



Legislative Assembly
of Ontario
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**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Thursday 21 June 2001

Jeudi 21 juin 2001

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
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LEGISLATIVE ASSEMBLY
OF ONTARIO

Thursday 21 June 2001

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Jeudi 21 juin 2001

*The House met at 1000.
Prayers.*

PRIVATE MEMBERS'
PUBLIC BUSINESS

FRANCO-ONTARIAN
EMBLEM ACT, 2001

LOI DE 2001
SUR L'EMBLÈME FRANCO-ONTARIEN

Mr Lalonde moved second reading of the following bill:

Bill 18, An Act to recognize the emblem of the Ontario French-speaking community / Projet de loi 18, Loi visant à reconnaître l'emblème de la communauté francophone de l'Ontario.

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

M. Jean-Marc Lalonde (Glengarry-Prescott-Russell) : Mr Speaker, let me begin by thanking the member for Ottawa West-Nepean as well as the member for York Centre for their willingness to change ballots for private members' business, which allows me to rise before the House today and to speak on a very special topic that is close to my heart, as well as the heart of all francophone communities across Ontario: the Franco-Ontarian emblem.

J'ai eu le plaisir de présenter le 26 avril dernier le projet de loi visant à reconnaître l'emblème de la communauté francophone de l'Ontario. Le drapeau franco-ontarien fut dévoilé pour la première fois le 25 septembre 1975 à l'Université Laurentienne de Sudbury, et depuis ce temps est utilisé pour représenter la communauté francophone avec fierté et dignité.

Les Franco-Ontariens sont très fiers de leur emblème, qui est preuve de leur héritage culturel. J'aimerais rendre hommage aux concepteurs du drapeau : Gaétan Gervais, Michel Dupuis, Yves Tassé et tous les étudiants et étudiantes de l'Université de Sudbury qui ont mis la touche finale à ce drapeau. Merci pour votre contribution éminente au sein de la communauté francophone de l'Ontario.

Before I carry on, let me take a brief moment to explain the significance of the Franco-Ontarian flag. This beautiful flag consists of two vertical bands of different colours. The first band is mid-green and has a white lily in the middle of the band. The second band is white and has a mid-green trillium in the middle of the band. The

green represents the summer, and the white represents the winter. Together, the two colours symbolize the diversity of Ontario's climate. The lily depicts francophones across the planet, whereas the trillium is the official floral emblem of Ontario.

La langue française est présente en Ontario depuis plus de 350 ans, et la communauté francophone de l'Ontario compose la communauté francophone la plus importante au Canada après celle du Québec. Les premiers francophones qui se sont installés dans le territoire de l'Ontario furent les missionnaires qui établirent la mission de Sainte-Marie-au-Pays-des-Hurons en 1639. Aujourd'hui, il y a plus de 500,000 Franco-Ontariens et Franco-Ontariennes et plus de 1,2 millions de personnes qui parlent français en Ontario.

My private member's bill, An Act to recognize the emblem of the Ontario French-speaking community, comes at a very important time for all francophones of Ontario. This Sunday, June 24, Saint-Jean Baptiste Day, is the official celebration of the culture and heritage of all francophones across Canada and the world. Furthermore, from July 14 through the 24th, Ottawa is hosting the fourth World Games of La Francophonie, where more than 50 countries are represented, having all in common the use of French. They have come together to compete in both cultural and sports events. This event is expected to attract more than 2,600 athletes, well-known francophone artists, and thousands of visitors, not to mention the economic benefit it will convey to the province of Ontario.

La vie culturelle et communautaire francophone en Ontario est en pleine effervescence. On y retrouve une vingtaine de centres culturels, six troupes de théâtre professionnel, et une vingtaine de troupes communautaires qui partagent à la grandeur de la province le talent et la culture des Franco-Ontariens.

L'ACFO, l'Association canadienne-française de l'Ontario, est la principale porte-parole des francophones de l'Ontario. L'ACFO est représentée dans 21 régions de l'Ontario et compte 25 associations affiliées.

D'autant plus, je suis extrêmement fier des plusieurs autres organismes provinciaux francophones tels que l'Assemblée des centres culturels de l'Ontario, l'Association française des municipalités de l'Ontario, l'Union culturelle des Franco-Ontariens, l'Association franco-ontarienne des conseils scolaires, les clubs Richelieu, l'Union des cultivateurs franco-ontariens, la Fédération des dames canadiennes-françaises, et j'en passe.

Mais ce qui me touche davantage, c'est l'importante présence de la jeunesse dans la vie communautaire et

culturelle francophone, par exemple, la FESFO, la Fédération de la jeunesse franco-ontarienne.

Aussi, j'aimerais souligner quelques activités notoires annuelles, culturelles aussi bien que sportives : la nuit sur l'étang à Sudbury, le Festival franco-ontarien à Ottawa, le salon du livre à Toronto, la galerie du mérite agricole franco-ontarien à Alfred, les jeux franco-ontariens à Toronto, et les tournois de hockey des écoles secondaires franco-ontariennes.

La fraîcheur et le dévouement de tous ces individus et de tous ces groupes m'inspire et me réconfort quant à l'avenir du français en Ontario.

For nearly 40 years, the province of Ontario has recognized the importance of serving its citizens in French upon request. According to Bill 8, the French Language Services Act, which was passed in this Legislative Assembly in November 1989, French services are now available in 23 designated regions of the province. For instance, I am delighted to share with you that in terms of education and training, the Franco-Ontarian flag flows as we speak at 12 French-language school boards; 358 French elementary and secondary schools; two bilingual universities, Laurentian and Ottawa; two bilingual university colleges, Glendon and Hearst; one agricultural college, the Alfred College; and three francophone community colleges, la Cité collégiale, le Collège Boréal and le Collège des Grands Lacs.

Monsieur le Président, collègues parlementaires, votre appui aujourd'hui du projet de loi visant à reconnaître l'emblème de la communauté francophone de l'Ontario serait un geste de reconnaissance remarquable pour la culture et l'héritage des francophones de l'Ontario. Une fois adopté, cet emblème servira à promouvoir la communauté francophone à vocation internationale et sera un outil puissant pour créer l'opportunité pour la province de l'Ontario aussi bien au niveau économique que culturel.

Je vous invite à partager avec moi ma vision d'une belle province, unifiée par toutes ses richesses culturelles et sa diversité.

Monsieur le Président, chers collègues, je suis fier de dire, je suis Canadien. Je suis Ontarien. Je suis un fier Franco-Ontarien.

Mr Speaker, members of the Legislature, I am honoured to say I am Canadian, I am an Ontarian, and I am proud to be a Franco-Ontarian.

The Deputy Speaker: I would like to welcome to the Legislature this morning a public school from Little Current, Ontario.

Further debate?

1010

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): Thank you, Mr Speaker, for looking in my direction.

I'm very pleased to join the debate with respect to the private member's bill brought forth by one of our more respected members, the member from Glengarry-Prescott-Russell, An Act to recognize the emblem of the Ontario French-speaking community.

I can speak to this bill very supportively. My family is originally from St Boniface, and it is a very strong French-speaking community in St Boniface, Manitoba. They have their heroes also in that area: Louis Riel, in particular, in terms of his work. He obviously was involved in the history of this country. On behalf of my father, I'm proud to speak on this bill.

As you know, there are more than half a million francophones in Ontario today. Francophones make up around 30% of the population in the northeast and 15% of the population in the east of this province. There are four bilingual universities and five French-language community colleges in Ontario. Our government created the 12 French-language district school boards in Ontario, and since 1998, francophones in this province govern their own schools and oversee the education of their children. There are close to 100,000 francophone students in Ontario at the elementary and high school levels, and there are about 450 francophone schools on which they proudly float the Franco-Ontarian flag.

Close to 1,000 students were at the eighth Franco-Ontarian Games, held this year in Windsor, Ontario, in honour of the Windsor Tricentennial, recognizing 300 years of the francophone presence in the Detroit area.

Francophones in Ontario have a rich cultural life, demonstrated by long-standing annual events, such as: Sudbury's Music Festival "La Nuit sur l'étang"; Radio-Canada's Ontario-Pop, a competition for aspiring talents; and Ottawa's Franco-Ontarian Festival, which is celebrating this year its 26th edition for a full month in honour of the Games of La Francophonie.

There's a tremendous heritage within my area, Simcoe county, with respect to Ste Marie-among-the-Hurons, which was the very first settlement founded 350 years ago in Midland, Ontario. When I was a young student, like the young students who are here today, I remember visiting that site when it was no more than an empty space with a number of wooden pegs identifying the area where they were going to build. I would say to the listening audience here today, if they haven't visited Ste Marie-among-the-Hurons, they have missed something, because it is a tremendous facility and brings out the culture and heritage that was brought to that area. It's something that's very special within not only my area of Simcoe county but also in the province. It's my honour, as I said before, to support the designation of a Franco-Ontarian flag as an official emblem for Ontario and to recognize that under this bill.

The member has put out a nice concise history in the preamble of the bill. I think it's very important to note that. Actually the preamble is longer than the sections of the bill. He's done a great job. But I think the intent, for anyone who understands legislation and what's trying to be accomplished here, is that the preamble is very important to the purpose of what my friend is trying to accomplish in terms of recognition for francophones in this province.

As you know, the recognition of the flag as an emblem is symbolic. There are other symbols of Ontario. The

eastern white pine, the loon and the amethyst have been declared the official arboreal, avian and mineral symbols of Ontario by the proclamation of specific acts: the Arboreal Emblem Act, the Avian Emblem Act and the Mineral Emblem Act, thus the name of the bill that's before us, the Franco-Ontarian Emblem Act.

I understand New Brunswick officially recognized its Acadian flag some years ago, and there have been some discussions in Saskatchewan to do the same, because there is a rich francophone heritage in the west. I've already mentioned the role Louis Riel played in that area many years ago in the history of this country.

I voice my support, and I thank you for allowing me to participate in the debate.

M. Michael Bryant (St Paul's) : C'est avec plaisir que je me joins au débat sur le projet de loi 18 présenté par mon collègue de Glengarry-Prescott-Russell, Loi visant à reconnaître l'emblème de la communauté francophone de l'Ontario.

This is a bill, as the government has said, as my colleague from Glengarry-Prescott-Russell has said, about symbols. It's an opportunity for the Legislative Assembly of Ontario to affirm our commitment to, and recognition of, the rights, policies and services that must be delivered to and the symbols that are important to Franco-Ontarians. This is about saying that Ontario's symbols include not just the ones mentioned already—the coat of arms, our flag, the white trillium, the loon, the eastern white pine—but it's also an opportunity for us to say yes, we're not just talking about the Franco-Ontarian emblem being an emblem that is the exclusive preserve of one sub-category of Ontarians; rather, we're saying your flag, your emblem is our emblem. It's a recognition of the importance Franco-Ontarians play in this province.

We've heard from one member of the government in any event who has expressed support for this bill. This government must speak, I think, quite loudly and clearly in favour of this. Yes, this is a symbol and an important symbol, but the government's record when it comes to francophone rights and Franco-Ontarians has been, with the greatest of respect, suspect, and this is an opportunity for the government to speak to those issues.

What am I talking about? Well, let's talk about Montfort Hospital. We all know it is essential for francophones in this province to have access to full health services in French and training in French for physicians and health professionals. Only the Montfort Hospital, a very unique institution in Ontario, can provide those services. It was with much shock that this province discovered in February 1997 that the Health Services Restructuring Commission ordered the Montfort Hospital to close. Thereafter proceeded a series of appeals by the francophone community seeking to enforce minority language rights, on the one hand, and unfortunately on the other side of the court was the government of Ontario.

I understand the government's position with respect to the court's role and the extent to which the court may intervene with respect to decisions of Parliament. I

understand that decision. It's an ongoing dialogue that goes on between the courts and legislatures. When, in November 1999, the Divisional Court overturned the HSRC's directions, the Attorney General of the day expressed dismay with what he referred to as "judicial activism." He said the decision, in his words, "raises issues of judicial activism, of judge-made law and what is the role of the courts and what is the role of Parliament and legislatures." Judicial activism was OK when the government was trying to strike down the federal gun control laws, but apparently judicial activism wasn't OK when the courts were intervening on behalf of minority language rights. It expressed a position which offended Franco-Ontarians, I think it's fair to say, and this ended up being compounded by the fact that of course it continues to appeal those decisions.

Then we had an opportunity with respect to the recognition of official bilingualism in the city of Ottawa. As we know, Mr Glen Shortliffe, the former Clerk of the Privy Council, delivered a report on municipal restructuring. On the topic of languages he recommended, "The city of Ottawa will be legislatively designated a bilingual city, with services to be provided in both official languages where warranted."

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To which the Premier said, "Forget it." The government said, "Let the local council decide." But this was an opportunity for the province of Ontario, for this assembly and this House to express its recognition of the importance of official bilingualism, and in turn the importance of its investment in the symbols, the policies and the services provided to Franco-Ontarians.

I see my time is coming to a close. The government has an opportunity today to speak to this issue in a way which diverges from the position they took on Montfort Hospital, which disrespected Franco-Ontarians' rights, which diverges from the position they took with respect to bilingualism in the city of Ottawa, which was again unsupportive of Franco-Ontarians' rights.

I thank my colleague from Glengarry-Prescott-Russell for giving us this opportunity to reaffirm our commitment to Franco-Ontarians by recognizing this important symbol.

M^{me} Claudette Boyer (Ottawa-Vanier) : C'est vraiment avec fierté puis enthousiasme que je m'adresse à l'Assemblée législative ce matin pour appuyer le projet de loi 18 visant à reconnaître l'emblème de la communauté franco-ontarienne.

Je tiens d'abord à féliciter mon collègue de Glengarry-Prescott-Russell pour l'initiative de ce projet de loi.

Le drapeau franco-ontarien a été hissé pour la première fois en septembre 1975, au mât de l'Université Laurentienne à Sudbury. À peine deux ans plus tard, il fut adopté officiellement par l'Association canadienne-française de l'Ontario, connue sous l'ACFO, comme emblème de la Francophonie ontarienne.

Depuis ce temps, notre drapeau vert et blanc occupe une place d'honneur à tous les rassemblements des Franco-Ontariennes et Franco-Ontariens, que ce soit une

réunion annuelle d'un quelconque organisme francophone, une rencontre d'une ACFO régionale, un souper Richelieu ou à une manifestation quelconque. Nous en sommes fiers, et l'année 2000 a vu des célébrations de 25^e anniversaire un peu partout en province.

Remember that it is in Ontario that we find the highest number of francophones living out of Quebec. We are more than 500,000, making this province a strong one from all points of view, be they social, cultural or economic. Moreover, let me tell you that hundreds of French-speaking new Canadians have chosen Ontario as their homeland.

For decades, the Franco-Ontarians have contributed to the vitality of this prosperous province. They have worked, raised their families, done volunteer work, served as members on boards of directors and on different committees and held political jobs. They have died in wartime. They are teachers, doctors, lawyers, miners, workers, plumbers—name them all. They manage commercial enterprises, farms and tourism centres. Some are even civil servants. They pay their taxes. They have taken their place in this wonderful and great province.

Tout ce qu'ils vous demandent maintenant, c'est une reconnaissance de leur présence dans la société ontarienne.

La reconnaissance officielle par ce gouvernement de leur drapeau serait un geste, croyez-moi, fort apprécié qui en dirait beaucoup sur la place qu'ils occupent présentement dans leur province. La reconnaissance officielle de leur drapeau enverrait un message très important, non seulement en Ontario mais au pays et dans le monde entier, surtout à la veille des Jeux de la Francophonie.

C'est vraiment une occasion idéal pour ce gouvernement de poser un geste significatif en signe de reconnaissance de la communauté franco-ontarienne, un geste qui voudrait dire que nous sommes une force vitale et vivante.

I sincerely hope that this House will vote in favour of this bill, a bill so important to this francophone community and, I say it again, a vital component of our province. Together, let us show leadership in officially recognizing the green and white flag of the Ontario French-speaking community as their emblem.

Monsieur le Président, j'ose me faire la porte-parole de ma communauté francophone en vous disant toute la joie et toute la fierté qu'elle éprouvera en apprenant que ce gouvernement reconnaît officiellement le drapeau franco-ontarien, l'emblème de la francophonie. C'est plus qu'un symbole ; c'est un investissement concret et essentiel dans l'avenir de l'Ontario. C'est un héritage à léguer à notre jeunesse, tout comme l'obtention de services de santé en français et de la formation en français pour les professionnels de la santé que seul l'hôpital Montfort peut offrir.

Thank you for your support.

M. Carl DeFaria (Mississauga-Est) : Je suis particulièrement sensible à la cause des Franco-Ontariens qui désirent faire reconnaître leur drapeau à titre d'emblème officiel. Ce drapeau dénote l'importance de la population franco-ontarienne dans l'ensemble de la province.

My experience as a member of the Ontario section of l'Association parlementaire de la Francophonie gave me an increased appreciation of the contribution of Franco-Ontarians to the culture and the economy of Ontario. L'Association parlementaire de la Francophonie is made up of delegates of 60 sections from Africa, Asia, Europe and America. In 1988, the Ontario Legislature became an official entity of la Commission des affaires parlementaires de l'Association parlementaire de la Francophonie. At present, 15 Ontario MPPs are members of the association, and one of the objectives of the association is to support the development and stabilization of democracy within the Francophonie.

At the Quebec summit later this summer, the APF agenda will include youth in French-speaking countries.

Je soutiens la désignation du drapeau franco-ontarien au sein d'une liste prestigieuse d'emblèmes.

En tant que député de Mississauga-Est, conseiller spécial du ministre des Affaires civiques et membre de l'Association parlementaire de la Francophonie, je soutiens la reconnaissance du drapeau franco-ontarien à titre d'emblème officiel en Ontario.

I am very proud to support this bill, and I would like to commend M. Lalonde for introducing this bill. I have three children, and they all went through the francophone system here in Ontario, particularly in Mississauga. My oldest son, Ryan, graduated from école René-Lamoureux and then graduated from école secondaire Sainte-Famille and went to York University and studied in the bilingual college of Glendon College and then went to the University of Ottawa and the faculty of common law en français. He graduated also in law and just completed his bar exams in the French section of the bar admission course in Ottawa.

My second son also went to école René-Lamoureux and école Sainte-Famille and graduated actually a few weeks ago in computer engineering at the University of Toronto. My youngest, my daughter, is still at école secondaire Sainte-Famille and she'll be completing her OAC next week and she'll be graduating and going into the bilingual Glendon College at York University.

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So this bill is something that I'm very proud to support, not just as a member but as a member who is very familiar with francophone issues and the contributions that have been made by Franco-Ontarians in Ontario and in Canada.

This emblem, as the preamble of Bill 18 indicates:

« La langue française est présente en Ontario depuis près de 350 ans. Les premiers francophones qui se sont installés dans le territoire de l'Ontario furent les missionnaires qui établirent la mission de Sainte-Marie-au-Pays-des-Hurons en 1639.

« La communauté francophone de l'Ontario compose la communauté francophone la plus nombreuse au Canada après celle du Québec. Le français est l'une des langues officielles du Canada. En Ontario, il jouit du statut de langue officielle devant les tribunaux, dans l'éducation et à l'Assemblée législative.

« Depuis près de quarante ans, la province de l'Ontario reconnaît l'importance de servir ses citoyens en français sur demande. C'est lorsque l'actuel article 5 de la Loi sur les services en français, loi qui est connue aussi comme la Loi 8, entre en vigueur en novembre 1989, que la province reconnaît que ses citoyens ont droit à ces services sur demande.

« Le drapeau franco-ontarien fut dévoilé pour la première fois le 25 septembre 1975 à l'Université Laurentienne à Sudbury. Depuis ce temps-là, la communauté francophone de l'Ontario l'utilise de façon soutenue comme son emblème. Il convient maintenant de le reconnaître officiellement comme emblème de cette communauté. »

That's why I'm very proud to support this bill and commend M. Lalonde for introducing it.

The Deputy Speaker: I'm going to try this again because the school from Little Current was not actually in the gallery when I welcomed them. D'Arcy Young and this group from Little Current public school, we're happy to have you with us today.

Mr Rick Bartolucci (Sudbury): I proudly stand in support of Bill 18, An Act to recognize the emblem of the Ontario French-speaking community, which was introduced by my fellow Liberal colleague, Mr Lalonde.

Speaker, I'm going to ask for the indulgence of you and the House because I want to display the flag as a way of educating the people of Ontario as to what the flag stands for, and it's best if I raise the flag and show the people. So with your indulgence and the indulgence of the House, I'd appreciate that.

This beautiful flag consists of two vertical bands of—

The Deputy Speaker: I'm going to have to ask for unanimous consent. Is there unanimous consent that the member be allowed to display the flag? Agreed.

Mr Bartolucci: Thank you very much, Speaker, and I thank the members of the House.

This beautiful flag consists of two vertical bands of different colours. The first band is mid-green; the second band is white. The first band has a white lily in the middle of the band and the white band has, of course, the trillium flower. The green represents the summer; the white represents the winter. Together the two colours symbolize the diversity of Ontario's climate. The lily depicts francophones across the planet and the trillium is, as we know, the official emblem of Ontario. I'll put it down now, and I thank the House for the indulgence.

I think it's important that we all support what this flag represents. The flag represents our ability to recognize each other's strengths and our ability to get along in our society, in our multicultural society, in our multilingual society, in a culture and in a society that is so diverse that we take the strength of each of our unique peoples, we put them together and we make Ontario strong. This is the intent of the bill. There's absolutely no question about that. I'm proud to be on this side of the House and to be a part of this House that will support Bill 18.

At the same time, in a very, very local way, I would like to thank Laurentian University—a bilingual univer-

sity, by the way; we are very, very proud in our community of our bilingual university—and the students who were finally chosen as the architects or the designers of the flag, and they were Gaétan Gervais, Michel Dupuis and Yves Tassé. I'd like to congratulate those people. When they first designed the flag, I don't think they understood the significance of what was about to happen several years down the road. This is a significant step in this province today. I think it's a significant step in this House.

I proudly stand in support of this bill. I proudly stand in support of the francophone community that I have in my constituency and certainly the constituency next to me, Nickel Belt, and in fact the huge francophone constituency that we have in northern Ontario. From a Sudbury perspective, I have to tell you that our francophones make significant contributions on an ongoing basis to the quality of life in our community. They do that in many different ways. They cover all the aspects. They work with everyone. We work together. We ensure that our community is strong because we respect each other, we respect each other's uniqueness, we respect each other's differences and we understand that through our uniqueness and through our differences we can come together. We are not a melting pot but rather a mosaic. I think it's so much more important for us to define ourselves as a mosaic as opposed to a melting pot.

We are proud of what makes us strong, not only in my constituency of Sudbury but in the province of Ontario and the country of Canada. So I say to the member, thank you for bringing this bill forward. I certainly support it.

L'hon John R. Baird (Ministre des Services sociaux et communautaires (et ministre délégué au dossier de l'Enfance et ministre délégué aux Affaires francophones) : C'est un grand plaisir pour moi de parler du projet de loi de mon ami de Glengarry-Prescott-Russell. Je suis bien sûr très fier d'appuyer son projet de loi.

On sait bien que dans la province de l'Ontario on a la majorité des francophones hors Québec. Il y a peut-être des gens dans la province et en dehors du Canada qui ne savent pas cela, et que dans notre province on a 540 000 francophones dans toutes les régions. Dans la région de Prescott-Russell ils sont majoritaires, ou dans la région d'Ottawa, ou dans la région de Toronto, de Penetanguishene, de Welland ou du sud-ouest de la région, près de Windsor, dans le nord-est de la province, à Timmins et à Sudbury aussi. Bien sûr, la richesse de notre province est plus fort à cause de la contribution des francophones et de la vitalité de la communauté. Ce projet de loi reconnaît cette réalité de notre province.

Le gouvernement de l'Ontario a été très fier d'appuyer les Jeux de la Francophonie, qui recommencent dans trois semaines dans la ville d'Ottawa, où on va avoir la Francophonie de toutes les régions du monde : de l'Afrique, de l'Europe, de l'Asie et bien sûr de toutes les régions des Amériques. Le gouvernement de l'Ontario est très fier de travailler avec le gouvernement du Québec, le gouvernement du Canada et le gouvernement du Nouveau-Brunswick sur ce bon projet.

Le gouvernement travaille très fort pour les services pour enfants. La petite enfance est très importante pour tous les Ontariens et Ontariennes, mais c'est peut-être plus important pour les jeunes francophones, parce que le développement culturel et linguistique est peut-être un plus grand challenge pour eux que pour les autres. On travaille très fort comme ministre responsable de la petite enfance.

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Avec la création de 12 nouveaux conseils scolaires et l'équité dans le financement de l'éducation—c'est quelque chose qui est aussi très important.

Quand j'ai été nommé ministre délégué aux Affaires francophones de mon comté, on n'avait pas une école francophone, mais maintenant on en a deux à cause de ces changements. On a le collège Franco-Ouest de Bells Corners, qui est une nouvelle école secondaire, et une nouvelle école primaire à Barrhaven, l'école Pierre-Elliott-Trudeau, et on va voir que plus de jeunes francophones seront éduqués dans leur langue.

Je veux dire à la fin du débat que je suis très fier de travailler avec mon bon ami le député de Glengarry-Prescott-Russell dans ce projet de loi très important.

M^{me} Sandra Pupatello (Windsor-Ouest) : Je suis très contente d'être ici aujourd'hui pour me joindre au débat sur l'emblème pour la communauté francophone.

Ce n'est pas une surprise, parce qu'il y a beaucoup de francophones dans ma circonscription de Windsor et dans le comté d'Essex aussi. En plus, il y en a beaucoup qui parlent la langue française même s'ils ne sont pas francophones. Les francophones de Windsor sont fort fiers et très engagés dans le travail de maintenir la culture, la langue et l'histoire de la communauté. Je suis fière aussi de participer aux activités organisées à la Place Concorde, le centre de la Francophonie à Windsor.

Depuis les six dernières années que je suis ici comme députée, c'est la première fois que je peux faire voir, comme députée, que je supporte la communauté francophone. C'est incroyable. Après six années c'est la première fois que nous avons, dans la province de l'Ontario—une province qui est bilingue—l'occasion de voter pour faire voir que nous sommes dans une province bilingue.

C'est pour cette raison que nous avons des immigrants qui viennent de partout dans le monde avec la langue française et qui peuvent trouver une place confortable entre nous et tous les services du gouvernement en français, même dans ma circonscription.

Alors, pour ça, je dis à mon collègue Jean-Marc Lalonde de Prescott-Russell, félicitations aujourd'hui, et merci pour avoir donné l'occasion à tous les députés de l'Ontario de dire aux francophones qu'ils sont une partie très importante du « fabric » de l'Ontario.

I want to say to all the francophones who come from my area of Ontario that they form a very important part of the fabric of Windsor and Essex county. They are a huge group that works very hard and tirelessly, that has built up the club of Place Concord. Many of us who belong to other clubs, who come from other ethnic backgrounds, watch with envy the Place Concord and

how it has risen up to take its fair spot in the county of Essex. To the people who organized all the festivities, all the activities, like Saint-Jean-Baptiste Day coming up on Sunday, where we're going to celebrate once again the founding of the French culture in Essex, I say congratulations.

I'm very happy to support the emblem being put forward today in this private member's bill. It's going to mean something very concrete to the people in Essex county that we can post this emblem around Essex to say, "If you come in these doors, you're going to find French-speaking people." To all those who come to visit us from across the borders, from the province of Quebec, from across Ontario, from the great states of Michigan and the five surrounding the Great Lakes, welcome, because you're going to find a very friendly atmosphere with your French language.

Congratulations to my colleague who has worked very hard with all the groups across the province. I'm very happy to be here today to support this motion.

M. Gilles Bisson (Timmins-Baie-James) : Première-ment je veux dire droit au début de ce débat que le caucus NPD va supporter cette proposition de loi, intitulée la Loi 18, parrainée par mon ami M. Jean-Marc Lalonde.

On pense que c'est important que dans la province de l'Ontario on accepte qu'il y a un drapeau franco-ontarien qui est reconnu officiellement par la loi dans la province de l'Ontario. On sait que c'est déjà un fait de notre pratique comme francophones que ce drapeau. Ça fait déjà 25 ans, je pense, qu'on a notre drapeau, qui est en place depuis cette journée à Sudbury en 1976. Nous les francophones le reconnaissons comme notre drapeau officiel, mais on veut avoir à ce point la reconnaissance par la loi de la province de l'Ontario que c'est notre drapeau franco-ontarien. Je veux dire ça droit au début du débat ; c'est très important.

L'autre affaire que je veux dire, je veux parler un peu de l'historique de la province et de notre pays. Après ça, je vais parler un peu des actions concrètes qu'on a besoin d'avoir de notre gouvernement pour être capable de vivre en français. Premièrement, comme tous les autres députés l'ont dit, les francophones, c'est un fait de l'Amérique du Nord. Ça fait très longtemps que les Français de France sont venus ici au début dans la découverte de l'Amérique du Nord. On connaît tous cette histoire. Les Français ont établi des communautés premièrement dans l'est du Canada et au Québec et éventuellement ici en Ontario. On sait qu'il y a eu des guerres entre les Anglais et les Français. On sait ce qui est arrivé aux plaines d'Abraham.

Mais le point que je veux faire, c'est celui-ci : les Anglais ont reconnu aux plaines d'Abraham, quand cette guerre-là est arrivée et que la conclusion a été que les Français ont perdus, qu'ils n'étaient pas pour faire ce qui est arrivé en Irlande. En d'autres mots, les Anglais de l'Angleterre ont compris qu'ils ne pouvaient pas avoir la même situation que l'Irlande. Il y avait le besoin d'accepter que les Français étaient dans l'Amérique du Nord, c'était un fait, et qu'il y avait le besoin d'aller en

avant avec des lois, et avec ça, dans leurs idées, en d'autres mots, respecter les droits des francophones quand ça vient à l'éducation et à d'autres services qui sont nécessaires pour être capable de demeurer et de vivre sa langue de son pays.

Depuis ce temps, les francophones au Canada et au Québec ont toujours pris l'attitude que nous les Français du Canada, on n'est pas des citoyens de deuxième classe ; on est un des peuples fondateurs de ce pays, avec les autochtones et les Anglais. Bien, les autochtones n'étaient pas les fondateurs ; ils étaient déjà ici. C'est nous autres qui sommes venus après, puis on a volé ce pays des autochtones. Mais quand ça vient aux Français et aux Anglais, nous les Français avons un droit par statut de la constitution quand ça vient aux droits ici dans la province de l'Ontario. Depuis ce temps-là, on lutte pour être capable de s'assurer que les services pour nous les francophones sont établis à travers le pays.

Au Québec c'est plus facile : ils sont majoritaires. Ils passent des lois ; c'est toujours en français. La vie québécoise quotidienne est faite en français. C'est très simple. Mais quand tu es francophone et que tu demeures hors du Québec, c'est une question totalement différente. Nous les Franco-Ontariens, on n'est pas Québécois ; on est Ontariens. On est né en Ontario. Notre première langue est le français. Mais notre pensée et nos approches sont très différentes que celles des Québécois, parce qu'eux, ils demeurent dans une société qui est un peu, je dirais, nombriliste quand ça vient à la manière de cette société de réagir envers le français. Nous les francophones en Ontario comprenons que c'est un gros monde, que ce gros monde inclut beaucoup d'autres races, les Anglais, les Japonais, les Portugais, les Italiens, et que tous ensemble on a besoin de trouver une manière de vivre ensemble et en même temps de respecter que nous, on est francophone, et que c'est important qu'on garde notre langue, on garde nos coutumes et qu'on a nos institutions pour être capable de les préserver.

En Ontario, on fait les affaires très différemment. On connaît l'histoire francophone. Mes amis M^{me} Boyer et M. Lalonde ont fait partie de la lutte comme moi pour beaucoup d'années quand ça vient aux services pour les francophones, et ça n'a pas toujours été facile. Il a fallu lutter très fort pour avoir des services en français. Par exemple, la communauté d'où je viens, Timmins, qui était originalement et même encore aujourd'hui majoritairement française, n'avait pas de services en français dans les années 40 et 50 vraiment pour parler. Les services ont été donnés en anglais. Imaginez-vous demeurer dans une communauté où vous êtes majoritairement francophones et que vous ne pouvez pas aller rechercher dans les entreprises privées ou dans votre gouvernement municipal ou provincial ou fédéral des services en français. Nos parents ont lutté très fort pour être capables de faire accepter que certaines politiques soient adoptées par des gouvernements aux paliers fédéral, provincial et municipal, pour accepter qu'on ait des services en français.

Nous, la deuxième génération de cette lutte, M. Lalonde, M^{me} Boyer et moi-même, on est un peu la

deuxième génération et il va y avoir une troisième derrière nous qui est déjà en place. Mais nous, on continue le débat, et parfois on se trouve dans une situation où on a besoin d'aller lutter dans ces batailles que nos parents ont gagnées, par exemple, l'hôpital Montfort. C'était un acquis qu'on a mis en place l'hôpital Montfort pour accepter un hôpital français qui est là, établi pour être capable de développer nos médecins et autres spécialistes dans le domaine de la santé en français dans une institution française. Ça, on l'avait pris pour acquis, et on s'est trouvé dans le premier terme du gouvernement conservateur, avec le restant de la communauté francophone, dans la grosse lutte pour sauver Montfort.

1050

Je peux vous dire que ça blesse une communauté quand un gouvernement arrive et dit, « On va ôter vos institutions qu'on a mises en place, qu'on vous a données parce qu'on reconnaît que vous êtes un fait réel dans la province de l'Ontario. » C'est à beaucoup de reprises au cours des six derniers ans qu'on s'est trouvé dans une situation, comme députés francophones, francophones de la communauté de l'Ontario ou francophiles où on a eu besoin d'aller lutter pour essayer de sauver les services qu'on a, et on ne gagne pas toujours nos batailles.

Ça fait mal, par exemple, dans le délestage des services aux municipalités. Nous l'avons dit ici à l'Assemblée, on se rappelle bien, au gouvernement Harris : « Si vous délestez les services aux municipalités, ils ne sont pas couverts par la Loi 8. Puis, après qu'ils seront délestés, on va se trouver sans nos services en français. » Le gouvernement nous a dit, « Ah non. Ne vous inquiétez pas. Tout va être bien. On va s'assurer que tout est fait en français. » On a passé un projet de loi sous mon nom ici au cours du dernier Parlement pour être capable de sauver ces services. Il s'est fait adopter à la deuxième lecture, mais le gouvernement n'a jamais alloué au projet de loi de passer par la troisième lecture.

Là on se trouve quatre ou cinq ans après puis on voit avec ces services délestés, même dans les communautés qui sont désignées par la Loi 8, comme Ottawa, comme Timmins, comme Hearst, comme Kapuskasing, qu'on se trouve à faire lutter pour avoir nos services en français, services qu'on avait déjà en français pendant notre gouvernement provincial, parce que les municipalités n'ont pas les moyens pour s'assurer que ces services-là ont les fonds nécessaires. Autrement, les administrations de beaucoup de ces organisations municipales sont parfois des administrations anglaises où ils font leur ouvrage en anglais et ne pensent pas adéquatement à la question de s'assurer que les services en français sont là pour les francophones, même dans les lieux qui sont majoritairement français.

Moi, je le sais. Je poigne des plaintes dans mon bureau de comté puis on fait toujours un suivi. Par exemple, dans les communautés de Hearst et Kapuskasing je poigne des plaintes où Hearst est à 99 % français et je poigne des plaintes que, quand ils vont rechercher des services en français du DSSAB, les services sont donnés en anglais. On a besoin d'aller exiger qu'ils fassent les

services en français, quelque chose que le gouvernement provincial ne fait pas mais que mon bureau a besoin de faire.

On vient à bout d'être capable de résoudre avec le DSSAB le problème, mais le point que je fais est qu'on ne doit jamais admettre la situation, parce que ce sont des services qui étaient déjà préservés sous la Loi sur les services en français.

J'ai dit au gouvernement ce matin, « Je sais que vous allez voter en faveur de cette loi pour nous donner notre drapeau, qui est un symbole de la réalité francophone de la province de l'Ontario. Ça, on l'apprécie ; on l'accepte. Mais c'est très important qu'on ne donne pas seulement des symboles à la communauté francophone, mais qu'on fait des pas et des actions concrètes pour s'assurer que les services en français sont là pour la communauté francophone. »

On peut s'assurer, par exemple, si on voudrait, d'établir la Loi 8 passée juste dans la province. On pourrait passer une loi ici à l'Assemblée qui dit que tout service qui a été délesté ou qui va être délesté aux municipalités ou au secteur privé dans les régions désignées, que les services en français soient respectés. Pourquoi pas ? C'est quelque chose qu'on a déjà. On ne demande pas plus dans cette instance. On demande seulement de préserver ce qu'on a. On pourrait faire ça. Ce serait un pas concret, pas un symbole mais un pas concret qui pourrait nous démontrer que nous comme Assemblée, les députés de cette Assemblée de tous les partis, acceptons la réalité de la francophonie de l'Ontario et qu'on est préparé à mettre en place ces services et à s'assurer que ces services demeurent en place pour les francophones même quand ils sont délestés.

On pourrait, comme exemple, passer une loi—j'en serais en faveur—déclarant la province de l'Ontario officiellement bilingue. Je sais que M^{me} Boyer croit, comme moi, que cette province doit s'afficher comme officiellement bilingue. Ce serait un acquis économique pour la province, quant à moi, ce serait respecter la francophonie, et je pense que cela irait loin sur toute la question de la constitution, le débat constitutionnel qu'on a entre le Québec et l'Ontario. Je pense qu'il serait intéressant d'être capable, comme Assemblée, de passer une telle motion ou un tel projet de loi qui dit, « La province de l'Ontario s'affiche officiellement bilingue. »

À la fin de la journée ça ne veut rien dire, quand ça vient à ôter des services aux autres, soyez bien clairs. S'afficher officiellement bilingue comme province ne veut pas dire qu'un Anglais, un Portugais, un Japonais ou un Chinois va avoir moins de services parce que la province s'est déclarée officiellement bilingue. Eux autres ne perdent rien.

Deuxièmement, tout ce que ça veut dire est que tout ce qu'on fait déjà ici en français, on continuera à le faire. Le gouvernement provincial est déjà obligé sous la Loi 8 dans les régions désignées de donner les services en français, de faire sûr que les documents sont en français pour être capables de faire nos affaires avec le gouvernement provincial en français, quelque chose qu'on fait déjà sous nos régions désignées. Si on l'établit

pour le restant de la province, ça ne veut pas dire extra en coûts pour l'Ontario—c'est le point que je veux faire—parce qu'on fait déjà la traduction de tous les documents. C'est déjà fait. Puis on pourrait dire, comme action concrète, non seulement qu'on accepte comme Assemblée qu'on doit avoir un symbole qui réalise la réalité de la communauté franco-ontarienne mais qu'on s'affiche officiellement bilingue et qu'on fait comme le Nouveau-Brunswick : on prend ce pas pour dire qu'on reconnaît l'histoire du Canada, on reconnaît le fait francophone. Troisièmement, quant à moi, c'est vraiment une bonne affaire quand ça vient au point de notre économie dans ce monde global.

On se trouve parfois dans cette Assemblée dans une situation, même comme francophones, où il est un peu difficile de faire notre ouvrage en français. C'est quelque chose qu'on voit de plus en plus au cours des dernières années, puis je ne sais pas pourquoi. Par exemple hier, comme député provincial, je me suis pointé vers le comité des estimés pour demander des questions directement à la ministre de l'Éducation en français, et dans la salle de comité aucune préparation pour la traduction simultanée. J'ai fallu ajourner le comité pour une heure pour qu'ils aillent chercher l'équipement qu'ils mettent en place pour être capables de faire cette traduction simultanée, pour que je puisse faire mon ouvrage en français. Cela n'aurait pas dû arriver. Mon point est que même ici à l'Assemblée, ce qui arrive parfois c'est qu'on ne s'assure pas que les services qui doivent être mis en place sont là pour être capables de faire notre ouvrage ici en français, même si c'est la loi.

Je veux donner l'avis que je vais revenir sur ce point, parce que je pense que c'est très important.

I want to say one last thing that's semi-related to this—I beg your indulgence, Speaker—and that is on the recent comments made by our mayor of the city of Toronto. They are related to the francophone issue, if you allow me.

I believe Toronto, as Ontario, is a multicultural society. That is one of the strongest attributes this province has, that we recognize among ourselves the differences as a strength. It is a strength that we are able to live in a province where francophones, anglophones, Portuguese, Chinese, Caribbean people, people from Asia, people from Africa, people from all over the world can come to our province and can come to our city, our capital, and live in this community, this mosaic that we talked about before which is Canada, which is the province of Ontario, and which is Toronto.

That is something that shines out as a beacon across the world. We have been able to prove in this country that a country can be built not on a melting pot theory, as the United States, which I totally object to, but on the theory of *Vive la différence*, as we say in French, because through that difference we make ourselves a stronger people. I want to say I am extremely hurt by the comments made recently by the mayor of the city of Toronto, Mel Lastman, where he is quoted as saying very derogatory comments toward the African community. I won't repeat those comments here because I think they're

disgusting. I think it is a sad reflection on our society when you see the mayor of the largest city in Canada, the capital of our province, make comments such as that and get away with it.

I remind people that when M. Parizeau, on the night of the referendum, said those awful words toward the ethnic community and the anglophone community in Quebec, they chased him out of office, rightfully so. As a francophone I accept that that should have happened, because at no time should we in our society, no matter what our background is, accept intolerance. I, as a New Democratic Party member and a member of this assembly and, more importantly, Mr Speaker, as a francophone person of the province of Ontario, am extremely offended by what Mel Lastman said and call on him to resign his position as the mayor of the city of Toronto. He is not fit to rule as mayor in this province if he has attitudes and demonstrates attitudes such as that. They are an affront not only to the African community of Toronto but, I argue, to all of us in Ontario, because together all of us, the people of the different races, make this province what it truly is. I'm truly offended by what Mel Lastman has done, and I'm calling for his resignation as the mayor of the city of Toronto.

The Deputy Speaker: The deputy from Glengarry-Prescott-Russell has two minutes to respond.

Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell): I want to thank all of the members who have spoken in favour of this bill and have shown their support of the bill.

Today I stand before the House and ask that all members of the Legislative Assembly of Ontario share with me a vision of a beautiful province, strongly united by its beauty and diversity from north to south and east to west. I invite all the members to join me in voting in unanimous consent of this act to officially recognize the emblem of the French-speaking community. I also invite all francophones of Ontario to a special ceremony where, for the first time, the francophone flag of Ontario will be raised in front of Queen's Park on June 24 at 9 am.

1100

Dimanche prochain, le 24 juin, nous allons célébrer la fête de la Francophonie mondiale, la Saint-Jean-Baptiste. J'invite toute la communauté francophone de l'Ontario à la cérémonie du drapeau, qui sera hissé au mât à l'avant de l'édifice de l'Assemblée législative à 9 heures du matin où, pour la première fois, le drapeau franco-ontarien sera hissé devant Queen's Park.

The Deputy Speaker: This completes the time allocated for this ballot item. The votes will be taken on the ballot at 12 noon.

FARM IMPLEMENTS
AMENDMENT ACT, 2001

LOI DE 2001 MODIFIANT LA LOI
SUR LES APPAREILS AGRICOLES

Mr Barrett moved second reading of the following bill:

Bill 76, An Act to ensure fairness, to foster competition and consumer choice and to encourage innovation in the farm implement sector / Projet de loi 76, Loi visant à assurer l'équité, à favoriser la concurrence et le choix des consommateurs et à encourager l'innovation en matière d'appareils agricoles.

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

Mr Toby Barrett (Haldimand-Norfolk-Brant): I'd like to begin by first thanking those who will be speaking to this bill. I appreciate your time and your concerns. Bill 76, An Act to ensure fairness, to foster competition and consumer choice and to encourage innovation in the farm implement sector, has the support of farmers, farm implement dealers and shortline manufacturers. If passed, this legislation is designed to protect Ontario's 300 farm implement dealers from what many consider unfair business practices of large manufacturers.

For too long, large manufacturers have been using what are called "dealer purity" policies to prevent dealers from selling other products. Dealer purity or exclusivity clauses are currently being used in dealer contracts by large farm equipment manufacturers in order to force the others to sell products exclusive to that manufacturer. I point out that these dealers are not franchisees, they're not protected by Ontario's franchise legislation.

I point out as well that this type of activity is not allowed in the United States and it's not allowed in four provinces. I understand that three other provinces are considering similar legislation to what we're discussing today.

By eliminating dealer purity policies or exclusivity clauses, this bill would allow dealers more choice in the brands of equipment they carry, create more selection for farmers, more opportunities for Ontario's 80 shortline manufacturers to distribute their products. This will increase competition and foster choice which, at the end of the day, will save farmers money, boost small business, boost manufacturing and make the tools that farmers need available closer to home.

Dealer purity has been a contentious and an expanding issue for dealers and small distributors and manufacturers for a number of years. Only in Canada is this now allowed, and this is largely due to the fact that the farm implement industry has gone through mergers, resulting in fewer companies controlling the majority of distribution.

Many Ontario dealers choose to comply with the demands of manufacturers in order to save their business. I feel this isn't fair. It's not fair to the dealer or to the farmer or to that shortline manufacturer, the little guy who is being frozen out of this distribution network.

It's been suggested that this problem be dealt with between the dealer and the manufacturer. I can assure you that both sides have been negotiating these issues for well over 10 years now and there's been no consensus. I will reinforce the fact that issues such as dealer purity are not covered by either franchise or competition legislation. The federal Competition Act provides for action

against companies whose policies reduce competition in the marketplace. The Competition Bureau was established by the act for that purpose. However, Canadian farm implement dealers have found the federal legislation ineffective in protecting them because the offending behaviour must, first, be repetitive and, second, must be proven to cause a substantial decrease in dealers' sales. As well, Ontario's franchise legislation, the Arthur Wishart Act, does not address dealer purity issues.

Through these amendments to the Farm Implements Act, dealer purity issues can be addressed without affecting other franchise legislation. In other words, this legislation will not set a precedent for other distribution systems, for example, car dealerships. I'll also point out that there have been no court challenges in other Canadian or US jurisdictions which have similar legislation.

I do believe that separate legislation is needed to put an end to the 10-year tug-of-war I described. This is a debate that has been negatively affecting rural Ontario and farmers for far too long, in my opinion. Earlier this year, the Ontario Retail Farm Equipment Dealers' Association met with the Ministry of Agriculture requesting that Ontario eliminate these clauses. ORFEDA, the association, represents Ontario's farm machinery dealers and was instrumental in originally establishing the Farm Implements Act in 1988. ORFEDA is supportive of moving forward with amendments to the act, as are the Ontario Federation of Agriculture and the Ontario Farm Equipment Association, an association that represents small manufacturers. With respect to the large manufacturers, the Canadian Farm & Industrial Equipment Institute, which represents the large companies like John Deere, has been consulted, and they have indicated by letter—I have the letter here today—that they will not “present any further objections” to this direction. Legislation similar to this bill, Bill 76, has been passed in Saskatchewan, Manitoba and Prince Edward Island. It's awaiting royal assent in Alberta.

As growing numbers of dealers begin to lose their businesses, governments in the United States found it necessary to introduce legislation to protect them. Consequently, dealer purity clauses are unlawful in most American states. Something like 33 of the US states now have specific state legislation to prevent this.

I should point out that there are no longer any large tractor or machinery manufacturers in Ontario—or Canada for that matter. In fact, major manufacturers have been closing their head offices in Canada and, for economic reasons, centralizing them in the US. One exception is US-based John Deere. They still maintain a Canadian headquarters in Grimsby, just off the QEW, as well as a manufacturing plant in Welland. John Deere remains the largest farm equipment corporation, with worldwide sales of US\$11 billion last year.

Two other large corporations, Case/New Holland, previously Case International, and AGCO are two others that supply equipment dealers in our country. The combined sales of these three manufacturers in the province

of Ontario rings in at roughly \$1 billion a year. Both John Deere and Case/New Holland sell only their name brand products, carrying machinery such as tractors, harvesting equipment, hay and forage equipment, tillage, planting, spraying and material handling machinery.

Many farmers—I think of my own riding of Haldimand-Norfolk-Brant—are dependent on small-run, specialized equipment for the ginseng market, potato growing, tobacco growing, and it's oftentimes difficult to find this equipment. That's where these short-line, small manufacturers come in, to fill that niche. Small rural dealers act as a distribution outlet for these small manufacturers who boast a full range of farm machinery and can produce this specialized equipment, as I mentioned, for the potato and the ginseng industries.

1110

Fruit and vegetable growers and orchard and vineyard operators as well are having trouble getting the equipment they need from these large companies. The 80 short-line manufacturers in Ontario comprise a \$240-million industry, and 80% of their sales are through these dealers. Farmers need these sales. They need the simpler, cheaper alternatives, and they certainly need the innovation, the technological developments that come from these small companies that, for example, led the way in developing front-wheel-drive tractors, articulated tractors, no-till equipment and the other vineyard and fruit and vegetable equipment I mentioned earlier.

We see a trend. It's a trend that's threatening the economic survival of our dealers. It's hampering our short-line manufacturers and having a negative impact on our rural communities.

To conclude, I've been involved in farming all my life. I have both John Deere and International equipment. Over the years, I have probably operated just about every piece of equipment made by most of the major manufacturers. It's all very good, well-made equipment. I have a 50-year-old tractor in my shop that will be useful and valuable when a lot of our computers are no longer valuable. These products are very well made by all of the companies. We just ask for fairness, a competitive market and fair and open distribution.

I look forward to this morning's debate, and I ask for support from members. If members feel this is appropriate, I wish to submit this to committee.

Mr Steve Peters (Elgin-Middlesex-London): As the critic responsible for agriculture for the Liberal Party, I want to commend the member from Haldimand-Norfolk-Brant for his initiative with Bill 76, the Farm Implements Amendment Act. I think it's important, as we stand here today debating private members' business, that this piece of legislation the member has brought forward, be it private members' business, is a piece of legislation that is going to have a great benefit and a real effect in rural Ontario.

At times I've stood in this Legislature and been critical of the government in their commitment to rural Ontario, but today I'm not going to stand up and criticize the government for this initiative. I think it is a good

initiative, and it's one I've recommended to our party that we support today.

I think it is essential and incumbent on us as legislators that we look after the small distributors and manufacturers comprising what's known as the short-line farm implement industry in this province, which generates over \$240 million annually for the Ontario economy.

I think it's important, too, to recognize, as the member has pointed out, that this legislation does have the backing of organizations such as the Ontario Federation of Agriculture, the Christian Farmers Federation of Ontario, the National Farmers' Union and other farm equipment organizations. So there is consensus out there and support for this legislation among the organizations representing the agricultural community.

I think we need to recognize that large manufacturers have policies that increasingly use single-company product lines, and this prevents dealers from selling other products. These provincial restrictions and amendments that are being proposed today will ensure the economic survival of those dealers, small distributors and manufacturers, but I think, more importantly, they will help those rural communities where they are located.

As has been pointed out, it's important to recognize that legislation that protects agricultural dealers has proven to be extremely successful in the United States, recognizing, too, that other provinces—Manitoba, Saskatchewan and Prince Edward Island—have moved in this direction. Other provinces, including Alberta, Nova Scotia and New Brunswick, are also developing similar acts.

I know we take a lot of criticism on this side about our federal cousins or, as I say, my distant relatives federally. I will agree with you in this case, and I commend the Ontario government for showing leadership. It is too bad that the federal government couldn't have taken this leadership to develop a Canada-wide strategy and not allow it to come down to individual provinces. So there: we do criticize the federal Liberals.

It's important too that small distributors and manufacturers, as we know, offer a wider variety and range of products, which in turn provides farmers with a greater selection of machinery. This segment of the agricultural community has proved successful over the years in being leaders in terms of industrial innovation and development. We can see, over and over, prime examples of their success stories and it's important that we recognize and support the small distributors and manufacturers.

We see that large farm machinery manufacturers are continually amalgamating. It's estimated that more than 50% of the smaller individual dealers will fail because of a strict one-company policy. Many are trying to develop Internet sales, but this won't be a fully viable alternative for many years. Part of the reason is that we need to increase our efforts at connecting rural Ontario, making sure that rural Ontario has access to the Internet.

It's interesting when you look historically at this province. One needs only to travel around as we embark

on the summer season, visiting some of the fall fairs and the historic and steam shows that take place. You look at the equipment that once was manufactured in this province, and we've seen this segment of our industrial economy disappear.

You can drive through Brantford and look at the vacant Massey-Ferguson plant—it used to be Massey-Harris—or drive to Toronto and look at the Massey-Ferguson plants that have gone idle. We've seen a plant disappear that employed my grandfather when he left the farm in Saskatchewan and came to Toronto. He worked in the agricultural industry here in Toronto. We can look back and I can relate, in my own riding, about a company that was there, Erie City Iron Works, which was famous for its wheelbarrows, agricultural implements, post-hole diggers etc and it has disappeared.

We need to do what we can and an initiative such as has been put forward today is going to help preserve and support the rural economy. We need to look at what's happened here. We've seen large farm equipment distributors forcing dealers to sell only products exclusive to the distributor. As a result of these initiatives by these large corporations, we've seen that individual dealers cannot offer farmers a wide range of products from other distributors and manufacturers. It's a policy and an initiative of these large corporations that is really restricting choice and access to different products for farmers, small distributors and manufacturers.

As has been pointed out, this restrictive policy is illegal in the United States and it has been a contentious issue across Canada. It has been pointed that unfortunately the federal Competition Act in place does not fully cover this, thus causing us to have to deal with these issues at a provincial level.

It's important to recognize the support that is out there for this. Oftentimes we see legislation in front of the Legislature that doesn't have support. It's very obvious when you read some of the correspondence that has come in in support of this legislation that this is something that farm organizations, individual farmers and small distributors and manufacturers are looking for.

You look at the National Farmers Union, which says, "We fully support legislative changes which would outlaw 'dealer purity' requirements and allow dealers to serve farmers' needs rather than the demands of the manufacturer."

That's a key line in this legislation, that this legislation that has been put forward by the honourable member is there to serve farmers' needs rather than the demands of the manufacturers.

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As we have a real mix of urban and rural representatives in this Legislature, it's important that I encourage and urge the urban members in particular to support this. You need to understand that there are differences between urban and rural Ontario, and that often what's best for Toronto isn't necessarily best for rural Ontario. I urge all the members to support this

initiative because this is something that is going to have a positive effect in rural Ontario.

The Ontario Farm Equipment Manufacturers' Association also has written in support of this legislation. They've studied the changes and they are in support of this.

The Ontario Federation of Agriculture, one of the largest groups representing the agricultural community in this province, has also supported "the initiative to amend the Farm Implements Act to lessen the control that the mainline manufacturers can exercise over the product lines sold by their dealers."

The Ontario Wholesale Farm Equipment Association, which represents, as they point out, "many diverse needs and perspectives," goes on to say, "It is the general feeling of the OWFEA membership that while we are all independent-minded, in order for the industry as a whole to remain vital and not face restricted market access due to the policies of the dominant foreign players, the dealers' freedom to operate their own businesses needs to be protected." I think it's important to recognize that.

The Ontario Retail Farm Equipment Dealers' Association also has written in support of the amendments to the Farm Implements Act. They say:

"The amendments proposed are presented in an effort to preserve and protect Ontario agriculture and its many sectors. Without them, there exists an immediate threat to the farming community of Ontario. Ontario farmers may be forced to pay more for farm equipment as a result of multinational machinery manufacturers prohibiting their dealers from selling machinery made by short-line or other competitors...."

"For many Ontario dealers, the choice is simple: comply with the manufacturer's demands or lose their livelihoods. The average dealer in Ontario sells about \$5 million of new equipment from large machinery makers and about \$1 million of short-line equipment. When the dealer faces the pressure from the manufacturer, it's a no-brainer to give up the smaller line. This places short-line manufacturers in the province of Ontario in serious jeopardy.

"As large farm equipment manufacturers consolidate and reduce the number of competitors in the industry, dealers face additional pressure to 'toe the company line'...."

"Wouldn't it be good to save farmers money while also ensuring they have access to the latest technology? Wouldn't it also be good to preserve as many farm equipment dealerships as possible in rural Ontario? This can all be accomplished and it doesn't have to cost the provincial government any money."

It's very obvious, when you look across the province, that there is support out there. Tomorrow I'm going to be attending the grand reopening of Huron Tractor in St Thomas. This is an example of an industry and a business that is there to serve the rural parts of my riding. My riding, much like that of the member for Haldimand-Norfolk-Brant, is a real urban-rural mix. The agricultural component is just mammoth to the local economy.

It's important that we're seeing investments like Huron Tractor, investments that I know, with these amendments being put forward here, are going to help businesses like Huron Tractor remain competitive in the future, but I think, more importantly, to continue to serve the needs of rural Elgin county, in my own case.

It's important to recognize some of the key elements of this legislation that's in front of us. This act is going to remove the exclusive term from dealer-distributor agreements, allowing dealers to sell farm machinery from any distributor or manufacturer. It'll protect dealers from no-cause termination, which currently allows large manufacturers to terminate their business with dealers without any reason. Distributors will be discouraged from imposing discriminatory contracts on individual dealers as a result of opening up competition and providing more services at a reasonable cost for farmers in their own communities. The act will allow smaller distributors and manufacturers to share warranty costs, parts supply and inventory responsibilities. I compliment the Ministry of Agriculture, Food and Rural Affairs for its efforts in getting all the stakeholders to work together on this important issue.

As I said earlier, my colleagues will be supporting this legislation. But I think I need to go on the record to point out that as I commend the government for this step it's taking in trying to assist the agricultural industry in this province, the second-largest industry in this province, unfortunately in a recent piece of correspondence that went out from the Ministry of Economic Development and Trade there was no mention of agriculture. I think it is an industry that needs to be recognized and supported. It's important that this government recognize the important and vital role that the agricultural community plays.

We know that again this year our farmers in Ontario are faced with that competition from the United States, faced with that competition from the European Union, mainly in the area of subsidies and the support that's given to farmers. Every one of us in this Legislature, be we urban or rural, has to get up in the morning to eat, and it's incumbent on every one of us to do everything we can to ensure that the agricultural industry in this province remains competitive, that we continue to be leaders. It's steps like this that are going to help, but certainly there are other initiatives that can be taken. On this one, we will be supporting it.

Mr Gilles Bisson (Timmins-James Bay): As the member here responsible for the NDP caucus this morning on this issue, I just want to say we will be supporting this legislation. We agree with the direction in which the member is trying to go. We also believe that manufacturers should not have the power to demand exclusive dealerships so that in smaller areas, where it makes sense that a dealer has multiple lines in order to give that choice to the consumers, the people in the farm industry, that should be allowed to happen. In fact, it's something that we support.

I want to go through what this bill says, what it does and what it doesn't do, and then refer to some of these items that I think need to go to committee in order to fix them up.

First of all, what does this bill intend to do? We are told by the member who brings it forward it's to give dealers the ability to sell more than one line of farm equipment in a dealership. Presently, there are contracts that are signed between the dealers and the manufacturers that they are not allowed to sell anything other than the equipment they've been franchised to sell, Massey-Ferguson or whatever it might be, which doesn't exist any more. I should say John Deere. Massey-Ferguson was a great company that went down, unfortunately; that's another story.

Anyway, he says it'll give them the ability to do that. So I went through the bill, read through it, and said, "This is a good idea. We can support this." We went through, and this is what we found in the bill.

First point: The first thing that this bill does is it sets rules around who pays for the repairs and defective implements and parts. It says who is going to pay for the repairs and who is going to pay for defective parts when there is such an occurrence. We support that and say OK, that's fine. We understand that.

The second thing it says is if a farm implement needs to be repaired, the distributor can fix it directly or reimburse the dealer for making the repair. Obviously that's a mechanism to deal with the repair of defective equipment. We agree with that. We think that's a good idea.

It says if the distributor didn't manufacture the farm implement that needs repair, the manufacturer would reimburse the distributor for the cost of the repair. It's just a way of getting the money back. If I'm a John Deere dealer and somebody brings in a piece of equipment other than John Deere, it sets up a mechanism so that you can actually get the warranty money back to the person who does the repair. We agree with that.

If the farm implement is defective and the distributor didn't manufacture it, the manufacturer would reimburse the distributor for the cost incurred. Same idea, we can support that.

It sets rules and limits around repurchasing new farm implements and parts to clarify in those areas. This is where we have a bit of a problem because as we read the bill, the bill in fact doesn't clear up the problem. We still believe that after this bill is passed, if it clears second and third reading—we don't know that yet, but I assume it will—it's not going to do what the member says it's supposed to do. We're still going to have a situation where the manufacturers will still have contracts of exclusive dealership with the dealers and they will not be able to sell anything other than the farm equipment of that particular manufacturer that they have signed a contract with.

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So I am a little bit lost here as to why that wasn't put in the bill if the intent of the bill was to fix it. I have to

assume somehow or other it's an oversight in drafting. I don't believe it's anything else. I know when we called the parliamentary assistant's office, the comment from his staff was, "Yes, we have a problem here." In fact, the bill doesn't do what it's supposed to do. I take it there has been an error in drafting. I leave it at that and would say we need to refer this bill to committee and, at the committee level, fix the problem in the bill in the way it's drafted so that it actually does what the bill was intended to do in the first place.

If you follow my drift, the answer I want from the member who is proposing this bill is, if this bill goes to committee, if you are prepared to make the amendments that clearly say the distributors will no longer be able to have these exclusive contracts with the dealers, and in fact the bill would allow the dealers that held multiple lines, without any question or qualification whatsoever, and you're prepared to support such an amendment, we will support this bill, no question. If you're not prepared to do that, then we need to hear what you have to say and make our decision based on the comments that you make.

That's the first point I want to make. Let's make sure that if the bill actually goes to committee and if it passes third reading, it ends up doing what the bill purports to do.

The other point I want to make is that I know that the Ontario Ministry of Agriculture, Food and Rural Affairs had been approached by the Ontario Retail Farm Equipment Dealers' Association to do such a bill. I know it's got to be more than a year ago because I remember being cc'ed on some of those letters. I remember at the time seeing other correspondence, I believe from the minister but it might have been the ministry—my memory fails me—that they were actually dealing with trying to draft up legislation that would deal with this.

I find it kind of odd that a private member would have to come in and do what essentially is a government bill. If the Ministry of Agriculture, Food and Rural Affairs agrees that this should be done, I would hope to at least have had the ministry bring forward this bill in order to ensure its passage. We all know that a private members' bill that's brought in this House, just because it passes second reading this morning, is not assured to pass third reading or even ever get to committee. The history in this place is that a very small percentage of bills—under 10%, more like 2% or 3%—actually get to be law once they're brought into this House after they've been accepted at second reading.

So I've got to ask myself what's going on here. The ministry didn't bring forward the bill when they sort of indicated they would, and that was over a year ago. We find that a private member is bringing the bill into the House and say, "Hold it a second. Why isn't the ministry doing this? Is this the signal the ministry is not quite on side?" Then when we read the bill, we find that the bill doesn't do what it purports to do. I'm a little bit sceptical, I've got to say. I want to hear the explanation from the member across the way. Is this because you don't have the support of cabinet and the ministry to make the bill

do what it's supposed to do? Would that explain why the ministry didn't author this bill? Or is it just a question of, "Well, the ministry never got to it. My ballot number came first. I made an error in drafting the bill and I'm going to make sure we fix that at committee"? I want an answer to those particular questions. I think they're important.

I also want to point out, as the parliamentary assistant did, we know that this type of legislation is not earth shattering, it's—

Interjection: Yes, it is.

Mr Bisson: No, it's not. The province of Saskatchewan, the mecca of socialism, has passed such a bill in order to be able to allow free competition within the marketplace. We see in other bastion, Manitoba, another one where there's a social democratic government, they have in fact passed such a bill to allow the free marketplace to do what it needs to do.

I have to add Alberta, the land of capitalism, also has a bill before the House about to be passed. So we're not going to say just social democratic governments have done this.

The point I want to make is this, and this is poking a little bit of fun at my free-marketeer friends: it's interesting that free-marketeers are only in favour of free markets when it benefits them, because the manufacturing sector, these icons, tycoons or typhoons of industry, who stand for a free market, go and try to make these deals where really there isn't a free market, a free market that only benefits them.

I always find that ironic, that the people at the top, the bigger corporations, not the little guys—the little guys at the bottom like us, small business people, we work the sweat off our brow trying to make a living and trying to keep our businesses afloat. I think the small business people understand what a free market is all about; they're in it. But the big guys, the big multinational corporations, the big national corporations, I believe are actually not free marketeers, because if you look at how they act, and this is a good example of it, they believe in the free market only when it is good for them.

The rhetoric is, they say, "We believe in free enterprise, we believe in free markets, we believe in entrepreneurship. We don't believe that government should be intervening in the economy," but those big buggers, what do they do? They're the first ones, cap in hand, running to government whenever some—

Mr David Tilson (Dufferin-Peel-Wellington-Grey): Is that word OK?

Mr Bisson: I can say that in the House. Those big, large corporate bums come to governments, both federal, provincial and municipal—

Interjection.

Mr Bisson: "Corporate welfare bum" is accepted, Speaker.

The Deputy Speaker: I think you said another word that I was a little slow in picking up.

Mr Bisson: I'll withdraw that. I might have said something inadvertently; I really apologize for that.

But what I do want to say clearly, the corporate welfare bums—as my good friend, Mr David Lewis, at the federal level had coined the phrase, and my good friend Mr Rodriguez from Nickel Belt—are the first guys, cap in hand, coming to all levels of government saying, "I need a break. Look at me: I'm having a tough time, my corporate citizen responsibilities, I can't quite do them, you know," as my friend Rosie would say.

They're out there, cap in hand, the first opportunity they get. Then what I really find funny with those big corporate welfare bums is that they're the guys who have protection under legislation—not by legislation; I should rephrase that—by way of contracts with dealers, basically put their hands around the throats of the small dealers and just keep them in place. They say, "You're going to compete in a free market, but under our rules."

I see that, quite frankly, as almost a communistic approach to how you do business. I believe in the free market. As a social democrat, I believe that the free market should do exactly what we say. We should allow people to do business in a way that allows the movement and the freedom of choice and the freedom to be able to try things out when it comes to business opportunity that's according to our ability.

I believe there should be some rules about how we do that, so we don't have people beating each other up, but I really find it ironic that those big, large, welfare corporate bums are the guys who go out and do these kinds of things. They say to the small individual dealer, "You will do it on your own."

I feel like that for a reason. I come from a family of small business people. Both my dad and my mom ran small businesses, is how they basically earned their living for the time that I was growing up as a child. My poor father, who owned a television repair-service-sales business, was caught in exactly this kind of situation. If you wanted to sell a television in the city of Timmins, or at the time the town of Timmins, you had to go to one of the manufacturers and say, "Boy, I'd love to sell some televisions,"—Electrohome was my dad's brand—and they'd say, "We'll allow you to sell Electrohome, but you can't sell anything else." Then poor small business people, who wanted to have the ability to sell goods, had to agree to those terms by these corporate welfare bums, as I call them, that basically say, "You're going to do business, but only on our terms."

The point I'm making is, the guys at the top of the economy—not the little guys at the bottom, because I think we all understand, all members of the House, that the little guys at the bottom, the small business people, they're the true marketeers, they're the true free enterprise people, they're the people who are really creating the wealth. But the guys at the top, man oh man, they irk me to no degree, not only as a social democrat but as a small business person because every opportunity those corporate welfare bums have got, they're trying to put their hands in my pocket, as a small business person of the time. They're trying to set the rules that favour them and really not allow me to compete they way that I want

to compete and the way that my ingenuity allows me, as a small business person, to go out and do what I gotta do.

I think this is just another example about how these large corporate entities, quite frankly I believe, don't really believe in free enterprise.

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There's another good example in the two minutes that I've got. This is a good example. Abitibi-Consolidated used to be Abitibi, but now they've gotten so big by merger that they control virtually enough of the newsprint market in North America that they're able to control the price.

We all understand economics. If you control enough of the supply and you can play with the supply, make it a little bit harder for people to buy paper, you're going to affect the price, right? We all understand that. Abitibi-Consolidated is so big now that they're able to do that.

Now they've made some decisions. They're saying, "We are going to shut off a paper machine," another one in Iroquois Falls, number 1 paper machine, after they already closed number 7. "We are going to go to Kenora and we're going to shut down a line over there and temporarily put another one down." What that's all about is not about the benefit of the workers, the benefit of the community. Where these corporations have made these millions of dollars, by the way, is on our natural resources that belong to all of us. These big guys are so big they're able to play around with the supply of paper as far as what goes into the market by taking paper production capacity out of their own mills to push the price up and drop the cost down.

I argue, that's not good for small business people. That's not good for our economy, because it means in those communities all those people get out of work. They don't have the income to go out and buy things from small business people. It is not good for our economy overall. I say, if we really believe in free enterprise, we shouldn't allow corporations to get that big. I would favour something—and I don't know how you do this because I'm not the expert—but we should never allow a corporation to get to such a size that they're able to control a market in whatever they sell. We shouldn't allow those types of monopolies to happen. Unfortunately that's where we are going. Our economy, with NAFTA, with free trade and with everything else that's going on and the globalization, these corporations have gotten so big they can do anything they bloody well want. They're not beholden to anybody.

As a citizen, as a consumer and as a small business person, that offends me. I want to live in an economy where I've got a chance at the bottom to make a buck. If I can't make a buck at the bottom, how is this economy ever going to work? I say that as a social democrat.

I ask the members across the way to support this legislation to take away the stranglehold that these large corporate welfare bums have on the small dealers and allow the small dealers to go out and prosper in our economy and give them a chance to make a few bucks instead of always the guys at the top getting everything.

As a social democrat, I'd be proud to support such a motion.

Mr Doug Galt (Northumberland): I appreciate the opportunity to speak on this bill, the Farm Implements Amendment Act, particularly when it has been brought forward by my good friend from the riding of Haldimand-Norfolk-Brant. I was pleased to hear the comments being made from the opposition parties, the member from Timmins-James Bay and also the member from Elgin-Middlesex-London. I think it was interesting what the member from Timmins-James Bay had to say about the drafting of the bill and the concern that he has in there. I can understand why he would bring that particular point forward. That's one of the important reasons to have hearings on a bill such as this.

Recently I brought one forward. The concern was to prohibit people from riding in the back of pickup trucks. Of course, we had legislative counsel draw it up. After the Ministry of Transportation looked at it, they fully agreed and they recommended that it appear in a different section of the Highway Traffic Act. But the intent was there, and we had all three parties supporting it. After we had the hearings, we were able to bring forward the amendments into a totally different spot in the Highway Traffic Act. Hopefully, it's going to go through for third reading.

This bill is about protection from equipment manufacturers who are forcing their product on to some of the local dealers and not giving the dealers the kind of choice that they really should have. There's no question the minister has worked closely with the federation of agriculture and with the farm equipment association. The minister certainly is concerned about this situation and supportive.

Farmers have many problems in crop production, ranging from weather conditions all the way through to marketing their particular product. What they don't need is to have their farm dealers get in trouble, go bankrupt or get shut down because of regulations that are being forced upon them by the big manufacturers.

This bill is really about consumer choice. Our government has been very supportive of consumer choice. You can look back over a long list of things that have gone from monopolies to choice, everything from your long-distance server to your supplier for gas to your electricity supplier and, more recently, a bill before the House on a better chance to choose the education for your children with the tax credit that's being brought in.

So I guess the question automatically becomes, why not also a choice for the equipment dealers as to what they sell and not being stuck in a monopoly, as well as giving more choice to the consumer who is going to that particular equipment dealer.

There's no question in my mind that monopoly is indeed wrong wherever it is. Competition is healthy. What we're talking about here is a policy with the problem of dealer purity, which is the terminology that's being used, and policies of exclusivity in various clauses

in those contracts. If this bill is passed, it will allow dealers more choice and more selection.

A case in point that I want to make reference to is that a farmer in my area, Paul Jeffs, just recently phoned about a John Deere dealership in my riding that may have to close just because of this very situation. It's most unfortunate when you have a big company that's dictating to these dealers and dictating what these dealers should be doing in small-town Ontario. The end result is really forcing them out of business. The rationale they use is that this individual is not quite meeting his quota. The reason he's not meeting his quota is because of undersupply of the kind of equipment he can sell in my riding and oversupply of things that people in my riding have no interest in, oversupply of some specialty farm equipment that this poor individual gets loaded down with.

Just recently, in the riding next door to me, there's been a dealership in Stirling, the New Holland dealer, that has closed down. I understand in Renfrew a farm equipment dealer has recently closed down.

These people are indeed being held hostage by these large equipment manufacturers. There's no question, it's time to take action. Action is indeed needed so we can ensure fairness, competition and consumer choice. That's what our government stands for, and I enthusiastically support this bill brought forward by my good friend from Haldimand-Norfolk-Brant.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I'm certainly pleased to join in the debate on the private member's bill brought forth by the member for Haldimand-Norfolk-Brant. The act is entitled Farm Implements Amendment Act, 2001. The purpose of the bill is to remove the ability of farm equipment manufacturers to force dealers to sell only their product. The member indicates that in some cases farmers are forced to pay more for farm equipment as a result of multinational machinery manufacturers prohibiting dealers from selling machinery made by short-line or other competitors. In order to keep their dealerships, Ontario dealers must simply comply with the manufacturers' demands.

The Ministry of Agriculture, Food and Rural Affairs, I understand, has been contacted by numerous farm groups calling for amendments to the Farm Implements Act. I understand action on this issue has the support of the Ontario Retail Farm Equipment Dealers' Association, the Ontario Federation of Agriculture and the Ontario Farm Equipment Association, which represents smaller manufacturers.

The amendments to the Farm Implements Act are critical to preserve and protect Ontario agriculture and its many sectors. Farmers across many fields have faced a variety of hardships over the past few years. The member believes that passing legislation saves these farmers money and at the same time offers them the choice of the most up-to-date and modern farm machinery available.

Other jurisdictions have acted with respect to this type of protection. Legislation to protect farm implement

dealers from unfair business practices of large manufacturers has been in effect in the United States for at least 10 years. Similar legislation has been passed in the provinces of Alberta, Manitoba, Saskatchewan and Prince Edward Island. Legislation is under consideration in the provinces of British Columbia, Nova Scotia and New Brunswick.

1150

Some fundamental facts with respect to this issue are that farm implement dealerships are not franchises. Dealers do not pay fees for the right to distribute products, and dealers do not have protected territories. Farm implement dealers have sales and service agreements. Auto dealers also have sales and service agreements rather than franchises. From what I understand, there have been no court challenges in other Canadian or US jurisdictions that have similar legislation, and other industries in these jurisdictions have not requested similar legislation.

The member has indicated the history, in terms of how this issue has arisen. Dealers and distributors have been negotiating for over 10 years to resolve these issues. US and Canadian jurisdictions have seen that legislation was needed to protect dealers. In Ontario, stakeholders have been encouraged to work together. The stakeholders submitted a joint proposal requesting this legislation, and we understand there will be minimal opposition to this piece of legislation.

What we have here, in essence, are farm implement dealerships that are not franchises. The dealerships have security and service agreements but not franchise agreements. A franchise dealership sells one brand of a common type of product; farm implement dealerships sell over 50 different types of farm machinery. When a dealership closes in one community, farmers have to travel great distances to find a similar dealership.

I know that in my riding of Barrie-Simcoe-Bradford, we have very strong areas of agriculture; for example, in the Holland Marsh, up through Bond Head, in the town of Innisfil and through areas such as Lefroy and Guilford. Certainly they are strong areas of agriculture. I know that a local distributor, Church's Farm Supplies on Innisfil Beach Road, would have an interest in this piece of legislation.

I support it, and I urge other members to do so also.

Mr John Hastings (Etobicoke North): I want to commend the member for Haldimand-Norfolk-Brant for introducing Bill 76. Some people may wonder why an urban member would be remotely interested in this piece of legislation. I think it primarily has to do not only with the merits of this bill but with the implications of this bill for urban Ontario, if not for Canada.

I see the implications as being enormously significant from several perspectives. First, city people, in some instances, do not understand where their source of food comes from. If your source of food rises because of lack of competition in rural and small-town Ontario, that is going to have a major impact on consumers' food bills, whether they live in urban, rural or small-town Ontario.

It also has a health consequence, in my estimation, because if you have lessened competition in rural Ontario and do not have an anchor in terms of competition, then you have fewer farmers producing a wide variety of foods, some of which, I note in the member's presentation—he certainly emphasized the production of ginseng, and ginseng has pretty potentially important and practically significant applications for alternative and complementary health care. The member across the way, Mr Kwinter—I'm violating my own rules now—brought in a bill dealing with this issue.

In my estimation, such a piece of legislation not only has economic value to rural and small-town Ontario, but has widespread implications for food consumers in urban Ontario. Specifically in Etobicoke, we have a farmers' market which every June through October brings an excellent variety and choice of food that won't necessarily be available if we do not get the member for Haldimand-Norfolk-Brant's bill passed today, hopefully unanimously. It has impacts for farmers' markets in Weston and for the St Lawrence market in the old city of Toronto, which I know is highly used during the weekends.

It's important to understand that unfortunately a bill like this seems not to get much reportage from the urban media. We don't see anybody here in the galleries. I would issue a challenge to the urban media to take a little more interest in farm and small-town Ontario issues such as this—it's very key, I think—and also educate the food consumer on what the barriers are in terms of economic problems in rural and small-town Ontario.

I'm very happy and enthusiastic to endorse a bill such as this, which would bring greater competition, but more so, add greater economic stability to rural Ontario, because in a global marketplace we are interlinked. If we do not support a bill such as this, we do so at the peril of the well-being of Ontario's population as a whole. I think this is an excellent bill and that the member has brought forth a valuable issue in this regard.

The Deputy Speaker: Response?

Mr Barrett: I listened with interest to the debate, to the contributions from the members opposite representing Elgin-Middlesex-London and, of course, Timmins-James Bay, an MPP who continues to contribute.

I see some speakers are in favour of sending this to committee. Perhaps in response to the MPP from Timmins-James Bay, Gilles Bisson, the issue of dealer purity is not clearly spelled out in this legislation. I recognize that, and I understand this can be covered by regulation, which reinforces the importance of further contributions from all three parties before a standing committee, if members are amenable to that.

I do appreciate the support from my neighbour, MPP Steve Peters, the agriculture critic for the Liberal Party, and I appreciate his pointing out that support for this bill lies not only with the OFA, the Ontario Federation of Agriculture, but also the Christian Farmers and the National Farmers Union.

Of course, I continue to welcome advice, ideas and information from my caucus colleagues the agriculture PA Doug Galt, from Northumberland; Joe Tascona, from Barrie-Simcoe-Bradford; and the contribution from the urban Toronto perspective by MPP John Hastings, from Etobicoke North.

It may be argued that we are intruding on the private sector. However, farmers' choice as far as purchasing the best available equipment is being whittled slowly away, and therefore competition and choice are being reduced. As the member for Etobicoke North pointed out, the result is artificially rising prices, not only for farmers but for consumers.

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

FRANCO-ONTARIAN
EMBLEM ACT, 2001

LOI DE 2001
SUR L'EMBLÈME FRANCO-ONTARIEN

The Deputy Speaker (Mr Michael A. Brown): We will now revert to dealing with ballot item 15, standing in the name of Mr Lalonde.

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

Pursuant to standing order 96—

Mr Gilles Bisson (Timmins-James Bay): On a point of order, Mr Speaker—

Interjections.

Mr Bisson: There's nothing out of order. That was a point of order.

The Deputy Speaker: We're in the middle of a vote.

Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell): On a point of order, Mr Speaker: I would ask for unanimous consent that this bill be ordered for third reading.

The Deputy Speaker: Mr Lalonde has asked for unanimous consent that this bill be ordered for third reading. Agreed? Agreed. The bill will be ordered for third reading.

FARM IMPLEMENTS
AMENDMENT ACT, 2001

LOI DE 2001 MODIFIANT LA LOI
SUR LES APPAREILS AGRICOLES

The Deputy Speaker (Mr Michael A. Brown): We'll now deal with ballot item number 16. Mr Barrett has moved second reading of Bill 76, An Act to ensure fairness, to foster competition and consumer choice and to encourage innovation in the farm implement sector. Is it the pleasure of the House that the motion carry?
Carried.

Mr Toby Barrett (Haldimand-Norfolk-Brant): I would ask the Legislature to consider referring this bill to the standing committee on general government.

The Deputy Speaker: Agreed? Agreed. So ordered.

All matters relating to private members' public business being complete, this House stands adjourned until 1:30 of the clock.

The House recessed from 1202 to 1330.

MEMBERS' STATEMENTS

HOME CARE

Mr Monte Kwinter (York Centre): A year and a half ago, a constituent of mine, Reta Lebofsky, 82, received a heart valve replacement and, while on the operating table, suffered a stroke, leaving her left side weakened. She spent several weeks in rehabilitation, and when she went home, she was determined to look after herself with the assistance of her 85-year-old husband, who suffers from Tourette's syndrome. They managed to be self-sufficient until three weeks ago, when Mrs Lebofsky was sent home from the hospital with undiagnosed blood loss and congestive heart failure.

Both her family physician and her social worker convinced her that she needed home care and released her from hospital on June 1 in the belief that she would receive this care. That same day, the North York Community Care Access Centre froze home care provisions for new clients, creating a six- to eight-month waiting list, and Mrs Lebofsky was denied home care. Although qualified to receive care, she will have to be put on the six- to eight-month waiting list, because the community care access centre claims they are running at a deficit and can no longer provide the necessary care for all the sick and elderly in North York.

Judy Edgar, Mrs Lebofsky's daughter, says, "It is horrifying to me to think that poor, fragile people who are unable to look after themselves are put in this incredibly vulnerable situation." I totally agree.

PROCTOR HOUSE MUSEUM

Mr Doug Galt (Northumberland): I rise in the House today to announce the official opening of the Proctor-Simpson Barn, which will take place in Brighton, Ontario, on July 1. The Proctor-Simpson Barn is situated in Proctor Park, and it's opening will be part of the Canada Day festivities.

The ribbon-cutting ceremony will take place at 2 pm and will represent the extensive work that has been done over the past 14 months since the sod-turning in April 2000. There will be two great-granddaughters of John E. Proctor in attendance at the official opening: Cheryl Proctor of California and Tracey Proctor of Alberta.

Volunteers were wonderful in the creation of the Proctor-Simpson Barn, giving their time and dedication to the development of a traditional building. The Save our Heritage Organization has been magnificent in making sure the Proctor House and now the barn are

finished and maintained for the period from 1840 to 1889.

The Gerry and Rene Simpson barn was donated, along with barnboards and other materials from five different barns, and used in the construction by the Loyalist Timber Framers. Materials used for the landscaping around the barn came from the old Simpson and Proctor barns. The cost of the barn has been estimated at \$110,000, which includes \$45,000 for the framing and reconstruction, as well as \$60,000 for materials.

The Proctor-Simpson Barn will be a wonderful asset to the community and will enhance the existing Proctor House Museum. The barn will now be a part of this wonderful historic tour of Proctor House.

SKILLS TRAINING

Mr Tony Ruprecht (Davenport): It is no secret that there is currently a serious skills shortage in most sectors of our economy, whether it's construction or technology. But what is a secret is how many skilled workers are leaving Ontario to go to the United States or Europe. What are those numbers? The government is hiding the numbers of our brain drain. The reason is obvious.

But let's first ask ourselves the reasons why our best and brightest are leaving for the US or Europe. What are those reasons? Number one, government bungling: imagine first firing 3,000 nurses and then trying to woo them back with incentives and other kinds of enterprises. The other reason there is a brain drain is because of a piecemeal approach by this government. Imagine, we are right now training 30 doctors when the need out there is 1,000. Our communities are crying out for physicians.

This reminds me of the Conservative approach of holding a finger in one dike at a time until the flood crashes down on us. This is not the way to work. McGuinty Liberals have a plan that was voted on by this House—unanimously accepted. It was voted for by the Conservatives, voted for by the NDP. That plan is on your table, and it says, "Help the Liberals to stop the flood. Help the Liberals to ensure there's no brain drain."

DURHAM ROWING CLUB

Mr John O'Toole (Durham): I have a very important announcement on my riding of Durham. A 1999 Ontario Trillium Foundation grant of \$110,000 over a three-year period and fundraising efforts have made a very important program available to my constituents.

I would like to mention some of the people involved with the Durham Rowing Club. The members would be Michael Maher, Cynthia Drewry, Chris Rutherford, Pat Van Egmond, Michaela Innes, Brian Gardner and Pat Doherty.

I'm talking about a program in my riding of Durham which is the Durham Rowing Club in Port Perry, offering programs to youth, the opportunity to get involved with rowing both as a team and on an individual level.

Last Saturday, June 16th, was the third Annual Scugog Invitational Rowing Regatta on Lake Scugog in Port Perry. With nine teams from across Ontario competing in the regatta, the Durham Rowing Club won six gold medals and silver in five other events.

The rowing club works with teenagers from area high schools in Port Perry, Oshawa and Bowmanville. The club is working closely with several high schools developing and running programs, and I should mention that their high school program is open to students from all over Durham.

The Durham Rowing Club is also reaching out in the community with their new outreach program for individuals with special needs. The free program offers children with special needs from the age of 12 and up an opportunity to get involved in adaptive rowing. They are extending invitations to groups like Big Brothers and Big Sisters as well as Central Seven Association to participate. The Durham Rowing Club also has a team of hard-working volunteers who look after their transportation to the clubhouse.

I'd like to thank the members and the rowing club and those participants for making Durham a great place to live.

COMMUNITY CARE ACCESS CENTRES

Mrs Sandra Pupatello (Windsor West): Here we go again—another Tory minister shooting from the lip; this time the seniors' minister last Tuesday. Cam Jackson said the community care access centres were cut in 1990. Oops, we didn't have community care access centres in 1990. Then he said home care was cut in 1990. Oops, home care grew every year during a Liberal government. What was the ploy on the other side? Trying to influence the by-election in Vaughan-King-Aurora.

This government is specifically clueless when it comes to health care and especially in York region. There's only one government cutting services to home care, and that's the Mike Harris government.

This year specifically the York region has a \$12-million shortfall in providing home care services to the people of York region. What do the candidates have to say in the by-election of Vaughan-King-Aurora? That Tory candidate couldn't even show up for a health care debate in York region.

Would you tell us the importance and the priority of home care services for that Tory candidate, which is just a reflection of this group here that we have to deal with day in, day out? There are working families in York region that expect to have home care services for their parents and for their grandparents. We demand it, and we insist on it.

SERVICES EN FRANÇAIS

M. Gilles Bisson (Timmins-Baie James) : Monsieur le Président, par cette déclaration, j'aimerais amener

votre attention à une situation qui m'est arrivée hier au comité des estimés.

Comme vous le savez, on a l'habitude d'avoir les estimés chaque printemps, où les membres de l'Assemblée ont la chance de demander aux ministres responsables de leurs ministères des questions faisant affaire avec leurs dépenses à travers le comité des estimés.

Hier, j'ai eu l'occasion de demander des questions à M^{me} Ecker, la ministre responsable de l'éducation. Quand j'ai essayé de demander mes questions en français au comité, je me suis trouvé dans une situation où il n'y avait aucun mécanisme pour faire la traduction de mes paroles pour que la ministre et les autres députés puissent me comprendre.

Monsieur le Président, je veux vous dire comme francophone, vous le savez, qu'on a sous la loi l'habilité d'être capable de parler en français, non seulement ici à l'Assemblée mais aussi à travers nos comités. J'ai fallu ajourner ce comité pour une heure pour avoir l'occasion d'avoir le monde rentrer pour mettre en place tout l'équipement nécessaire pour faire la traduction simultanée. Ce n'est pas acceptable. Cet équipement a besoin d'être là.

Avec ça, j'ai demandé que la prochaine fois que le comité siège, ce comité soit amené à la chambre 151, où l'équipement est déjà en place, parce que moi, comme député francophone, un député qui veut demander des questions en français, j'ai besoin de l'habilité de le faire. Je vous demande, monsieur le Président, de m'assister pour s'assurer que ce comité va être à la chambre 151 la semaine prochaine.

1340

HEALTH CARE

Mr R. Gary Stewart (Peterborough): Since 1995, the Ontario government has made magnificent health care investments in my riding of Peterborough. We have seen improvements that will have a long-term effect on the health and quality of life of our residents.

For instance, the heart catheter lab, a swing lab that is one of the most modern in the world, was opened at the Peterborough Regional Health Centre in 2000.

With an aging population and more incidence of kidney disease requiring dialysis, Peterborough has had a privately run dialysis lab up and running since 1996, and in October 2000 a new dialysis unit was announced at the Peterborough Regional Health Centre.

I was very pleased that our government announced last year that a new hospital is also to be built in Peterborough.

Tomorrow, another milestone will take place in health care for Peterborough: the official opening ceremony of the MRI at the Peterborough Regional Health Centre. These images provide a wealth of information as they allow a doctor to see clearly inside the body at any angle. This is another example of our government's commitment to providing quality health care to Peterborough and to all Ontarians. The new MRI in Peterborough will

ensure that the people of the area will receive the care they need closer to home.

NATIONAL ABORIGINAL DAY

Mr Gerry Phillips (Scarborough-Agincourt): On behalf of Dalton McGuinty and the Ontario Liberal caucus, I am pleased to pay tribute to our First Nations and to encourage all Ontarians to recognize today, June 21, as National Aboriginal Day.

It is appropriate for all of us to reflect on the very unique role our First Nations have played. After all, this is their land. All of us, either ourselves or our ancestors, have chosen to come to this country to join our First Nations. They welcomed newcomers. They had an enormous sense of generosity that all of us can learn from.

They also offered us much to learn. I don't think any nation cares more about the environment than our First Nations. They truly take a long-term view of society, and they, perhaps in the world, have understood that the care and nurturing of our environment is fundamental. In fact, in Huron and Iroquois the word "Ontario" means "beautiful, sparkling, shining water."

Our First Nations also have a spirit of generosity and an enormous respect for others, particularly for their elders.

Today, we should reflect on all we can learn from them and recognize that we have much to do to mend some of the broken fences that exist between our First Nations and the governments of this country.

FIESTA WEEK

Mr Jerry J. Ouellette (Oshawa): This past weekend, the community of Oshawa kicked off its 40th annual cultural festival, known as Fiesta Week, with a parade of floats and marching bands followed by awards and six days of international pavilion displays.

As part of Oshawa's cultural heritage, Fiesta Week brings together the people of Oshawa for a week's celebration of our city's multicultural heritage.

Fiesta Week provides over 100,000 people with an opportunity to examine our community's diverse culinary, dancing and musical talents from a wide variety of multicultural backgrounds.

During this week of June, various cultural communities in Oshawa operate pavilions which feature food, dance and entertainment of their particular culture, including Lviv, Dnipro, Odessa, General Sikorski in Mr O'Toole's riding, Roma and Loreley, just to name a few.

This year's annual parade was on Father's Day, with over 2,000 participants, and made its way around Oshawa Centre to thousands and thousands of viewers.

The numerous dedicated volunteers with the Oshawa Folk Arts Council have worked diligently throughout the year to make Fiesta Week the success it has been each year, and I am confident that 2001 will be no exception.

I would personally like to congratulate all those for the thousands of hours they contribute to making Fiesta Week happen.

I would like to invite the members of this House and all the people of Ontario to visit Oshawa and participate in one of Ontario's premier summer festivals.

SPECIAL REPORT, ENVIRONMENTAL COMMISSIONER OF ONTARIO

The Speaker (Hon Gary Carr): I beg to inform the House that today I have laid upon the table the special report of the Environmental Commissioner of Ontario, entitled *Broken Promises: MNR's Failure to Safeguard Environmental Rights*.

ANNUAL REPORT, OFFICE OF THE OMBUDSMAN

The Speaker (Hon Gary Carr): I further beg to inform the House that I have today laid upon the table the 2000-01 annual report of the Ombudsman.

SPEAKER'S RULING

The Speaker (Hon Gary Carr): Yesterday, the member for Niagara Centre (Mr Kormos) raised a point of privilege concerning the report of the Ombudsman on the investigation into the Ministry of Health and Long-Term Care's funding for breast and prostate cancer patients who must travel for radiation treatment.

Prior to ruling on the member's point, I would just like to address standing order 21(c), which requires written notice to the Speaker of intention to raise a point of privilege. Since the introduction of this provision in the standing orders in 1997, the practice has developed that the written notice given in advance to the Speaker must contain a reasonably full description of the point to be raised and how the member relates the issue at hand to his or her privileges.

The Speaker has in the past, for example on November 18, 1999, declined to hear a point of privilege because the written notice did not contain details about the matter to be raised. Though I did permit the member for Niagara Centre to make his point yesterday based on a somewhat vague written notice, I want to advise him now that I will not in future be as lenient and will require compliance with the letter and spirit of the standing order and adherence to the developed practice of meaningfully comprehensive written notice.

Turning now to the member's point of privilege, the member asserted that the statement by the Ombudsman in his recent report leads to, and I quote, "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," and 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.”

I do not share the member's view that the result of the application by the Attorney General of his statutory authority to decline to provide certain documents to the Ombudsman in the course of his investigation represents an obstruction of the officer of the Legislative Assembly in the performance of his duties or a contempt of this House.

I am not of the view that the Ombudsman's statement in his report represents either an assertion that he was wilfully obstructed in the performance of his duties, or an appeal to the House to somehow come to the aid of one of its officers. The Ombudsman is quite clear in acknowledging the legitimacy and the authority of the Attorney General to withhold documents. The Ombudsman laments that this “limited the scope of [his] investigation,” but he does not assert that the occurrence was maliciously obstructive.

This is substantially different from the circumstances the Speaker faced when considering a point of privilege from the member for Renfrew-Nipissing-Pembroke (Mr Conway) in May 2000, concerning the Information and Privacy Commissioner's report relating to the Province of Ontario Savings Office. In that instance, an officer of this House recounted a very specific opinion that an attempt had been made to frustrate her investigation. In ruling on this point on May 18, 2000, I had become convinced that, on the face of it, the case had indeed been made by Mr Conway that the Commissioner was obstructed in the performance of her duties without valid or justifiable reason.

In the case at hand, I do not similarly see that lack of complete co-operation with an officer of the House is alleged to have occurred without justification and explanation, or that it was malicious.

The Speaker cannot assign relative merit to the requests from the Ombudsman for certain documents versus the decision of the Attorney General to decline the requests. It is to be assumed the Ombudsman decided that access to the requested material might assist him in his review of the matter. On the other side, it is likewise to be assumed that the Attorney General carefully considered the requests, but determined that it was not in the public's interest for the materials to be released. The Ombudsman acknowledges the Attorney General's authority to do so. It is obviously not for the Speaker to assess the reasonableness of a statutorily supported decision by the Attorney General to decline to provide materials to the Ombudsman.

I therefore find that a prima facie case of contempt has not been made out.

Mr Dwight Duncan (Windsor-St Clair): On a point of privilege, Mr Speaker: As the bells began to ring to draw members to the House this afternoon, there was a quite remarkable press conference still underway downstairs with respect to the Ministry of Natural Resources.

It would be our desire to raise a point of privilege with respect to that particular circumstance. However, given the timing of the press conference, it was impossible to raise that issue or provide you with one hour's written notice. We are in process of doing that as we speak, Mr Speaker. I wondered, would it be appropriate now? Would you be in a position to allow me to raise that point of privilege right now or will we be able to raise it later in today's proceedings?

1350

The Speaker: We'll confer over the standing orders.

I would refer the member to 21(c), which says, “Any member proposing to raise a point of privilege, other than one arising out of proceedings”—and then it says in very clear detail—“in the chamber,” so unfortunately we won't be able to hear it, but I'm sure you'll be able to put a point together and obviously at that time I would like to hear it.

Mr Duncan: Thank you, Mr Speaker, for that. If we provide you with that letter momentarily, you will hear that point of privilege today?

The Speaker: We need an hour's notice.

Mr Peter Kormos (Niagara Centre): Mr Speaker, on a point of order: I simply wanted to thank you for your ruling. As you know, gratitude isn't equal to pleasure, but also, acknowledging that we will be undoubtedly putting forward points of privilege, I've taken special notice of your admonition regarding the notice.

REPORTS BY COMMITTEES

STANDING COMMITTEE ON GENERAL GOVERNMENT

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

Clerk at the Table (Ms Lisa Freedman): Your committee begs to report the following bill as amended:

Bill 34, An Act to amend the Occupational Health and Safety Act to increase the penalties for contraventions of the Act and regulations.

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

The bill is therefore ordered for third reading.

STANDING COMMITTEE ON FINANCE AND ECONOMIC AFFAIRS

Mr Marcel Beaubien (Lambton-Kent-Middlesex): I beg leave to present a report from the standing committee on finance and economic affairs and move its adoption.

Clerk at the Table (Ms Lisa Freedman): Your committee begs to report the following bill without amendment:

Bill 45, An Act to implement measures contained in the 2001 Budget and to amend various statutes.

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.

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

The division bells rang from 1352 to 1357.

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

Ayes

Arnott, Ted	Guzzo, Garry J.	Ouellette, Jerry J.
Baird, John R.	Hardeman, Ernie	Runciman, Robert W.
Barrett, Toby	Hastings, John	Sampson, Rob
Beaubien, Marcel	Hodgson, Chris	Snobelen, John
Chudleigh, Ted	Hudak, Tim	Spina, Joseph
Clement, Tony	Jackson, Cameron	Stewart, R. Gary
Coburn, Brian	Johnson, Bert	Stockwell, Chris
Cunningham, Dianne	Marland, Margaret	Tascona, Joseph N.
DeFaria, Carl	Martiniuk, Gerry	Tilson, David
Dunlop, Garfield	Maves, Bart	Tsubouchi, David H.
Ecker, Janet	Mazzilli, Frank	Turnbull, David
Elliott, Brenda	Miller, Norm	Witmer, Elizabeth
Flaherty, Jim	Molinari, Tina R.	Wood, Bob
Galt, Doug	Mushinski, Marilyn	Young, David
Gilchrist, Steve	Newman, Dan	
Gill, Raminder	O'Toole, John	

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

Nays

Agostino, Dominic	Crozier, Bruce	Martin, Tony
Bisson, Gilles	Di Cocco, Caroline	McLeod, Lyn
Bountrogianni, Marie	Duncan, Dwight	Peters, Steve
Boyer, Claudette	Hampton, Howard	Phillips, Gerry
Bradley, James J.	Kennedy, Gerard	Pupatello, Sandra
Brown, Michael A.	Kormos, Peter	Ramsay, David
Bryant, Michael	Kwinter, Monte	Ruprecht, Tony
Christopherson, David	Lalonde, Jean-Marc	Sergio, Mario
Churley, Marilyn	Levac, David	Smitherman, George
Colle, Mike	Marchese, Rosario	
Cordiano, Joseph	Martel, Shelley	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 46; the nays are 31.

The Speaker: I declare the motion carried.

INTRODUCTION OF BILLS

RESCUING CHILDREN FROM SEXUAL EXPLOITATION ACT, 2001

LOI DE 2001

SUR LA DÉLIVRANCE DES ENFANTS DE L'EXPLOITATION SEXUELLE

Mr Young moved first reading of the following bill:

Bill 86, An Act to rescue children trapped in the misery of prostitution and other forms of sexual exploitation and to amend the Highway Traffic Act / Projet de loi 86, Loi visant à délivrer les enfants prisonniers de la prostitution et d'autres formes d'exploitation sexuelle et modifiant le Code de la route.

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

The Attorney General for a short statement?

Hon David Young (Attorney General, minister responsible for native affairs): Mr Speaker, with your leave, I'll make the statement during the ministers' statement period.

237661 BUILDERS LIMITED ACT, 2001

Mr Bartolucci moved first reading of the following bill:

Bill Pr10, An Act to revive 237661 Builders Limited.

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

Pursuant to standing order 84, this bill stands referred to the standing committee on regulations and private bills.

STATEMENTS BY THE MINISTRY AND RESPONSES

SEXUAL EXPLOITATION OF CHILDREN

Hon David Young (Attorney General, minister responsible for native affairs): Every day Ontario's children, whether they live in or come from urban or rural communities, are vulnerable to becoming victims of truly horrifying abuse. Children, some as young as 12, are being sold for sex, forced to turn tricks on street corners, enslaved in strip clubs and massage parlours, and used to sell sex on telephone and Internet lines. These children are treated like objects. They are used and they are discarded.

Every day the physical well-being of these children is put at risk: at risk of beatings, rapes, and in some cases, murder. Every day their emotional well-being is chipped away so that in some cases they actually believe they deserve this abuse. This is a horrific experience that few of us can imagine and none of us believe is acceptable.

Ontario's children deserve better. Ontario's children deserve to be rescued from predators, from pimps, from johns, from other adults who sexually exploit them for commercial gain. Ontario's children deserve to be in safe places, where they can be cared for by people dedicated to helping them become healthy, contributing adults.

A few moments ago in this assembly, I stood and introduced the Rescuing Children from Sexual Exploitation Act for first reading, a bill that if approved by this House would do just that. The proposed bill would provide tools to allow sexually exploited children to be removed from dangerous situations and would allow the government to target their abusers.

People who care most about these children are often confronted with barriers when they try to help these young people. Parents, police and child protection workers want more tools, want tools to remove these young people from what are indeed life-threatening situations. Indeed, Ontario's current laws only allow police and child protection workers to remove a child

from the dangers of sexual exploitation if they are under the age of 16. Even then, the ability to provide meaningful assistance is in many cases very, very limited.

Under the Rescuing Children from Sexual Exploitation Act, police and children's aid society workers would be permitted to enter trick pads, massage parlours and adult entertainment facilities to free children under the age of 18 from these dangerous places, places where they are robbed of their childhood. Why? They are robbed of their childhood for the commercial gain of adults.

For up to 30 days, in the discretion of the court, the children would be placed in a safe locale where they are surrounded by adults whose interest is to care about them and care for them. They would be linked to services, services that would help them start a new life, help them begin what is indeed a long journey back, a journey back to recovery; services such as medical care, drug and alcohol counselling, mental health services and indeed specialized legal services in some situations.

Earlier this year our government came forward with its budget, a budget that announced that \$15 million would be spent every year on services to help break the cycle of youth prostitution. No matter how well intentioned our acts may be, we must be mindful, indeed we must be respectful, of the rights of individuals. That is why we have built upon the Alberta experience and similar legislation in at least one other province in this country and included that in the proposed act. We have bills that will indeed ensure due process and that respect the rights of children.

Within 24 hours, or as soon as possible after being rescued, a judge, or justice of the peace in some situations, would review the legal authority and the validity of the action. At a second hearing, which would take place within five days, the court would be able to make a number of decisions, decisions that are based upon the best interests of the child. Those decisions could include extending the placement for up to 30 days, returning the child to his or her parents—that would only happen if appropriate supervision were provided. The decision of the court may also include, in certain cases, that further intervention is not necessary.

But let's be clear: the one principle that will guide any decisions that are made is the best interests of the child. We want to ensure that the child's privacy is protected, protected through what could be, without those protections, a difficult transition. That is why we are proposing that all the proceedings would be closed to the public.

Helping these young victims is indeed our priority. However, at the same time, we believe that this is an appropriate time to send a message to adults who victimize these children. Consequently, the proposed bill sets out measures that would target those who exploit these children for profit. If passed, the Rescuing Children from Sexual Exploitation Act would permit the suspension of drivers' licences of pimps and johns. The actions of these predators have a high emotional and a high physical cost to the victims. The cost of treating these victims is indeed assumed, and will be assumed, by the taxpayers of this province. Providing services to

victims is an entirely appropriate way to use taxpayers' money.

1410

Predators paying back this money to taxpayers is also most appropriate. That's why our government has come forward with this bill on behalf of the taxpayers of this province that would allow the province to sue those individuals abusing and exploiting young people—sue them—to recover treatment dollars. If the bill is passed, the government would initiate lawsuits against pimps, massage parlour owners and operators of adult entertainment facilities and indeed anyone—anyone—who sexually exploits children for commercial purposes. We would do so to recoup taxpayers' money for the cost of that treatment and the services required by the child victims.

I wish to commend the member opposite, Mr Bartolucci from Sudbury, for his work in helping in relation to this initiative. I will say that I believe that the bill we have tabled will be more effective in protecting these vulnerable children than would Mr Bartolucci's private member's bill. I'll give you one example of that, if I may, and that is that Bill 22—that's the member from Sudbury's bill—attempts to create a provincial offence against pimps and johns, which is likely outside the scope, in our respectful opinion, of provincial jurisdiction. The government bill, if I may focus on the bill that I introduced today, would target pimps and johns in a manner that more clearly falls within provincial jurisdiction. Still, as I indicated a moment ago and I am pleased to repeat, I'd like to acknowledge Mr Bartolucci's sincere and heartfelt efforts.

In conclusion, let me say that sexual exploitation of children is indeed a complex social problem. There are no easy answers. There are no one-step solutions. I don't stand in the House today and pretend for a moment that the bill we've brought forward is a panacea or a quick fix of this very, very serious and long-standing problem. But I do sincerely believe that it is a first step; I do sincerely believe that it is a big step. I think it is a step that is necessary toward breaking what is indeed a desperate cycle of victimization. It is a big step forward toward healing many of the children within this province and it is a big step forward toward giving children a chance at a better life. Ontario's children deserve nothing less.

Mr Rick Bartolucci (Sudbury): On behalf of Dalton McGuinty and the Ontario Liberals, I'd like to say to the Attorney General we're just happy that you brought something forward finally. You'll know that we first introduced this legislation on May 12, 1998. It received second reading and it went to public hearings. We had three days of public hearings, two days of clause-by-clause and we heard from over 50 groups, all talking about the importance of instituting this legislation immediately.

So when the minister says he's very, very serious about this legislation, I have to question just how serious they really are. You will remember that on December 19, one week before the House adjourned at Christmas, another Attorney General brought in a bill. It died when

the House was prorogued. So today we get another bill one week before the House is supposed to adjourn talking about what we're going to do to protect the vulnerable children that we have in Ontario.

I suggest to this government that we move this bill to committee as quickly as possible, that we use the summer to travel across the province, because as well intentioned as this government may be, there are a number of weaknesses with regard to this bill that require public input, that require modifications and amendments, and we would hope that the government is serious about bringing in strong legislation. Right now, as the Attorney General said, and I'll give him credit for this, it's a good first step. I would suggest to the Attorney General any bill that's brought forward so we can debate and have public input into it is a good first step.

You say that our children should be a priority. If in fact our children are such a priority with this government, I would have hoped that this government would have passed the bill they introduced on December 19. In the six months that have elapsed since then, Alberta's legislation, which is very similar to my legislation, has proved to be extremely beneficial to the vulnerable children of Alberta. Where there used to be between 16 and 20 teens on the street in any given month, the police force out there, the juvenile task force, is down to having to deal with only one.

In the last six months there have been 70 provincial charges laid against customers. We call them johns, but I want to be very polite to the people from R.L. Beattie who are in the audience today, and tell them that we'll call them customers for today. But do you know what? If Alberta can punish customers who exploit children through sexual abuse, then I would suggest Ontario can do the same thing.

One thing the minister said that I am in complete agreement with is that perpetrators should be punished. That's why I'm wondering why, in the legislation, they haven't incorporated what I did in my legislation, which said that any john or pimp should be fined \$25,000 and put in jail for up to 24 months. Alberta's legislation is very tough; I would hope Ontario's legislation is very tough.

There has to be a new definition of what we call "sexual exploitation," because there is a huge underground market for abusing children and it's called the Internet, sex lines, massage parlours, adult entertainment parlours etc. That's why in my Bill 24 I said we should redefine what adult entertainment parlours were so that, if anyone who has an adult entertainment parlour licence is found to have anyone under 18 years of age on their premises, on a second offence they are punished to the tune of \$250,000 and put in jail. That's tough legislation. That was in my Bill 24.

I would suggest to this government, you're right, it's a good first step, but you have to go a lot farther than you're going. I suggest to you that you send this bill to committee, that you travel across the province, that you make sure you incorporate the recommendations I put in

Bills 22, 23 and 24. If you do that, then you will have sound legislation to protect vulnerable children. If you do that, you will have legislation that has some teeth in it. If you do that, you will be sending a message to those perpetrators that in fact you do care about vulnerable children, that in fact you do want to put laws in place that will protect them, that in fact vulnerable children are important in Ontario, not political posturing.

Mr Peter Kormos (Niagara Centre): New Democrats share in the repugnance of this exploitation of children, this violence against children, this sexual abuse of children.

Ms Martel has explained to me her still vivid recollections of the committee hearing Mr Bartolucci referred to, when she joined Mr Bartolucci and listened to the father of a young child who had been lured, abducted, reeled into the world of prostitution, the pain of that family as they searched for their daughter and the desperation and frustration as they tried to rescue their daughter from that violence—and it's nothing less than absolute, total violence.

New Democrats—and Shelley Martel, with her attendance at that hearing and her personal contact—are eager to see protection of children advance. I also want to tell you that New Democrats recognize the motivation of Mr Bartolucci, who is as much the author, I suspect, of this bill as he was of the bill he brought before the House as a private member's bill. His motive, as is every just-minded and fair-minded person's, is to protect children from this rape of their bodies by pimps and johns.

But I say this to the government: the children of Cornwall were victims of sexual exploitation and sexual violence too. For the Attorney General today to trumpet this rewritten bill by a Liberal private member without similarly telling us that his government is going to conduct the public inquiry into the child abuse allegations and the subsequent failed investigation, I say leaves something lacking in the Attorney General's statement today.

1420

The kids of Cornwall were raped as well, yet this government has not served them. This government has not served those children. This government has not sought justice for those kids, notwithstanding the ongoing and courageous efforts of its own member for Ottawa West-Nepean.

So I say to the Attorney General, yes, we'll entertain and consider this bill. You tell us, though, that there's going to be an inquiry into the Cornwall allegations of child sexual exploitation and cover-up in terms of the investigation.

Attorney General, you're talking about taking away pimps' licences, for Pete's sake. Read the papers; it's remarkable. Just this morning, I read in the Toronto newspaper of two convictions for living off the avails of prostitution: experienced crown attorney Calvin Barry prosecuting, a woman sold for \$15,000 to pimps, and then able to earn that \$15,000 price and held until that \$15,000 price is paid to her pimps on the basis of her performing 350 sexual services. The penalty imposed on

these two pimps? Conditional sentences, not a day in jail, not a penny in fines, for a woman being traded like a chattel and then forced to engage in, it was calculated, 350—let the counter run.

Attorney General, please listen, because I would have expected you to stand up in this Legislature today as Attorney General and tell us that you're instructing your crown attorney to appeal that sentence. You talk about getting tough on pimps and johns, and two pimps who traded a woman like she was a chattel, like she was a piece of furniture, and forced her to commit 350 sex acts in that calculated sort of way to earn back the \$15,000, get conditional sentences.

I want the Attorney General to know that New Democrats are well aware of some of the difficulties inherent in this legislation: the manner of seizure and detention of innocent people, in fact of the victim. We urge this Attorney General and the Solicitor General to give our police forces the resources they need, the staffing they need, so they can be out there busting the pimps, rescuing the victims and ensuring that the pimps are fully prosecuted and sentenced to jail, where they belong. We're going to be paying very careful attention to the progress of this bill through committee. We're eager to listen to the representations by way of witnesses.

Hon Mr Young: On a point of order, Mr Speaker: I've listened with interest to what the opposition Liberals and New Democrats had to say over the past short while. I listened as they indicated that they thought there was a need for urgent action. So it is with that in mind that I stand to ask for unanimous consent to move and immediately have the question put on second and third reading of An Act to rescue children trapped in the misery of prostitution and other forms of sexual exploitation and to amend the Highway Traffic Act.

The Speaker (Hon Gary Carr): Is there unanimous consent? I'm afraid I heard a no.

Mr Dwight Duncan (Windsor-St Clair): On a point of order, Mr Speaker: I seek unanimous consent to introduce a motion that would have this bill sent to committee throughout the summer; to have hearings in Sudbury, Windsor, London, Toronto, Kingston and Ottawa.

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

DEFERRED VOTES

MPP COMPENSATION REFORM ACT
(ARM'S LENGTH PROCESS), 2001

LOI DE 2001 PORTANT RÉFORME
DE LA RÉTRIBUTION DES DÉPUTÉS
(PROCESSUS SANS LIEN
DE DÉPENDANCE)

Deferred vote on the motion for second reading of Bill 82, An Act to amend the Legislative Assembly Act to provide an arm's length process to determine members'

compensation / *Projet de loi 82, Loi modifiant la Loi sur l'Assemblée législative pour établir un processus sans lien de dépendance permettant de fixer la rétribution des députés.*

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

The division bells rang from 1425 to 1430.

The Speaker: Mr Tsubouchi has moved second reading of Bill 82, An Act to amend the Legislative Assembly Act to provide an arm's length process to determine members' compensation.

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

Ayes

Agostino, Dominic	Flaherty, Jim	Newman, Dan
Arnott, Ted	Galt, Doug	O'Toole, John
Baird, John R.	Gilchrist, Steve	Ouellette, Jerry J.
Barrett, Toby	Gill, Raminder	Phillips, Gerry
Bartolucci, Rick	Guzzo, Garry J.	Pupatello, Sandra
Beaubien, Marcel	Hardeman, Ernie	Ramsay, David
Bountrogianni, Marie	Hastings, John	Runciman, Robert W.
Boyer, Claudette	Hodgson, Chris	Ruprecht, Tony
Brown, Michael A.	Hudak, Tim	Sampson, Rob
Bryant, Michael	Jackson, Cameron	Sergio, Mario
Chudleigh, Ted	Johnson, Bert	Smitherman, George
Clement, Tony	Kwinter, Monte	Snobelen, John
Coburn, Brian	Lalonde, Jean-Marc	Spina, Joseph
Colle, Mike	Levac, David	Stewart, R. Gary
Cordiano, Joseph	Marland, Margaret	Stockwell, Chris
Crozier, Bruce	Martiniuk, Gerry	Tascona, Joseph N.
Cunningham, Dianne	Maves, Bart	Tilson, David
DeFaria, Carl	Mazzilli, Frank	Tsubouchi, David H.
Di Cocco, Caroline	McGuinty, Dalton	Turnbull, David
Duncan, Dwight	McLeod, Lyn	Witmer, Elizabeth
Dunlop, Garfield	Miller, Norm	Wood, Bob
Ecker, Janet	Molinari, Tina R.	Young, David
Elliott, Brenda	Mushinski, Marilyn	

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

Nays

Bisson, Gilles	Hampton, Howard	Marchese, Rosario
Christopherson, David	Kennedy, Gerard	Martel, Shelley
Churley, Marilyn	Kormos, Peter	Martin, Tony

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 68; the nays are 9.

The Speaker: I declare the motion carried.

Shall the bill be ordered for third reading? I heard a no. Minister, which committee would you like it to go to?

Hon David H. Tsubouchi (Chair of the Management Board of Cabinet): Committee of the whole House.

The Speaker: Committee of the whole House?

Hon Chris Stockwell (Minister of Labour): On a point of order, Mr Speaker: I think the committee we wanted to send it to was justice.

The Speaker: What we're going to do is ask the minister again. It is his call of what—

Interjection.

The Speaker: Order. We're going to ask the minister. What he would like to do is his call. I'd just like to make sure that he's sure himself this time, because whatever he says, we're going to go with.

Hon Mr Tsubouchi: On a point of order, Mr Speaker: When you asked whether or not the matter will be ordered for third reading and you indicated you heard a no, I believe at that point in time the bill goes to the committee of the whole House unless you have a certain number of members stand.

The Speaker: No, it's the reverse. If eight members stand, they can force it to go to committee of the whole. Eight members didn't stand. Having said that, the third party was trying to do something opposite; what they're going to argue now. I'll hear your point of order as well. You were looking for it to go to the committee of the whole, which is what we want to do as well. Proceed, the member for Niagara Centre, on a point of order.

Mr Peter Kormos (Niagara Centre): There's some completion here by virtue of the Speaker having taken the proposition. How many kicks at the can do you get? I suppose that's what I'm asking.

The Speaker: It is up to the Speaker. I did not clarify where we were going. I looked to him and tried to confirm what he said. The minister has the decision of where he would like to go. Again, we're going to ask the minister, and this time whatever he says I'm going to read it out quickly and it will be his choice—

Interjection.

The Speaker: Just a minute, please, while I'm standing. There seems to be some confusion. One person makes the decision. It's the Chair of Management Board.

The Chair of Management Board.

Hon Mr Tsubouchi: Then the committee on justice and social policy.

The Speaker: The committee on justice and social policy.

Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell): On a point of order, Mr Speaker: I would like to ask for unanimous consent for third reading of Bill 18, An Act to recognize the emblem of the Ontario French-speaking community. Je demanderais l'appui unanime de cette Assemblée pour la troisième lecture du projet de loi 18, Loi visant à reconnaître l'emblème de la communauté francophone de l'Ontario.

The Speaker: The member has asked for unanimous consent to move second reading—

Interjections.

The Speaker: Sorry, third reading, just so we're clear. Is there unanimous consent? I'm afraid I heard some noes.

VISITORS

Mrs Sandra Pupatello (Windsor West): On a point of order, Mr Speaker: I'd just like to take a moment to introduce Sean and Karen Edwards, who are here from the Windsor West riding and sitting in the members' gallery. They have won an auction to have lunch with

their local MPP in support of the Holy Names High School band, travelling to Europe next week. If we could welcome them, that would be great.

Mr John O'Toole (Durham): On a point of order, Mr Speaker: I would also like to introduce my page Reuben McRae's parents, Dean and Sandra McRae from Oshawa, as well as their other children, Luke, Megan and Katie. I'd like to welcome you to the Legislature.

UNANIMOUS CONSENT

CONSENTEMENT UNANIME

Mr Dwight Duncan (Windsor-St Clair): On a point of order, Mr Speaker: The government House leader earlier had indicated, and I know the minister had indicated, their support for the bill on the francophone flag. I think all of us are grateful to the government for that. The Francophonie games are this Sunday in Ontario, and I would presume that the New Democrats would not want to stall the blockage of M. Lalonde's very important bill. C'est une chose très importante pour la communauté franco-ontarienne ici en Ontario. J'espérerais que si nous mettions une autre résolution, le troisième parti dans cette Chambre, le Nouveau Parti Démocratique, serait prêt à soutenir cette loi très importante. Alors, s'il est possible, je veux que notre député de Glengarry-Prescott-Russell ait l'opportunité de réintroduire sa résolution. Est-ce que cela est possible? Is it OK?

The Speaker (Hon Gary Carr): I'm sorry, you're asking for reintroduction of the—

Mr Duncan: Is it OK for the member for Prescott-Russell to rise again on a point of order to attempt to get to third reading of that bill?

The Speaker: The member for Glengarry-Prescott-Russell.

Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell): I would ask for unanimous consent again for the third reading of Bill 18.

The Speaker: There was a point of order first.

Mr Peter Kormos (Niagara Centre): Although not a point of order, I would suggest that the Liberal House leader speak with some other House leaders before he asks for unanimous consent, please.

Interjection.

The Speaker: I think the member for Hamilton East was first.

Mr Dominic Agostino (Hamilton East): On a point of order, Mr Speaker: Just to set the record straight, on behalf of our House leader, I spoke with the NDP House leader and advised him that this—

The Speaker: Folks, we're not going to get into who did what, back and forth. The points of order aren't going to be used to get the last word in, and I'm going to cut you off.

1440

Mr Lalonde: On a point of order, Mr Speaker: I would ask unanimous consent once again to have the third

reading of Bill 18, An Act to recognize the emblem of the Ontario French-speaking community.

The Speaker: I will ask again, but in the future let's work these things out behind the scenes, folks, rather than having them in the House and the duelling back and forth between the members.

Is there unanimous consent?

There was so much shouting, it was difficult to hear. I apologize again. I'm going to listen very carefully.

Is there unanimous consent? Agreed.

Now the member is clear. He now gets to move it and he may move.

Mr R. Gary Stewart (Peterborough): On a point of order, Mr Speaker: There was a no on that vote.

The Speaker: I'm sorry. I listened very carefully. I did it twice. I didn't hear a no in that, and I listened very carefully. I did not hear a no. It is very difficult for Speakers. We've had problems in the past. Half of the problem is half of the members who are speaking and carrying on while this is proceeding. I was very clear and went back twice so that no mistakes were made. I did not hear a no. We are going to proceed.

FRANCO-ONTARIAN
EMBLEM ACT, 2001

LOI DE 2001
SUR L'EMBLÈME FRANCO-ONTARIEN

Mr Lalonde moved third reading of the following bill:

Bill 18, An Act to recognize the emblem of the Ontario French-speaking community / Projet de loi 18, Loi visant à reconnaître l'emblème de la communauté francophone de l'Ontario.

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

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

Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell): On a point of order, Mr Speaker: On behalf of the Ontario French-speaking community, I want to thank all the members of this Legislative Assembly for their recognition.

Hon Janet Ecker (Minister of Education, Government House Leader): On a point of order, Mr Speaker: I would like to seek the unanimous consent of the House with respect to Bill 59, An Act to amend the Police Services Act, referred June 14, 2001. I would like to seek unanimous consent for second and third reading on Bill 59.

The Speaker: Just so we're clear, which is probably the best way to do it, we'll write it down so everybody understands what we're doing. What Mrs Ecker is seeking is unanimous consent to discharge the order referring Bill 59, An Act to amend the Police Services Act, standing in the name of Mr Tilson, to the standing committee on justice and social policy and ordering the bill for third reading.

Is there unanimous consent? I heard a no.

ORAL QUESTIONS

MINISTRY OF NATURAL RESOURCES

Mr Dalton McGuinty (Leader of the Opposition): My question is for the Minister of Natural Resources. Minister, today the Environmental Commissioner delivered a stinging indictment against you and your ministry, and he tells us that you have been breaking the law by keeping applications and permits that come before the MNR secret.

He filed a special report before this Legislative Assembly and I want to quote from the cover letter. He says, "I am reporting that the Ministry of Natural Resources (MNR) is thwarting public participation and public scrutiny of environmental decision-making by effectively blocking the final steps in a legal process.... I see the need to issue this special report to respond publicly to the long string of broken promises that MNR has made to my office since 1995."

The Environmental Commissioner is telling us we've had six years of government and six years of broken promises. Minister, how do you defend breaking the law; not only that, but for six years running?

Hon John Snobelen (Minister of Natural Resources): As I recently said publicly, I think the matter that the Environmental Commissioner brought to the attention of the people of Ontario this morning is an important one. It's important for us to point out that most of the activities of the Ministry of Natural Resources are covered by environmental assessment acts and therefore require EBRs, and we do post those on a regular basis. There are activities that aren't captured. They do require regulatory change in order to be captured and to have those items posted by the EBR.

It has been my practice as minister, whenever there's an option, to post items on the EBR, and sometimes for periods that extend beyond the 30-day minimum. So we are very much in support of that.

There was no excuse whatsoever for not fulfilling the commitments to the Environmental Commissioner from 1995 till the present, and I've apologized to the Environmental Commissioner on behalf of the ministry.

Mr McGuinty: Minister, you are absolutely right. What you have done for six years over there is inexcusable. The commissioner outlines, in seven pages of detail, promises made and promises broken. He talks about procrastination, delays, refusals to live up to your responsibilities to comply with the law. He specifically says, Minister, that this is not simply a matter of a breach of the spirit of the Environmental Bill of Rights; he says this is a breach of the letter of the law.

He goes on to say, "When the EBR was enacted, it was intended that all Ontarians would have rights to comment on" the kinds of proposals that come before MNR. Then he says, "but, unfortunately, the public is still waiting for these rights."

Minister, how do you justify breaking the law and depriving the public of their legal right to comment on what is going on inside your ministry?

Hon Mr Snobelen: The Environmental Commissioner this morning was very clear in his report. He reported that on several occasions from 1995 until this year the ministry has committed to his office that a regulation will be put into effect, and it has not happened. For that, I apologize.

Our position is very clear. We believe these items should be on the EBR, we support the EBR, and we'll be putting that regulation forward as quickly as we possibly can.

Mr McGuinty: Minister, I understand that you are giving every appearance of being contrite on this issue.

I want to raise another aspect of this with you. I want to know about the Red Tape Commission's role in these delays and procrastinations. We've had some details in here with respect to your particular ministry, but I want you to tell us here and now and out it on the record: what role did the Red Tape Commission play in thwarting the public's right to gain information about applications that are brought before the MNR? What role did the Red Tape Commission play in all of this?

Hon Mr Snobelen: It's an opportunity to clarify some things for the Leader of the Opposition, and I appreciate the opportunity to do that.

First, in regard to his earlier questions, in fact when this regulation passes, in the event that it passes, there will be a law that will require the ministry to post on the EBR. It's not a broken law; it's in fact a law that would allow us to post on the EBR, and we support that.

Second, I can tell the member opposite that I've had no communication on this file with the Red Tape Commission, nor am I aware of any. But I can say that if it takes six years to get a regulation that everyone's in favour of through, there must be some red tape present, and that's what we're going to have to eliminate and get this regulation put in place.

RED TAPE COMMISSION

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): My question is to the Minister of Economic Development and Trade, and it concerns the Red Tape Commission. Minister, are you familiar with an exchange of correspondence between Mr Frank Sheehan, chairman of the Red Tape Commission, and the Honourable Norman Sterling, Minister of the Environment for the province of Ontario, regarding the results of a court case between the Ontario Ministry of the Environment and a well-known waste management company, Philip Enterprises?

Hon Robert W. Runciman (Minister of Economic Development and Trade): I'm not aware of that.

Mr Conway: Minister, let me help you. I am sending over to you a package that includes letters written in 1997 by Mr Sheehan to the then Minister of the Environment for Ontario, the Honourable Norm Sterling. In this correspondence, which you will now have, Mr Sheehan

wants to know what regulatory steps the Ontario Ministry of the Environment is contemplating in the wake of a court case between the Ministry of the Environment and Philip Enterprises. In this particular court case, which concerns the Ontario Ministry of the Environment hazardous waste regulations, Philip Services argued that a certain product should be considered recyclable, while the Ontario Ministry of the Environment was arguing, and arguing strongly, that this particular product should be classified as a hazardous waste.

Minister, can you confirm that the Red Tape Commission, in the wake of this particular court case, was in fact contacting the Ontario Minister of the Environment and specifically advocating in favour of the Philip position?

1450

Hon Mr Runciman: I can make reference to the terms of reference for the Red Tape Commission, which indicate "any regulatory measure that unnecessarily impairs economic competitiveness by adding costs to normal business and institutional activities that are not justified by health, safety or environmental considerations." So clearly under the mandate of the Red Tape Commission, concerns which you have suggested are present in this situation, if indeed that was the case, would violate the terms of reference of the commission.

Mr Conway: Well, minister and colleagues, this particular story has a very interesting ending. After this particular court case, the Ontario Ministry of the Environment did indeed narrow the definition of "recyclable material." However, the Ontario Ministry of the Environment specifically exempted the particular product that the Philip case had been all about. The Ministry of the Environment did this even though in this particular court case the Ministry of the Environment had argued strongly that the particular product should have been classified and should be classified as a hazardous material.

The question arises, what could have happened to have changed the Ministry of the Environment's position? I think we know the answer to that question.

Minister, will you confirm that as a direct result of the intervention by the Red Tape Commission, the Ontario Ministry of the Environment adopted a regulation that specifically benefited the company that Frank Sheehan had been writing to Minister Sterling about?

Hon Mr Runciman: We can reiterate what the role of the Red Tape Commission is with respect to providing advice to the government, and that is essentially what they do. They don't make decisions. Those decisions are ultimately made by the executive council, as the member knows.

Quite frequently, advice offered by the commission is not accepted by cabinet. They are not privy to cabinet debate or decisions. They do not vote in terms of cabinet decisions or regulatory changes. They simply provide input. They are one of many voices providing input to cabinet.

I think this is an effort to in some way, shape or form tarnish the Red Tape Commission, which has performed

wonderful service over the past six years in this province in terms of improving the business climate, improving opportunities for growth and jobs in this province. I think it's unfortunate we're having all kinds of suggestions which cast aspersions on good—

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

MINISTRY OF NATURAL RESOURCES

Mr Howard Hampton (Kenora-Rainy River): My question is to the Minister of Natural Resources. We found today from the Environmental Commissioner that for over five years the Minister of Natural Resources has been breaking the environmental laws of Ontario. In the Environmental Commissioner's own words, you've been "thwarting" the public's right to participate and scrutinize the environmental impact of government decisions.

In the commissioner's report, he lists 13 different times that the Environmental Commissioner's office has contacted MNR to warn them and to say to them, "You must obey the law": 13 times over more than five years, and yet you're still breaking the law. Can you tell us why that is, Minister?

Hon John Snobelen (Minister of Natural Resources): To the leader of the third party, as I said earlier in this session, there is no question that the Environmental Commissioner this morning said that the ministry has made commitments to the Environmental Commissioner to put a regulation through. It has not happened, and for that I very sincerely apologize to the Environmental Commissioner. It's unusual for him to have to take this step, and I have apologized to him.

He also said in his news conference this morning, to clear the record, that the legal obligation of the ministry has been met. But we can do more, and we will.

Mr Hampton: Minister, you should read the last sentence of the commissioner's report because he says, "I no longer have confidence that the ministry will carry out its legal obligations." That's pretty clear. You say they're meeting their legal obligations; he says very clearly "no longer any confidence" that they're going to meet their legal obligations. In fact, the Environmental Commissioner wrote directly to you in January 1999, stating there was a serious problem and asking you what was going to be done about it. Can you tell us why, after writing to you personally—a very unusual step—two and a half years ago, you haven't done anything about it?

Hon Mr Snobelen: I can say, as I explained earlier today, that in fact all of the issues that have come before me in the last four years that may or may not have applied to EBR—I've encouraged EBR posting. We've allowed for posting beyond the 30 days. So I and my colleagues, and I think everyone in this chamber, are fully supportive of the EBR process. We have committed to changing the regulations so that more public issues can go on the EBR, and that will happen.

Mr Hampton: The Environmental Commissioner says that your government is breaking the law of Ontario

and you've been breaking the law of Ontario for six years. He put you on notice of it two and a half years ago and you've done nothing. But we know from his documents that this material went to a cabinet committee in March. Can you tell us, now that cabinet has been seized of it for over three months, why are you still breaking the law, even though your fellow cabinet ministers know about it as well? Why do you continue to break the law when it's clearly all of your collective responsibility now?

Hon Mr Snobelen: Again, we intend fully to put a regulation through and we will do that. I can say to the leader of the third party, as I said at the beginning of his statements, that the Environmental Commissioner himself said very clearly in his news conference that the ministry has met its legal obligations. What's in question is a regulation that would require the ongoing posting on the EBR of issues that are not now required. That's the purpose of the regulation and that's what we are putting forward.

COMPETITIVE ELECTRICITY MARKET

Mr Howard Hampton (Kenora-Rainy River): My question is for the Deputy Premier. This is a report by TD Securities called Power Industry: Capitalizing on Change? In it, TD Securities says that Ontario Power Generation at Hydro One will be privatized in the next 12 to 48 months. We know that you plan to sell off two thirds of Ontario's hydroelectricity system, but they are now saying you're going to sell off the whole thing. Putting the transmission system in private ownership is like saying you want to have a private monopoly, something they've experimented with in California.

Minister, will you finally come clean and tell the people of Ontario exactly when you are going to sell out their hydroelectricity system to the international corporations, who can do the same thing they've done in California and Alberta: jack up the rates three and four times. Tell the people when you're going to do it, because clearly your friends on Bay Street understand you're going to do it.

Hon Jim Flaherty (Deputy Premier, Minister of Finance): No decisions have been made at this time about the matter the member raises. It has been clear since November 1997—the white paper that was issued at that time on restructuring—that we have always been open and honest about the fact that we would consider public-private partnership options for Ontario Hydro and its successor companies.

In compliance with the terms of OPG's regulatory obligation, as set out in its generator's licence from the Ontario Energy Board, OPG is proceeding with decontrol of a number of power generating facilities. The member opposite will be aware of the very substantial transaction with respect to the Bruce facility and the fact that there will be expansion and more generation at Bruce. This is all part of the restructuring of electricity services in

Ontario for the betterment of all of the people and industry of Ontario.

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Mr Hampton: Minister, your move to privatize our electricity system is already costing jobs out there. More and more industries are coming forward and saying it's going to cost more jobs. This report drools over the prospect of getting the hydroelectric stations at low prices. It says, and I quote, "The greatest opportunities to maximize profitability are available from increasing exports to markets with higher power rates, ie, the United States." In other words, they're confirming what we've been saying. As you sell this off, those private companies will want to sell the power in New York where they can get two and a half times the price, or in Detroit where they can get almost double the price, or in Boston where they can get 85% more, which means Ontario consumers will either have to pay the much higher American prices or simply watch our electricity being exported.

TD Securities knows about it, Minister. Come clean to the people of Ontario. When are you going to sell out their hydroelectricity system and allow the hydro rates to go through the roof?

Hon Mr Flaherty: To the member opposite: we've made clear that we're moving forward with a goal of May next year. The member may be surprised to learn that virtually every day Ontario power lights the lights of New York City and fires the electricity of New York City, almost every day at rush hour. That's what happens today. That's in the best interests of the people of Ontario. We're the shareholder of Ontario Power Generation.

It's in the best interests of the people of Ontario to develop more power, more generation in Ontario. It's in the best interests of the people of Ontario to have open markets, not closed markets like the anti-competitive situations that member opposite believes in. I know he is against open markets. I know he's in favour of monopolies that develop debt. Over the course of Ontario Hydro's history, as you know, there was a \$38-billion debt developed that is saddled now with the generating companies and with the government of Ontario on behalf of the people of Ontario. We need open markets. We need more generation to ensure a prosperous future for the people of Ontario and for the industries of Ontario as Ontario grows and prospers.

HOME CARE

Mr Dalton McGuinty (Leader of the Opposition): My question is to the Minister of Health. Yesterday it was clear that you were taken by complete surprise and were completely unaware of the landmark ruling issued just more than two weeks ago by the Health Services Appeal and Review Board. I am sure you have now had the opportunity to receive a full briefing, and I hope you appreciate the urgency of the situation.

Our community care access centres find themselves now in a real legal quandary. They don't know whether

or not they should be providing homemaking and personal services to seniors or whether they should not be providing those services to them, because this legal ruling has made it perfectly clear that you have responsibility to set the eligibility rules. What our CCACs are asking, what our home care providers are asking now, is what those rules are. So my question to you on behalf of home care providers is, what are the rules and why don't you tell them to us right now?

Hon Tony Clement (Minister of Health and Long-Term Care): On behalf of the recipients of some of those services, I can answer the honourable member that, as I said yesterday, this ministry has been active in setting out regulations and fulfilling all the regulatory requirements to make sure all medical requirements are set out in regulations, and they have been: eligibility criteria for homemaking services, school services, personal support school services, all set out in regulations pursuant to the Long-Term Care Act; in addition, eligibility criteria for professional services, nursing, physiotherapy, speech therapy, all set out in regulations.

So as I said yesterday, we have done our job. There is a review on the application of those standards in an uneven manner by some CCACs in some corners of the province. That's what we're working on right now. But I want to assure some people in Ontario who, as a result of the honourable member's rhetoric, might be concerned, that we in fact do have regulations in place that meet these standards.

Mr McGuinty: Minister, I can only assume you have not taken the time to look at this ruling. The ruling makes it perfectly clear that CCACs now find themselves in this terrible predicament. They're in a state of limbo. They don't know whether they should deliver homemaking and personal services or not. We've got seniors on waiting lists across the province.

CCACs need some direction from you. You can't fob this off to those volunteer boards any more. You have to take responsibility. What I'm asking you on their behalf is, when are you going to do that? When are you going to tell them exactly who it is they should be providing these home care services to—to be specific, homemaking and personal services—and to whom they should not be providing those services? The ball is in your court. When are you going to give them the information they so desperately need so they can do the job they want to do?

Hon Mr Clement: I encourage the honourable member to read the review board findings. He will discover that the ruling is particularly associated with personal support workers. It has nothing to do with medical services, it has nothing to do with homemaking services, nothing to do with school services, nothing to do with professional services. All of those are covered by regulations. So the honourable member's implication that there is some gap in the standards necessary for the proper health of citizens who are receiving some of these services is misapprehended, in my view. I can tell the honourable member, and through him the people of Ontario, that regulations are in place. The ones they are

concerned about in terms of medical services and professional services are in place and they will continue to be in place.

SMART GROWTH

Mr John O'Toole (Durham): My question today is for the Minister of Municipal Affairs and Housing. I'm humbled by the opportunity. Minister, in the past two weeks your ministry has been conducting a series of very, very important meetings in 17 locations around Ontario dealing with the issue of smart growth. I was very happy that you had the conclusive meeting in my riding of Durham.

The last meeting, of course, in Durham was attended by Mayor Nancy Diamond, as well as other constituents representing a variety of stakeholders from the agricultural sector, Anna Bragg from the business sector, Ron Hooper and Adrian Foster—the list goes on.

Minister, the three main focuses of the Smart Growth strategy, as you know clearly, are a strong economy, strong communities and a clean and healthy environment. But I want you to tell us, not just for my constituents in Durham but for all of the people in Ontario, what have the Smart Growth consultations told you about planning for our future in Ontario?

Hon Chris Hodgson (Minister of Municipal Affairs and Housing): As usual, it's a very informed and excellent question, and I'm grateful that the member for Durham has asked it. He has mentioned that the made-in-Ontario Smart Growth strategy will be based on three principles, including a strong economy. We need more growth to sustain our standard of living and provide the revenues for our health care system, which is mentioned quite often.

Discussions so far have been well attended. Seventeen communities around the province have participated. My parliamentary assistant, Morley Kells, and other parliamentary assistants have helped out immeasurably. It has been well attended by mayors such as Mayor Diamond, environmental groups, business leaders and others, and they've provided some solid ideas on how to manage growth, how to attract more growth.

But what has been clearly heard throughout the whole province is what a diverse and great province we have and that the needs vary. In northern and rural areas, there's a great need for more growth, and in the urban areas, like the GTA, we have to manage it for our quality of life. I know there will be a supplementary, so I'll wait for that.

Mr O'Toole: Thank you for your very detailed response, Minister. Clearly I know that you're as excited about the economy in Ontario as I am. I heard the constituents—not just in Durham; I went to Peterborough with Gary Stewart from Peterborough and the presidents of Trent and Sir Sandford Fleming. In fact, I was impressed by the constituents' confidence to work with this government and to build not just smart growth but a smart economy.

Minister, after consultation—something the opposition has failed to do for years—we've listened. The next steps of the Smart Growth plan—the Solicitor General would know that—are absolutely critical. Could you share them with the House today, Minister?

Hon Mr Hodgson: As the member for Durham mentioned, these meetings were well attended and were very successful, particularly from Windsor right through to Peterborough. The consultations included not only the meetings but as well we had the Smart Growth Web site. We're still receiving correspondence. We've had over 200 letters to date. People realize that the Harris government has promoted a high standard of living, and they also realize that the Harris government will deliver a plan for a high quality of life as well for this province and have all our partners share in implementing it. I've just announced that Ron Vrancart, former Deputy Minister of Natural Resources, will lead the consultation on the Oak Ridges moraine to try to find a balance and a consensus for what areas should be protected and what areas should have development, and to make sure there's clarity around that. As I have mentioned on numerous occasions, the deadline for submissions in writing is June 25. We are receiving a lot of great ideas from right around the province and we look forward to receiving more and implementing a plan that works for the people of Ontario.

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GYNECOLOGICAL ONCOLOGISTS

Mrs Sandra Papatello (Windsor West): My question is for the Minister of Health. Yesterday I received a letter from Dr Carey from London. He's a gynecological oncologist. He takes care of women with cervical cancer, ovarian cancer, the most serious of cancer cases, life-threatening. He told us that because of a critical shortage of gynecological oncologists in Ontario, Windsor can't refer to London for these very serious cases. He said you're going to have to refer to "other parts of the province or outside Ontario." Guess what? These same letters went out across Ontario from all 16 gynecological oncologists who are part of these centres that get referred to from the rest of Ontario. You knew about this since November 1999. The group that heads the departments in all five medical centres wrote to then-Minister Witmer and said, "You've got to help us."

Dr Rosen, negotiating on behalf of the group, says he has a deal. So sure were they of the deal that London and Ottawa already started recruiting new doctors as a result of the deal they would have struck, but the deal is sitting on your office desk waiting for your signature. How could you possibly delay this and put women at risk?

Hon Tony Clement (Minister of Health and Long-Term Care): Forgive me if I disagree with the characterization, but I can tell the honourable member and this House that indeed we are in the final stages of discussions for an alternative payment program for the gynecological oncologists in Ontario. The discussions are going well and we anticipate a successful resolution of this in the near future.

Mrs Pupatello: The minister lurches from one newspaper article to another to solve one crisis after the next. Dr Rosen reached a verbal agreement in February of this year. He had a written contract in his hand in April of this year. Then all the discussions from your office stopped. No one would get back to them to move forward. Even though those working at various centres tried to move forward and recruit, they would hear nothing back from your ministry. Now it hits the newspaper. Yesterday all of a sudden Dr Rosen gets a call after it's been in the paper and he's got a meeting this afternoon with your ministry.

Is this how you do business, as soon as it hits the newspaper the minister gets involved to solve a problem? Are we to call on all Ontarians, "Bring your health cases here. We'll get it in the newspaper and then the minister might figure out a solution." How dare you run our health system like this, and in particular, serious cases, cervical, ovarian cancers, and women not being referred and now we've lost four new recruits of these specialty oncologists because you're dilly-dallying in your ministry.

Hon Mr Clement: Again, we are in the final stages of discussions with the particular group she mentions. If the honourable member is seriously suggesting that I, as a minister, should not be sensitive to problems that are raised in my office, whether it is through the news media or through letters or through her own colleagues on the opposite benches there, I think that would be a dereliction of my responsibility and duty.

Of course I respond when there are problems. Of course I try to cut through the red tape. Of course I have to kick a few desks. It's part of my job. That's the leadership of being on the government side. Sometimes you've got to fix the problems rather than complain and complain and not fix the problems. I accept that responsibility.

SAFETY OF CORRECTIONAL OFFICERS

Ms Marilyn Mushinski (Scarborough Centre): My question today is for the Minister of Correctional Services. I read in the Toronto Sun today that all of the eight inmates from the incident at the Whitby Jail on June 12 have now been charged. The charges range from arson and participating in a riot to disregard of human life. I'm very glad to see that the \$25,000 in damage to the jail and the safety and security of the correctional staff are not going unnoticed. My concern is whether the acts of aggression and violence against correctional services staff are being punished enough under our current legislation. Minister, is there enough being done to hold offenders accountable for their actions, and particularly for their behaviour toward correctional staff?

Hon Rob Sampson (Minister of Correctional Services): Thank you, to the member from Scarborough Centre, for the question. I, of course, cannot speak to cases that are before the courts. The courts will deal with those. But I can speak to the fact that we indeed need to make changes to the legislation to make sure that those who are working for us in correctional services in the

various institutions across the province are protected as much as possible against activities against themselves which jeopardize not only their safety and security but the safety and security of those who live in and around the institutions.

That is why, in a bill that is now before the House in second reading debate, we have brought forward amendments to the legislation in this province that would say that the correctional services ministry should be allowed to proceed with internal disciplinary procedures against those who have committed violent acts or acts in general against correctional officers that create disturbance in the institution, even though there may at the same time be criminal proceedings. We are trying to solve the challenge and make sure the institutions are indeed safe for those who work there.

Ms Mushinski: Thank you for that response, Minister. It's good to see that our government is consistently putting public safety first. By holding offenders accountable for their actions, we're also increasing the security of these institutions and the staff who work in them.

However, can you please explain to me and my constituents in Scarborough Centre how a simple misconduct on an offender's record would make an inmate aware of the need to obey institutional rules and regulations?

Hon Mr Sampson: Thank you very much, again, to the member from Scarborough Centre. The way in which it's done is very simply through having an impact on the final end of a sentence, which under the federal Liberals we have deemed to be called the "discount law." We believe the end of your sentence—remission, if you will, from the sentence that's provided at the end of a court trial—should be earned; any time off from jail should be earned. So we have brought forward to this House and this House has approved legislation that would say that anybody who serves time in a correctional institution in this province, someone who is sentenced to two years less a day, or less, should be required to demonstrate that they have indeed earned the privilege to be out of jail before the end of their sentence. That privilege can be earned through a number of things, one of which is proper behaviour in institutions. So disciplinary hearings will have an impact on that, as they should.

HOME CARE

Mr Peter Kormos (Niagara Centre): To the Minister of Health: yesterday, you claimed that the Niagara CCAC, among others, has said it can live within its budget and that it can still deliver the history of excellent services that it has. After a lengthy board meeting where they determined that they were shy over \$9 million, they announced that they have to drop 1,000 of their clients from the 8,000 clients they have now. They've got to create a new waiting list of 1,000 people—elderly people, post-operative people who are put on a waiting list and won't receive any assistance from the CCAC. How can you say that they are anywhere near adequately funded when they have to deny people these critical services?

Hon Tony Clement (Minister of Health and Long-Term Care): Let me answer that in part by saying that certainly the Niagara CCAC has been the recipient of considerably more money under the present government than under the former government. I can do no better than to quote the editorial in the Niagara Falls Review on June 12, which said, "There is no doubt home care is important in the current medical system, and that we have a high proportion of elderly people in this region." Of course, that's true. "The amount of money the province has put into home care has increased vastly, however, and we find it hard to believe it's not enough."

"The battle looks to us like politics, and another effort to trash the Conservative government."

I agree with the Niagara Falls Review.

Mr Kormos: There are 1,000 senior citizens who are not going to be bathed and are not going to be fed, and post-operative patients who aren't going to have dressings changed because of your underfunding of the CCAC in Niagara. There are senior citizens who are not going to receive any services, others who are going to have their services significantly cut. There is a 19% reduction in therapeutic services because you flat-lined the CCAC's budget in Niagara. You have denied them the \$9 million they need to deliver these services. People are going to go hungry, people are going to lie in their own waste, as a result of your decision to underfund the CCAC in Niagara. Don't blame the CCAC or their workers. Those workers are going to have to undergo layoffs because of your de-funding. There are going to be fewer workers, fewer people serviced, longer waiting lines. How can you say they are adequately funded?

1520

Hon Mr Clement: I find this absolutely astounding. When the honourable member was part of the majority in this House and a member of the government, the Niagara CCAC, in the final year of their government, received \$21.2 million for home care. This year—

Hon John R. Baird (Minister of Community and Social Services, minister responsible for children, minister responsible for francophone affairs): Did we cut it? Is it down?

Hon Mr Clement: You would think so, by the way the honourable member was speaking. But in fact this year the CCAC budget for Niagara is not \$21.2 million; it is \$47.1 million, an over 130% increase, as a result of the policies he now decries.

I encourage the honourable member, if he has a problem with how we are funding the Niagara CCAC, to say so directly. If he wants to be part of the solution, he can help us ensure the unprecedented funding that goes to Niagara goes to the people it should go to. That will be a worthwhile use of his time.

FAMILY RESPONSIBILITY OFFICE

Mrs Marie Bountrogianni (Hamilton Mountain): My question is for the Minister of Community and Social Services. The Ombudsman's annual report was presented

to the Legislature today. It outlines yet again the ongoing delays at the Family Responsibility Office. This is the fourth such damaging report tabled in this Legislature since 1998. In fact, this annual report clearly states the initiatives the Ombudsman identified and recommended to fix the problems in the last three reports have not yet been made.

He states: "There has been so little movement by the government to provide the funding ... so necessary to the efficient operation of this service.... The public who are most severely affected by this lack of service are among the most vulnerable in our society." His words, Minister, not mine.

Although we know your government does not seem to care about our young, our sick and our seniors, we on this side of the House do care. Minister, how many lives must be ruined, how many children must live in poverty, how many reports will it take before you take action to ensure the problems at the FRO are fixed?

Hon John R. Baird (Minister of Community and Social Services, minister responsible for children, minister responsible for francophone affairs): I am disappointed that the honourable member would make that kind of comment, as if only members of her party care about children and the vulnerable in this province. We on this side of the House recognize there are a lot of people who depend on the Family Responsibility Office and depend on the support orders, and we believe they are entitled to receive every single cent possible.

When I first arrived as a member of the Legislature, it was clear that the system wasn't working as well as it could. When I arrived, some six years ago, the FRO, or its predecessor, was collecting \$368 million. This past year it collected \$545 million.

Mrs Bountrogianni: The Ombudsman's report states that you had time to fix the problem. Funding has been approved by Management Board for the feasibility study for the computer updates to make this a more efficient system. Money is available. What kind of accountability is this? The money has been there from your own government. These continuing delays are very troublesome to the Ombudsman. Excuses do not suffice.

The FRO has 174,000 cases registered. Only 27% were paid up to date in March 2001, and \$1.2 billion of payments are in arrears and owed to 125,000 families, most led by single women with children—125,000 families not getting the money owed to them.

Minister, enough talk. It is time to do what the Ombudsman has called for since 1998. It is time to fix the Family Responsibility Office. Will you continue to ignore and discredit yet another report, or will you fix this mess?

Hon Mr Baird: Far from discrediting the report, I share the concern the Ombudsman has brought forward with respect to the use of technology. We have made a number of improvements in technology. I concede, as the Ombudsman has, that more work has to be done. In the budget a few weeks ago, additional funds were made

available to look at expanding the use of technology in the whole process of business design.

The member opposite talked about the accumulated arrears. Some \$300 million is owed. Why can't we collect that? They're in jail, they're on welfare, they've gone bankrupt, they're unemployed or the payer lives outside the province. We have come a long way. We believe we can do a lot more.

I'll tell her what the Ombudsman also said this morning. He said the Family Responsibility Office has done a great deal. He said the Family Responsibility Office has come a long way and he said the Family Responsibility Office does good work. She was rather selective in her quoting.

VISITORS

Mr Norm Miller (Parry Sound-Muskoka): On a point of order, Mr Speaker: I'm standing to welcome St Peter's Catholic school from Parry Sound, who are here visiting today. They're in the east gallery up there.

OSHAWA COURTHOUSE

Mr Jerry J. Ouellette (Oshawa): My question is for the Attorney General. It seems somewhat that the plot thickens. Minister, I've been working on another issue in my riding since 1995. If you're not familiar with the case, I'll give a brief rundown.

I've dealt with Management Boards, I've talked with previous Attorneys General, and I've spoken with parliamentary assistants on this issue. We've pushed it very extensively, indeed, to the point where General Motors has actually gotten in and endorsed the position of Oshawa. What I'm speaking about is a possible courthouse being located in Oshawa.

I know the process very well and the process knows us very well, as we've been fairly active in it. I and the people of Oshawa would like to know what exactly is happening with the courthouse in Oshawa.

Hon David Young (Attorney General, minister responsible for native affairs): I thank my friend for the question. He referenced the fact that in 1995, he began to speak out on behalf of his community. I should pause to reference the fact that he is indeed a very effective advocate for the riding that he represents. The fact that there was a need in that community was a need that in fact existed throughout the province, because in the years before this government took office, indeed there was very little money spent on restoring courthouses. We have embarked upon a project that has seen in excess of \$255 million spent to restore courthouses across this province. As a result of that, there are numerous projects that have been completed, many others that are underway and many others that are in the planning stage.

Mr Ouellette: Six years is far too long. We're hearing constant process changes and things coming about on this. We don't have any clear definition on what's taking place and when we're going to hear what's next. When

exactly can we expect to hear a decision on this matter of the courthouse?

Hon Mr Young: I do indeed understand the member's desire to have more facts and details in relation to the Durham project. I should say that I don't stand to endorse any particular location of it; that will be sorted out in the impartial way that it should be through the process. But I do want to say that the ministry and SuperBuild are working very hard on this. In September 2000, the RFP went out. We also announced, at roughly the same time, that the Durham region would be the first community to benefit from what is indeed an innovative, precedent-setting and exciting public-private partnership. I can add to that that the consultants are to prepare a request for qualification—an RFQ—and that's to be released in the spring of this very year. It will invite interested parties to submit their qualifications for this partnership.

CONTAMINATED PROPERTY

Mr Gerard Kennedy (Parkdale-High Park): I have a question to the Minister of the Environment, but I've been advised the Minister of the Environment may have left.

The Speaker (Hon Gary Carr): Stop the clock. I believe she was here a minute ago.

Mr Kennedy: In her absence, I'll ask the acting Premier. The question I raise is a matter of great seriousness. There is a development in my riding but not restricted in its impact to my riding. It is a property at 1997-1947 Bloor Street and it is contaminated. Some time ago, in April, the local residents wrote to the Ministry of the Environment and asked for an environmental assessment for their protection and because of its location at the headwaters at the top of High Park. This is the most sensitive environmental area in the city, the largest recreational park area, but also containing some of the most central natural fauna and actual wildlife within the boundaries of the city.

We are here today to talk about the water in the park that could be contaminated as a result of this development. I'm asking you, on behalf of your government, have you done the inspection to see whether or not an environmental assessment will be done and can you tell us that here today?

1530

Hon David H. Tsubouchi (Chair of the Management Board of Cabinet): First of all, it is of great concern. If the circumstances are as the member says, it is a concern to all of us. Unfortunately, as you know, the Minister of the Environment is not here today. I don't have the details of the matter but I'm sure that the minister does. I take the matter under advisement and make sure that the minister does come back to you with whatever response you do require.

Mr Kennedy: I want to send this across to you, through a page—and also, the member for London-North Centre seemed in her reaction to have evinced not very great concern for the water that is affected here. All of

Grenadier Pond, the underground watercourse, is going to have a medium-sized condominium built on top of it where there have been two service stations in operation for 70 years dumping chemicals into the ground. Some of those chemicals exist below the watercourse. This is a property that the government is well aware of.

In recent weeks community groups have written and asked what is happening with respect to an environmental assessment. They are residents who live nearby. There are hundreds of people in this city who have worked to restore the water table there and the marsh for natural habitat. This is a serious matter. It requires the response, and I would hope the non-partisan response, of this government. But from April 9 to now we have heard nothing.

I would ask the acting Premier to at least give this House an undertaking that we will have an answer with respect to an environmental assessment within the next few days.

Hon Mr Tsubouchi: Any time we have circumstances with any type of matter like this, it is of great concern to all of us here in this House. As the member knows, all requests for EAs are reviewed by the minister. I will certainly take the matter under advisement, pass it on to the minister, and I'm sure that she will respond to you in due course.

ONTARIO-NEW YORK ECONOMIC SUMMIT

Mr Bart Maves (Niagara Falls): My question is for the Minister of Economic Development and Trade. Both Premier Harris and New York Governor George Pataki have organized an Ontario-New York economic summit next week in my riding of Niagara Falls and in Buffalo, New York. The summit is entitled Building on Partnerships.

Minister, I know that your office has been instrumental in helping put this event together. Could you please provide the House with some details about the summit, including which bi-national issues will be addressed?

Hon Robert W. Runciman (Minister of Economic Development and Trade): I thank the member for Niagara Falls for the question. Up to 500 delegates are expected to attend the first-ever New York-Ontario economic summit on June 25 in Niagara Falls and June 26 in Buffalo, New York. The summit was announced following Governor George Pataki's visit with Premier Harris in Toronto on April 4. I will be involved in the summit, along with the member for Niagara Falls and our colleagues, Minister Hudak, Minister Clark, Minister Jackson and my parliamentary assistant, Ted Chudleigh.

The plan is to cover a number of issues ranging from tourism to trade corridors to photonics and micro-electronics.

Mr Maves: As the member for a riding on the border and the co-chair of the New York-Ontario joint international committee, I recently organized a meeting with

my Niagara area colleagues and state assemblymen and senators from Niagara Falls, New York, and the Buffalo area. This was our fourth meeting to date. Both myself and Robin Schimminger, assemblyman for Kenmore, New York, agree on the importance of meeting to discuss cross-border issues.

At that meeting I learned that Governor Pataki intends to propose a broad range of ideas designed to improve both political and economic relations between the state of New York and the province of Ontario. Could you please elaborate on what Ontario's perspectives and aims are for this meeting?

Hon Mr Runciman: The summit creates an opportunity for Ontario business leaders to meet with their New York state counterparts to discuss ways to expand trade and investment between our two areas. The chief objective of the summit is to find ways to create jobs and incomes for families on both sides of the border. There will be breakout sessions on Tuesday which will highlight issues that require action by all levels of government and by the private sector.

The summit will build upon our existing relationship with New York state and make it easier to resolve any future issues that may arise between us. A report will be generated when the summit concludes, and that report will give direction to participants and to our governments on how to make the most of these relationships.

ONTARIANS WITH DISABILITIES LEGISLATION

Mr Tony Martin (Sault Ste Marie): My question is for the Minister of Citizenship. Your government has been travelling the province for the last couple of weeks talking about smart growth, and yet yesterday, when you tabled the business plan for your ministry, you completely ignored the urgent need to table an Ontarians with Disabilities Act.

Without a strong and effective Ontarians with Disabilities Act, there are going to be a number of buildings go up across this province with barriers that shut out people in wheelchairs and people with other disabilities. In my view, that's not smart growth; that's dumb growth. How can you justify tabling a business plan that doesn't even utter the words "Ontarians with Disabilities Act"?

Hon Cameron Jackson (Minister of Citizenship, minister responsible for seniors): At the outset, let me reassure the honourable member and all members of this House that this government has committed to bringing in an Ontarians with Disabilities Act this year. We've indicated that in our business plan. Quite frankly, during the five years of the NDP, they saw fit not to make amendments in terms of accessibility, not to make services and programs for disabled persons a priority for their government. Perhaps it was difficult, because under his government's five years we had negative growth in this province.

Mr Martin: Minister, I've read your business plan, and there's absolutely no reference to an Ontarians with

Disabilities Act. This House unanimously passed a resolution that the government should table an Ontarians with Disabilities Act by November this year. We've seen absolutely nothing. The people of Ontario have been waiting for six long years, and you referenced yourself that you've been talking about it in here for six long years.

It's now time to take action, Minister. How on earth do you explain leaving that vital piece of legislation out of your business plan for the coming year?

Hon Mr Jackson: The member opposite hasn't read the most recent provincial budget. My colleague the Minister of Community and Social Services, with the support of the Treasurer, allocated an unprecedented amount of funding to support persons with developmental disabilities and young adults, a quarter-billion-dollar commitment, the largest single commitment to developmentally disabled individuals in Canadian history.

We're very proud of that commitment. It's one of many commitments, like new dollars for the autism program. It brings the commitment of this government, since elected, to over \$1 billion in new programs, a record we're very proud of and one we're prepared to stack against the effort of the NDP in your five years, which frankly was a disgrace, and your own caucus members agreed with you.

HOME CARE

Mr Joseph Cordiano (York South-Weston): I have a question for the Minister of Health. It is now clear to every member of this House that community care access centres are facing a serious crisis. It is your government's refusal to properly fund CCACs that has led to this crisis. You're forcing CCACs to provide service not on the basis of demonstrated need but on the basis of your finance minister's mixed-up priorities.

For example, in my riding, the North York CCAC is facing a \$10.6-million shortfall. As a result, they're going to have to cut \$1 million of services per month, and that can only mean one thing: they're going to have to turn people away. Minister, what guidelines and eligibility standards are you prepared to bring forward so that the North York CCAC knows which people to turn away and which to accept? Which ones, Minister?

Hon Tony Clement (Minister of Health and Long-Term Care): First of all, let's be particular to the honourable member's area. I can assure this House that the North York CCAC has had increased funding, an increased commitment by this government over the last three years. I can tell you that in the 1997-98 fiscal year, the North York CCAC received \$29.6 million. It just so happens that this year they are receiving \$57.8 million. So I want to assure all the residents in the neighbourhoods in North York that the commitment by this government has been second to none. May I remind the House that every single penny is 100% provincial—not a nickel, not a dime, nothing from the federal Liberal government he so supports.

I want to assure this House that on this side of the House our commitment to seniors, our commitment to those in need is second to none and will continue to be so, because that is what we're doing: exercising leadership in the province of Ontario.

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Mr Cordiano: I want the minister to come to my riding to tell every senior and every disabled person out there, "Sorry, there's no more money. We can't help you. We're closing up shop." Is that the message this government wants to give to the people out there in the community? That's exactly what you're saying, and that's small consolation to the people who need this home care service. It's not enough. You're simply turning your back on the most vulnerable in our society.

As a matter of fact, in my riding we have both the North York and the York CCACs. Depending on which side of the street you live on, you get different levels of service.

It is completely unfair of the minister to say this. I want to ask him again: what eligibility standards are you going to put in place so that CCACs can do your dirty work, which is to say to people, "Sorry, there's no more money. Go away"?

Hon Mr Clement: I can tell the honourable member that when one looks even Metro-wide—I'm not just speaking with respect to North York—there has been a 115% increase in funding in the new city of Toronto since 1995. So when he says we are turning our backs on anyone who deserves home care in our province, I can tell the honourable member that is not the case. I want to assure the constituents in his riding that that is not the case.

Indeed, when one looks at our commitment to home care, compared to any other province in the Dominion of Canada, per capita we are second to none. That is a record of which we are proud.

Of course CCACs have to determine eligibility and have to determine criteria. That is part of their job. But I can tell the honourable member that we have been there for those who need home care and we will be there in the future as well. That is the commitment we make. That is our position of leadership.

If the honourable member wants to be helpful, he should talk to his federal cousins. Maybe they can be part of the solution too.

CENTRE FOR FORENSIC SCIENCE

Mr R. Gary Stewart (Peterborough): My question is for the Solicitor General. Crime-fighting has become much more technical and more of a science of late. The most microscopic bits of evidence can now hold the answers to crimes that are years and years old.

Would the minister tell the House about Ontario's Centre for Forensic Science and the work it does?

Hon David Turnbull (Solicitor General): I thank the member for an excellent question. The Centre for Forensic Science is one of the world leaders in its field.

Forensic science is having an enormous impact on criminal investigations and in many cases is solving crimes which occurred many years ago.

The Centre for Forensic Science is recognized throughout the world for its expertise, particularly in the area of DNA. In fact, we are one of the three leading places in the world in this technology.

It supports the administration of justice by providing scientific examinations and interpretations and objective expert testimony, as well as research and development and educational programs and materials.

The Centre for Forensic Science is the largest contributor to the federal DNA bank. In fact, Ontario has now contributed 60% of the samples.

We're investing heavily in this facility with a variety of investments: \$5 million for the new DNA lab in 1996, \$3.25 million for state-of-the-art hair and fibre equipment, a quality assurance unit and staff training. We've added 48 new scientists and technologists over last year and this year, and we're investing another \$1 million for major equipment purchases.

We can all be truly proud of what an outstanding facility we have in Ontario, which is leading in this field.

BUSINESS OF THE HOUSE

Hon Janet Ecker (Minister of Education, Government House Leader): Pursuant to standing order 55, I have a statement of business for the House for next week.

Monday afternoon we will continue debate on Bill 80, and on Monday evening we will continue debate on Bill 57.

Tuesday afternoon we will continue debate on Bill 25, and on Tuesday evening we will continue debate on Bill 45.

Wednesday afternoon we will continue debate on Bill 19, and on Wednesday evening we will continue debate on Bill 82.

Thursday morning during private members' business we will discuss ballot items 17 and 18, and on Thursday afternoon we will continue debate on Bill 57.

The Speaker (Hon Gary Carr): Thank you, government House leader.

CONTEMPT OF PARLIAMENT

The Speaker (Hon Gary Carr): The point of privilege that was duly given to me by the member for Windsor-St Clair.

Mr Dwight Duncan (Windsor-St Clair): On a point of privilege, Mr Speaker: Earlier today I wrote to you pursuant to standing order 21(c). Thank you for agreeing to hear this point of privilege.

It will be my submission that the Minister of Natural Resources has perpetrated a contempt of this Legislature by impeding and obstructing an officer of this House, the Environmental Commissioner.

What is it to be in contempt of Parliament? Let me quickly cite two references from the 22nd edition of Erskine May.

Quoting from page 108 of that document, on contempt, "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."

On page 125 of Erskine May, 22nd edition, under the subtitle, "Obstructing Officers of Either House," I quote, "It is a contempt to obstruct or molest those employed by or entrusted with the execution of the orders of either House while in the execution of their duty." Further on it is indicated, "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."

In the recently published House of Commons Procedure and Practice by Marleau and Montpetit, it is similarly affirmed that it is such a contempt of Parliament to stand in the way of an officer of Parliament who is doing his or her duty.

Let me cite one reference from Marleau and Montpetit on page 67. This refers to the ruling of M^{me} Sauvé, who was Speaker in 1980, and she wrote, "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."

Finally, section 46 of our own Legislative Assembly Act sets out the jurisdiction of this House to inquire into and punish, as breaches of privilege or as contempt, a number of matters, including, "Assaults upon or interference with an officer of the assembly while in the execution of his or her duty."

The case of privilege I rise upon today stems from the report tabled in the House earlier today by the Environmental Commissioner, who is an officer of the Legislature. It is the mandate of the Environmental Commissioner to review how provincial ministries carry out the requirements of the Environmental Bill of Rights and to report to the Legislative Assembly annually.

In his extraordinary report entitled Broken Promises: MNR'S Failure to Safeguard Environmental Rights, the commissioner refers to "the long string of broken promises that MNR has made to my office since 1995."

The Environmental Commissioner's report focused on the problem that the Ministry of Natural Resources is blocking the final steps in a legal process set out in the Environmental Bill of Rights that allows the people of Ontario to know and to comment on some of the important decisions this ministry makes about the environment.

According to the report, over the past six years, the Ministry of Natural Resources had promised the Environmental Commissioner at least 10 times that it would

classify its “instruments”—the legal documents such as licences and permits issued to companies and individuals giving them permission to undertake activities that might affect the environment. Only when a ministry’s instruments are classified, do the public’s rights under the Environmental Bill of Rights to be given notice and to comment on them come into effect. Under the Environmental Bill of Rights, the Ministry of Natural Resources was supposed to complete this process soon after April 1, 1996, more than five years ago.

In presenting the report, the Environmental Commissioner stated the following: “My predecessors and I have accepted in good faith a series of promises and commitments, made by MNR management and staff, that this regulation.... We in turn assured the Legislature and the people of Ontario that all was in hand and that if they would just be patient the matter would be dealt with.”

1550

He goes on to state, “Well, I have now come to the conclusion that our trust was misplaced, and it is my assessment that there is no intention to pass this regulation and allow the people of Ontario to exercise their rights under the EBR.”

I find the very fact that an officer of this House, a person selected by this Legislature and sworn faithfully to discharge his duties to this House, has taken the extraordinary step of advising us that the authority of his office was disregarded and discounted, to the extent that he was forced to refer, and I quote from the report, “to the long string of broken promises that MNR has made to my office since 1995” is, in and of itself, a challenge to the supremacy of this House from which he draws that authority.

Earlier today, the minister apologized for that. It is our submission that an apology for, in effect, violating the law is not sufficient. It is our submission that an officer of this House has been obstructed from doing his duty.

One can certainly understand an amount of time to allow officials in the government to come to terms with a certain request. It is our contention, sir, that a prima facie case of privilege has been established.

Number two, as the official opposition, it is our desire to have the opportunity, upon your finding, to bring a motion to debate this. I refer to you as well, sir, the context of what we heard from the Privacy Commissioner earlier this week. I refer to you the comments that have been raised by my colleague from Don Valley East, Mr Caplan, with respect to unanswered order paper questions. There has been a series of these abuses of our privileges as members that, frankly, render it very difficult to do our jobs in an appropriate fashion.

When an officer of the Legislature such as the Environmental Commissioner is obstructed from performing his or her duty, as has been seriously alleged by that commissioner today, it is a serious breach, in our view, of our privileges as members to have access to his reports, which we, by law, must have access to. I ask you respectfully to review this situation, to review the Environmental Commissioner’s extraordinary report today,

and allow us the opportunity to place a motion to deal with what we believe has been a systematic abuse of our privileges as members by a government that seems intent on not allowing this Legislature or the people of Ontario due opportunity to oversee and have oversight of the government of Ontario.

The Speaker (Hon Gary Carr): I thank the member for his presentation and for the copies that he provided me. It was very thorough, and I will reserve my judgment.

Hon John Snobelen (Minister of Natural Resources): On the same point of privilege, Mr Speaker: The member from Windsor-St Clair is an experienced member of the House, well read on these matters, and his dissertation today is well researched. We do not take exception to some of the things that the member said. For instance, the effect of classification of instruments, I believe, has been represented most properly.

The member quite correctly said that I made a public apology today on my behalf, on behalf of the ministry and on behalf of the government, not for any obstruction of the Environmental Commissioner but in fact for a lack of response to his request.

I think when the Speaker has an opportunity to look at this, he will find that in fact there has been no obstruction. Witness that today, serving the members of the House, the Environmental Commissioner brought this forward to the members of the House and asked for some resolution. In no way has he been obstructed in the performance of his duties or in information that would allow him to perform his duties. So I find that there is no obstruction and therefore no breach of privilege by the members of this House. In fact, the Environmental Commissioner has correctly pointed out to the House deficiencies, and they are being remedied.

The Speaker: I thank the minister for his input. I will read the report and report back to the House and reserve my judgment.

PETITIONS

HOME CARE

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

“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"—such as in Niagara—"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 care 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 affix my signature. I am in complete agreement with the sentiments of this petition.

EDUCATION TAX CREDIT

Mr Rosario Marchese (Trinity-Spadina): I have hundreds of petitions with thousands of names of citizens opposed to the tax credit for private schools.

"Whereas tax credits for private schools will create two-tier education;

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

"Whereas tax credits for private schools will encourage the growth of a segregated society of narrowly focused interests;

"Whereas tax credits for private schools will steal money from an already cash-starved public system and deliver public money to special interests who do not have to account for its use;

"Whereas tax credits for private schools effectively create a voucher system in Ontario;

"Whereas the Harris government has no mandate to introduce such a measure,

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

"We call on the government of Ontario to withdraw its plan for two-tiered education and properly fund public education in Ontario."

I sign my name to this petition.

LORD'S PRAYER

Mr Jerry J. Ouellette (Oshawa): I have a petition to the Legislative Assembly of Ontario:

"Whereas the Lord's Prayer, also called Our Father, has been used to open the proceedings of municipal

chambers and the Ontario Legislative Assembly since the beginning of Upper Canada in the 18th century; and

"Whereas such use of the Lord's Prayer is part of Ontario's long-standing heritage and a tradition that continues to play a significant role in contemporary Ontario life; and

"Whereas the Lord's Prayer is a most meaningful expression of the religious convictions of many Ontario citizens;

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

"That the Parliament of Ontario maintain the use of the Lord's Prayer in its proceedings, in accordance with its long-standing established custom, and do all in its power to maintain use of this prayer in municipal chambers in Ontario."

I am in full endorsement and I am proud to sign it.

EDUCATION TAX CREDIT

Mr James J. Bradley (St Catharines): I have a petition which has been given to me which reads as follows:

"To the Ontario Legislature:

"Whereas the announced tax credit for private school tuition will lead to government funds being directed to private education rather than the underfunded public school system that is mandated to educate all children, regardless of cultural, religious or socio-economic status;

"Whereas the education tuition tax credit of up to \$3,500 per child, when fully implemented, will lead to an increase of students being enrolled in private schools to the detriment of the public schools;

"Whereas there will be no accountability for the use of public funds allocated through the education tuition tax credit; and

"Whereas the advocates for religious schools have indicated they will continue to seek full funding for religious education with the potential result of more public funding being diverted to private schools;

"We, the undersigned, call on the Ontario Legislature to vote to remove the education tuition tax credit from Bill 45, the Ontario 2001 budget legislation."

I affix my signature.

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ORDERS OF THE DAY

STABILITY AND EXCELLENCE IN EDUCATION ACT, 2001

LOI DE 2001 SUR LA STABILITÉ ET L'EXCELLENCE EN ÉDUCATION

Resuming the debate adjourned on June 19, 2001, on the motion for second reading of Bill 80, An Act to promote a stable learning environment and support teacher excellence / Projet de loi 80, Loi favorisant la

stabilité du milieu de l'enseignement et soutenant l'excellence des enseignants.

The Speaker (Hon Gary Carr): Further debate?

Mr Rosario Marchese (Trinity-Spadina): I'm not sure whether Bradley heard my arguments yesterday. Did you, Jim? He didn't—

Interjection.

Mr Marchese: —and you didn't either, so I suggest you review Hansard.

On Bill 80—let me see, what do we call this bill? It's called the Stability and Excellence in Education Act. Good citizens of Ontario, it's 4 o'clock in the afternoon. We're debating an important bill today. This bill proposes to give stability and excellence in education. What have I said to you citizens and taxpayers of Ontario? I said that whenever you have a title of this sort, that purports to say one thing, I suggest to you that it belies its title, that it says something else. Always view a bill in its contrary meaning: if it says "stability," it means instability; if it suggests excellence, it's likely to mean lack of it.

Ms Marilyn Mushinski (Scarborough Centre): That's what it meant when you were in power.

Mr Marchese: No, but I'm going to explain to you, mon amie, what I think you're doing.

Ms Mushinski: How well I remember when you used to be in office.

Mr Marchese: Oh, I'm sure you have a good memory. But I want to remind you of a couple of things that you did, and you're still in office. How does taking \$2.3 billion out of the education system give stability to the system? How does it do it?

Hon Chris Stockwell (Minister of Labour): You're like a broken record.

Mr Marchese: Why, is your record any different? Stockwell says I'm like a broken record. When I read this title, "stability and excellence," what does that record sound like to you? Have you heard that record before? Of course they've heard the music, Stockwell. They've heard your music; they know it now. They can almost sing it; they know it by heart. They know your songs already. After six years in office, they know it by heart. They know what's coming. Every time they hear "stability," they say, "Oh, my God, here it comes again." Talk about broken records. Come on.

Some \$2.3 billion taken out of the education system.

Hon Mr Stockwell: No.

Mr Marchese: I know you say, "No," and I know Minister Ecker says, "No, we haven't done that." What do you think I expect you to say, yes? Do you think we expect Ecker, in any committee outside of this place or in this place, to come and say, "Oh, yes, by the way, we did take some money out of the education system, because that's the way we are. We're that kind of a government; we love to suck money out of the system, out of services, because that's the way we are"? Do you think Minister Ecker and the rest of you are going to say that? Of course not. That would be dumb, right? Of course it would be dumb. So what do you have to say? You just deny: "Oh,

no, that's not true." In fact, Ecker and the others say, "No, we put in more money."

Hon Mr Stockwell: We did.

Mr Marchese: OK, you did. So why is it that when we debate the idea of tax credits for private schools—and we've had eight days through the magnanimous, of course, reach of this Conservative government. But within those eight days we heard a lot of people talk about the devastation that you have left. You don't have to believe me; I'm talking about what they're saying, not what I'm saying. In committee you had trustees. Most of the trustees are your buddies—and yours too, John. Minister Stockwell, most of them are Conservative in their affiliation. You know that. They may not be party members, but most of them are Conservative-leaning, proclivities to the right side.

So in committee those trustees and those boards of education and those federations—I know you don't like the federations; you call them unions, they call themselves federations. I know you don't like them either. I know you also don't like parents who come and say, "I am sick and tired of listening to you, your members, your minister, saying, 'We've put more money in the educational system than ever before.'" Parents are saying, "We're sick of it." Why are they sick of it, as I am? Because they know you have sucked money out of the educational system. How have you done it? There is demonstrable proof.

Mr Dominic Agostino (Hamilton East): On a point of order, Mr Speaker: I hate to interrupt my colleague in a quite interesting debate, but I think it's important for more members to be here to listen. I would like to ask if there's a quorum present.

The Acting Speaker (Mr Christopherson): Is there quorum?

Clerk at the Table (Ms Lisa Freedman): Quorum is not present, Speaker.

The Acting Speaker ordered the bells rung.

Clerk at the Table: Quorum is now present, Speaker.

The Acting Speaker: The member for Trinity-Spadina has the floor.

Interjection.

Mr Marchese: I remind the Minister of Labour that when he was here on the other side he would call quorum at the drop of a coin. Every other second he'd stand up and call for quorum. Now he decries the use of that parliamentary tradition. How funny it is.

As I was saying, I've been in those committee hearings in Toronto, London, St Catharines and Ottawa, and the majority of people are saying, "We've seen the loss of teachers in our school system, the loss of music teachers, loss of librarians, loss of guidance teachers, loss of technical teachers."

They're saying 36,000 young people are on a waiting list for special education service. They can't get an identification, placement and review committee together in order to be able to identify what their problems are. So, Raminder Gill, you've got 36,000 people on a wait-

ing list and you guys have the temerity to say, "We're giving them more money than ever before."

They're sharing textbooks, old textbooks, passé textbooks. Imagine, a new curriculum and you still don't have enough textbooks to cover the new curriculum. People are sharing some of those and some don't have them. This, with a new government loaded with money, whining about the federal government not passing down more money to them. Harris, when he was on the other side, would say to the New Democratic Party, which was then the government, "Stop whining, Bob Rae. Do your job. You've got the wheel."

Now you've got Harris at the wheel, driving and whining day after day, year after year. He can never get enough. He gets a couple of billion dollars from the federal government, after many years, this is true, but he gets some or, I would argue, enough. In the context of what we didn't get from Mulroney and the then Liberal government, what they're now getting from the Liberals is more than we ever got, and he's whining like a little child: "If only the Liberal federal government would give us more."

In the meantime we say, "Where is your money going?" It's not going to special ed, is it? It's not going for the textbooks. It's not going for those teachers who are absent from the classroom. It's not going to the educational assistants who are being fired, even in your banker riding. Even there educational assistants are being let go. Everywhere across Ontario educational assistants are also being let go, fired—not just teachers, not just special-education teachers, but caretakers. I say there are more mice in the schools than there are kids these days because there's no one to look after our schools, so dirty and so infested they are. That's the legacy you people are leaving us.

1610

Hon Rob Sampson (Minister of Correctional Services): And you left us all the portables. Is that what you left us?

Mr Marchese: At least we did a fine job of taking care of people, whereas now you're taking care of the mice and the rats in the schools as opposed to those people who are supposed to be getting an education and teaching in those nice places of learning. How do you people defend yourselves?

In the midst of a tax cut, of a tax credit for private schools, you then introduce this Stability and Excellence in Education Act as a measured distraction from what the majority of Ontarians are concerned about and are opposing. Why? Because they know, if you've taken \$2.3 billion out of the educational system, that with this measure to give private schools yet again \$300 million as a minimum, we all argue, it will devastate even further the public educational system.

You people don't care about public education, and I don't have to be the one telling you—parents are telling you. They don't believe you when you say, "We love the public system. We defend the public system." They don't believe you. How can they believe you when you're just

sucking money out of the system? You're about to do so with the tax credit, the majority of which, of the \$300 million to \$500 million to \$700 million, is going to go to those private non-denominational schools, the likes of Upper Canada College, where they pay \$16,000 for tuition fees. If they bunk down there they've got to pay \$28,000.

It's unthinkable that you people would give our money, the money of citizens and the money of those who consider themselves just taxpayers as opposed to citizens. That money is going to private education, to people who don't need the break. Private schools are set up for the purpose of being private, for the purpose of keeping the public out. They're set up to let only certain people in. If you give them \$3,500, they'll jack it up in order to prevent people from getting in. That's what it's about. Yet these Tories, these fine Tories, are finding money for private schools.

Why, Mr Flaherty came in front of our committee to say, "People have been saying, 'We want our own educational system in both our language and our culture.'" I couldn't believe that a Tory would utter such words. With his disdain of all our immigrant communities in the country and in this province, he then comes in front of the committee and says he wants to help those immigrants out so they can have their own education in their own language and their own culture. I couldn't believe it: he who took part in repealing the Employment Equity Act, that which would support people who have been discriminated upon and continue to be discriminated upon in this province, which includes people with disabilities, aboriginal people and people of colour. Now he wants to help them. Can you believe it? He gets rid of welcome houses, those which would help new immigrants into the country to get a proper orientation, and now he says he wants to help them with their own education, their own language and culture.

The international languages programs at the Toronto board of education which teach a third language and culture are threatened. They may not exist. Every year they're fighting. They're hanging by a thread every year because the provincial government doesn't flow the money for that board of education to maintain its program, including the Catholic board, which has those international languages. They're holding on by a thread. Yet this government says, "We want to help the people so they can have their own education, their own language and culture." Can you believe that? These are Tories arguing that. I've never seen that before.

You have people in that committee, Conservatives, defending it, defending the fact that these schools would not be accountable at all to this government, yet they make the public system more accountable than ever. They pounce on boards, saying, "You're not accountable. We'll make you accountable." They pounce on boards by saying, "You will have a new curriculum because you're not good enough." They pounce on boards by saying, "We're going to control your financing," and yet for money to the private schools there is absolutely no

control, and that's OK says Mr Hardeman and others on that committee. Can you believe it? These are Tories.

Horror of horrors, it was a tax credit that impinges on the educational system, that affects society and the public school system unlike any other measure before, and it's Flaherty who introduces it. It's not M^{me} Ecker, the Minister of Education, who comes to his defence by saying, "We are going to deal with the consequences of this tax credit, consequences of which bear and impinge on the public system." She has stayed out of it. Of course, all the poor finance people say is, "Look, we're just giving some money to individuals who send their kids to private schools to help them out. Don't ask us about implications, because we've got nothing to do with that." M^{me} Ecker is completely on her own.

This government then introduces a bill called The Stability and Excellence in Education Act, which brings non-teaching education workers under the Education Relations Commission jeopardy advisement process and mandates three-year teacher contracts. Normally, that wouldn't be such a bad thing. I suspect a lot of boards might even like it. But boards would love it and teacher federations would love it if only you could show some graciousness, some support by saying, "You will have the money." Looking at past practices, they know they're not getting the money, and now you're going to bind them to a three-year contract without adequate funds. They're not suckers; they're not going to be sucked into that kind of thing. While they might agree with three-year contracts, they're saying, "If we're going to be stuck with inadequate dollars, we don't want it." The history of this government is that they've been getting less and less with each passing year. They want three-year contracts? No way, Jose.

Workload and extracurricular activities: they still maintain the 6.67 workload, that which has caused so much chaos, so much instability in the system and so much unhappiness in the teaching profession that these people refused to address even their own committee. Finally, they addressed it and what did they do? They said, "No, the workload remains the same. Boards will now be forced to provide extracurricular activities," and they leave it to the boards to decide how to manage the workload.

You know what the answer is to the workload question? "We can reduce the workload of teachers, that which has caused so much instability and unhappiness, by increasing class size." That's the tool these people have left the boards of education. They say to the boards, "You can do it if you want, but the way to reduce the teacher workload is by increasing class size." Thank you very much, you fine Conservative, magnanimous Tory caucus, that which stands for stability in this province. You're good, Stockwell. You and the others are really good.

Mr Garfield Dunlop (Simcoe North): Are we good or bad?

Mr Marchese: I don't say that positively, you understand. I say it with a great deal of irony, which implies a great deal of negativity attached to that statement, right?

But the people see through you people. The citizens see through you and many of your taxpayer friends are seeing through you, because they've got to live the tax cuts. You see, they take their kids to school every day and they involve themselves—

Interjection.

Mr Marchese: Yes, I think your spouse probably does a little more of that work.

Hon Mr Stockwell: No.

Mr Marchese: I suspect so; I could be wrong. But if we asked your spouse, Mr Stockwell, about what she thinks about what you're doing and what Ecker is doing with respect to the cuts, I'm sure she would be on my side and not on yours.

Stockwell is laughing hysterically, and the reason for his hysterical laugh is because he knows it's true. Oh, if truth be told.

So here's how they solve the extracurricular activities; what a fine way to do it: "Boards, no problem, you can do it. We're not going to give you any extra money. The only way to do it is jack up the class size that has been pretty high in this province for a long time and getting worse."

1620

Interjection.

Mr Marchese: I don't know. It's catching up to you. The education workers are going to be brought under the jeopardy advisement process. The Conservatives claim to want to promote labour stability in Ontario schools, and yet it is their Bill 160 that gutted the Education Relations Commission—guttled it. It was the ERC that mediated and monitored conflict negotiations then. No longer. Under our term, it was the ERC that trained arbitrators. No longer. The only function left to it by the government is advising jeopardy during a strike. The threshold of advising jeopardy during a strike used to be 45 days. Now it's 15 days, and it gets less and less. It's all these people do. They don't do anything useful any more.

And now they don't want just teachers under that; they want to bring the other education workers under that—as a way to help them, do you think? I think it's designed to attack their right to strike for a fair contract. That's why you're doing it, Monsieur Stockwell and others on the other side.

My point is that it's catching up to you. I really thought you people were going to be a little more intelligent than you have been in the last year or two. Then I thought you would coast like in the good old Davis days: find out what people want, give them a little bit and stay out of trouble for a long time. But you people jump into the fire like wildcats. You people have a lot of muscular fortitude. You people are strong. You don't even know danger when you see it. You jump in, you come out and you jump right back in. People are catching up to you; that's the beauty of it all. They'll oppose this measure, this bill, as they oppose your tax cuts and your tax credits for private schools.

The Acting Speaker: It is now time for questions and comments.

Hon Mr Sampson: I listened with amusement to the member from Trinity-Spadina when he talked about his party's and his government's commitment to public education. I say to the member for Trinity-Spadina that every time I take my son or my daughter to school I see the results of the commitment of the NDP government to public education. There are thousands of those shrines across Ontario. They're portables. There are thousands of them across Ontario, a tremendous commitment by the NDP government to public education. On behalf of the many kids and the parents who have kids in portables across this province, I thank you for that commitment. It's tremendous. You don't know how much they enjoy learning in portables. To the Liberals who are sitting here, I say they contributed to the portable equation as well.

Interjection.

Hon Mr Sampson: Member for Trinity-Spadina, sit down. You're OK. We understand your commitment. As I go to my son's graduation tonight, I'm going to be sure to say to the parents who are there, "I'm more than pleased, on behalf of the NDP, to thank you for sending your kids to these portables. That's their commitment to public education." It's great. They love it. Do you know how much they love it? They elected us to get rid of them, which is what we've been trying to do since 1995. We're getting rid of these tremendous shrines of public education commitment of the NDP government. We're sending them to construction sites around Ontario. We're sending them to places where kids don't have to go to learn. We're sending kids to real schools, real buildings, real bricks and mortar. Do you know what? We're even lowering class sizes that you let go up and up and up every year you were in power. That's the way you managed the budget. That was the NDP's magical way to manage the budget.

Mr Agostino: I agree with many of the comments made by my colleague from Trinity-Spadina. I find it interesting that this bill is about stability in education. This is coming from a government that has spent six years intentionally and purposely creating instability in public education so we can get to where we are today. We all remember the famous "Create a crisis." We all remember that. This is the same government that has spent six years creating instability to get us today to where they want to bring in vouchers and funding for private schools.

It's very clear that this government's agenda from day one was to ensure that the public loses confidence in public education. They've attacked teachers. They've cut funding. Look at my own situation in Hamilton. Two days ago the board had to make a budget decision, and you're well aware of it, Speaker, coming from Hamilton. Eighty-one teachers have been let go. Eighty-one teachers will be fired, because the board cannot afford to hire teachers for next year. The English-as-a-second-language program has been cut. Programs for disabled kids are going to be cut. This is not fearmongering. This is the reality of a budget approved two nights ago by the Hamilton district school board because of your cuts.

Disabled kids who are now waiting for services are going to wait even further because you have cut those programs and you have forced the boards to cut them. You talk about stability. If you want to create stability, take the money that you've stolen out of public education and put it back. Drop this silly idea you have of taking money out of public education and giving it to private schools, of giving it to kids at Upper Canada College. That's the kind of stability you want.

If you want to talk about creating a climate of chaos, this government has spent six years and has mastered that, and kids are paying the price today because of decisions made by Mike Harris. This government thinks it's more acceptable to give over \$2 billion in corporate tax cuts to their rich Bay Street friends than it is to put it into classroom education. Dalton McGuinty and the Liberals have a plan, and that plan is to put money back into education, cap class sizes and scrap this idea of vouchers for private schools.

Mr Peter Kormos (Niagara Centre): A few weekends ago, I was up in Ottawa and met with a whole group of school custodians from here in the province of Ontario. Yes, they were CUPE members, OK? They exercise their right to belong to a union. But I met with this whole group of custodians up at the CUPE conference in Ottawa and they were telling me that at the schools they work in—these are the women and men who clean these schools and keep them safe for people's kids—as of two weeks prior to that, over a month ago, the cupboards where cleaning supplies were being kept in the schools that they work in were literally empty. All you could see were the rings on the plywood shelving where the cans of cleaning solvents and detergents used to sit.

That was some five weeks ago now when the shortage started, and the fact is they still have the biggest task of the year ahead of them. That's the before-summer cleanup, where they really scour the school. They've got no cleaning supplies. I said, "OK," because I know that some members here will say, "Oh, but they were CUPE members and they were obviously elected people in their unions. That's why they were there at a conference, a convention, representing their workers."

So when I was at the Bill 45 committee hearings with Rosario Marchese in St Catharines when they kicked off, and when the disruption finally ended, I asked teachers whether that was consistent with their experience. They assured me it was. I've asked teachers and other school staff here in the city of Toronto if that's consistent with their experience, and they assured me it was. You've got a bright young man sitting in the members' gallery here, Matthew Hinton. His dad is a teacher down in St Catharines, and he's saying the same things. Teachers have been under attack, school staff have been under attack, public education has been under attack, finally culminating with the removal of public funds from public education so this government can finance and pay for private schools.

This bill has nothing to do with stability and has everything to do with yet another attack on educators.

Hon Mr Stockwell: I always enjoy the dissertations of my friend from—

Interjection: Trinity-Spadina.

Hon Mr Stockwell: Trinity-Spadina. He's an interesting—

Interjection: Amusing.

Hon Mr Stockwell: Sure, amusing. A very engaging gentleman. We know full well that I disagree with basically everything you said, except—

Mr Marchese: Everything?

Hon Mr Stockwell: Well, I can't really think of too much—no, no, I think it's everything. I disagree with everything you said.

But having said that, the humorous part is, he's into his speech, full flight, he's flapping away, giving us all the good things the NDP are all about. Then he slipped over the slope, right? He went over the edge, because he started giving us political advice. Now, that's when I've got to grab my belly and slap my knee. Can you believe a dipper sits in this place, with all nine of them, eight shortly, who were—what were they?—in Muskoka about 3% in the polls, and probably in the Vaughan-King-Aurora riding you're going to be, what, 2.5%? And you're telling us how we should go about getting re-elected, the old Davis years? You're telling us how to get popular?

Listen, if you think we should do certain things to get popular, I've got a little tip for you there, my friend. Maybe you should try it, because then you could get up in the polls, maybe get a couple of people elected and possibly move over here to become official opposition. You know, these are good ideas. So before you go advising us on how we strategize our political future, you might just want to have a look at the last few by-elections, the last general election, all those things where you guys polled—the Green Party beat the heck out of you. That's something you've got to look at.

On your speech, I don't agree with it, but I've got to tell you, think—think real long and hard—before you start advising people how to run their political careers, because yours is in the trash bin.

1630

The Acting Speaker: The member for Trinity-Spadina now has up to two minutes to respond.

Mr Marchese: I really wanted him to tell me in public what his wife thinks about the educational policies of the Conservative government. I was curious. You notice he didn't speak about it, because he knows. He knows the key here; there are a whole lot of things going on, where the other parents with whom she consorts—

Hon Mr Stockwell: She voted for me.

Mr Marchese: I hope. I hope she voted for you. But I've got to tell you, Chris Stockwell, Minister of Labour, you guys are slipping in the polls. But you never know. God might exist and he might help you, give a little lift. He might help you a little bit again. Who knows? You could be lucky again.

But here's what Mr Sampson, another minister from Mississauga Centre, is proud of. Here's what he's proud

of: he's proud that last year 44% of schools had no music teacher. This year that number has jumped to more than 50%. He's proud of that. Some 67% had no physical education teacher. He's proud of that. Sixty-three per cent have no ESL teacher. Oh, he's proud of that. Eight per cent have no full-time librarian. He couldn't be chippier, couldn't be happier with that. Design and technology teachers have been cut by 40% in elementary schools since 1998. Couldn't be happier with that, eh, Mr Sampson, minister from Mississauga Centre?

Since the Conservatives came to power, enrolment in Ontario has increased by 59,000 students, while the number of teachers has decreased by 11,399. Ontario is on the brink of a major crisis. Sixty per cent of boards are experiencing a teacher brain drain. The biggest problem for boards is in retaining teachers. The teacher shortage will only get worse.

The Canadian Teachers' Federation has warned teachers not to come to work in Ontario because of the education policies of the Conservative government. You people are proud of that? We have fewer educational assistants than ever before, we have fewer social workers, and you people are proud of that? You call that stability? I've got to tell you people, some ball bearings are not there.

The Acting Speaker: Further debate?

Mr Doug Galt (Northumberland): I certainly appreciate the chance to take part in the debate on Bill 80. Our government has laid out the key directions for continuing education reform. We've made several clear commitments for what we indeed would do. We've been getting on with those commitments, moving forward to do what we said we would do, but also listening to the advice and to the input that we've received on how best to proceed.

Some of the key components of the Ontario plan for quality education include: (1) a more vigorous curriculum, with kindergarten through to grade 12; (2) a new province-wide code of conduct to help create safe environments for students to learn and for teachers to teach; (3) new school council regulations to ensure that parents have a stronger voice in their children's education; and (4) a comprehensive teacher testing program to ensure that teachers keep developing and improving their skills.

Parents want us to ensure that students receive the benefit of these and other quality education reforms. We want our students in the classrooms learning and growing, guided by their teachers, and meeting the challenges of Ontario's rigorous curriculum.

I'd like to spend just a little time discussing labour stability, that portion of this particular bill. Parents and students have expressed concerns about labour disruptions involving school boards, teachers and school staff unions. Thousands of Ontario students had their education disrupted during the past year by labour disputes. Recent labour disputes in Toronto, Windsor-Essex and Parry Sound-Muskoka also demonstrated that disputes involving support staff can have a direct impact on the delivery of education to students. In Durham, we have

recently seen an example of summer school opportunities for students being put at risk because of a labour dispute. All education partners are interested in seeing better ways to resolve collective agreement issues.

The legislation would make adjustments to the collective bargaining process in the education sector to reflect the need for greater stability. It would ensure that the collective bargaining framework includes greater recognition of the interests of students and parents.

The legislation would require future collective agreements between school boards and teacher unions to run for a term of three years. This requirement would of course be phased in. As current contracts expire, school boards and teacher unions would be required to negotiate contracts that expire on August 31, 2004. At that point in time, all subsequent collective agreements would have a term of some three years.

A lot of energy is expended by boards and teachers in bargaining one-year agreements. We believe that both parties need predictable extended periods free from collective bargaining so energies can be focused on the delivery of quality education to students, rather than having this annual labour disruption problem that some boards have experienced. We think that kind of stability is important and what parents and students and teachers say that they need.

Some teachers' federations, for example, have tried very hard to do a long-term agreement with school boards and some school boards have been doing that. We have had unions and school boards that have had two- and three-year agreements. They have been able to make that work. They have said that was a helpful thing for students and teachers. We agree.

This legislation is asking all school boards to do longer-term agreements, three-year agreements; to use the \$360 million in net new dollars to the education system this year to reach responsible, fair agreements. Local agreements are the best solution.

School boards and trustees will continue to fulfill their mandate to deliver quality education to their communities. The more that boards and trustees can focus on their primary responsibility for quality education and the less they have to focus on the labour disputes, the better it will be for students in publicly funded schools.

We have provided resources for boards to achieve a reasonable settlement with the teachers' unions. Our funding formula sets a framework within which boards operate and negotiate collective agreements. We continue to provide funds for classroom resources and expect that boards are making reasonable decisions.

Many school boards and teacher unions have successfully reached multi-year contracts without strikes or lockouts. In fact, over half of the current teacher contracts in Ontario are already longer than one year. Our proposed legislation would both respect these current agreements and assure students, parents and teachers that the longer three-year contracts and greater labour peace would be the norm.

By setting the 2004 date, there is no interference with agreements already in place. Boards and teacher bargain-

ing agents with collective agreements that end in August 2001 can continue with the collective bargaining process already in progress. There is no requirement for collective agreements that end in 2002 or 2003 to be reopened.

The Education Relations Commission would be continued. Its mandate to advise the government when the school year of students is in jeopardy because of a strike or lockout involving teachers would be expanded to include any school board employee group. The commission can currently provide such advice only in disputes between school boards and teachers' unions. It is the appropriate body to make that determination with respect to support staff.

In the vast majority of cases, the collective bargaining process works well and the parties reach agreements without any interruption in service. As well, there are tools available to the parties to resolve the disputes without resorting to job action affecting students. The government will continue to encourage the resolution of disputes through mediation and arbitration.

We are keeping our commitment to provide the quality of education that parents want for their children in a stable learning environment. Parents and teachers are looking for better ways to resolve collective agreement issues. We are acting to bring stability to our schools.

1640

Just a few words on some of the co-instructional activities: our government has committed to giving school boards and high school principals greater flexibility to recognize co-instructional activities when assigning teachers' workloads. Parents want to be assured that their children learn in school environments that are enriching and indeed stable. Teachers and volunteers, here and in many schools across the province, are supporting co-instructional activities, as they have always done, but we share the concern of parents and students in schools where a full range of co-instructional activities is not available.

Outside their regular classes, students participate in a wide range of sports, arts and cultural activities. Other important activities that contribute to a quality education for our students also take place outside the instructional day. These include parent-teacher interviews and school functions such as commencements and graduation ceremonies.

These co-instructional activities are an important part of a student's education. Teachers have often stated that making these opportunities available to students is an important part of their professional responsibilities. Parents have told the government that they do not want their children denied important school-related activities because of labour disputes. The Stability and Excellence in Education Act would implement key recommendations from the minister's advisory group on co-instructional activities and other educational partners to ensure that co-instructional activities are available to all students.

Bill 80 would maintain the current requirement that high school teachers teach an average of 6.67 eligible courses a year, the course load equivalent of an average

of four hours and 10 minutes a day, but provide greater flexibility in the regulations that define instructional time to include time spent giving remedial help to students so they can meet the challenges of Ontario's rigorous curriculum and time spent on duties such as supervising students and filling in for absent teachers. It is planned that regulations would prescribe the details for all eligible programs that can be counted as instructional time and how they are to be counted.

The maximum average class size for secondary school classes, calculated on a board-wide basis, would of course remain at 21. The legislation would allow a school board to pass a resolution at a public meeting to vary the maximum average class size in high school by up to one student. Bill 80 would give the Minister of Education the authority to make regulations respecting the process and timing of the resolution, the period of time during which the resolution would apply and the matters that the resolution must provide for. It is then incumbent on the board to ensure that the aggregate average class size does not exceed that passed in the resolution. Boards have asked for more flexibility with respect to secondary class size standards, and we are giving them that flexibility to ensure students receive a better education.

This does not mean that all teachers have to have the same workload. The instructional time standard of 6.67 is an average workload. School boards would have the flexibility to vary the assignment load of the teachers. For instance, in addition to teaching credit courses, some teachers could be assigned remedial instruction, others could be assigned supervision duties and a third group could include all three components in their workload.

It also does not mean that schools will end up with all teachers teaching a quarter-credit course. We have reduced the average credit course workload for teachers and have stated that we will recognize remedial instruction, supervision and substitution for absent colleagues in the instructional time calculation.

Nothing in the legislation requires that all teachers have the same workload. We have provided flexibility to the boards. We expect teachers to be flexible in working with those boards to meet the needs of our students.

This provides the boards with the flexibility to access resources that could be used for local priorities to meet the needs of students for quality education. There are indeed opportunities for better programming for students, a safer school environment and more time for qualified teachers with students.

The instructional time standard is consistent with other provinces. With this legislation, the government has introduced additional flexibility into the system and expects school boards to work with teachers to best meet the needs of those students.

The changes resulting from Bill 80, by contrast, would not cost taxpayers extra money. They will in fact let boards use existing funding more flexibly to meet their priorities, as was recommended by the Advisory Group on the Provision of Co-instructional Activities.

We have always said that smaller class size contributes to student achievement. Teachers and parents alike

agree on this point. That's why we took steps to lower average class sizes. We have provided \$264 million to make class sizes smaller. Class size at the elementary level has already been reduced.

The bill would repeal some sections of the Education Accountability Act, 2000, which made co-instructional activities a duty of a teacher and which provided to principals the authority to assign co-instructional activities to a teacher.

As announced on May 7, the government plans to proclaim the sections of the Education Accountability Act that require school boards, in accordance with guidelines provided by the ministry, to develop and implement plans for the provision of co-instructional activities for high schools. The bill would also require the principal to develop and implement a school plan for co-instructional activities and to seek input from the school council on this school plan. We are implementing a compromise that would restore co-instructional activities in our schools this fall. We are committed to setting high standards for student achievement in Ontario, and we are committed to providing students with the tools and the environment they need to succeed.

Our educational reforms continue to be focused on supporting excellence, achievement and accountability within the public education system. All our education reforms—more challenging and rigorous curricula, standardized student testing, fair and equitable student-focused funding, safer schools, teacher testing and a stronger voice for parents in their children's education—have been aimed at supporting these objectives. Quality education requires a commitment of significant public resources as well as flexibility for school boards to define and meet their local priorities.

We recently announced that funding for the public education system for the 2001-02 school year would be increasing by more than \$360 million. That is indeed a pretty significant amount of money. Education funding for the coming year is up by 2.8%, higher than funding for the current year. That represents an increase from \$12.9 billion to \$13.8 billion since our government took office in 1995. That's comparing apples with apples; it isn't making other comparisons, as back in 1995, with the figure being bloated with some other information in there. That's a direct comparison of \$12.9 billion moving to \$13.8 billion, an increase of almost \$1 billion in those six years.

In response to suggestions from the education community that the additional \$360 million for the coming school year is being provided in a way that allows for greater flexibility in determining local priorities—I heard from my two local boards that they wanted more flexibility in the system, and certainly our government is responding to those concerns.

1650

In addition to the necessary resources, quality education requires stability and positive school environments to support teaching and learning and to ensure the availability of co-instructional activities to all students.

An educational system committed to quality is an educational system where everyone must work. This bill, ensuring that co-instructional activities will occur and ensuring labour stability, at least for a three-year period, will certainly go a long way to improving the quality of education. This improvement of the quality of education will provide a stable student population.

We've heard during some hearings the real concern that students might be moving out of the system to independent schools because of the tax credit recognition in a budget bill. But this bill will improve the quality of education. I don't think there's any question, if this goes through, and I'm sure the opposition parties are more than willing to support this particular bill, that it will help to improve the quality of education.

I've heard the opposition members express great concern about the number of students that might flow to an independent school. I can tell you there's only one reason that I can see why students might flow from the public system to the independent schools, and that's labour unrest. With union rhetoric, no wonder parents get pretty upset at times as to what's going on, and it's been ongoing for a long time. As a matter of fact, when I was on a school board back in the late 1970s—I served two terms—at that time the rhetoric was very high. They have fought with every Minister of Education for the last 25 years, including both parties in opposition when they were in government. The teacher unions did not like those Ministers of Education and they don't seem to like the current one. I don't know what party or what minister they would really like. I just remember the kind of protest that was going on back in 1976-77 with school boards.

So again, with Bill 80 passing, I see a tremendous amount of stability and improvement of quality education here in Ontario.

The Acting Speaker: It's now time for questions and comments.

Mr Mike Colle (Eglinton-Lawrence): It's my pleasure to rise and comment. As you know, this government has been hell-bent on a centralized model of control over public education. It is a centralized, cookie-cutter-type approach to education whether you're in Toronto or you're in Timmins or you're in Temagami. They believe that one size fits all. As you know, our children and our schools are unique and different in every community in this province and they're wonderfully different. This government, on the other hand, wants central control in the Premier's office over our children's education. They don't want to listen to parents, they don't want to listen to students and they certainly don't want to listen to teachers. In fact, they have conducted a sophisticated war on teachers to undermine them, to demean them and to in essence put them into a bad light for their political advantage, to essentially go to their core redneck voters who don't appreciate good public education. That's who they're catering to.

This is about stability? We've never gone through such a period of instability in public education in this province, whether in the Catholic school system or the

public school system. There's universal agreement that there's never been more turmoil and chaos, to the detriment of our students, by this government intervening in every aspect of education in a negative way, like their ridiculous cookie-cutter formula based on square footage, which doesn't take into account the needs of children or the program needs. It's a centralized formula from Queen's Park, which has no idea what's going on in our classrooms. They have declared war on our classrooms and, sadly, our students are paying the price of this declaration of war, which is nothing but political grandstanding by this government. We've had six years of it. Enough is enough. Stop waging war on our children and get rid of this conflict. This bill continues the conflict because it doesn't match the reality of the funding to what this legislation is about. It's time to stop.

Mr Kormos: It's amazing, because I mentioned earlier about meeting with school custodians from the public school system here in Ontario whose lockers containing the cleaning supplies were empty three weeks ago now. Across the province—and I checked it out; I verified it with teachers and families with kids in schools across the province—there are no cleaning supplies for the custodial workers, women and men, to clean schools with. Then I read this reference to an annual survey that's done in Hamilton regarding the cleanliness of the schools. The most recent annual survey finds that the schools are, quite frankly, dirty, that they just barely passed. The schools are being left in unsanitary conditions for your kids to travel about and use the water fountains in and sit at the desks of, because custodial personnel literally don't have cleaning supplies.

This is an incredible state of crisis. We shouldn't be overly surprised, because this government's first Minister of Education promised a crisis in education. We sure got one. We now have this government diverting well in excess of the \$300 million it says from public schools to private schools after it had already gutted those public school systems of billions of dollars of funding.

Teachers know it. Teachers are paying out of pocket. I talked to them. I've been in their classrooms with them. They're paying out of pocket to buy fundamental supplies for their classrooms. Teachers are going out buying the crayons and markers and construction paper that junior-level kids, kids in elementary school, use as part of their curriculum, in terms of the stuff that they do with construction paper and scissors and glue pots and so on. Teachers are paying out of pocket literally to feed kids because of the abandonment of breakfast programs in so many of our schools.

The cupboard is not only bare, but it has been raided, pilfered and gutted by this government's abandonment of funding for public education. That's the crisis.

Mr Dunlop: I'd like to make a few comments on the member for Northumberland's eloquent speech. But just for a moment I want to congratulate the member for Glengarry-Prescott-Russell, Mr Lalonde, for his private member's bill this afternoon. I thought it was nice that we supported it, that there was all-party support on that

bill. I know we have a number of French communities across our province, particularly in the north of the province, and I think it was a nice gesture to do on behalf of the government, and I congratulate him for that.

That leads me a little bit into the fact that our government fully funds 12 French school boards across the province of Ontario, both the public boards and the Catholic school boards. Of course, that is part of the \$13.8 billion that we'll be spending in this current year.

Just a few comments on the member for Northumberland: I know he works very hard as a member of this government. I had an opportunity a year ago to sit on the rural task force with Dr Galt. We travelled across the province, and one of the issues we saw in a lot of communities across the province was the shortage of skilled tradespeople and basically the shortage of a lot of skilled people across our province. I know that was in the recommendations that came back to the Premier, how much emphasis we have to put on keeping our young people in our communities. I know that has been a personal goal of mine. I know Dr Galt supports that as well. Just recently—I think it was just this week—he asked me to attend another meeting, which I couldn't make. Again, it's an education issue, but I'm pleased to listen to his comments today and continue to support keeping skilled tradespeople here in Ontario and in our small communities.

Mr Gerry Phillips (Scarborough-Agincourt): I'd like to focus my comments on the member's comments on the funding. The legislative committee examining the voucher bill asked our independent legislative research to look at the numbers for us, give us an independent view on what the real numbers on education spending are. What they produced was that education spending in 2001-02—that's the year we're in now—in the province of Ontario is going down, not up, by \$75 million. That's independent legislative research. The government says, "Yes, but you realize that last year we had some special one-time funding in there for heating the schools." You don't think the schools are going to have to be heated this year? Of course they are. "We had some one-time funding in there for textbooks." I believe we'll need textbooks again.

1700

The member, Mr Galt, may want to comment on the fact that an independent look at the numbers says our spending is going down \$75 million. It also points out that when you look back six years ago and you look today, the spending per pupil is virtually the same in spite of the fact that inflation has gone up 12% or 13% over that time. So in terms of real support for education, it's down dramatically.

I just say to the people of Ontario, while the rest of the world, knowing that in order to economically compete, is investing in education, we're the only jurisdiction in North America that has decided we're going to cut \$200 million out of colleges and universities and we're going to spend \$75 million less on our elementary and secondary schools. It's foolish.

The Acting Speaker: The member for Northumberland now has up to two minutes to respond.

Mr Galt: Thank you very much, Mr Speaker, for the opportunity to respond. I certainly appreciated the generous and kind comments from the member for Simcoe North, although the other three respondents I can't compliment to quite the same degree.

The member from Eglinton north seemed to speak as if everything was great pre-1995 and education was perfect. That certainly was not what I was hearing. From the time I was on the school board until, really, 1996 or 1997, the big scream was the spiralling taxes on their residences. That's something we have not heard in a long time. Certainly I wasn't hearing these wonderful things about the quality of education that he seemed to be hearing.

The member for Niagara Centre is concerned about supplies. I'd be concerned about them too. But I would suggest he go and ask what kind of salaries the administration is getting. How many administrators do they have? What kind of administrative facilities are there? Maybe there are other places they should have a look and maybe the supplies would be available. Just have a look at a few other things that are in those schools, because that's often where some of the wastage is; at least in the past that's where a lot of the wastage has been going on. When you can't find paper towels, maybe they're in another storage someplace. Dear knows.

I listened to the member for Scarborough-Agincourt with some of his figures. You can play an awful lot with figures. But we have introduced flexible money. That was one of the big things: over \$100 per student this year into flexible money.

Audited figures: \$13.8 billion is an increase of more than \$360 million. That is actually what has increased.

Last year we were trying to be generous with some one-time funding, and maybe we shouldn't be doing that in the future, because he uses it in reverse. But there's no question that education quality is better now than it was six years ago.

The Acting Speaker: Further debate. The Chair recognizes the member for York South-Weston.

Mr Joseph Cordiano (York South-Weston): Thank you, Mr Speaker. I'll be splitting my time with the member for Scarborough-Agincourt.

I'm very pleased to speak on this bill because I think one of the things that everyone in the province can agree on is that under this government's administration we now have the most demoralized teachers, anywhere in the world, I would add. It's this government's policies that have led to—and I think they would even agree that we have a real crisis with respect to teachers in the classroom and the fact that they have been so demoralized by this government's policies: the constant attack on the teachers in the classroom, the demeaning of teachers, the villainization of teachers. These are all things we could lay at your doorstep that result from the tone this government has taken, from the direction they have taken with regard to policies. It is nothing short of a direct

attack on the teaching profession. It is a truly partisan political agenda designed to ensure that this government gains favour from the public by demeaning teachers. Everyone agrees that we now have teachers in the classroom who are truly demoralized. My wife is a teacher and I can say this: there has never been a time in her entire career when she has been more demoralized than in the last number of years that this government has been in office.

There is no doubt, when I speak to any of her colleagues, that this is the worst period they've ever encountered in teaching. The experience is not a pleasant one any longer. They do an enormous job to try and overcome these problems, to try and overcome the fact that they have a government that has perpetrated this constant attack on the teaching profession, so much so that 4,400 teachers have left the profession recently for reasons other than retiring. Where are they going? South of the border, because south of the border they know that our teachers are some of the best-qualified teachers anywhere in the world. There is excellence in our education system. I have to tell you that it's our teachers who have made the system as good as it could be under the circumstances this government has placed upon the system; it is those teachers, whom we have to say are excellent.

My wife took all the necessary courses during the time she was a teacher to upgrade herself, to make certain she was at the highest possible level of training she could acquire. When I look at this bill that requires mandatory recertification of teachers, I say this is nonsense. As I've said before, our teachers are some of the best anywhere in the world. Many of them have gone back to school to take additional courses, to qualify. Many of those who didn't have degrees went back to acquire degrees.

But I've got to tell you, that isn't the real problem. If we have a problem in our system, it's a result of this government's lack of funding. Furthermore, it has been proved to be the case over many years that the greatest barrier to advancement for many of the children in school is their socio-economic standing. We know from many years gone by—this is an established fact throughout history—that if you come from an area in our province—we do the best or we have done the best we could in the past, prior to this government, to overcome those barriers—from a socio-economic background that isn't as privileged, then you're not going to fare as well in school.

What is this government doing about that? It is completely ignoring it. As a matter of fact, in my riding I have three schools that have been determined to be schools in need in our city. They qualify for the program put in place by the Toronto District School Board to assist those needy schools. It's an inner-city program. They recognize that socio-economic barriers stand in the way of progress for students, and that has a great deal more to do with the end result in terms of quality in education, in terms of students succeeding and achieving higher academic levels, than picking on teachers and suggesting that somehow teachers are to blame for the

lack of performance of our students. What nonsense. What utter bunk. It's simply not true.

As my colleague the member for Scarborough-Agincourt pointed out just moments ago, per capita spending per pupil is the same as it was prior to this government entering office, and yet inflation has gone up by 12% to 15% during the last six years. That has eroded the purchasing power, it has eroded the spending power, of the boards. You haven't taken that into account, not one little bit.

When you talk about stable funding, you demand three-year contracts under Bill 80, but you fail to provide multi-year funding for those very boards you're asking to come up with three-year contracts. You're not giving them the tools to deal with multiple years of funding if you want those three-year contracts.

I say to this government again, it is pushing out your responsibilities to the boards and suggesting to them that they do more for a lot less, which we know is unsustainable. You've done that to municipalities, you've done that with hospitals. You're doing that with every transfer agency out there, and schools are no different. This is just part of the way you have chosen to govern—blame everyone else. You've blame the teachers, and this is a repeated pattern that's been going on for many years now.

1710

I say to you that there is no way we can achieve excellence in our schools if you don't start with the basic premise that our teachers have to be exalted, that they have to be placed up high in terms of priorities. They have to be honoured by this government, not dishonoured, not demeaned, not villainized, as you have repeatedly chosen to do over the last six years.

They do an enormous job in the classroom—I've sat in one of my wife's classrooms. It is a difficult task, and I know every member in this Legislature firmly believes that. When you really get down to the bottom of it, you realize that teachers have a very difficult task. Somehow you have created a very partisan agenda that you now have to keep buying into, because the boys in the backroom tell you that will succeed in the next election campaign: if you demonize teachers, if you continue to place on their shoulders the sole responsibility for whatever is going wrong in the education system, that scores cheap political points.

At the end of the day, I think that is turning on its ear. The public out there has begun to realize there's something wrong with that proposition, that there's something wrong with the way this government has carried out its agenda with respect to education. They're now actually beginning to question this government's real intentions, and they're beginning to say, "Enough is enough. The education agenda cannot move forward and we cannot create real excellence in our schools by following this government's distorted priorities, by continuing to demean the teaching profession, by continuing to severely underfund our education system."

If we want to succeed with our economy in the future, if we want to build the kind of economy that is second to

none in the world, you have to do a lot more than pay lip service to education, and you have to ensure that our teaching profession has the tools necessary to do the job. You cannot continue to starve the education system of funding.

I haven't got time to mention the voucher program. Obviously, this is not something that benefits our education system: it will only cause it to deteriorate.

Thank you, Mr Speaker, and I turn it over to my colleague.

Mr Phillips: It is mildly ironic that this bill is called the Stability and Excellence in Education Act. On the very day the Legislature voted on the voucher bill, the bill to extend funding to private schools. I just say, as we're looking at stability, that nothing will destabilize our public education system as much as that voucher program.

I say to the public, don't rely on the opposition talking about this. I want to quote what the government itself said, what Premier Harris said two years ago when he argued against extending funding for private schools. This is the brief, Mr Speaker. It's very thick, and it essentially indicated that to extend funding to private schools would do serious damage to the public education system. It says in this document that if the province of Ontario were to extend funding to private schools it would "undermine the ability of public schools to build social cohesion, tolerance and understanding. When diverse populations separate themselves from the general mix, the public system is the poorer because the opportunities for understanding and accommodating differences are diminished." Remember, this is the government; this is Premier Harris's language in arguing against extending funding.

"(b) Would result in the disruption and fragmentation of education.... If full and direct funding were provided for private religious schools, it is difficult to see why it would not also be required for schools established on the basis of language, ethnicity or culture. The benefits which Ontario receives from a public education system which promotes the values of pluralism, multiculturalism and understanding, would be diminished."

They went on to say in this that the Ontario party submits that "One of the strengths of a public system of education ... is that it provides a venue where people of all colours, races, national and ethnic origins, and religions interact and try to come to terms with one another's differences.... In this way, the public schools build social cohesion, tolerance and understanding.

"Extending public school funding rights to private religious schools"—which will undermine this ability—"could result in a significant increase in the number and kind of private schools.... This would have an adverse effect on the viability of the public school system, which would become the system serving students not found admissible by any other system."

It goes on in page after page, warning us not to proceed with this. It's not surprising that the Fraser Institute, when they made their presentation, said this is the most major development in education in the last 100 years.

Interjection.

Mr Phillips: Mr Hastings is cheering. I understand why he's cheering.

This will decimate public education. As a matter of fact, they went on to say that enrolment will go down by between 15% and 30%. That is the evidence they presented.

I say to the public of Ontario, you wonder why there is concern by many about this program. You need only to get Premier Harris's own brief, and I urge you to read it. You need only to listen to the Fraser Institute or the National Citizens' Coalition. The National Citizens' Coalition said, "Send in money. We've got to make sure Mike Harris gets this done because it is the most major development going on in education in North America today."

I say to the public of Ontario, when we're talking about stability and excellence in public education, recognize that within a matter of days the government is going to ram through a bill that will do more to destabilize public education than anything that has been done, according to the Fraser Institute, in the last 100 years.

This is not the opposition talking; this is Mike Harris, two years ago. Mike Harris said two years ago that this would cost between \$500 million and \$700 million. As a matter of fact, the government has refused to give us any detailed look at how they arrived at it. They say it's going to be \$300 million, but that \$300-million estimate assumes there is no change in the enrolment in private schools. They've been going up at 5% a year, but they're saying, "No, that will stay the same for the next five to 10 years."

There is no doubt that we are going to forgo revenue in Ontario, at least \$500 million, and I challenge any of the government members to refute the information that was put before our committee showing that spending on elementary and secondary schools this fiscal year is going to be \$75 million less than was spent on elementary and secondary schools last year. That's a fact that I challenge any of you to refute.

Again, that's not the Liberal Party document; this is the research done for our committee. It points out that if you look back six years ago, per pupil spending essentially is the same today as it was six years ago.

I might point out that the way the government now accounts for building schools—we used to provide what's called capital money. We no longer do that. We tell school boards, "You go borrow the money. You put it on your books, we don't want it on our provincial books"—and by the way, school boards are borrowing about \$900 million a year, putting it on their own books, off the province's books—"and we'll simply give you, in our operating grants, money to pay the principal and interest on this."

1720

There's \$500 million in the operating money now just to pay the principal and interest on the loans to build schools. The government says, "Look, we're increasing spending on elementary and secondary." Not true. I challenge any government member to refute any of those

numbers: \$75 million less on education this year than last year.

As I say, the title of this bill is about stabilization in our system. I go back to the most destabilizing move, which is the voucher system. By the way, the Fraser Institute said this thing by Mike Harris is better than a voucher. They originally said it's the same as a voucher, but the institute fired us off a handwritten note saying, "We're wrong. We said it's just like a voucher, but we're now telling you it's better than a voucher." I understand why the Fraser Institute loves it. I understand why the National Citizens' Coalition loves it. But I say to the people of Ontario, look at what Mike Harris said two years ago. That is the time when he and his Minister of Education prepared a detailed brief arguing strenuously against this.

What do we now find, for some out-of-the-blue reason? I guess the National Citizens' Coalition and the Fraser Institute have a lot of influence with this government. But as one of the major newspapers said, this is a flip-flop. Mike Harris has flip-flopped. This is not the Liberal Party saying this; it's a major newspaper saying it's a flip-flop of major proportions. Rather than all of the concerns being recognized by Mike Harris—he has flip-flopped—he's now going to extend funding and it's going to be \$500 million or \$600 million of forgone revenue in the province of Ontario. We are spending \$75 million less on elementary and secondary schools this year than we did last year.

I might also add that we're the only jurisdiction in North America that has actually cut spending for universities and colleges. Everybody else knows you've got to invest there. Texas and Louisiana and Alabama are all increasing spending on post-secondary education. The province of Ontario has cut it. Our competitors, everybody, all the other provinces, have increased spending on colleges and universities. We're the only jurisdiction that says, "Listen, the way to economic success is we're going to have corporate taxes 25% lower, but you're going to have an education system that has the guts cut out of it." That is not how I think most people look at building their economies. I watch those economies that are investing for the long term.

I say you are completely destabilizing the system with the voucher program and you are frankly not correct. Education spending is down \$75 million, so it's a misnomer.

The Acting Speaker: It is now time for questions and comments.

Mr Marchese: I was listening to the member for Scarborough-Agincourt attentively, of course. I was about to agree with everything he said until he mentioned flip-flop and then I said, "Oh my God, now it implicates me a little bit." I wanted to agree with him that it is true that Harris and M^{me} Ecker have flip-flopped on this. I agree with him, but I've got to agree that on the other hand the Liberals haven't been entirely pristine on this issue. Gerard Kennedy, their education critic, said that he thinks fairness for religious schools is OK, but not now, maybe later when they get elected, "But right now, we

can't do it." Gerry, I like you a lot, but I don't know. On the flip-flop stuff, I would just be very careful.

With respect, however—and this is where I do agree with him—to what the Fraser Institute said, I just wanted to add some additional flavour to that discussion. Claudia Hepburn came in front of the committee representing the Fraser Institute—this is very true—and she said—

Interjections.

The Acting Speaker: Order. The government benches, please come to order.

Mr Marchese:—that this tax credit functions like a voucher. That's what she said. When I stated that in committee she was watching television, on June 20. That very same day she faxed us a letter, because she was watching what I was saying; I couldn't believe it. She's a very delightful young woman. She wrote back immediately, and one of your members brought it out, and she said, "It's not a voucher; it's better than a voucher." It's true. I couldn't believe it. It wasn't enough for her to say it functions like one. She had to write after listening to me and she said, "It's even better." This is the Fraser Institute, not friends of mine, but your friends with whom you collaborate very closely.

The Acting Speaker: Further questions and comments? The Chair recognizes the member for—standing up and then pointing to someone else is not helpful. Since you sat down, I will recognize the Minister of Natural Resources.

Hon John Snobelen (Minister of Natural Resources): Mr Speaker, I thank you for recognizing me and I appreciate the opportunity to join the debate, albeit in the absence of my colleague. I want to say that this is not the first time education matters have been debated in this place and probably won't be the last, and sometimes those comments become partisan.

The member for Scarborough-Agincourt won't be surprised that I would take exception to and in fact find some error in his presentation of the facts and figures around the funding of education. That's not a new story; it's an old story. But I want to spend a moment on the comments of the member for York South-Weston, because he spoke about the importance of excellence in education. I think every member in this chamber would agree with that. He also said that the key to that excellence in education was teachers. No member of this chamber would disagree with that. But it's not the comments that matter; it's what you're willing to do about it.

The bill refers to the Ontario College of Teachers Act, 1996. The Chair will remember that a previous education minister, Dave Cooke, brought that forward under a previous administration; however, it was realized by this government. The Ontario College of Teachers is a recognition of the teachers as a profession and as a professional body for the first time in this province, and this act builds on that profession. It builds excellence in education through excellent teaching.

In this limited time, there have also been references made to the Minister of Education. I just want to say for

the record that the Minister of Education, Janet Ecker, is one of the people most concerned in this province about excellence in teachers and is one of the people most profoundly committed to excellent teaching and excellent education in this province. I'm proud she serves this province as Minister of Education.

Mr Colle: I would like to say that I thought the former Minister of Education, the member for Mississauga West, was going to give his infamous "Let's create a crisis" speech here in the Legislature that he has tried to keep secret from us all. I would like him to give that. I challenge Minister Snobelen to give that speech that he says we wouldn't understand. We sure understand that speech, because that speech is what touched off this crisis in education, where he bragged about tearing public education apart. He said he was going to do it and he certainly has done it. We as Ontarians are paying the price for his reckless behaviour and the reckless behaviour of this government.

What it comes down to is, if I look in my own riding at the parents, the students and the teachers, their co-operative volunteerism before, during and after school has made some of our public schools some of the best in North America. I look, in my own riding, at schools like Marshall McLuhan high school, Lawrence Park, John Ross Robertson, John Wanless, Blessed Sacrament, Yorkdale Adult Learning Centre, and Ledbury school. These are excellent institutions that didn't come about as a result of government. They came about because of a community coming together, because they realized a community is a village, is a school, and is children and parents and families.

The former Minister of Education doesn't understand that. They look at education as basically something to toy with, tinker with and manipulate for their political agenda. That's why they wanted to create this crisis. That's why they did, because they don't respect the parents and the community volunteerism that made some of these schools some of the best in North America. I think they will survive this onslaught, because they're stronger than the likes of what we see on the other side of the House.

1730

Mr Kormos: First, I want to acknowledge the incredible leadership of our member from Trinity-Spadina on these education issues, back in the House again, speaking on those two-minute comments and questions to the comments by Mr Phillips.

The fact is that, yes, New Democrats side with educational workers, no two ways about it: whether they're OSSTF, whether they're OECTA, whether they're CUPE, whether they're teachers, whether they're teaching assistants, whether they're ETFO, whether they're the custodial staff, the secretarial staff, we're with those people. Because being with those people means that we're for quality public education, because I tell you that those educational workers, regardless of what role they play in that educational family in any given school across numerous communities, literally thousands of schools

here in the province of Ontario, those are the people who are committed to quality public education. Those are the people who have been under some very direct attack by this government.

The defunding of the public school system, the on-going defunding of the public school system, clearly was part of the crisis creation philosophy and agenda of this government's first Minister of Education, no two ways about it. It's been achieved: librarians dismissed, libraries accessible by kids only half a week instead of a full week, sometimes less than that, sometimes totally shut down. Library? There is no library any more. Computer rooms: again, rather than the broad access that young people should have to those computer rooms to do their research and their homework, minimal access, in some schools no access, never mind replacing obsolete and inoperative computers and other equipment of the like.

Our schools are seriously defunded. That's what's causing any instability. It's not the teachers, it's not the support workers, it's certainly not the parents and it's certainly not the kids; it's this government that's causing the problem.

The Acting Speaker: The member for Scarborough-Agincourt now has up to two minutes to respond.

Mr Phillips: I wish I had the time to respond to each of the comments, but I'll just start with the Minister of Natural Resources who mentioned the Minister of Education.

Again, I go back to the thing that I think will destabilize our education system more than anything else: this voucher program, this public funding for private schools.

I want to quote from Minister Ecker's letter. Again, she and Mr Flaherty sponsored this brief, and then she sent a strongly worded letter off to the federal government, saying:

"I wish to inform you that our position on this matter remains unchanged. The government of Ontario is not prepared to adopt the alternatives suggested by the UNHRC"—the United Nations—"for complying with the decision, namely ... to provide direct funding to private religious schools...."

"We believe that our commitment and resources must continue to focus on preserving and improving the quality of our publicly funded system. While the government recognizes the right of parents to choose alternative forms of education..., it has "no plans to provide funding to private religious schools.... As was set out in the submission"—this is the submission—"extending funding to religious private schools would result in fragmentation of the education system in Ontario and undermine the goal of universal access to education."

If you want to talk about stability, that's what Minister Ecker said, and then she has the strongly worded final paragraph:

"We trust that the government of Ontario's position, as outlined in this letter, is clear, and that you will proceed to draft Canada's response ... in keeping with this position. I was somewhat surprised to read the com-

ments attributed to you in the Toronto Sun today, given the position presented to the UNHRC and the fact I have not yet received any communication.... If you have any concerns with respect to Ontario's position, I would appreciate it if you contact me directly."

So Minister Ecker was categorical. She was strong as could be. In fact, she was angry at the federal government for even the thought that they may support funding. Ms Ecker is on the record, strongly opposed to this move, and I agreed with her then—

The Acting Speaker: Further debate?

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): I will be sharing my time with the member from Durham. Certainly I'll be taking advantage of as much time as possible, but since he needs some time—he wants to get on the record pretty well every day, for some strange reason—I'll be courteous to him.

I also want to join with my friend and colleague from Simcoe North who earlier on talked about an item that we discussed this morning, a private member's public bill.

Interjections.

The Acting Speaker: Take your seat, please. It's bad enough that the government benches heckled the opposition, but now you're heckling your own member. I would ask the government benches to please keep the noise down. I'm having difficulty hearing the speaker. I'm sorry to interrupt. Please continue.

Mr Gill: Thank you, Mr Speaker. I do appreciate that because, as you know, it does get a little distracting sometimes.

I want to join my colleague from Simcoe North in also recognizing that this morning Mr Lalonde brought forward a bill, An Act to recognize the emblem of the Ontario French-speaking community, and he distributed these emblems. He was very surprised when I showed him my lapel pin, which is actually recognizing the same thing, which one of my assistants gave me, Jay Brown. We are very, very proud to wear that.

At the same time, as you know, the community is becoming very diverse. The community in which I live, Peel region, has become so diverse that Punjabi, which is my mother tongue, has become the second-most-spoken language. I'm very, very happy to congratulate Peel region for that.

Applause.

Mr Gill: Thank you.

As you know, in Bill 80, which we are discussing this afternoon, An Act to promote a stable learning environment and support teacher excellence, there has been quite a bit of discussion on teacher testing, so I'll be touching on that. At the same time, I do want to mention that in my community there is a school called Khalsa School, and it is basically a religious school teaching Sikh beliefs, as well as teaching primary and secondary school. One of the teachers there, Mr Dhaliwal, used to teach math to me when I was in grade 7. He's a very, very respectable teacher. He's doing an excellent job with that school. Another teacher, who used to be what

we used to call a headmaster, like a principal, is now teaching in Khalsa School in Abbotsford, BC, and doing a super job there. We'll be touching on some of that as well because these tax credits that we talk about—and the opposition keeps saying how awful they are, but I will touch upon how beneficial they are. I will certainly refer to—in fact, I should do that right now, because the members opposite talked about the Fraser Institute.

I'll take the liberty to read a paragraph from today's National Post. It says, "Ontario's proposed tax credit for private schooling has the potential to turn a 'vicious circle'—where there is poor academic achievement and education is so centralized parents and teachers have little power to improve their schools—into a virtuous one by giving parents choice, says a book published today by the Fraser Institute." There you are.

Coming back to the teacher testing. I'm looking at the clock. I hope that's incorrect, because I thought I had 15 minutes, but maybe it's a faster clock today.

The Acting Speaker: No, I would just point out to the member that we're down to 10-minute speeches after 5:30.

Mr Gill: OK, Mr Speaker, thank you for pointing that out. I will still try to save some time for the esteemed member from Durham, Mr John O'Toole.

On the subject of teacher testing, very few people will disagree that doctors, lawyers, architects and other trusted professionals should have to stay up to date in their skills and knowledge to continue to provide high quality service. Doctors certainly, I know from personal experience, ever-increasingly and on an ongoing basis, are doing what they call continuing medical education. Some of them attend the University of Toronto. They take their own personal time on a Saturday; this is a program called "Saturdays at the University," where they'll spend the whole day, which I think costs them—if you include their time and if lawyers include their time—about \$1,000 a day, if you include all the different times that they spend, that they are not able to see the patients.

1740

In Ontario, professional associations and self-regulatory professions approach professional development and upgrading in a variety of ways. Some have provisions in place which set specific requirements for the renewal or maintenance of a professional certificate. Generally these requirements must be met over a certain period of time, often three to five years. For some professions, failure to meet ongoing learning requirements could mean losing the right to use the professional designation.

Just as an example, the Ontario Association of Architects has a mandatory continuing education requirement for all licensed members. Over a period of two years, members must complete a minimum of 15 points, half of which must be taken from core professional options and the other half from self-directed options.

The Royal College of Dental Surgeons of Ontario also requires its members to complete a mandatory program of professional development over a specified period of time. The Law Society of Upper Canada, as you would

be familiar with, Mr Speaker, requires its members to provide information on their continuing legal education activities. The Ontario Institute of Agrologists requires its members to complete a minimum of 60 hours of professional development over five years.

I don't want to take all the time; I do want to share some time with my esteemed member. I just want to emphasize that teacher testing, as with other professions, is a required—parents have asked us and they want to make sure there's excellence in teachers. I have certainly enjoyed during my school career excellent teachers, and we have many of them in Ontario.

Mr John O'Toole (Durham): I thank the member for Bramalea-Gore-Malton-Springdale for giving me some of his time.

I just want to put on the record, in response to the member from Scarborough-Agincourt—and these are the ambiguous disclosures by the opposition. The first one was Michael Bryant's quote from the Toronto Star on May 12, 2001, with respect to the education tax credit: "I can't suck and blow on this" tax credit. "I've got to support this. It's a step in the right direction of equity. So I support that."

Mr McGuinty, the leader, and the member from Scarborough-Agincourt tried to distance themselves from supporting it. In fact, I believe they were rather obsequious in the way they handled the vote. He said, "I had taken the position that I was not ideologically opposed to funding religious schools." This is from a memo from Dalton McGuinty, the leader, dated June 5 to Mr Bert Witvoet. He gave that to me, very surprised at Mr McGuinty saying one thing in some sessions—and the other session.

Mr Jim Bradley in a memo of May 6, 2000, to Bert Witvoet, who's chair of the Association for Christian Education in St Catharines, his riding, says, "Calvin Memorial Christian School has made a significant contribution to the educational community in St Catharines and surrounding area and, I am confident, will continue to do so for many years to come."

It's clear that in one forum they say one thing and in another forum—but that's typical of and true to Liberal policy. I often call their policy bag a pinata. You stick a needle in it and little trinkets fall out at any given moment.

But on the matter of funding, and it is a complex issue and equation, these are publicly accountable numbers, through the ministry and through the disclosures under finance: "Projected 2001-02 revenue in education is over \$13.8 billion, a \$976-million increase or a 7.6% increase in revenue relative to the 1995 spending level." Enrolment increases in the same time were 4.2% by this graph. I'd be pleased to send this and other numbers to anyone.

Where the money's going becomes the question. Somewhere there's a black hole. I believe we have to sort it out so students and teachers in the classroom get the money.

I would like to just say that in the debate on education funding I'm supportive of the public education system. It's the right way to go.

The Acting Speaker: It is now time for questions and comments.

Mr Colle: I just want to get back to the success we've had in some of our schools. One of the things this government has really put in jeopardy is the partnerships that exist in communities—they're in small towns and in small neighbourhoods—where parents, teachers and students get together to make that school a success. They go to school and get involved in the drama programs, the field trips. They give of themselves because they know a strong school means good citizens and strong neighbourhoods.

This government has put that in jeopardy, because it is more interested in centralized control where they never look at a school's or a neighbourhood's needs; they always look at this formula which benefits the bureaucrats at Queen's Park. That's why they've centralized total control of education here at Queen's Park.

What do the mandarins here at Queen's Park or the mandarins in the Premier's office know about neighbourhood schools? They never go to the schools. They've never volunteered in the schools. They are the ones who were never there on the soccer pitches. They weren't there in the drama club. They're not there volunteering in the cafeteria. That's who is making the decisions about our public schools and our children, and that is why they don't get it right. They've never partaken in that kind of community-building. All they've basically done is look upon this as an exercise in political gamesmanship, and the students and parents and communities are suffering like they never have before, because they're callous and reckless and not appreciative of the contributions these communities make to their schools, which are more than buildings. It's not only teachers; it's the caretakers, support staff, the lunchtime supervisors—they all come together. They're pulling it all apart.

Mr Kormos: I'm going to get a chance to talk for but 10 minutes in around two-minutes' time.

An interesting comment about other professions who go to their weekend upgrading—I have a little bit of familiarity with what the member is talking about. Yes, lawyers go to weekend seminars and have to report in their annual report at the end of the year the number they went to, the number of hours they spent. Many lawyers go. Many lawyers go to very intensive ones. Some lawyers go to more casual ones. Some lawyers don't go at all. You know that, don't you?

But the reality when you're talking about teachers is that the teachers I know are spending summer after summer—down where I live, we've got Niagara University over on the New York state side. They're over there taking master of education degrees. We've got a bachelor of education at the education faculty at Brock, but they're paying big bucks to upgrade themselves on a weekly basis at Niagara University, which has a strong education faculty, or at Brock. They're doing that. They're doing precisely that. They have their professional development days. The teachers I know are spending an incredible amount of their own money and energy constantly upgrading. They're constantly reading journals and essays

and works by educators and leaders in the educational field about how to improve their skills and practices. You see, that's what the relationship is between a principal and a vice-principal and the teaching staff in that school, and that's the important role of mentoring.

But this government has forced senior teachers out of the school system. Senior teachers have simply had it up to here. They can't do it any more. They can't take it any more. They're not going to work under the incredible conditions this government has created. So young teachers in our public schools no longer have the mentors. It was those mentors, those senior teachers, who played an integral role in upgrading. Teachers have been doing that. They don't have to be forced to do it by this or any other bill.

Ms Mushinski: I'm pleased to join in making some comments based on what my honourable colleague from Bramalea-Gore-Malton-Springdale has said, along with my colleague to my left, Mr O'Toole, the member for Durham.

I think there's no question that my esteemed colleague Mr Gill hit the nail on the head when he said this is a bill about promoting a stable learning environment and about supporting teacher excellence.

1750

I hear all of this rhetoric from the other side about how teacher testing somehow is a slap against teachers and it's not what the school community wants. They must live in a different world from the world I live in, because this was a key issue when I went knocking on doors during the elections in 1995 and 1999.

People want excellence in schools, and certainly we're doing what we said we would do, that is, promoting excellence, promoting stability, and giving parents choice at the same time. My colleague from Bramalea also alluded to the fact that the Fraser Institute, which was raised by my esteemed colleague from Scarborough-Agincourt, somehow has alluded to this being a voucher. It's not a voucher system. It's about giving parents choice.

Mr Bob Wood (London West): I'd like to touch very briefly on two items that were discussed by the speakers. One is the question of teacher testing. I hope what will eventually come forward on this issue is a system whereby we can look at the educational achievement of the children in a class at the start of each school year, take a look at what their level of achievement is at the end, and be able to identify what's been accomplished and what the shortcomings seem to be. That, to me, is the kind of teacher testing that is going to be most effective in assisting teachers to be recognized for what they are doing.

I think, as we do that kind of testing, we're going to find that the overwhelming majority are doing a very good job or an excellent job of teaching our students and

helping them achieve what they want to achieve. It will also help us to identify people who need help and schools that need help. As we do that in the area of teacher testing, I think we're going to be pleased by the results.

We've also heard some reference in the various speeches to the tax credits being proposed and the effect they might have on the education system. I would invite members who have concerns about this not to speculate but to look at what's happened in other jurisdictions. Alberta gives aid roughly on the scale that we in Ontario propose to give tax recognition to independent schools. I would invite any member to say to this House or to the people of Ontario that the public education sector in Alberta is not strong, vibrant and accomplishing a lot. I also invite those members to take a look at the experience of the country of Denmark, which has a strong independent school tradition. Take a look at their public system, which I think is also strong, vibrant and highly effective.

The Acting Speaker: One of the original speakers has up to two minutes to respond.

Mr Gill: I appreciate all the members taking part in this debate, from Durham, Eglinton-Lawrence, my colleague from Scarborough Centre, Niagara Centre and London West.

They talked about different aspects of the bill, one of them being the involvement of parent councils. Mr Speaker, as you would recall some of the debates we've had in this House, we have actually given parent councils a lot of new responsibilities and new rights, for example, uniforms in schools. They can, if they so decide—and in fact in some of the newspaper articles you would have read within the last 10 days, some schools are adopting uniforms. Having travelled in many places in the world, uniforms are quite a standard practice in most of the world. Children take pride in their school, and if some children are doing some mischievous things—and all children are mischievous—they are identified easily. You can go to the principal and say, "Mr Principal or Ms Principal, it seems like students from your school were loitering, were in the plaza," whatever. So it is a good thing and they do take pride in wearing their school uniform. For some strange reason, because of that and because of the pride they take in attending that school, it seems their marks tend to go up. I've seen that. I can't really put a handle on what makes that happen. Certainly Catholic schools are an example of that. I encourage that. So there you are. The parent councils have a responsibility to do that, if they like.

The Acting Speaker: It now being close to 6 of the clock, this House stands adjourned until 1:30 pm Monday next.

The House adjourned at 1756.

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