating more time. Rather than taking three, four, five, six hours to go to an inspection at a site that had just been inspected or to determine whether your boss is qualified to be your boss, they're actually going to go out there and inspect sites that are real: real health and safety issues, places we wouldn't have gotten to if we didn't have this legislation, places that wouldn't have been inspected, putting people's lives at risk.

Isn't that the end-game here? Is it not the end-game of every member of this House—to the member opposite—to actually get into those places where people's lives are being put at risk? Is that not our goal? And to put stop orders out to create safe workplaces? Do you really think it wasn't a safe workplace when a gentleman phoned up and said, "I don't think this guy's qualified to be my boss"? Do you really think that was a health and safety issue? Do you really think anybody's life was in danger? I don't.

Somewhere in the province, someplace, somebody's life was in danger. One of the reasons we didn't have a ministry official there was because he was investigating this bogus, ridiculous complaint. But the members opposite say, "Oh, don't remove this bogus and ridiculous process to investigate vexatious and frivolous complaints, because we'll hang you out to dry. We'll claim you want people to die in the workplace; you're not interested in saving their lives. It doesn't matter about what's common

sense or what actually goes into making those decisions or whether or not someone is actually investigating an unsafe workplace. No, no, no. This is politics. Politics comes before people's lives. It's got to come before people's lives, because we're the third party—or the second party—"and we want to be over there. So it doesn't matter if it makes any sense or not; we're just going to accuse you of it and we're going to say, no, you can't remove this silly legislation that says, 'This guy isn't qualified to be my boss.'"

So I've got to send an inspector out there—four or five hours to go inspect whether or not this guy is qualified to be your boss. There's no health or safety issue. Nobody's life is at risk. Nothing. But, as I said, if it's something serious and that inspector isn't there, it's because you played politics with legislation. That's why the inspector isn't there.

#### 1640

**Ms Martel:** He's not there because you have 80 less inspectors than you're supposed to have.

**Hon Mr Stockwell:** Yes, well, now we've got a new one here. Now she suggests—

**Ms Martel:** No, I said that in my remarks.

**The Acting Speaker:** Order. Member for Nickel Belt, come to order.

**Hon Mr Stockwell:** I think I compelled her in that argument, didn't I? At least I got through to her, because she's changed a little bit now. I'm hopeful. She's changed a little bit. There's a light at the end of the tunnel for me because I can say to the members opposite, holy smokes, I may have gotten through. A glimmer of hope, a shining light. I'm happy. At least she's changed topics.

I say to the members opposite, we do more inspections. We do have more stop-work orders. They are statistics, I agree, but they are statistics that we're somewhat proud of. But the question still stands, and I know the members opposite agree: if one person dies in a workplace-related incident, it's one too many. If one student goes to work and dies in a workplace-related incident, it's one too many. We all agree with you. I don't disagree with that. I agree with that. St Catharines agrees with it; Windsor agrees with it; Ottawa; you do, I'm sure. Nobody wants to see anyone die. Why would you think in your mind that we would bring legislation in that would be designed to see people die? You've got to be out of your mind. That's what you're saying: "You're passing this and putting people's lives at risk." To think our motivation is to put people's lives at risk, you've got to be out of your mind. Who would do that? Anyone on this side do that?

**Interjections:** No.

**Hon Mr Stockwell:** Do you think for a moment I'd say, "What I want is legislation so inspectors don't go to real incidents, don't go to real health and safety incidents and don't inspect. I don't want to protect anybody because it's better if they die"? What idiot would say that? What idiot would agree with that? What opposition or government member would say, "Oh, sure, that's the

motivation behind this bill. We want to create a situation where no inspectors go out and inspect and people's lives are at risk." Of course it's absurd.

And then they get mad. If it's 4,000 feet underground and there's a health and safety issue, I believe in the professionalism of the civil service. I believe in the professionalism, the wisdom, the intelligence of those people that we hire to do those inspections.

*Interjections.*

**The Acting Speaker:** I won't have this talking back and forth.

**Hon Mr Stockwell:** I believe in the professionalism of the civil service. There's no civil servant that I know who would get a call from 4,000 feet beneath the surface in a mine and hear about a health and safety issue who would say, "Fax it to me." You've got to be out of your mind. They won't do it. They'll go. They'll go because they're professionals, because they are understanding of the laws, because they are compelled to go. But surely to goodness you've got enough faith in these people that when they get a call from somebody and that person says to them, "This guy isn't qualified to be my boss," they've got to have enough brains in their head to know, "Maybe I don't need to go out to that one." For heaven's sake, these aren't dumb people. These are bright people, well paid, intelligent. I believe in them. I think they're smart enough.

**Ms Martel:** What are they telling you?

**Hon Mr Stockwell:** I've got two of them telling me that. When we sent it through this committee of the Ministry of Labour, they agreed. Now I can't speak for them all. Yes, maybe there are two that don't agree. I don't know. Maybe there are 10, but the majority agreed. It went through the Ministry of Labour, it came up from the bottom and they endorsed it, for heaven's sake. They said yes. It doesn't make sense to spend hours going to talk to somebody because they don't like their boss when someone may be dying in this province. And you accuse us of wanting them to die. It's shameful. So yes, I'm frustrated; yes, I was pedantic; yes, I was being sarcastic; yes, I'd like to debate decent legislation; no, I don't want to time-allocate, but for God's sake, folks, let's debate something meaningful. This isn't meaningful. This is giving the professional civil servants what they requested: the right to inspect meaningful health and safety issues, not whether this guy should be my boss or shouldn't, or not go back out to a site they were at two hours ago, for heaven's sake.

If you want to make political hay with that and you want to get Sid Ryan out there, and Wayne Samuelson and Leah Casselman, and you want to chant your slogans and claim that I want people to die and do all that stuff and stop working unionized workplaces in the province, go ahead, do it, because I know that another workplace will be inspected—how many, I don't know; dozens, maybe 100—because I passed this legislation, because we passed this legislation. If you want to play politics with it and you want to line up with the unions and make wild-eyed accusations and accuse us of putting people's

lives in the way—Why? Because we get some kind of sick high over it—go ahead. I'm out.

This is good legislation. It makes sense. If you vote against it, you're voting against the civil service, you're voting against health and safety, you're voting against safe workplaces and you're telling me that politics is more important than saving people's lives.

**The Acting Speaker:** Heaven forbid that we would play politics.

**Mr James J. Bradley (St Catharines):** Thank you very much, Mr Speaker. I was just reading, courtesy of you—you were kind enough to provide me with a copy of the visitor's guide to the Stratford Festival of Canada, which is in your riding. I was looking for the Minister of Labour in here to see whether he was in one of the plays, after the performance we just saw. I do want to say that it can be recommended that people visit your constituency and an adjacent constituency: mine. That was a performance and a half by the Minister of Labour, but he should know that Marshall McLuhan once said that television is a cool medium and that a hot performance like that doesn't always appear as it might.

Be that as it may, as the lawyers say, and I'm certainly not a lawyer, I would like to deal with this particular piece of government work today—it's not legislation—because I'm voting this afternoon against a time allocation motion. How many is it, I ask my House leader now?

*Interjection.*

**Mr Bradley:** Twenty-five time allocations he says this government has imposed, meaning that chokes off the debate, that ends the debate on an important piece of legislation.

Let me tell members of the House and the public why it is I'm always reluctant to be in any way supportive of these so-called red tape bills. Until recently, until the Walkerton commission was in effect, we didn't know the power of the Red Tape Commission. I would suspect, if we were to ask virtually any minister of this government what he or she thinks of the Red Tape Commission, that there may be words that are not found in the English dictionary to describe that. I don't think it would be popular. You see, these are ministers who have been selected by the Premier of this province to be in the cabinet, to have special responsibilities, and indeed they have special obligations as well. To have an outside group, the Red Tape Commission—for instance, we've just had an opportunity to view the Minister of Labour in action. I wonder how the Minister of Labour would feel about the Red Tape Commission co-chairs—being Steve Gilchrist, the member for Scarborough East; Frank Sheehan, former member for Erie-Lincoln, now a private citizen; and a number of parliamentary assistants—vetting all legislation going into those ministries and suggesting how they should cut in those ministries and in effect trying to do the minister's job and the job of the cabinet.

I don't agree with that style. I say the blame must lie in the lap of the Premier on that, because he set up the structure. Putting aside who is in those particular

positions, I don't think it's appropriate that a Red Tape Commission of this kind, a group of this kind, has so much authority, so much power within this government. I want to share with members of the House a letter to the Canadian Institute for Environmental Law and Policy. This is the assistant information and privacy commissioner providing evidence of the importance of the Red Tape Commission. Remember, it's the Red Tape Commission that recommends the legislation which comes here in the form of a red tape bill.

**1650**

"According to Cabinet Office, the RTC is inextricably connected to the cabinet decision-making process. Ministries are asked to appear before the RTC to discuss their policy proposals or draft legislation before they appear before cabinet or its committees. Cabinet may also recommend that a ministry take its proposal before the RTC for review and comment. The RTC reviews policy proposals, draft legislation, cabinet submissions, cabinet presentation slides, provides ministries with comments and directly advises cabinet or its committees on the proposals it has reviewed. Cabinet Office points out that since the RTC came into existence, it has served as a screening process for cabinet and its committees on a wide range of policy items. Cabinet Office explains that after the RTC has reviewed an item, the chair will usually write the minister or the chair of the cabinet committee, raise any concerns, and provide advice and recommendations on the item. The chair and members of the RTC are often invited to attend cabinet committee meetings in order to provide advice or make recommendations to the committee on the reviewed items."

"In addition to its representations, Cabinet Office provided an affidavit sworn by the director of the Red Tape Secretariat.... The director's affidavit supports Cabinet Office's position on the role of the RTC. The director explains that the Red Tape Secretariat provides policy and legal advice to the RTC and assists the RTC in carrying out its mandate. The director states that he has personal knowledge of the records at issue in this appeal and their routing through the RTC to the various cabinet committees. He states that he has observed through attendance at cabinet committee meetings that the records setting out the RTC's advice are considered during the deliberations of cabinet and its committees at these meetings."

In addition to this letter that outlines the importance of the Red Tape Commission, we have several examples of the Red Tape Commission providing advice to cabinet. A September 1997 letter from Mr Sheehan to Minister Sterling indicates the Red Tape Commission's displeasure with Sterling's refusal to act on the recommendations of the commission.

Also, I know that Mr Bartolucci gained access to a letter that was written by the chair to Chris Stockwell, the Minister of Labour, following the 1999 election, making recommendations on labour legislation.

What is happening is that we have a very, very extra-cabinet, powerful committee of cabinet. This is what you

expect the Management Board or treasury board of cabinet would deal with; the policies and priorities board of cabinet, which is the executive cabinet, or any one of the cabinet committees. If anybody wonders why we had a situation such as we had in Walkerton, why that was able to happen, it's because of a policy which allows a Red Tape Commission of this kind to insist upon the kind of cuts that I'm sure the ministers of the day did not want to see in those ministries. There were all kinds of memos that went back and forth, letters between ministers, memos to file, statements from, for instance, Dr Richard Schabas, the medical officer of health of Ontario, warning the government of risks that they were taking with the policies they were invoking.

I asked a question to the Deputy Premier the other day, and I provided the following information:

"Sheila Willis, assistant deputy minister, writes to Richard Dicerni, deputy minister, about your cuts, 'Increased environmental risk resulting from our inability to conduct proactive inspections' and 'reduced level of responsiveness resulting in lowering of ministry credibility and damaging of our community relations' and 'reduced ability to investigate and successful prosecution resulting in increased non-compliance and illegal activity.' It says, 'The government is prepared to accept increased risk (legal/environmental/public health) in the short term to achieve the desired levels of reduction.'"

I went on to say that this was most revealing. We all wondered what the purpose of Bill 26 was, the bully bill, as many people called it, this massive bill that amended some 37 or 43 statutes—I heard two different estimations—of this Legislature.

Here's what happened. I said to the minister of the day, "Minister ... there are health and environmental risks associated with changes of this magnitude, and without significant legislative changes, that can only be expedited through an omnibus bill, this scale of downsizing exposes the government to unprecedented legal and public challenge."

How does that fit in with my reluctance to see this bill passed, my reluctance to see this motion passed for ending debate? It falls in this way: it tells me that was the purpose of Bill 26, to hide as many of these regulatory and legislative changes as possible in one big, massive bill that could be shoved through the Legislature in record time, without knowing the consequences for the people of Walkerton or any other community in Ontario. That is why I'm concerned about this motion and about this bill.

**Hon John R. Baird (Minister of Community and Social Services, minister responsible for children, minister responsible for francophone affairs):** I'm pleased to participate in this debate in terms of moving this legislation to another stage in the process.

The Minister of Labour I thought spoke eloquently when he spoke about some of the, I think it would be safe to say, exaggeration in this debate; some of the changes he spoke about, like the changes to health and safety, where a section of the legislation was brought in in the

late 1980s and hasn't been used, hasn't even been proclaimed. It was brought in by the previous Liberal government, had never even been proclaimed and then was superseded by stronger WHMIS legislation. It is being repealed by this. It's not a particularly controversial piece of legislation.

There is a range of other supports. Ensuring that we use the resources of our health and safety inspectors to the very best interests of health and safety was another issue which he brought up at great length.

It also points to the need to make decisions, to have debate about substantive issues. I regret the time we spend when we can't come to an agreement on debating the important pieces of legislation. That is obviously unfortunate.

**Mr Richard Patten (Ottawa Centre):** I rise today to participate in this discussion. I must reiterate what has been already pointed out, that we have yet another time allocation. It's been pointed out a number of times that we're spending all this time this afternoon essentially talking about the government's desire to continue to limit debate, to put a certain time frame on things and to get this through in quick order.

I remember I was so upset as a member back in 1997, when the government brought through some changes to the procedures of the House, that I did a little bit of research. Just up to the end of 1999, this government had brought in time allocation 45 times. In relation to the other provinces, we had British Columbia, once; Manitoba, once in the same time period; Alberta, not at all; Saskatchewan, not at all; Ontario, 45 times—this same Harris government.

I can see bringing it in from time to time and I can certainly see bringing in closure sometimes when the opposition becomes irresponsible in the judgment of the government and prolongs debate unduly—I can see that—but this is closure to fulfill the requirements of so many days of having debate. Of course, days are not days; days are two and a half hours. So when somebody explains, "We had this debate for two days," that may have been five hours, because two and half hours covers off a sessional day, and then you can go into an evening period till 9:30, and that may be three hours, and that constitutes two days in one day. So it's possible within two days to get through your legislation at second reading, meaning that you can move into third reading, which is going to happen in this particular case.

**1700**

I only point that out because this particular piece of legislation, by anyone's definition, I would suggest, really—here's the size of the bill so that people at home can see it. It has 95 different pieces related to it, implications of legislation: the Ministry of the Attorney General; the Ministry of Agriculture, Food and Rural Affairs; the Ministry of Health; the Ministry of Community and Social Services; the Ministry of Consumer and Business Services; the Ministry of Education. I find it somewhat interesting that this act says, "to promote government efficiency," and yet one of the biggest

problems we have today in Ontario is the concern in education, as people will know—and it's certainly in my neck of the woods: school closures, the pressure of the funding formula, the pressure for services for children who have special needs, the pressure on basic pieces of equipment that used to be part of government funding that now parents are out fundraising for.

Never in the history of the province has so much been raised to contribute toward basic things such as pencils and books and writing materials and writing books for children. It's a disgrace; it's an embarrassment. The biggest thing is this government saying they rejigged the funding formula in order to provide more equity and more universal accessibility for all children in Ontario. But that, of course, is based on an assumption that there is an equitable funding formula in place to begin with.

But when there isn't an equitable formula, what happens? Those communities that are wealthier have the means to invest in organizing fundraisers. Those that don't involve the demographics of newer Canadians who perhaps are not as familiar with how we do things in this country in a voluntary organizational sense may not be as active in seeing the responsibility, number one, and then, two, organizing in a fashion to raise money for their children. So the poorer communities, those people on lower incomes, new Canadians—those schools in those areas suffer, and it's a real shame.

So what do we have today? We have a far greater inequality throughout the educational system than we had before, and this particular debate this afternoon continues to not provide the opportunity for all members for a reasonable time frame—it's not an unreasonable time—and to not have hearings. We're offered hearings on bills for parties on all sides of the House to debate where we agree, because the government wants to be able to say statistically, "We've provided so many hours for debate in the House. That was significant." But you have to look at the quality and you have to look at the distinguishing features of the nature of the debate. Of course, anything of substance was limited or time-allocated because the government doesn't really want to hear from people.

My time is up and I'll pass it along to my other colleagues. I'm sorry I couldn't speak longer on this. Had there been an opportunity that this government would have provided, I would have been happy to be more detailed in going through various parts of the bill. I'm sorry to say, given what is presented today, that I am not, and I regret that.

**Mr Wood:** I support this motion. What surprised me about this is that we haven't had much more support from the Liberal Party in terms of getting this bill forward.

**The Acting Speaker:** Order. The Chair recognizes the member for Windsor on a point of order.

**Mr Dwight Duncan (Windsor-St Clair):** My colleague for London always has something important to say, and I would think a quorum ought to be present for that.

**The Acting Speaker:** Would you check to see if a quorum is present.

**Clerk at the Table (Mr Todd Decker):** A quorum is not present, Speaker.

*The Acting Speaker ordered the bells rung.*

**Clerk at the Table:** A quorum is now present, Speaker.

**The Acting Speaker:** The Chair recognizes the member for London West.

**Mr Wood:** Thank you very much, Mr Speaker. I would have to share with the House my disappointment that particularly our friends in the Liberal Party do not seem to appreciate the importance to creating investment and jobs in Ontario of good regulatory policy. That's really what this bill is about. I understand that our friends in the NDP are married to old ways and rather mired in the past, but I would have thought our friends in the Liberal Party would have come forward and recognized that this is, in my opinion, a completely sound bill but, at the very least, that it's basically a sound bill.

**Mr Crozier:** I think you're confident to think you have any friends in the Liberal Party.

**Mr Wood:** The numbers are diminishing, I don't deny that, both in the party and of my friends in it.

**Mr Bradley:** But I'm still your friend, Bob.

**Mr Wood:** I know, but you're in the minority.

The disappointment I express, however, is I would have thought our friends in the Liberal Party would have recognized the importance to jobs and investment in Ontario of good regulatory policy. This bill does indeed promote good regulatory policy. I would have thought that they would have come forward and said, "We may have some concerns with individual aspects of this bill and we're prepared to put those forward in committee, but by and large we see this bill as creating jobs and creating investment in Ontario, and we'd like to see it go through as quickly as possible."

I think the Liberal Party is very much missing the boat. That was one of the reasons, I think, when they brought in the tax-and-spend policies they did in 1985—and those were continued by Bob Rae in 1990—why we did so poorly in jobs. So I would hope—

**Mr Bradley:** That was decades ago.

**Mr Wood:** Not to the member for St Catharines, for example, who was there the whole time. He thinks it was just yesterday, and perhaps in some senses it was.

My serious point, however, is this: they do not seem to appreciate the importance to jobs and investment in Ontario of this bill. Of course, the bill consists of a large number of provisions, and I'm not going to get into all of them. I may get into a few if time permits. But what I sense the Liberal Party does not understand is that all these details—and there is a large number of details in this bill, as there is in any red tape bill—add up to an important whole. The important whole is that good regulatory practice will strengthen health and safety protections and will create jobs and investment in Ontario.

There are all kinds of other jurisdictions throughout the world that have recognized this—I need only refer to

the United Kingdom, to France, to New York state—that understand the importance to their people of good regulatory policy. I think it would have been very helpful for the Liberal Party at least—and no doubt in due course the New Democrats may catch up to this, but I'll invite the Liberals to do it first—to step up to the plate, acknowledge the importance of red tape reduction and help us win the war against red tape and achieve a great number of new jobs and investments in this province. I would invite the Liberal Party to rethink some of their positions on this and support this motion so the bill can get through the House, can get into law and start creating jobs and investment in Ontario.

I made reference a couple of minutes ago to some of the details, and details, of course, are the essence of any approach to reducing red tape. I'd like to refer to just a few. Let me refer to schedule B, Certified General Accountants Association of Ontario Act, 1983.

Of course this permits certified general accountants to participate in limited liability partnerships. This helps that profession do business more efficiently and helps them get the job done better. Is there any member of this House who doesn't support that?

**1710**

We can go through them: the Charities Accounting Act—in essence, housekeeping amendments; the Courts of Justice Act—repealing certain clauses in section 88, "regulation-making provisions, relating to the Accountant of the Superior Court of Justice, that have been replaced" by a clause in the Public Guardian and Trustee Act; the Crown Administration of Estates Act; the Evidence Act; the Mental Health Act; the Notaries Act.

To take the Notaries Act as an example, "The act is amended to transfer authority for appointments from the Lieutenant Governor to the Attorney General." Surely that is a very logical change. It truly is making a little more efficient the processes of the government of Ontario. It's going to save money for the taxpayers and, more importantly, is likely to result in better service to members of the public. I would invite any member to stand up and say they don't favour that.

To take a look at some changes to the Family Responsibility and Support Arrears Enforcement Act, 1996, it "is amended to provide that when a support order or support deduction order that has been withdrawn or deemed to have been withdrawn from the director's office is filed there again, the effect is the same for all purposes (including the enforcement of arrears incurred before filing) as when an order is filed for the first time."

A lot of that is legalese and I'm sure not every member of the public and perhaps not every member of the House listened to that when I read it, but that makes it easier to collect money that is owed to parents and children of this province. No doubt it affects a relatively small proportion of the total population, but it's a significant change for the better for the people who are affected.

The Business Corporations Act: "A meeting of shareholders of a corporation may be held by telephonic or

electronic means unless the corporation's articles and by-laws provide otherwise." It makes corporate governance in Ontario simpler. It's one little thing, when added to all the other little things, that is going to say to investors that Ontario is as efficient a jurisdiction as any in the world in which to do business. You may be aware that today it takes perhaps one day to do a simple incorporation in this province. A similar incorporation in France, for example, by the time you go through all the various things you have to go through, takes six weeks, and the French understand that. They know their time period is too long and I think they're going to try to do something about it. Something like that is part of an overall message that we are giving to the investors of the world with a view to attracting them to invest in Ontario.

The Funeral Directors and Establishments Act: "Even if a vacancy on the board is not filled, the board may continue to exercise its powers and carry on its duties as long as there is a quorum of the board." Again, legalese, but it makes it easier for that board of directors to do its work and avoids the kinds of problems that chew up the time of administrators and the time of lawyers and money with lawyers.

Vintners Quality Alliance Act, 1999: "At present, a government store that is authorized to sell liquor is prohibited from selling liquor produced by a manufacturer if the manufacturer uses terms, descriptions and designations established by the wine authority designated under the act without the authority's approval. The prohibition is extended to cover all persons." This is simply another instance of good regulatory policy.

There are a few more. I want to leave a bit of time for someone else at the end. I would invite the members, particularly those in the Liberal Party, to perhaps get with the program in 2001. Instead of chewing up time with long speeches in the House, why not make suggestions and tell us how to improve regulations in Ontario? If this bill warrants improvement, put amendments forward in committee. The reality is if they do that, that's going to be of much greater service to Ontario than delaying legislation in the House that should get into committee and have the improvements that are needed made, and then go back to the House and start creating jobs in the province of Ontario.

**The Acting Speaker:** Further debate?

**Mr Dominic Agostino (Hamilton East):** I'm pleased, in the limited time that we have left, to join in this debate on what is really a very significant piece of legislation that is in front of us. I guess what is most galling about this is that the government continues to see fit to bring in pieces of legislation that cover a wide variety of areas that are unrelated to each other and to bring in legislation that affects Ontarians without any real consultation, without any real debate, without any real opportunity for Ontarians to be part of this. This bill is a perfect example of that.

**Mr Frank Mazzilli (London-Fanshawe):** No, it isn't.

**Mr Agostino:** I hear the member across mumbling that it isn't. Of course, Bill 57 is a sneaky piece of legis-

lation, a backdoor approach to government in Ontario. And you do it all very quickly. This government thinks it's acceptable to bring in such a significant bill and then decide that they're going to bring in closure after a couple of days of debate. That's what we're discussing here today. The government decided two days of debate on this is all we need. Then we're going to ram it off to committee without any public hearings—not one moment of public hearings on this legislation. Then, to add insult to injury and an affront to democracy and the rights of members, this government, in its order here today, has also, by decree of Mike Harris, decided that there will not be one moment of debate on third reading on this bill in this House, not one second of debate on third reading in the Legislature on this bill.

*Interjection.*

**Mr Agostino:** The member across the floor, Mr Hastings, is getting rattled and mumbling. I wish he would just use it up when he speaks, if they would let him do it, rather than heckling across the floor the whole time.

**Mr John Hastings (Etobicoke North):** On a point of order, Mr Speaker: Since the member for Hamilton West—

**Mr Agostino:** East.

**Mr Hastings:** —East, good, is an authority on parliamentary procedure, you name the member by constituency in here. But we've noticed a slipping—

**The Acting Speaker:** Order. If there are two of us standing at one time, one of us is out of order, and it's not me. The Chair recognizes the member for Hamilton East.

**Mr Agostino:** Thank you, Mr Speaker. Rather than note him, I prefer to just ignore the member. It'll be easier.

**Mr Hastings:** On a point of order, Mr Speaker: I made the point of order that under the rules of parliamentary procedure in this House, you usually note the member by where he or she comes from—

**The Acting Speaker:** That is a point of order, and I ask that the member from Hamilton East abide by that. But I will also ask that there not be frivolous points of order during precious debate time. The Chair recognizes the member for Hamilton East.

**Mr Agostino:** Thank you, Mr Speaker, for your wise ruling on this.

I want to get to the meat of the bill, particularly as it relates to labour issues. This government, this Minister of Labour who likes to go out there and brag about everything he's done and proclaim all the legislation, did not have the courage to bring in this piece of legislation by the front door. What he does is hide it in a big bill that covers many other areas. It has significant impact on working women and men and their health and safety in the province of Ontario and this minister did not see fit, did not have the courage to bring it in directly as a piece of labour legislation rather than trying to sneak it through and ram it through in a bill that covers tons of other areas. That is disgraceful of this Minister of Labour and this government.

This bill impacts the right of working people in Ontario to refuse unsafe work sites and unsafe work conditions. Frankly, this piece of legislation is going to lead to more injuries and more deaths in the workplace.

**1720**

Today the member for Niagara Centre used statistics to refer to the fact that in 1999, 200 people were killed on the job, and that that number rose to 243 in the year 2000. The Minister of Labour referred to it as a silly statistic. That is the seriousness that the Minister of Labour takes when it comes to workplace health and safety in Ontario.

What this legislation does is say an inspector can now make an assessment over the phone. So with a simple phone call, an inspector can make an assessment as to whether there's an unsafe work condition. Is that's all it's going to take, a phone call, and say, "Well, we think the place is safe. Go back to work"? What if it's a bad judgment call? What if it's a mistake? What if the inspector misses something in the phone call and this individual goes back to work? What if there's an injury or, worse, a death to that worker on that site as a result of this oversight by the inspector? Is the minister going to stand here and acknowledge and take responsibility for that death or that injury because one of his inspectors was not given the tools to properly do the job here?

The inspectors have written to the minister and opposed this, the very people that you would think the minister would at least have consulted and talked to before he brought this in. This is bad, this is wrong, and this is going to lead to more workplace injuries and possibly more workplace deaths.

I don't understand why, for the sake of saving a few dollars—and this is what this is all about. This bill is not about improving workplace health and safety or efficiency. This piece of legislation is about having fewer inspectors on the job, possibly moving to privatize these inspectors. But think about it. Think if you were a worker, particularly in a smaller plant, a non-unionized plant, and you call because you believe that your workplace is unsafe or it's a hazardous job that you've been asked to do, and the inspector then, with a phone call, says, "No, go back to work." You feel intimidated. You don't have a choice, you don't have protection, and you go back to that workplace. Would you expose one of your family members to that? Would any of us in here expose one of our family members to that potential risk? We would not. Why are we doing it to Ontarians for the sake of saving a few dollars?

The minister uses one example that he believes is a phony one, but fails to mention the many, many others that are real, the many other examples where someone on a work site legitimately files a complaint, refuses to work because it's unsafe, and that concern is justified and is upheld by the inspector. Why doesn't the minister refer to that?

We all have a responsibility to help prevent workplace injuries and deaths. It is not simply an issue of saying, "Well, everyone benefits. All Ontarians benefit." Let's

talk in government terms, because the government understands money and economics. It is in the interest of business. That's the language you like to hear. But to prevent workplace injuries and deaths is in the interests of your business friends. If you don't care about the workers, understand that it's also in the interests of your business friends to reduce time lost at work, to reduce claims for injured workers, to reduce deaths in the workplace. There were 243 deaths last year. Maybe the minister can face those families who have lost mothers, fathers, daughters, husbands, wives, grandparents, look them in the face and refer to them simply as silly statistics, as he did this afternoon in this Legislature.

This move by the government is going to contribute to that even further. Why would the government do this? Why would the government risk further the health of Ontarians in the workplace in order to do with a few less inspectors? It doesn't make any sense at all. It doesn't make any sense, except it is part of an ongoing attack that this government has launched on working men and women since they took office six years ago. It has launched the greatest assault and the greatest threat to working people of any government in the history of Ontario. It has undone labour legislation that has been brought in by previous governments in the last 50 years of all three political stripes. It has dismantled the health and safety protection that was there for workers. It is simply interested in carrying out its big business agenda at the expense of working people in Ontario. This bill is another example of that.

Another section of the bill: right now the legislation says that employers must keep an inventory of hazardous substances in the workplace. They must provide public access to this inventory. Bill 57 repeals this. This means that workers and public health and fire and safety officials will be denied access and information on hazardous materials. Think about the risk you're exposing there if there's an accident, if there's a fire in a workplace or on a site. We saw the tragedy in Hamilton with Plastimetal and what it did to a community there. No one had a clue what was inside that place. Now we're going to say to firefighters, to police officers who respond to these emergencies, "You're not going to have access to any information to tell you what you're fighting, what's in there." To communities—decisions have to be made in case of accidents, in case of fires in plants, often an evacuation of neighbourhoods. If this information is readily available, those decisions can be made very quickly and often can make a difference in the results.

But the government doesn't think it's important enough. We're going to say to firefighters and police officers now, "You go out there. You respond to this. Maybe you'll know what you're fighting, maybe you'll know the chemicals and hazardous materials that are in there and maybe you won't. Maybe we'll find out three months later it was real bad for you and it was real bad for the neighbourhood." But it's a little late at that point. That's another, I believe, very significant change that was snuck through with this piece of legislation.

If the government was so proud of these changes, if they felt it was in the best interest of Ontarians to remove the ability of workers to refuse work and then have an inspector see the problem, if they felt it was in the best interest of Ontarians, why did they not bring in this piece of legislation as a stand-alone piece? Why didn't they send it out to committee? Why didn't they give the public a chance to talk about it?

This is insulting. This legislation is an attack on and an affront to working people in this province. It's ordinary working folks who have to deal with this. It's not their corporate friends on Bay Street; it's the average person who's got to go to work in the morning and wants to come home in one piece to his or her family at the end of the day. This government doesn't take it seriously enough. This government doesn't believe that they have the right to refuse unsafe work and have the right to have an inspector come and look at that work condition and make a determination.

Very few of the work stoppages have been frivolous. Statistics show a very, very small percentage. The vast majority are real and are serious. And inspectors back up the workers in their refusal to do that work. And now the government says, "You phone up an inspector on the phone, we'll assess the case and order you back to work," if he or she believes it's fine without seeing the problem, without seeing the conditions.

This is going to hurt people in Ontario. I tell you—and I hate to come back to this—you were warned about Walkerton. This government was warned about Walkerton, and we had tragedies and deaths. You have been warned about this piece of legislation from opposition, from working people, from labour, and unfortunately the same thing may happen again—

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

**Mr Gilles Bisson (Timmins-James Bay):** I want to just say, first up on this debate, I am extremely, extremely disappointed in the tone of the debate that has taken place by the Minister of Labour and some of the comments that he made, because I was listening carefully. He was trying to make it out to be that workers who refuse unsafe work by and large at times do so frivolously and shut down entire plants for hours at a time, costing industry millions and millions of dollars. I just want to say, as a former worker in the mining industry, an industry—I know the Minister of Northern Development and Mines knows well—that has inherent dangers in it, workers took their responsibilities seriously.

I was a member of the health and safety committee under Local 4440 of the Steelworkers. For the eight years that I was there, I presided over a number of inspections by the Ministry of Labour. I presided over a number of issues having to do with workplace stoppages because of unsafe conditions. And at no time in that eight years was there ever one case within our local and within the sister locals of our area, which represented close to about 6,000 workers at the time, where a workplace was shut down because of frivolous reasons.

1730

I take exception to the comment that the minister makes because what he's trying to say is that we as workers aren't smart enough, somehow or other, to make a determination about what's safe and unsafe. If anybody can determine what's unsafe in a workplace, it's a worker, and that's the reason that Elie Martel, under the NDP in the 1970s, in opposition to the Tories, lobbied along with the Steelworkers of Elliot Lake for creation of the Occupational Health and Safety Act. The argument was made then that if you give the workers the right to refuse, they will not be frivolous, that they will take the responsibility seriously and save lives in the workplace. That's exactly what happened.

I don't know of any cases in Elliot Lake, where I had to do some servicing when I was on staff at the Steelworkers, and I don't know of any cases in Sudbury in talking to my friend Jimmy Kmit and others where people refused work and the workplace was shut down frivolously. There might have been cases that didn't result in shutdown, but I don't know of any situation where they shut down a workplace over a frivolous refusal to work.

I worked in the mining industry. The McIntyre was one of the places where I worked. It's no longer in operation. I worked at 12 shaft, 11 shaft, 6 shaft. I want to give you two examples. In one case there was a routine inspection by me and the Ministry of Labour inspector—I believe it was Ross Conoley at the time—where we did an inspection at 12 shaft.

We went there just on a routine inspection. Nobody had called anybody in. It was one of those inspections where the ministry comes in and says, "I want the health and safety rep, I'm going for a walk." As we walked into the mine operation, we went to take a look at the hoist room of 12 shaft on the 3,700-foot level, inspected the hoist, found everything to be in service, found everything to be safe, and for whatever reason—we never used to do this—we decided to come down the manway from 37 down to 38 to the collar. As we went down, we noticed that the dogs on the cage were inoperable.

For people who don't understand mining terminology, a cage is the elevator that brings you up and down a shaft. That particular shaft descended to the 7,000-foot level, so that's one heck of a drop. That's higher than the CN Tower. What happens is that as it goes down by way of the cable, there's a safety system in the guides of the cage so that, should the cable break, there's a special mechanism that allows the dogs, which are basically a braking system, to dig into the guides to stop the cage from falling to the bottom of the shaft.

In other words, if the dogs don't work and the cable breaks, that thing is going to the bottom and there's no stopping it. On top of that, when we looked at that cage, it was not only that the dogs weren't working, but the bearings that basically contain the shaft that holds the cable to the cage were busted at both ends. There was play up to half an inch on both bearings.

The inspector was almost livid when he saw it, because obviously somebody had been missing this for a long time. As a result he shut down that shaft, ordered that the mine evacuate the underground immediately and that nobody return into that shaft until that situation was fixed, and in many cases ordered the workers to climb up the manway because he felt, as I did, that it was an unsafe condition where an accident was waiting to happen.

Here we had a potential situation where there could have been loss of life that was caught on a regular inspection. You'll say, "Obviously that wasn't frivolous." I just want to tell you what happened after, on an inspection that wasn't even done by me. It wasn't something I called. It was the Ministry of Labour that came in. I happened to be the health and safety rep. I was harassed for a period of weeks by my employer and threatened with being fired for only having followed the Ministry of Labour inspector and having found this.

They asserted it was me who pointed it out. In fact, it wasn't. If I had known, I would have pointed it out, but I didn't know because I wasn't a mechanic; I'm an electrician by trade. The employer put a huge amount of pressure on me to try to get me to back off, as they thought my stance was too militant when it came to the protection of the workers, when it came to health and safety.

My point is this: I'm a pretty strong individual. I know my rights and as a union steward and as a health and safety representative and as chief steward and vice-president of the local, I wasn't an easy push-around. But I'll tell you, I felt that intimidation. I'm just saying that 90% of the guys, 95% of the guys, put under that intimidation, would have buckled under.

So I'm saying to the Minister of Labour across the way, shame on you, first of all, for saying that workers are going to do this frivolously, but also shame on you for not recognizing that there is politics involved in the workplace when it comes to the refusal of work, and employers do intimidate workers. It happened to me, and in that case we could have killed a whole bunch of men. I remember having a discussion, and I'm not going to use the name, because it would be unfair, with one of the people responsible in the company who was really pressuring me. I said to that individual, "How would you feel if you got a phone call at night and you found out that your spouse died because of an unsafe condition at work that management knew about, did nothing about and tried to harass the health and safety rep, the one who pointed it out?" Still they tried to pressure me.

So don't come into this House and accuse workers of being frivolous, because most workers are afraid to exercise their rights, because they understand there is plenty of opportunity for the employer to get back at them and to harass them and to intimidate them into not reporting unsafe conditions. So that's the first example.

The second example I want to give you is one that happened at Sick Shaft. Sick Shaft, as those of you who worked in mining would appreciate, was an extremely wet, extremely cold and badly ventilated workplace. I happened to get called out in the middle of the night as

an electrician to go work on I think an electric jumbo or scoop that was on that level, I think on the 1,700-foot level. As I walked underground and got off the cage, I could not see the door as I came out of the cage. That means literally this far. There was so much smoke, I couldn't get off the cage safely without wondering if I was going to fall down the shaft that went down to 2,800 feet. So I managed to basically flash the cage and bring it back up to the surface.

I called first of all the supervisor, who wanted to do nothing about it; second of all the mine captain, who said, "You're just complaining again, Bisson." He tried to put the intimidation factor on me again. I got on the phone and I called the Ministry of Labour inspector. That particular Ministry of Labour inspector didn't want to come out because it was the middle of the night. He said, "Can't we wait till tomorrow?" I said, "No, we can't wait till tomorrow. We've got about five or six guys on that level. There's an unsafe condition. I understand there's a problem with the door that's covering the ore path. If somebody goes walking by that ore path and that door is open, somebody's going to fall down that hole and kill themselves." So I said, "I want you to come in here and I want you to come now." The inspector was being somewhat weak-kneed about the idea of coming into the workplace, and I had to exercise my rights under the act and I said, "The law says I have the right to call you. You either come or I'm going to call Elie Martel in Sudbury and I'll get him to rattle your chain." He came, because Elie was a pretty formidable guy to deal with when it came to these issues.

As it turns out, the Ministry of Labour inspector came to the workplace. When the two of us went down to that level, he was beside himself. He couldn't believe how bad it was. His argument when I talked to him? I was being frivolous. So don't talk to me about frivolous. Under this act that you want to pass now, he would have had the right to say, "It's a frivolous thing. Bisson's one of those guys who likes to call the inspector. I don't need to go out." I don't know what would have happened that night. Maybe nobody would have fallen down that ore path, but maybe somebody would have.

I'm saying to the Minister of Labour, shame on you as the Minister of Labour for coming in here and saying that somehow workers are going to be frivolous in their use of the Occupational Health and Safety Act, because that has not been the case. The case is that workers have been quite good about how they take their responsibility. We've managed over the years, through the union movement and the Steelworkers particularly, in the mining industry to change the attitude of mining. We've made it a safer place to work and, consequently, we're saving lives. The mines paternity has started to change the way it does things because of this act and because of assessments of workers' compensation. Now you're coming in and you're saying, "We're going to roll the clock back"? I'm sorry, I don't want to go there. I've worked in those workplaces. I know what it's like.

So I make two challenges. First of all to the Minister of Labour: if you feel so strongly about this act and you think you're on such high ground, then have public hearings. I want you to come to Timmins and I want you to go to Sudbury and I want you to go to industrial centres across this province, look in the eye of workers across the table, tell them they're being frivolous and listen to what they have to say.

The second challenge I issue is simply this: I want the minister to go work in a workplace in Ontario where workers have to use the Occupational Health and Safety Act and see how we feel. I know what it felt like as a worker. You were under a great amount of pressure and intimidation if you tried to report unsafe conditions. I know with certainty because of my experience that if we had an Occupational Health and Safety Act as proposed today back in the 1980s, when I reported that smoky condition on the 1,700-foot level of the McIntyre, he would not have come out because he would have been able to say it's frivolous. That's what he was telling me at the time: "Oh, Gilles, can't we wait till tomorrow? This can't be that serious. Oh, Gilles, you're just making this up. Oh, Gilles, it can't be as bad as you say," until I forced him out by way of the act. There's a reason we wrote the act the way it is, and the reason is to protect lives.

I say to the minister across the way, you've got it completely wrong. You're completely out of touch. You have never worked in a workplace, certainly an industrial workplace, in any kind of substantial way, because if you had, you would not have brought this bill forward.

**1740**

**Mr David Christopherson (Hamilton West):** I thank my colleagues for leaving me a few minutes to comment on this bill. I want to add my voice and my support to the arguments that have been made here regarding some of the key elements of Bill 57. But you know what? A lot of the issues that are in this bill have yet to be on this floor and analyzed in the way they should, given the importance to people's health and safety and their very lives, and that needs to be emphasized.

I would suggest that probably one of the issues that has people who are active in workplace health and safety most incensed is subsection 47(7), where you're allowing inspectors to conduct an inspection over the phone.

I happened to be in the House—I think I was in the chair at the time and I remember that held me back from my usual heckling at moments when Minister Stockwell says things that upset me. I remember distinctly that he said, in response to accusations of concern from the NDP caucus, that the problem was that we didn't have enough faith in the professionalism of the inspectors. He said, and I'm paraphrasing, "If you had faith in the professionalism of these inspectors, you wouldn't be as worried as you are about what may or may not happen as a result of inspections taking place over the phone."

I can recall that somebody produced a letter, and I want to ensure that that is read into the record again, at least in part, because in response to that, those very pro-

fessionals have sent a letter to the minister—prior to him making that argument, by the way—saying the following:

"We have grave concern about the proposed changes to section 43(7) of OHSA"—the Occupational Health and Safety Act—"which will now allow an inspector to investigate a work refusal without having to be present at the workplace to examine the actual work situation. As health and safety professionals, we find this an absolutely unacceptable approach that perverts the basic tenets of good investigative practice and sound health and safety and industrial hygiene principles. Such an approach will inevitably result in the tragic consequences that the lack of regulatory vigilance led to in the town of Walkerton."

So much for the minister's argument that we didn't have faith in the professionalism of the inspectors. I say to the Minister of Labour that if he really respects the professionalism of those inspectors, he'll give them an opportunity to come in and personally make their arguments and at the very least acknowledge that they've made those arguments and acknowledge that he will consider them. But that's not going to happen, because under the current time allocation motion there's not even going to be a third reading debate, let alone anything happening at committee. It's outrageous.

In the last minute I have, I want to join with my colleague from Hamilton East in talking about section 34, which requires the employer to notify the director of any new chemicals and substances in the workplace, and section 36, which allows the public as well as union representatives an opportunity to examine those records.

Yes, we used Plastimet as an example. We came so close to hundreds of people dying, and this government wouldn't even hold a public inquiry.

*Interjection.*

**Mr Christopherson:** It's true, you wouldn't hold a public inquiry. You sure would have if it had happened in your riding, I'll bet, and it had received worldwide attention, as it did. Now you're going to say that citizens, the public, do not have the right to inspect records that show what chemicals are in that plant and allow the workers an opportunity to find out what new substances are being introduced. They had that right. It's not like we're asking for something new—they had it. Your Bill 57 takes that away. You will have to be responsible to the people who are—

**The Acting Speaker:** The member's time has expired. Further debate?

**Mr Doug Galt (Northumberland):** I just wanted to use this minute or so to compliment the Minister of Labour on his speech earlier when he was commenting on the red tape bill. He was referring to some of the frivolous calls that the Ministry of Labour receives—and this bill will do something about it—tying up inspectors, inspectors going out because somebody said their boss was not qualified. I can understand why some people might think their boss isn't qualified. I look over at the NDP, I look over at the Liberal Party and I can see them getting quite concerned. But that is not something that an



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