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(Hansard)**

Thursday 13 June 2002

Jeudi 13 juin 2002

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Thursday 13 June 2002

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Jeudi 13 juin 2002

The House met at 1000.

Prayers.

VISITORS

The Acting Speaker (Mr Michael A. Brown): I would like to bring the attention of the House to a school group from Gore Bay, Ontario, C.C. McLean. They are in the gallery up here. That is the school my four children attended, and we're pleased that Mr Wright is here. Even though he's retired, he has been coming here for many years, and having retired, he is back with his class today.

Ms Marilyn Churley (Toronto-Danforth): On a real point of order, Mr Speaker: I am rising to give notice that later today I will be requesting leave to make a motion for the adjournment of the House for the purpose of discussing a specific and important matter requiring urgent consideration. The matter relates to a genuine emergency which was precipitated by the government's failure to ensure proper water testing and reporting by a private laboratory, therefore potentially endangering the lives of thousands of Ontarians.

So I am giving notice of this motion for this afternoon, Mr Speaker.

The Acting Speaker: Thank you.

PRIVATE MEMBERS'
PUBLIC BUSINESS

PROTECTION OF CHILDREN
ON SCHOOL BUSES ACT, 2002

LOI DE 2002

SUR LA PROTECTION DES ENFANTS
DANS LES AUTOBUS SCOLAIRES

Mr Hoy moved second reading of the following bill:

Bill 112, An Act to amend the Highway Traffic Act to protect children while on school buses / Projet de loi 112, Loi modifiant le Code de la route en vue de protéger les enfants lorsqu'ils sont dans des autobus scolaires.

The Acting Speaker (Mr Michael A. Brown): The member for Chatham-Kent Essex.

Mr Pat Hoy (Chatham-Kent Essex): Every school day, more than 810,000 primary and high school students and their parents put their faith in the owners and operators of Ontario's school buses. Every school day, parents trust the traditional school bus to transport their

children to a place of learning and to deliver them home safely. Every school day, more than one family's confidence is shaken by more than one careless driver. Too many drivers are approaching a stationary yellow school bus with no more consideration than that given to a yellow traffic light, and too many children are paying the price for such reckless behaviour.

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

Twenty-eight years ago, Ed and Ginny Loxton faced the same tragedy when their five-year-old daughter was killed by a reckless driver. I am deeply honoured that both families are here at Queen's Park today.

I'm also pleased to have Paul Gordon, manager of Hull Bus Line Ltd, Petrolia, here today to support my bill.

With the encouragement and support of both families, the Marcuzzis and the Loxtons, I present Bill 112 for second reading.

Since October 1974, five children have died in my riding at the hands of careless drivers who have ignored the flashing red lights of a school bus. Since 1985, 13 children have died and more than 80 have been injured in school bus accidents here in Ontario. Those children were going to school to prepare for their futures. Instead, their futures were tragically snatched away from them.

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

The last survey carried out by the Ministry of Transportation shows that when a car meets a school bus there is a better than one in 20 chance that the driver will attempt to pass illegally. The barrier to a conviction is identification. Current law requires that the face of a driver passing a school bus be clearly identified before charges can be laid under the Highway Traffic Act. School bus drivers and other witnesses can often identify the licence plate number, make, model and colour of the offending vehicle, but most cannot see the face of a driver long enough to make a positive identification.

Last week, I received a letter of support from a bus transportation company in northern Ontario. It reads, "Most of the problem is simply because our drivers were

unable to identify the offender. In one incident this year, one of our local municipal telephone companies ran our lights. Knowing that driver identification is necessary, the telephone company officials refused to identify the driver. Therefore, no charges under the current law. This is a disaster waiting to happen."

The province of Ontario claims to be tough on law-breakers and crime. It's time for the Ontario Legislature to protect its children by sending a clear message to drivers that violations of the law governing the passing of school buses will not be tolerated, and Bill 112 sends that message. Bill 112 attempts to correct the long-standing problem of identifying the drivers of vehicles who recklessly endanger children boarding or leaving school buses. This bill imposes liability on the owner of any vehicle that fails to stop for a school bus with the red lights flashing.

In 1997, in the midst of great publicity about my bill and pressure from parents and school boards, the Minister of Transportation introduced higher fine levels. But with no conviction mechanism, higher fines are left meaningless. Officers know they do not have the resources to follow 16,000 school buses around their routes twice a day. The local police chief from my riding said that for the safety of students, vehicle plate identification should be allowed to at least link some responsibility to the owner. The Ontario Police Association says my bill "is a positive step toward ensuring the safety of children in Ontario."

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

School bus drivers tell us that they are passed illegally twice per shift. There are 16,000 school buses in Ontario. At two violations per shift, I'll let the House do the mathematics. But you can see for yourself that the ministry does not have a hand on the problem; they barely have a finger on the pulse.

The principle of vehicle liability is not new to Ontario. All parking tickets and violations are issued under the principle of vehicle liability. Photo radar works on this premise. The collection of tolls along Highway 407 works on the same principle, as do commercial vehicle infractions. The precedent has already been set by this government by the implementation of red light cameras. Vehicle liability must be extended for the protection of our children.

In opposing the bill, the former Minister of Transportation, Mr Turnbull, said, "Vehicle liability targets the owner of the offending vehicle and does nothing to identify the aggressive driver." But while in opposition, Mr Turnbull cited the examples of Arizona and California, where the problem of finding the offending driver

can be overcome by having the owner of the vehicle file an affidavit as to who was driving the vehicle at the time. Mr Turnbull said, "If the owner cannot remember or does not care to file an affidavit about who was driving, then he or she will bear the responsibility."

1010

The government's double standard must end today. Owning and operating a vehicle remains a privilege and not an automatic right in Ontario. With this privilege comes responsibility and accountability. In instances such as those outlined in Bill 112, vehicle liability is both fair and just in asking the vehicle owner either to accept responsibility for operating their motor vehicle or to identify the driver who was operating said vehicle at the time of the violation so that the province can seek accountability.

Bill 112 does not attempt to unfairly penalize a vehicle owner. Only owners who fail to identify a driver will face a fine. Drivers will face the government's increased fine levels, plus the crown will be permitted to ask for application of up to six demerit points under the provisions of existing law. In either case there will be a conviction; there will be a real deterrent.

Bill 112 is not an attack on civil liberties. Ask the parents of dead children whose liberties have been breached when an offending driver is shielded by an inadequate law. Nonetheless, the bill has been carefully written under the exact same language as other government vehicle liability bills.

The law specifically states that when a vehicle approaches a school bus with red lights flashing from either the back or the front, the vehicle must come to a complete stop. It does not say, "Proceed with caution," nor does it say that the driver may proceed if he or she believes the road to be clear. It says, "Stop." But the law is virtually unenforceable without the changes in Bill 112.

It is time to give the same authority to the flashing red school bus light that we give to the stationary red traffic light. It deserves the overriding public interest because it protects a particularly vulnerable group in our society. That is why the bill has received such strong support and endorsements from parents, teachers, school boards, the Ontario School Bus Association, the Police Association of Ontario and many other local, provincial and national organizations.

Ontario's children are asking for protection. The public is asking for protection for our children. The government has seen this bill in this House before. It is today their opportunity to ensure that this bill will pass, and I ask all members on all sides of the House to pass Bill 112 to protect the children of Ontario who ride our school buses each and every day.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I'm very pleased to take this opportunity to address Bill 112, comprising amendments to the Highway Traffic Act that are designed to protect children who ride on school buses.

Before I came down here today I took my kids, as I do every morning, to the school bus. I'm very aware of what

the member is dealing with in terms of vehicles that go toward the bus and behind the bus. It's an area of major concern, obviously, to every parent and should be a concern of every citizen in this province in terms of respect for the law and driving safely, not only when you're in a community safety zone but when you see a school bus that has stopped.

I commend the member opposite for the work he has done in this area. He's been very vigilant, since he was elected in 1995, with respect to this particular issue. He is introducing this bill with the best interests of Ontario's school children in mind.

The government is always receptive to ideas on how we can achieve an even better record of road safety in Ontario. We know that the honourable member's bill would impose vehicle owner liability for failure to stop for school buses with their red lights flashing. I understand that under this bill all drivers charged would be required to appear in a court because the minimum fine is above the \$500 limit for out-of-court convictions, and we know that the bill requires fines that range from \$1,000 to \$2,000 for a first offence and from \$2,000 to \$3,000 for subsequent offences.

It would be useful to get a reaction, though, because there's one part of the bill that I think—I understand what the member is talking about with respect to the identity of the driver, and that's important because that is a very important issue.

One part of the bill, called "Limitation," subsection 1(12): "The owner of a vehicle shall not be convicted under this section of an offence under subsection 175(17) if,

"(a) the owner was not driving the vehicle at the time the offence was committed, and

"(b) the driver of the vehicle has been identified to the police by the owner."

That's going to be a very interesting provision in terms of litigation, being a lawyer myself, in terms of how to deal with that issue. I understand what he's trying to get at because certainly you have to deal with the identification issue if the driver is not the owner of the vehicle. I understand that issue clearly and I think that's going to be a very important part in terms of how we can deal with that.

It would be useful to get a reaction from the police community and other road safety partners as to how the proposal before us can help achieve its intent in practical and effective ways.

I'm proud to tell the House that the Ministry of Transportation and this government have already been on the right path to promoting the safety of our children when they ride on school buses. Consider, for instance, that Ontario has one of the best safety records in North America, and maintaining our excellent safety record continues to be a priority of this ministry.

Research shows that school bus travel is one of the safest modes of transportation. Ontario's 16,000 school buses carry about 800,000 students to school every day. Those school buses travel more than 1.9 million kilo-

metres each and every day, and the school bus drivers who operate them have passed stringent tests in order to do their job.

I can tell the honourable member that this government is already doing its utmost to promote school bus safety. For instance, the ministry establishes and reinforces safety standards and mechanical fitness requirements for vehicles; we develop policies relating to the rules of the road; we have implemented effective public education programs and resources for driver and passenger safety in co-operation with our road safety partners; and we set stringent driver licence criteria for school bus drivers.

For instance, potential school bus drivers must be a minimum of 21 years of age, they must pass strict medical and vision standards, they must not be a probationary or novice driver and they must have completed a driver improvement course and have no Criminal Code convictions within specified time frames.

The ministry also sets vehicle licensing standards and develops and delivers extensive, well-planned and thorough driver education resources that include the Official Bus Handbook. We establish additional vehicle safety requirements beyond the federal standards and develop and distribute the School Bus Safety Resource Guide, which provides information on school bus safety programs.

We know that other Canadian jurisdictions have vehicle owner liability provisions for violations of school bus stopping laws, including BC, Saskatchewan, New Brunswick, Newfoundland and the Yukon. Some jurisdictions also require third party witnesses to provide evidence.

I can tell you that we clearly have some of the most effective laws surrounding school bus safety in any jurisdiction. What this government did with respect to this issue was to take action. In 1997, we doubled the fines for illegally passing stopped school buses, regardless of whether or not there were bus passengers crossing the road.

We increased the maximum fine for a first offence from \$1,000 to \$2,000. The maximum fine for a second offence rose from \$2,000 to \$4,000.

At the same time, the Ministry of Transportation increased its links to our bus safety partners. The ministry works closely with them to promote the safe transportation of Ontario's school children and to raise awareness about safe driving around school buses.

Clearly, the safety of our children is a priority for the ministry. As a member, I keep close tabs with respect to school bus operators in my riding—Sinton Bus Lines, for example. I can tell you that it's a very important issue within my riding.

I want to assure the member opposite and all the people of Ontario that our government continues to take the steps necessary to ensure a safer Ontario for future generations.

1020

Mr Ernie Parsons (Prince Edward-Hastings): I am particularly pleased to speak to this bill, having had a large number of children over the years ride school buses and having been a member of a school board.

As the member for Barrie-Simcoe-Bradford has said, we have an incredible safety record here in Ontario for school bus operation. When you consider the number of kilometres that are driven every day, we are second to none in terms of safety. But how much energy toward safety is enough? Well, never enough.

In my time as school board chair and as a trustee, I on two occasions attended the wakes and funerals of students who had been killed in school bus accidents. One was one too many; two was extremely disconcerting for the community and for the families—families that will never heal over this, and I understand that.

Our school bus drivers are first-rate. I have always been convinced of that. The funding formula that provides the compensation significantly underpays what they're worth when we consider the job they do. We take a school bus driver, whom we will give a steel box that may have up to 80 students in it of all different ages. The driver is responsible for driving that vehicle, often at highway speeds, making certain its stops and starts are safe and maintaining discipline on the bus. History has shown us they do an excellent job of that. The problem is a factor they don't have control over, and that factor is cars coming toward them or from behind.

School bus drivers attempt wherever possible not to build up lines behind them. They attempt wherever possible to make sure the bus is stopped and the cars are stopped before they let a student out. But that's simply not practical at times. There has to be a certain faith that individuals will do the right thing and stop, but there certainly are people who go through and pass a school bus's lights by accident. That happens, but there's an increasing number who are late for work and in our rush, rush world are making the decision to speed past, gambling that they will get past and not hit a child.

I will be introducing a private member's bill to help those who are going through by accident, by having orange lights come on first, to alert the community and the other cars that the bus is about to stop before the red lights come on. This bill, put forward by our member, wants to make sure that no one wilfully goes past the bus, and I can hear the rhetoric about how much the fines will be and whether or not they're right. This bill must go to committee because that can be determined there. These are the basic principles that we need to protect our children.

There is some question about identifying the driver of the vehicle. I am not convinced that that is a problem. I would suggest that someone who doesn't know who's driving their vehicle at a particular time in fact shouldn't own a vehicle. There's a responsibility on each and every one of us. Although the government may present that it's a problem to know who the driver is and a problem in imposing the fine, let's think about Highway 407. It is a toll road that a private operator owns, but if someone drives through and uses 407 and doesn't pay their bill, the government uses all the power it possesses to collect that money for their friends who own Highway 407. You can't renew the driver's licence and you can't renew the

vehicle licence until that fine is paid. If we can put the energies of this government into collecting fines for the 407 operators, surely we can put the energies into protecting our students out on a highway. We have to look at priorities.

It will create some paperwork. If it prevents an accident, if it prevents an injury or, even more significantly, if it saves one young life, it was all worth it.

We are watching the busing more and more, particularly where we see children who perhaps require special accommodation on buses that take a little bit longer to wait for.

The climate of this rush, rush world is literally putting our children at risk. Our citizens understand the importance of that, and I urge support of this bill. We have to use every mechanism available to us. We trust the bus drivers to look after our children. We trust them to operate that massive vehicle. Surely we can trust them to identify a car coming toward them or going past them. Beyond the shadow of a doubt, if they can look after 80 children on a bus and we trust them with that, we can trust them with the whole package.

I urge support of this bill. If it saves one child's life, everyone in this Legislature will have accomplished something.

Mr Tony Martin (Sault Ste Marie): I stand this morning in gratitude to the member for Chatham-Kent Essex, who on a number of occasions now has brought this bill before the House in the hope that the government would see their way clear to actually enacting it in law so that the many parents, and children, across this province might feel safer when their children get on to school buses in the morning as they head off to their daily chore of learning and participating in the community and the society that we all hope they will grab hold of and run with.

As we look at the evolution of how we deliver education in the province, this kind of initiative becomes ever more important. It used to be that children were able to walk to their neighbourhood school. We had safety issues around that, but I don't think they were anywhere near as gripping on parents, as concerning to parents, as the issue we confront now with the consolidation of schools, the regionalization of schools and the moving of students now by public transit and school buses. I think we have to forever be looking at new ways to make sure, when our children get up in the morning and go to school, that they in fact come home at the end of the day.

I don't think any of us in this place would have to think too long or look too far for examples in our own community of very tragic circumstances, where parents sent their children out the door in the morning or walked them to the school bus, only to hear moments or hours later that an accident had happened and their child was either hurt very seriously or, in some instances, tragically killed. It's in those instances that communities are gripped with the necessity to do something to make those circumstances safer. But in the middle of everything that comes with that kind of tragic circumstance, it's often

difficult for any of us to be clear-headed and focused enough to do it immediately.

So here we are today with an opportunity, distanced a bit from a specific tragedy—although focusing for the moment in some important and small way with the family that the member from Chatham-Kent Essex has brought to the Legislature—in an objective way, each of us taking responsibility for those people, those families and those children whom we represent and speak on behalf of here, to put in place a law, a regulation, a regime that will go a distance to make people think, to challenge people, to let people know that if they decide carelessly, recklessly or thoughtlessly sometimes simply to whiz by a school bus, they will be caught; that it will be no longer appropriate simply because they weren't seen or we weren't able to identify definitely or clearly enough who was actually driving the car; that we will be able to, through some I think very simple and direct investigations, identify very quickly whom the car belonged to and ultimately who was driving it and who should be held responsible, who should be called on the carpet and asked why they felt it necessary or appropriate to speed in that way and put lives in jeopardy when they do that.

I don't think the member here is calling for anything extravagant or outrageous. As he suggested himself, there are other instances where in this province we do virtually the same thing in different circumstances. Why we wouldn't be able to do this, I really don't know. I don't understand the thinking of the government in this instance in not moving forward on this very important, and I think what will prove to be effectual, small step forward to protect school children in our communities.

When you consider the aggressive nature of the activity of this government when it comes to, or when it has been gripped with, the charge of reducing red tape in this province, how quickly they've acted to get red tape out of the way, get rid of regulations and I guess free up our communities from those considerations that over the years have been put in place—many times in response to very tragic circumstances in the workplace or on our highways or in our communities—to move aggressively to get rid of red tape and in some instances the tragic consequences of that activity.

1030

I don't have to remind anybody what happened in Walkerton when we got government out of the business of looking after our drinking water and the quickness with which the government moved in response to that, to actually put things in place. It leaves one to wonder why it is that in this instance we can't get the government to move on what is obviously a very important initiative to again protect people.

The government across the way is forever talking about how it is that they want to protect people, how they recognize that in our society today we need to have all kinds of things in place to make sure that our society is secure, and yet in this instance something that really isn't going to—that I can figure out anyway or see—cost them

anything of any significance in terms of financing of this—it simply enhances the ability of school bus drivers and the police officers in our community to actually do their job and find those people who are acting recklessly or thoughtlessly where school buses are concerned and haul them on the carpet and talk to them and in some instances to fine them and charge them, in other instances perhaps, if it's their first time—I don't know; I'm not going to for a second suggest how a police officer or a police service will deal with some of these things, but at least to have in place some provision that will allow us to identify very quickly what it is that we need to do to put an end to some of this very dangerous and reckless activity and behaviour that we see out there today.

I'm standing here today in support of and giving recognition to the member for Chatham-Kent Essex on this very important initiative and saying to him that our caucus stands shoulder to shoulder in challenging the government to move on this very important initiative to protect the children of our province as they go to school and come home every day.

Mr Doug Galt (Northumberland): My compliments to the honourable member from Chatham-Kent Essex for bringing this particular bill forward. It's certainly a very honourable intention and one that I can see where he's coming from and am able to support, particularly when it's related to the protection of children. I think there are a lot of members here who would be very, very supportive of this particular bill.

I think that we have here in the province of Ontario a tremendous record for our children's safety on school buses. There are minimal numbers that are injured, minimal numbers that are killed. Of course, any one is wrong; we can't afford to have that. But on record it is the safest method of transportation in the province of Ontario. Really, what he's bringing forward is to make it one step better, and I understand where he's coming from.

But what I think is very unfortunate here in private members' bills is the fact that here's a good idea, a private member's bill, but it's probably going to get blocked, typical of so many other private members' bills that come before this House, because of partisanship. When it comes to the last night in June and the negotiations of the day to get it through second reading, which I hope occurs in this case, it'll get turned down, like my Bill 33, the outside riders act, brought forward because of two young men who were killed in my riding. It was blocked by the House leader of the NDP back in June 2001. It was blocked again in December, and I expect it's going to be blocked again this time.

Here's an excellent bill coming forward with the concern of the safety of children, similar to my bill, the safety of people who may choose to ride in the back of pickup trucks, which we're trying to discourage. I think that's unfortunate.

Similarly, we've spent two nights—last night and the night before—on Bill 81. The third reading was blocked. Here's one on nutrient management that is desperately needed in rural Ontario but, again, is being blocked. I

think that's carrying partisanship way beyond the level it should be at. What's good for the people of Ontario should indeed be paid attention to.

Our government has been doing quite a bit to improve safety. As a matter of fact, in 1997 we doubled the fines for those who would illegally pass school buses. That's a pretty big discouragement. For a first offence it's \$1,000 to \$2,000 and for a second offence, \$2,000 to \$4,000. Those are pretty significant dollars for most people. I think when that kind of a fine is levied, there is no question that people are going to sit up and take notice.

I see programs like Bus Watch that are working very well. It's a co-operative effort of school bus operators, school boards and police workers, working co-operatively to identify those drivers who go by school buses. Congratulations on a program such as that.

Also, there are additional enforcement areas like having the police visiting owners of vehicles to issue warnings when they can't identify who the driver was but they can identify the vehicle that did illegally pass. Probably nine times out of 10, at least the owner of the vehicle should know. If he doesn't, he should have been aware of who had his vehicle at that particular time. So those warnings are effective—police laying charges, school bus drivers who can be positively identified, and also the increased police enforcement in problem locations.

Again, I come back to complimenting the member for Chatham-Kent Essex and look forward to the speedy passage of this bill to second reading.

Mr Bruce Crozier (Essex): I'm pleased to stand this morning in support of my colleague from Chatham-Kent Essex and this very important Bill 112.

We can't do enough when it comes to children's safety in this province, and this bill is a step to further address a problem that we have. We know statistically, for example, that on rare occasions—as rare as they might be—drivers seem to simply disregard the lights that are flashing and the stop sign that's out on school buses, and I think we have to do everything in our power to prevent that. That's why I support this bill and that's why my colleague from Chatham-Kent Essex has been so consistent in his effort to address this problem.

I think if we just stand back and say, "Look, we have a problem here. We want to avoid injury and death to our children as they either exit from or enter their school buses. What can we do about it?" this is a reasonable solution. We have red light laws now where the driver isn't necessarily identified and yet the owner of the vehicle can be fined. We have the situation, a very simple one, where you can drive on a toll highway and be charged and yet the driver isn't identified. So that shouldn't be a problem with this legislation. The fact that the vehicle can be identified, the owner contacted and given the opportunity to identify the driver should be enough. That is simply what this bill does.

Tragically, as I said, we've had deaths in this province because of drivers who just simply disregard the rules. Ryan Marcuzzi was killed in 1996. That shouldn't have happened. There have been children injured; that

shouldn't happen. This, I think, is a reasonable attempt to avoid this.

1040

It's been suggested in earlier debate that maybe the fines are too high. I'm not so sure the fines could ever be too high when it comes to the safety of our children in Ontario, but if there are members who feel that's the case, then the appropriate thing to do is to pass this bill, have it go to committee, and we can discuss some of the details of it. The bottom line is that we want to be able to take those drivers and punish them and to take those owners who let someone who is so reckless drive their vehicle and punish them. This bill even provides that we're not going to send an owner of a vehicle to jail if they weren't the driver. That isn't the case. We just want to put the public on notice that we won't tolerate this kind of thing. That again is simply what this bill does.

I don't think—in fact I can be reasonably sure—that anybody would object to an effort to protect our children. The degree we go to to protect them may be of some debate. Again, I'm one who says we frankly can't go far enough. If we have laws in effect that simply collect money, as I've said, from drivers on toll roads, surely to goodness there can be no objection to attempting to apprehend and punish those who are responsible for disregarding the signals and stop sign on a school bus. Children's safety, children's lives, are at risk, and we should take every possible step we can to protect them. That is what this bill does, and I think it does it in a very prudent way.

I would encourage all of our members in this Legislature to follow the advice of the member from Northumberland, which is that this is not a partisan issue; this is one about children's safety on which we all should agree.

Mr Gilles Bisson (Timmins-James Bay): Jeez, this is like déjà vu. This is not the first, not the second but the third time we're having this debate in the Legislature. Each time, this bill has been brought forward by the member from Chatham-Kent Essex. This is the third such debate we've had on a Thursday morning over the last number of years. You know what's interesting? The previous two times, just for our new friend from Nipissing, just so you know, even though the House passed the bill the first time at second reading and the second time at second reading, your government never allowed it to see the light of day at committee.

I want to say upfront that we will support this bill yet again because we think it's a good bill, but our words now are to the government. You have a responsibility as a government to allow the business of this House to go ahead. One of the things that frustrates all members of this assembly—because even government members have this problem—is that your government House leader, along with the cabinet, doesn't allow bills like the bill put forward by the member from Chatham-Kent Essex to go forward to committee.

Here's a bill that can speak to a real issue. We have with us today in the galleries the family of somebody

who died in just such an incident that could have been prevented by this bill. What do you say as a government to Mr and Mrs Marcuzzi, who lost their daughter, Ryan? You have an opportunity to do the right thing here. I know you're going to vote at second reading. I'll predict this: when we stand here at 12 o'clock this afternoon on this vote, the government will support this bill—no question. That's a given. But here's the real test: allow this bill to see the light of day at committee so that it can have the time it needs to make the amendments necessary and bring this bill back for third reading.

I think it speaks badly of this assembly when governments use their majority to block good bills such as we have here this morning, and the bill that's going to come after by Mr Martin from Sault Ste Marie that can make a real difference in people's lives. Just because it doesn't say it's a government bill doesn't mean it's bad. All members are honourable. All members work on behalf of their constituents, government members and opposition members. The government's got to take its responsibility seriously and allow bills like this to see the light of day.

I have said on a number of occasions that the problem we have in this assembly is it's dysfunctional. You have a government that has changed the rules over the years such that the government can do what it wants. It controls all the cards. It's a little bit like walking into a poker game—could you imagine?—where the deck is marked and the only one who ever touches the cards is the dealer. How in heck are you ever going to get a good hand at that particular game? Well, this is what you guys are doing.

So I, along with the NDP caucus, advocate that we need to change the way this assembly runs so that it does the business of the people of Ontario. This old, antiquated system that we call "first past the post" has got to die. It's got to die a peaceful death. It's been around for 300 years. It's about time in this assembly in the province of Ontario that we move to a more progressive system of electing members, such as proportional representation, so that when people elect their members, their members come into this House and have some ability to pass the bills that are important for their communities, because we represent who? The people. Not the political parties and not the Premier's office.

So later on this fall, we are going to put forward a motion in this House in regard to adopting a system of proportional representation so that we change the system of election. We would still elect people as we do now, but at the end of the day we'd look at the percentages of each of the parties and we'd adjust accordingly. So if the Tories got 41% of the vote, as they did in the last provincial election, they would only have 41% of the seats; if the Liberals got 30%, they'd have 30% of the seats. If we had 20% or whatever, we'd get 20% or some odd per cent of the numbers. What we've got now is a government that by way of 41% of the general popular vote in the last election has over 65% of the seats. It's nuts. So we end up in an assembly where a member like the member for Chatham-Kent Essex brings forward a bill

that can make a real difference and can't get it passed because the tyranny of the majority is ruling what happens in this assembly.

So yes, let's vote at second reading. Let's support this bill. I know we will. But the real test is going to come when we get to committee.

On a little bit of a brighter note, I do want to point out something else that's very important in this assembly today. Students from O'Gorman Intermediate High School in my riding are up in the galleries. I'd like us to take the time to applaud their welcome here.

I'll just say in the last two minutes I have on the bill itself that it's a good, well-thought-out bill. It's not as if this thing has not been given some good thought. The bill is very simple. Basically, it says that if somebody is caught contravening the laws when it comes to school buses, passing the blinking lights or doing something that would put in danger the lives or health of the children on a bus, if we can't stop the car, at least take the plate number down and report it. There's a mechanism to get back to the owner in order to get the owner to cough up the culprit who committed the offence.

I commend the member for Chatham-Kent Essex on bringing forward this bill. As I said, we will vote in favour once again, but the real test is going to come, that we have to get to committee.

I just want to say one other thing on a little bit of an unrelated matter, but it's just a bugaboo of mine: the condition of our highways. The government, in its privatization agenda, as you well know, has privatized everything that moves in the province of Ontario. We just found out yesterday what happens with privatization of testing of water. We saw that 60 communities are now at risk because we don't know, quite frankly, because the tests were not done at the private laboratory, if that water is safe to drink. Today we will be moving some motions in order to be able to deal with an emergency debate on that issue here in the Legislature. In fact, we're trying to negotiate that with the government House leader as we speak. But on the other issue of highways, we privatized the maintenance of our highways across this province. As people who drive the highways of northern Ontario, we used to be able to get from point A to point B fairly well when the province of Ontario, through MTO, used to plough the highways. Now when you drive Highway 11 between Hearst and Kapuskasing, you're lucky if you can get through when it's snowing. Why? Because the privatization hasn't worked. It costs more money and we get less service.

Mr Speaker, thank you for this time in the House. I look forward to voting and passing this bill at second reading and bringing it on to committee.

Mr John O'Toole (Durham): It's a pleasure to rise today and support, first of all, Bill 112. The member for Chatham-Kent Essex has certainly made this the Holy Grail of his issues. I respect that and hope that this time it not only is passed but is actually enshrined in legislation. It would be a credit to the work you've done on that.

I have a few points. First, I want to be clear that over the years I have served as a school trustee and have been

very involved in the education issue. This issue has been around for a number of years—many, many years. It's not particularly new. What is new is that Mr Hoy has made this attempt at legislation. I will say, at third reading, it's quite a small bill modifying the Highway Traffic Act in a couple of sections.

1050

In my riding of Durham there are really six different school boards, I guess. There are the French and English, public and separate; then there's the Durham public and separate, the Peterborough Victoria Northumberland and Clarington Catholic District School Board and the Kawartha Pine Ridge public board; and then the French and English as well. So there are a number of jurisdictions. I meet regularly with the boards and the trustees as well as the directors and I attend a lot of schools in my area.

In fact, the area is quite large. There's a large geographic component and, given that there's a large rural component, hence there is a lot of busing that occurs within my riding. I get calls from parents, primarily in new subdivisions, who are concerned about the walking distances and the potential risks to children. When they're on the bus—I've spoken with the school bus operators of Ontario, who I believe are supportive of this. Mr Hoy would have to confirm that. Rick Donaldson has long supported a really progressive program with respect to school bus safety. They take great strides in terms of trying to recognize the important part of training bus operators and indeed educating the children of their responsibilities to act appropriately and follow the instructions of the school bus driver, who has a really important job.

I think this bill pays some respect, when they identify someone who is not obeying the current law, by identifying the driver of the vehicle—it's almost impossible because they're going past the vehicle. To get the licence plate number is what this legislation does. If you get the licence plate number, that licence will be tied to the owner of the vehicle, and Mr Hoy is saying that the owner of the vehicle will then be charged. They won't be charged with the six demerits, but they will be charged with the fine. They can be exempted by identifying who was driving the vehicle. In my case—I have five children, all of whom have drivers' licences—I would be educating my children and certainly I would rat on them, if you will, or tell, because it is breaking the law.

It's important to recognize that in the current legislation, under the Highway Traffic Act, the school bus stop law, motorists are required to stop when approaching a school bus with red overhead lights flashing and a stop arm extended. The only time a motorist doesn't have to stop is if it's a divided highway with a median and the motorist is driving on the other side of the median. So it's very clear that the requirement is to stop, and that's what is important here: to educate the public. A motorist who fails to stop for a bus is liable for a fine of \$400 to \$2,000 for the first offence, plus paying a victim fine surcharge of \$85 to \$500, plus six demerits. Consequently, their insurance goes up.

What's really at stake here is the right of the individual, if their car was stolen or if their car was taken without notice by a child, those kinds of things, for years. It's not just this case of having to identify the driver, not the vehicle; that's the substantive problem the government has had in the past. But I'm confident that the enforcement mechanism my friend from Barrie-Simcoe-Bradford, who is a lawyer and practises law—not while he's here, of course. I hope not, anyway.

The government has instituted a number of important initiatives. School bus safety is important, but community safety zones primarily were brought forward by this government to allow for zones around schools and park areas where children would be safe.

I can speak on behalf of my constituents of Durham. This is an important initiative and I thank Mr Hoy for bringing it forward.

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): I'm very pleased to stand today in support of the bill of my colleague from Chatham-Kent Essex. It has already been noted this morning that the member is recognized in this Legislature and across the province for his valiant efforts in this particular area on behalf of students.

I would suggest that the most important laws in our province, the most important laws that we consider in this Legislature, would be those that protect the most vulnerable in our society. I think it would be very difficult to argue that our children can be considered very vulnerable and valuable cargo in school buses. The member for Chatham-Kent Essex has recognized that as a legislator he has an opportunity and a responsibility to consider how we can, in our role as lawmakers, improve laws that are already in place.

There have been presentations this morning, certainly by members of the government, that within the body of the bill there may be some concerns about application and whether it in fact can be managed. I know that my colleague from Chatham-Kent Essex would be very happy to have the bill go to committee and hear the views of people across Ontario on how it can be improved.

Having said that, however, the member has also indicated a long list of constituency groups. They would be people who would have an interest, a vested interest, in this piece of legislation: people who own and operate school buses, school bus drivers, school teachers, school boards, police associations. He has indicated that the Police Association of Ontario is in favour of this particular legislation. So I believe that my colleague has been very comprehensive in terms of the work he has done to gain support and to demonstrate that what is proposed here today is very sound.

He has also indicated today that he would be very happy to see the bill go to committee so that members of the Legislature—there have been some concerns raised here today. Let's talk about them. Let's consider, if the bill needs an amendment, how that might happen so that it can be enacted into law and provide a measure of safety and protection for our children who ride school buses.

In my riding this bill is particularly important. I represent a rural riding, Hastings-Frontenac-Lennox and Addington. I was a school board trustee, so I certainly have some sense and understanding of the significance of school bus transportation, particularly in rural Ontario. When I was a trustee on the board, over 80% of the students in our jurisdiction rode to school on a school bus. So for rural Ontarians certainly, it's important to know that we in this Legislature are taking our time to consider laws to improve the safety of 80% of the students in some of the jurisdictions that we represent here today.

I also wanted to touch on the points raised by the member from Timmins-James Bay, where he indicated that this is not the first, it's not the second but the third time that my colleague has had to bring this bill for debate on the floor of the Legislature, and it seems to get to committee and it gets stalled there. I really sensed that I heard some positive comments from members of the government. It would be my hope that they were very serious in suggesting that this could and should be a law in the province and that they will do all they can to expedite its journey to become a law. That of course means that when it goes to committee, that it is in fact considered and brought back to the floor of this Legislature so that it can receive third and final reading. That is the challenge, I say to the government members this morning. You may pass it this morning at second reading, but I implore you to do all you can to ensure that it receives third and final reading.

Mr Bisson: On a point of order, Mr Speaker: I know that everybody is watching this debate intently this morning and didn't get a chance to watch the match between Italy and Mexico. Just to let you know, Italy is in the finals. They tied the game, and Croatia lost. So, viva Italia.

The Acting Speaker: Of course, it is not a point of order but it is useful information.

The member for Chatham-Kent Essex has two minutes.

Mr Hoy: I want to thank those who spoke to this bill this morning: the members from Barrie-Simcoe-Bradford, Prince Edward-Hastings, Sault Ste Marie, Northumberland, Essex, Timmins-James Bay, Durham, Hastings-Frontenac-Lennox and Addington, and I hope I have included everyone there.

I want to respond to some of the government's comments, and particularly in one regard to the fine levels. I want to say to the government members opposite that you raised the fine levels some time ago. We can discuss what the appropriate fine level is in committee. I think that would be excellent.

1100

The point I'm trying to make is that the fine levels are a moot point when you have an inadequate law that has no conviction mechanism. You can make them as high as you want or as low as you want, but you're not apprehending the many persons who pass school buses illegally, endangering the lives of our children.

You do, however, as a government, I say to the members opposite, use vehicle liability to collect money on the 407. You use it to collect money in a safety-featured way with red light cameras. Let's have vehicle liability to protect the 810,000 children who ride over 16,000 school buses here in Ontario twice daily. Some routes are more than that: three and four times a day.

The people clearly know what the law is because I have had reports from persons who would know that people are passing school buses illegally shielding their faces because they know the driver has to identify the face of the driver. They're passing school buses with their hands up to their face to shield themselves. They also, the bus drivers, have difficulty seeing persons through blacked-out windows in speeding cars. When a car is passing a bus from front to back, it's virtually impossible to see people passing school buses illegally while the bus driver is watching its most cherished cargo, the children of our schools.

Let's pass this bill. Let's pass it now.

The Acting Speaker: The time allotted for this ballot item is now expired. We will deal with the questions at 12 o'clock noon.

ONTARIO DISABILITY SUPPORT
PROGRAM AMENDMENT ACT
(FAIRNESS IN DISABILITY
INCOME SUPPORT PAYMENTS), 2002
LOI DE 2002 MODIFIANT LA LOI SUR
LE PROGRAMME ONTARIEN DE SOUTIEN
AUX PERSONNES HANDICAPÉES
(ÉQUITÉ DANS LES VERSEMENTS
DU SOUTIEN DU REVENU)

Mr Martin moved second reading of Bill 118, An Act to amend the Ontario Disability Support Program Act, 1997 to require annual cost-of-living adjustments to income support payments / Projet de loi 118, Loi modifiant la Loi de 1997 sur le Programme ontarien de soutien aux personnes handicapées en vue d'exiger des rajustements annuels relatifs au coût de la vie en ce qui concerne les versements du soutien du revenu.

The Acting Speaker (Mr Michael A. Brown): The member for Sault Ste Marie has 10 minutes.

Mr Tony Martin (Sault Ste Marie): I wanted to start by first recognizing the work done by Sarah Jordison and Trish Hennessy in getting this piece of work, this discussion, on the floor today.

I'd like to recognize as well all the people who have come here today from across Ontario to support this bill. People have come all the way down from Parry Sound-Muskoka, they're here from Hamilton, Brampton, Oakville, Oshawa, Whitby, and the list goes on. Every community in this province has an interest in this bill. They are here today because this bill is so important to hundreds of thousands of disabled people in this province and all the people who love and care for them.

I'd like to thank all the people in community organizations who have worked with us to bring this serious

issue to the forefront of the minds of the people of Ontario: Barbara Anello, the director of the DisAbled Women's Network Ontario; the Ontario Association for Community Living; the community living associations in Haliburton, London, Timmins and Trenton, just to name a few; the Schizophrenia Society of Ontario; John Fraser and the Income Security Legal Clinic; the Ontario Social Safety Network; Helen Henderson; the Elementary Teachers' Federation; Maria Kohan. I wish I had time to name the many people who have been so helpful over the last number of months.

As most of you know, a year and a half ago I stepped down from the Speaker's chair because I could no longer preside over a Legislature that would not debate the issue that affected the most vulnerable people of our society. Since then I've toured the province with the People's Parliament on Poverty to hear what people without a voice had to say about this issue. We're here today in response to one of the serious issues they raised: people with disabilities are being forced to live in poverty, and that's a shame, particularly in a province as rich as Ontario.

Disabled people who are unable to work and must rely on the Ontario disability support program are being forced to live significantly below the poverty line. The government has no more fundamental responsibility than to look after those most vulnerable in our society, and right now they're failing in that charge.

I stepped down from the Speaker's chair because I wanted to bring their voice to this Parliament. I'm here today doing that. It's time for this government to listen to the many people who have come and are here today supporting this bill, both here in the House and in committee room. I'm also here speaking on behalf of literally thousands of people across the province interested in watching what the government will do today on this bill.

Last fall this government made a big hoopla out of the release of their vision statement for people with disabilities. With it, they professed to be champions for the disabled. The vision is a good one; it states that they believe that the dignity and worth of all Ontarians should be respected and valued, and that they believe people with disabilities have the right to participate fully in every aspect of life in our province. These are great words. But that's all they are—just words. Today is the day that we put those words to the test. Today is the day that this government must actually prove its commitment to all the disabled people of Ontario.

Today, as I stand here, those words ring very empty for 192,000 disabled persons across this province—Ontarians and their families, friends and caregivers. This group of disabled people are unable to work and are forced to depend on the Ontario disability support program, otherwise known as the ODSP. For them, this vision statement is nothing more than a slap in the face. They see little dignity in being forced to live below the poverty line. They find it impossible to participate fully in every aspect of life when they don't have enough money for food, clothing, transportation or even many of

the medications or supplies that they need. A single person living on ODSP receives a maximum of \$930 per month, a yearly income of \$11,160. According to Statistics Canada, this is significantly below the poverty line, particularly for those living in our urban centres where they would need an additional \$7,211 per year just to reach the poverty line.

I ask every member of the government, every member of the House, to imagine trying to live on \$11,160 a year. Now try to imagine living on \$11,160 a year while still having to cope with a disability. No one deserves to live like this; no one should have to live like this.

People living on disability benefits have had no increase since the Conservative government took office in 1995, and yet we've lived through some of the best economic times in our history. Since they got elected, the cost of living has gone up by 12.8%. This means that not only have they not had an increase, but that \$11,160 is worth \$1,438 less than it was worth in 1995. Over that same period of time, rents in this province have gone up over 20% in most of Ontario's cities. For many of those who live in Ontario's urban centres, their rent takes up almost all of their ODSP cheque.

Did you know that 15% of people using food banks are on ODSP? And those are just the ones who are able to access food banks, food banks that are close enough to get to. We cannot, we must not, let this continue. It is our responsibility to make sure that people with disabilities aren't falling through the cracks. My bill proposes to index ODSP to the cost of living so that every April 1, people with disabilities get the increase they desperately need to maintain their income level. All this bill proposes is to stop people with disabilities from falling further into poverty.

1110

Quite frankly, this bill really isn't enough; it's a scratch on the surface. But since the government whip tried to have this bill ruled out of order on Tuesday, I know what would have happened if I'd tried to introduce the legislation that is really needed here.

People who are already living with a disability do not deserve a life sentence of poverty. All I am asking this government to do today is to stop making their lives worse. I ask, I beg—whatever it takes—the government on behalf of the 192,000 disabled people in this province and all of their families, friends and caregivers, please, today, you have an opportunity. You're hearing the voice of people who are disabled and living in poverty in this province, here present and across the province, asking you to vote in favour of this bill so that we can stop once and for all, at the very least, making the lives of these very important citizens of our province any worse than they already are.

Mr Ernie Hardeman (Oxford): I'm pleased to rise in the House today to speak to Bill 118, An Act to amend the Ontario Disabilities Support Act, 1997 to require annual cost-of-living adjustments to income support payments. I just want to address for a moment that that is not what the bill does. I think it's very important and I

welcome all the people who are here today to hear the debate, but as was ruled by the Speaker yesterday, the bill if passed would permit, not compel, the Lieutenant Governor in Council to make a regulation which, if made, would constitute a charge on the consolidated revenue fund. So I think it's very important to recognize that this bill in fact does not do what it is purported to be doing in the title of the bill.

But we all want the best advantage for those in our society who are disabled. This year the province and municipalities will spend an estimated \$2.1 billion to provide income support and related benefits for the families on ODSP. That's our government's strong commitment to the disabled community.

It's also worth noting that income support for single persons with disabilities remains the highest among all the provinces in Canada. You will also know we changed the support program from the family benefits program to the Ontario disability support program. This again was to show our commitment as a government to the disabled community.

There were a number of changes made in the Ontario disability support program to again help the disabled community. The program recognizes that persons with disabilities can and do want to work. Persons with disabilities are no longer labelled unemployable. Under the ministry's supports to employment program, the amount of earnings that a family can keep without deduction was increased.

The Ontario disability support program also provides a broad range of employment supports to assist people with disabilities to prepare for, obtain and maintain employment. Improvements were made on the ceiling of assets that they were allowed to receive and maintain during the time they were receiving the support.

Under ODSP, workers' compensation awards, inheritances and other compensation awards were allowed to be taken in without seeing a decrease in the support they receive.

The disability program also provides incentives for family and friends to participate in providing additional support. For example, recipients are allowed to keep an amount of up to \$4,000 a year in the form of gifts for any purpose from any source.

These improvements were made in response to concerns raised by people with disabilities.

In addition to income support, individuals and families under ODSP also have access to an extensive menu of benefits including drug coverage; dental, vision and hearing service for adults and dependent children; diabetic supplies, surgical supplies and dressings; medical travel and transportation; consumer contributions for assistive device and eligibility assessments under the assistive devices program; batteries and necessary repairs for mobility devices; winter clothing allowance for dependent children; back-to-school allowance for dependent children; community start-up benefits—\$1,500 for recipients with dependent children; guide dog benefits; employment start-up benefits; upfront child care costs; northern

allowance—\$135 and up based on the number of dependants; chronic care items; necessary home repairs; and personal needs allowances to people who reside in chronic care facilities, nursing homes, psychiatric hospitals, homes funded under the Homes for Special Care Act and facilities under the Developmental Services Act.

Much is being done. Would we all like to see more done for the disabled? Of course, we all would. But this bill is not a way to do it.

The Acting Speaker: I would like to bring members' attention to the members' gallery west. We have with us a former member, Drummond White, from the former riding of Durham Centre.

I would also like to take this opportunity to remind those in the galleries that we appreciate your being with us, but I need your assistance because we cannot have any kind of demonstration or applause and the like. That behaviour is reserved for down here. Thank you.

Mr Michael Gravelle (Thunder Bay-Superior North): Let me begin by saying how pleased I am to participate in this very important debate today. As a long-time proponent of a cost-of-living adjustment for all Ontarians who must somehow survive on the present and wholly inadequate Ontario disability support program, I congratulate my colleague from Sault Ste Marie for bringing this legislation forward.

I vigorously support this legislation, and I would like to call on all members of the House to look deep within their hearts as they ask themselves how they could possibly not support this extremely reasonable and simply decent cost-of-living adjustment.

It's difficult to understand why we even have to justify this request. Certainly everyone in the Legislature knows how costs for just about everything have gone through the roof over the past six years. We know that costs for shelter have increased dramatically across the province, particularly in large urban centres such as Toronto.

We also know that the cost of food has increased at an alarming rate over the past several years. As a recent report by the Daily Bread Food Bank confirmed, when the already low incomes of disabled people fail to keep up with the cost of living, the food budget is often the first item to be cut. Food bank use has increased dramatically for ODSP recipients, and what is clear is that the deterioration of real incomes for ODSP recipients is an unsustainable situation that leads not only to food bank use, but to the brink of homelessness.

I often find myself harkening back to the diet that former Community and Social Services Minister Tsubouchi trumpeted back in 1996—the dented tuna debacle, as all members will recall. Even if one accepted this particular food plan as an acceptable diet, which I must say I didn't, the cost of that particular set of items has increased substantially since that time. In fact, last year we went out and bought those exact items at a large no-name discount food chain and discovered the prices had risen by over 20% since the minister's Spartan diet was first unleashed on the poorest citizens of our province.

Is it unreasonable for us to expect government members to support this legislation? I certainly don't think it is, and quite frankly I believe it is the least we can do to begin to bring some measure of fairness to a deeply flawed program. And what a deeply flawed program this is; I wish I had more time today to describe how painfully user-unfriendly the ODSP truly is.

At a forum held in Thunder Bay last week, co-sponsored by the Kinna-Aweya Legal Clinic and the Thunder Bay District Health Unit, we heard from a number of front-line workers about the appallingly bureaucratic and cruel process applicants must go through in order to access benefits for which they are clearly eligible. How can this government speak about the generosity of this program when the system is set up in such a manner that the vast majority of applicants are summarily turned down for assistance when they first apply? While a large number of these applications are eventually granted through the appeal process, this only happens with the enormous help of dedicated legal aid clinic workers such as those who work at Kinna-Aweya, as well as the concerned front-line workers who attended this forum.

1120

How good-hearted is a system that is set up to cut off applicants rather than help them through the process? Without this help, people with mental health issues, learning disabilities and literacy problems, and homeless people, have to get through this enormously complex process themselves. The ministry which administers the program provides no assistance whatsoever. The municipal social services offices which do the financial assessment are not allowed to help the applicants with the forms. The forms that the doctors must fill out are so bizarrely complex that many doctors have difficulty finding the time to fill out the application. And what do you do if, like 40,000 people in Thunder Bay, you don't have a family doctor?

We need a separate and thorough debate on how this program must be simplified, made truly accessible, and turned into a program that is not geared to turning away our most vulnerable people from the assistance they clearly need and deserve. But the important aspect of today's debate is that we have a real opportunity to make a positive difference for those needy individuals who are presently on ODSP. Today I call on—indeed I beg—the members of this Legislature to support Bill 118 as put forward by Mr Martin. It is a necessary adjustment that is long overdue and one that, regardless of the outcome of today's vote, I will continue to fight for and support.

Mr Gilles Bisson (Timmins-James Bay): I am quite proud to stand in the House today and support this motion from our member from Sault Ste Marie, Mr Tony Martin. People know Tony as a person who has done a lot of work not only in his life here in the Legislature over the last 12 years on behalf of many people in the disabled community and generally the community in need, as I would describe it, but has also worked within the church and various organizations before that and

brings a lifelong experience of really understanding what people go through. I think far too often members of the Legislature tend to come from backgrounds that are pretty well-to-do. They don't have to worry about putting food on the table or paying their bills at the end of the month and maybe don't quite understand in a real way, as the member from Sault Ste Marie does, the difficulty people face each and every day of their lives.

The bill that he puts forward is a very simple move that the government can adopt. As I said in the previous debate, I would expect—I would hope—that the Tories will support it. We're going to pray at this point that they do. But if we do pass this bill at second reading, we want this bill to go to committee, and I would repeat the comments I made earlier today that the government doesn't allow members to get their bills off to committee. That sometimes is quite unfortunate, because it's good public business that we do here on Thursday mornings. Probably the most non-partisan part of our week is private members' public business, and I think there is something to be learned from that.

His bill is quite simple. It moves forward the idea that we should at least tie the cost-of-living index to the people who are on pensions from the Ontario disability support program. We know, for example, that over the past number of years there has been an erosion in the amount of money that people receive, because since they carved the ODSP out of the welfare system there has not been an increase in those basic benefits. So people who are on benefits haven't had any kind of increase and find themselves in a situation where they've actually gone back. When you look at the cost of living, people are actually making 20% less today on an ODSP payment than they did back when the Tories first came to office. To try to pay your rent, try to pay for your groceries and try to just stay alive on those benefits is very difficult. Imagine living in the city of Toronto. I don't know how people do it, quite frankly. I know it's hard enough in Timmins, Kapuskasing and other communities.

I have a very close relationship with a number of people who are on disability pensions within my riding. My office's and my reputation as working with people, trying to advance their causes when it comes to disability issues, everything from basic pension needs to other issues, is well known in our community. I just want to signal that there are a lot of good people out there such as the Timmins accessibility committee, who I know are watching today, who are very much interested in this debate. They represent a community within the city of Timmins that is often forgotten when it comes to the really essential things such as making our community accessible to people with disabilities. I sit with them every month—if not myself then somebody from my constituency office is there each and every month at their meeting—and one of the issues we've talked about is this very issue. I have said to them that our member from Sault Ste Marie is bringing forward a motion and that motion is here to give them some breathing space when it comes to the amount of money they receive every month

so that at the very least their benefits could be tied to the cost of living.

I also think of other groups that I've been dealing with within the community, the Canadian Mental Health Association and others, who are bringing a message back to us here through me today: please support this bill, because quite frankly it is very difficult for people to make do.

The only other point I want to make on this, and I think it's important, is that I want members of the assembly to think of what it would be like to try to live on the amount of money that we get on ODSP. A single person living on ODSP would get a maximum of 930 bucks a month. That is not a heck of a lot when you really take a look at it. By the time you pay your rent, your rent has pretty well chewed that up and it leaves you a very little bit of money to be able to buy groceries. Far too often we have people coming into our constituency offices saying, "You know, I'm trying to pay my rent. I've had to disconnect my phone, I've had to disconnect my cable, because I can't afford those things." By the time they pay their rent, by the time they pay their bus pass to be able to get around to the programs that support their health care needs and their social needs, and by the time they pay for their groceries, there's nothing left. So they either don't have a bus pass or don't have cable or don't have a phone, or they don't have all three, depending how expensive the rent is. We know this government has not been very good in the public sector when it comes to not-for-profit housing and subsidized housing. Not one new stitch of units has been built since this government has come to office, and it's more difficult for people to get apartments that are geared to income. So they're bringing a message here: "Listen, you've got to pass this because we need some respite."

I only want to give one other story, because I know the member from Trinity-Spadina is going to say something. I'm just going to relate one story I had of a woman who came into my office. Quite frankly, it made me cry when this woman came in. She comes in, sits down in my office and says, "Gilles, I'm really having a hard time. I'm on a disability pension. My husband left me because of my illness. I'm alone. Here I am having to live on this measly little pension that we get. They want to shut down the hydro. I've already shut down the phone. I've already shut down the cable. Yesterday morning I had to send my granddaughter home." I said, "What was that all about?" She says, "My granddaughter tried to climb up on a chair to make herself a peanut butter sandwich. There was no peanut butter and I couldn't afford to buy her any." I tell you, even today it hurts me, because here is a proud woman, a woman who basically because of her circumstance, because she developed MS and is unable to work, her husband left her, she's on her own, can't afford to buy peanut butter for her granddaughter.

So on behalf of the granddaughter and on behalf of all grandchildren and people on disability, please pass this bill, because this is about real issues; this is something that would make a big difference in their lives.

Mr Norm Miller (Parry Sound-Muskoka): I do believe that improvements to the Ontario disability support program are needed; however, I also believe that Bill 118 is flawed. The effect of Bill 118 is an unnecessary duplication of provisions that already exist. The minister has the ability to change ODSP payments by regulation.

It is important to remember that Ontario residents with disabilities have the highest rate of income support in the country. The government respects the dignity of persons with disabilities and has removed the stigma of "permanently unemployable," allowing people to be supported when they need it the most. But we can do more.

For example, increasing the asset ceiling would improve the financial security of people with disabilities. It's currently about \$7,500 for a couple. There are many exemptions, but I believe that could be increased. Increasing the amount of earnings that can be made while still receiving full benefits—and that is currently about \$235 a month for a couple—is a practical way to allow persons with disabilities to improve their personal circumstances. I have constituents whom I have met with who are receiving ODSP payments who want to be able to earn more money, and I believe we should be helping and encouraging them to do so.

Continuing limited benefits, such as the drug benefit plan, for people with chronic disabilities would remove a barrier to pursuing gainful employment. I have constituents who fear the loss of the drug benefits available under ODSP far more than the loss of income support. The cost of permanent medication is a huge disincentive to seeking alternative employment and striving for independence.

I will continue to work on behalf of my constituents with disabilities. I believe we need to make changes to the ODSP that will result in meaningful and tangible improvements, that will remove barriers to security and self-sufficiency.

1130

Mr Ernie Parsons (Prince Edward-Hastings): Over the years, my wife and I have fostered quite a number of children. Most of them come and are able to fit into the family, but some come whom we have to teach the very basics of what is the right thing to do—holding the door open for a person behind you is just a very basic thing.

Doing the right thing for people on disability is just a basic human characteristic that we've not seen demonstrated over there. This government has taken and sentenced Ontarians with disabilities to absolute poverty. Do not tell me that disability in Ontario is the highest unless you're prepared to live on \$930 a month, and I challenge you to do that. If you truly think the wording in the member from Sault Ste Marie's bill is wrong, then just do it. You don't need the bill. You have the power to change it instantly. You know as well as I do that the problem with this bill is that it doesn't go far enough, and it doesn't go far enough because you won't let it go far enough, not because of the member for Sault Ste Marie.

This bill should be retro. While we have seen them suffer a loss in purchasing power that's significant, this

government bills taxpayers for booze. Get your priorities right. Here's how ODSP works in Ontario right now. You apply; you are refused. You go to an arbitration process that takes months and months, forcing people to find other resources or go on welfare when they do not belong in that area. They are entitled to ODSP. When they finally get the money, it's inadequate. If they try to better themselves, it is clawed back.

I know you're reading great scripts over there, but I challenge you to talk to your constituent assistants. Call a meeting in your riding and talk to people on ODSP. I can assure you that what you'll be hearing from them is not what you're hearing from your speech writers.

It doesn't matter what you say. People don't care what you say, they don't care what politicians say; they care what we do, and we have given short shrift to people on disability who don't choose to go on it. I've not yet had one person come into my office and say, "I think I've got a scam. I'm going to lose my eyesight and then I'll get money from the government." No one chooses to go on it. They want dignity and they want to work. They want to be able to dress their children like the rest of the children in their community. They want access to transportation and baby food. They want access to their full rights.

Dalton McGuinty and the Ontario Liberals do not believe that there are classes of citizens in Ontario, that some are entitled to \$2.2 million a year and others are entitled to a maximum of \$930 a month. There isn't a parent in this province who has a disabled child who is not worried about what happens to them when they die. They know that, based on this government's treatment of them and based on the allowance they leave, their children are going to suffer when they pass on, and yet you have every obstacle and roadblock to prevent these parents from putting in place a lifestyle to permit their children to live. You should be ashamed of yourselves. Support this bill at the very least and please don't bury it in a committee.

Hon David H. Tsubouchi (Chair of the Management Board of Cabinet, Minister of Culture): On a point of order, Mr Speaker: I would just like to recognize very quickly a couple of special guests, if I could: Calvin Hung, a grade 8 student; and Camille Logan, the vice-principal of Parkview Public School in Markham, who just presented a poster on racial harmony to His Honour the Lieutenant Governor.

Mr Rosario Marchese (Trinity-Spadina): I stand proudly in support of the bill presented by my friend and colleague from Sault Ste Marie. I take little comfort, and I suspect that people with disabilities take little comfort, from the comments made by the member from Oxford and the member from Parry Sound-Muskoka.

The member from Oxford says that this bill would permit, not compel, the government, or presumably this assembly, to do what is before us. My point is, what's your point? If it's permissive, it's good. If it compels government to do it, it's even better. Whatever the government wants to have happen can happen on the basis of

what you want to have happen. I'm not quite clear on what you were saying by way of what this bill does or doesn't do.

Second, he says people with disabilities have the highest levels, presumably, of benefits. What does it mean when he says that when people with disabilities are here pleading with you, not as supplicants but as people who are saying with dignity, "We would like to have what is deserving for us as human beings"? What they're asking for is that we require an annual cost-of-living adjustment to income support payments as a way of recognizing real needs of real human beings. They don't want to have to come here as supplicants, pleading, entreating, soliciting you people to give them a little more. But that's what it appears they're coming to do each and every time.

You hear the member for Parry Sound-Muskoka saying, "We're doing so much. We would like to do more." But you can do more. It's just the choices that you make. The choice this government has made is to give people income tax cuts rather than giving people the real benefits they deserve. A third of the cuts they made, to education, have paid for those income tax cuts they have given to the highest-income earners of Ontario. The other third of the cuts they made, in health care, have benefited of course the high-income earners who have naturally benefited from those tax cuts. So you give a tax cut and someone has to pay for that tax cut. Who pays for that? Our educational system, our health care system and the people who work in them; and the other people who have lost incredibly are those who are most in need: the people who rely on government for support. People with disabilities are just one group. There are so many other groups. This is the other group that is coming before you, saying, "Look, the choices you are making are bad ones."

When you say we need to give income tax cuts to the corporate sector and to the highest-income earners of Ontario, what you're saying to people with disabilities is, "We don't have enough for you," because that's the choice you've made. Because you're sending billions and billions of dollars out every year, what you're saying to them is, "We don't have enough money left to give it to you." And then you come into this House and say, "We would like to give you more but we really can't. We don't have any money left." That's not the answer that people want from governments and that's the only answer you're giving them.

The other point the member for Oxford makes is that people with disabilities no longer are labelled unemployable. While that might be true, the fact of the matter is that people with disabilities still are discriminated against as a group because they can't have access to those jobs, and even if they have access to the jobs they don't get hired the way other people do. That is why the highest number of people who take their cases to the Ontario Human Rights Commission are people with disabilities. It's for a reason, and that reason is that discrimination exists in society on the basis of not creating workplaces that are accessible to them, and even if they were, they still are not getting the jobs they deserve.

It's sad to hear the member for Oxford and the other fellow from Parry Sound-Muskoka saying, "We would like to do more." They can do more and the choices are very clear. As New Democrats, since the very beginning when this government said, "We are going to institute income tax cuts," we said, "You are doing it on the backs of the most vulnerable individuals in society. You are doing it at the cost of a health care system suffering. You are doing it at a cost of our educational system suffering." That's the choice you've made. It's a very clear, ideological, Conservative choice you made and people are paying for that.

This bill is something that ought to be easy for the government to support. If you don't want to do it, if you don't want to support it, you bring in your own bill and label it differently. You can do it. You have the power to do it. But tell us that you want to do it, member for Oxford. Don't tell us, "This bill permits, does not compel." I don't know what you're saying. I don't know whether you're saying you would like it to compel you to do it and I don't know whether you're saying it's permitting you to do it but you don't want to do it. Whatever it is, speak clearly about what your position is.

Don't tell us they're receiving the highest level of benefits ever in the country. Don't tell them that, because otherwise they would not be here. If it was enough and if they were the highest level of income earners on the basis of what they receive, they wouldn't be here. They're here because they are in need. But they shouldn't be here pleading with you to give them a little extra.

So I hope the two members who have spoken with speeches that were clearly already prepared—I am hopeful that some of the members will stand on their own in support of this bill, take it to committee and support it, because that's the right thing to do.

1140

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I rise today to speak about private member's Bill 118, a bill introduced by the member for Sault Ste Marie.

On Tuesday, the member for Niagara Centre got up to defend this bill by saying that it did nothing: "This does not, in and of itself, necessarily entail an increased expenditure." He also said that the bill may provide—I emphasize the word "may," and I've read the bill—"permissive but not mandatory—that the amount of income support provided be adjusted on April 1." From what I have read in the newspapers, from the rhetoric across the way and from the NDP news release, when this bill was first introduced, I think the member was probably quite surprised to learn the bill that he has said would provide annual cost-of-living adjustments to payments under the Ontario disability support program will actually not do that at all.

Interjections.

Mr Tascona: Read the bill; that's exactly what it says. Actually, if I was one of the individuals who supported this bill or believed what the member said, I would be extremely disappointed with him and the NDP. Clearly, the NDP House leader realized the bill did nothing, yet

the NDP has been misleading Ontarians who rely on ODSP for months.

First of all, I'm wondering why we are wasting valuable time on a nothing bill, when we could be debating a bill of substance.

I cannot support a bill that does nothing. That's basically what it does: nothing. That being said—

Interjections.

Mr Tascona: I have a right to speak, regardless of the rhetoric across the way, because that's what it is. Read the bill, understand the bill and know what you're talking about.

That being said, I agree we must always work to do more for Ontarians with disabilities. I've heard from my constituents about this. It's something we should be working on. We should be doing something of substance. I think every member here would agree with that, despite the rhetoric across the way.

So we're debating a bill here today that, in fact, the other side says does nothing. We need more than that.

Mr Gerard Kennedy (Parkdale-High Park): I have a brief contribution to make because there are so many members who would like to speak.

I have to disagree with one of the members who has already spoken. I'm not proud to be here discussing this bill. I'm not proud of the level of debate in this forum. I'm not proud of the fact that we, who have full-time jobs—our only job is to determine the needs of the people of Ontario—have not discharged that somewhere else by now.

I want to give credit to the member for Sault Ste Marie, because he has all the credibility in the world to bring forward this debate. For anyone to undermine that, I think, is beneath the members of this House, because an honest effort has been put forward. But it should be unnecessary. It should be unnecessary for anyone to not appreciate that there are people who, through no fault of their own, have gone through some rigorous and sometimes humiliating measures of how much in need they are—22 pieces of documentation to say they're people in need.

I refute the premise of the people on the opposite side of this House that says we get to decide what kind of quality of life they have. People make their own quality of life. What we have control over here are the intentions of the rest of the province, and we're not doing a good job. The province wants us to extend some dignity to people. They don't want us to sit here in judgment about the price of what they get to do with their lives or what they have to live on; they want us to interpret dignity for everyone in this province. For the member opposite to try to use some kind of trick to say he doesn't have to address that question—every member in this debate has to answer the question, "What should the finance minister do on Monday?" Which should she include? Who should be part of that budget? I tell you, the new Minister of Finance will go through the character test that sits and weighs heavily on everyone in this House. The revenues of this province are up by \$15 billion since the last time

we increased the pittance we give to the most vulnerable people in this province.

For anyone in this House not to then agree that when rents in Ontario, in every community, are 40% to 50% higher than rents elsewhere in the country for comparable communities, that we need to recognize that somehow in the stipend we give to people who through no fault of their own cannot provide for themselves—they provide for most of their own dignity; they provide for most of their own lives. They make and they've made a contribution to this province. It is beneath us in this Legislature to not accord that some usual form of debate.

I want to give credit to the member for Sault Ste Marie because he is doing a necessary thing, but it is not a credit to us that we couldn't have decided this by now and every year from here on.

Mr Peter Kormos (Niagara Centre): I've been here too long to be astonished, but today I also find myself disgusted with government members, government backbenchers, in the face of the reality of the impoverishment of Ontarians with disability being forced into homelessness and being forced into levels of despair that they have never experienced in this province before.

I say to my sisters and brothers who are Ontarians with disability here in this chamber and across this province, as do all New Democrats, that this government has a track record that is, oh, so clear: the repeal of employment equity legislation which provided some modest access for persons with disabilities into the real economy and into the workplaces of this province—this government repealed that law as one of its first items of governmental agenda; this government's disdain for Ontarians with disabilities, where it would force Ontarians with disabilities into ongoing levels of impoverished lifestyles, treat them with disdain, disregard, and quite frankly afford them no dignity whatsoever.

Well, let me tell you something: Ontarians with disability is a far stronger community than you take them for. They have political clout. They have skill, talent, organizational abilities. They are out there on the ground as a grassroots movement. You will not make Ontarians with disability invisible by your attack on them and their agenda. They will pursue their rightful place in our society in Ontario, in terms of access and in terms of the economy and in terms of the right to live decently and with dignity. Your feckless efforts today to defeat this bill are shameful and disgusting, and Ontarians with disability will defeat you.

Mr John Hastings (Etobicoke North): I'm glad to make some remarks this morning regarding the bill dealing with the indexation of ODSP amounts. Let me start by stating that we'll try and add a little light, a little more philosophical enlightenment to this debate, because we need to look at it in a broader context.

In the past year, we've passed the Ontarians with Disabilities Act—

Interjections.

Mr Hastings: If it's such a joke as the members opposite state, then my point would be, where were you

and why didn't you do it in the Peterson years? Where was the NDP when they were here from 1990 to 1995? Let me tell you, Speaker, that the folks who are advocating for the disabled today as if nobody else can do it and only they have a monopoly on it—guess what? It was those folks in the Rae government in 1993 who cut the pension level for the disabled.

Interjections.

1150

Mr Hastings: It's a fact. Go back and look at that historical reality. And yet they come here and claim and profess that only they have an advancement and monopoly on what can help the disabled.

On this side we take more market-oriented, more open assistance programs, not only through the Human Rights Code enforcement but also through the disabilities act that was passed. What we need in this province is an accessibility advisory council with people from all walks of life to advise the minister on how we can help the disabled get jobs. Job support assistance is one of the key elements of helping the disabled, and I think what this bill implies, much as there is some admirable content in it, and I appreciate the member from the Soo for presenting it, is that the only way that you can help the disabled in this very narrow context is to increase the amount of money available to them. That is the only approach they take and that to me is not the most realistic way to approach this particular problem.

Interjections.

The Acting Speaker: Stop the clock. We need to have order. The member has the floor and he alone has the right to speak.

Mr Hastings: Not only is there an approach to help in terms of job support skills and programs of the like, what we also have done is advance the cochlear implant program. What is missing from this bill—and we didn't hear one remark from the members opposite—is that they need to take a more optimistic long-term approach in terms of how new technology can assist and help the disabled. For example, in recent media reports we have seen how the blind who have been challenged and impaired by their incapacity to see are now being assisted in terms of artificial vision technology. In fact, I recently saw an actual demonstration of a blind Canadian farmer who can drive a car. What governments need to do in the future—and you think you'd hear it from members opposite—is to adjust their regulations to anticipate that change in technology, those kinds of positive changes that can help this particular group of people.

Furthermore, I'm proud to be part of a government that separated out, under the ODSP, the disabled who had been associated and lumped in by the previous governments in this province as all one group. That to me is a significant advancement.

Mr Dominic Agostino (Hamilton East): First of all I congratulate the member for Sault Ste Marie for bringing this bill forward. His credibility on this issue, his passion on this issue, is beyond question.

I'm absolutely astonished at the members across the floor and their reaction to this. This is an issue of basic human dignity. This is an issue where you should put your briefing notes away, the rhetoric that comes out of the Premier's office that you're forced to read here today. You should refuse to stand up and read that rhetoric that is demeaning to Ontarians, your approach that leaves the most vulnerable people in this province often going begging, often having to use food banks, often being in substandard housing because of decisions you have made to treat those people in such conditions. It is disgraceful in a province that has had seven years of unprecedented economic growth, in a province where the government sees fit to give away \$2.5 billion a year in corporate tax cuts, that you can't find a decent adjustment to the standard of living for people who are disabled in Ontario.

We are judged as a society on how we treat the most vulnerable, how we treat people who need some help and support from government. We don't have to dictate to them how they live their lives. We don't dictate to them where they're supposed to live and what they're supposed to eat, but we have the basic responsibility to ensure that the most basic needs are provided for people, and this government's failed miserably. It is a disgrace the way this government's treated the disabled in Ontario. It is a disgrace as you abandon people who, through no fault of their own, are in very difficult situations. You pound your chest and you're proud of job creation and economic growth and tax cuts, but surely you cannot be proud of how we've treated people who are disabled in the province of Ontario. You had one slight chance today just to send out a signal that maybe, maybe you're intent on making it a little better, and what do we get? This garbage from across the floor from these members who sit there and don't understand the basic needs of people in this province who are disabled. Shame on you.

I hope some members have the guts and the courage to vote today with their hearts and with some compassion and understanding and dignity and respect, and stand up for what is right. Support this bill and send out a signal that in this province we do care about people who are disabled and we do believe there should be a better standard of living and more support for them.

Mr Steve Peters (Elgin-Middlesex-London): I want to commend my colleague from Sault Ste Marie. As the former critic for people with disabilities, I had an opportunity to tour this province. I can tell you that from Windsor to Thunder Bay to Ottawa to Kingston to here in Toronto, this is an issue that's affecting people across this province. I wish this government would open its ears and take off the blinders and do what is needed for the most vulnerable in this province.

I think we need to have further debates in this Legislature on issues faced by persons with disabilities. One thing I'd like to take this short period of time to talk about is something that is of extreme importance to persons with disabilities who are living in institutions, in group homes or in a lodging home, and that's the personal needs allowance.

The personal needs allowance in this province is provided to an individual for things they have to purchase like toiletries, clothes and basic needs those individuals have. Yet just as this government has abandoned persons with disabilities on ODSP, it has also abandoned those individuals—the most vulnerable and most needy in our society—with no increase in the personal needs allowance in over 10 years. The \$112 a month that those individuals in institutions receive is not meeting their needs.

We have turned our backs on these individuals. Those of you with a psychiatric hospital in your riding, take the opportunity, as I've done at the St Thomas site, to go in and talk to those individuals, those residents, and find out what it's like to live on \$112 a month. We're turning our backs on them.

If you on the other side of the House have any social conscience, why don't you stand up and support this bill that's in front of us today? Better yet, support a thorough review of how we support the most vulnerable in this province. We can't turn our backs on them. These are individuals. We live in a country where everybody is to be treated equally, but you're creating two classes of citizens in this province. Something needs to change, and it's this government that needs to change.

The Acting Speaker: The member for Sault Ste Marie has two minutes to reply.

Mr Martin: We've had a lively debate here this morning on a subject that goes to the heart of what it means to be a modern civil society. The subject we debate on the floor of this House this morning is indeed, as the member from Hamilton West has said, an issue of basic human rights, an issue of basic human dignity.

I appreciate the contributions that everybody who has participated has made—the members for Oxford, Thunder Bay-Superior North, Timmins-James Bay, Parry Sound-Muskoka, Prince Edward-Hastings, Parkdale-High Park, Niagara Centre, Etobicoke North, Barrie-Simcoe-Bradford, Hamilton East and Elgin-Middlesex-London—a nice variety of voices from around this province calling on the government to do the right thing.

I tried, as I prepared for this morning, to come up with how the government would frame its opposition to this very basic request to support those in our communities who are in greatest need. Government has no greater a responsibility—and when I say “government” I mean all of us here, each member elected by their constituency, speaking on behalf of the people they represent—than to look after those in their jurisdiction who are most in need, who are most vulnerable, who are most marginalized.

You have an opportunity here this morning in this private members' hour—speaking particularly to you on the government side—not to stick with the script and the government edict on this, to act independently, to think for yourselves, to speak from your hearts to all those people, your constituents and mine, who are living with disabilities in this province, living in poverty, and to do the right thing. This bill may, as you say, not go the

distance and may not be enough. But it sends a signal. Do the right thing: vote for this.

The Acting Speaker: This completes the time allocated for debate on ballot item number 50.

PROTECTION OF CHILDREN
ON SCHOOL BUSES ACT, 2002

LOI DE 2002
SUR LA PROTECTION DES ENFANTS
DANS LES AUTOBUS SCOLAIRES

The Acting Speaker (Mr Michael A. Brown): We will now deal with ballot item number 49.

Mr Hoy has moved second reading of Bill 112, An Act to amend the Highway Traffic Act to protect children while on school buses.

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

Mr Pat Hoy (Chatham-Kent Essex): Mr Speaker, I request that Bill 112 be referred to the standing committee on justice and social policy.

The Acting Speaker: Mr Hoy has asked that the bill be referred to the standing committee on justice and social policy. Agreed? Agreed.

ONTARIO DISABILITY SUPPORT
PROGRAM AMENDMENT ACT
(FAIRNESS IN DISABILITY
INCOME SUPPORT PAYMENTS), 2002
LOI DE 2002 MODIFIANT LA LOI SUR
LE PROGRAMME ONTARIEN DE SOUTIEN
AUX PERSONNES HANDICAPÉES
(ÉQUITÉ DANS LES VERSEMENTS
DU SOUTIEN DU REVENU)

The Acting Speaker (Mr Michael A. Brown): We will now deal with ballot item number 50.

Mr Martin has moved second reading of Bill 118, An Act to amend the Ontario Disability Support Program Act, 1997 to require annual cost-of-living adjustments to income support payments.

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

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

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

The division bells rang from 1202 to 1207.

The Acting Speaker: All those in favour will please stand and remain standing until their name is called.

Ayes

Agostino, Dominic	Duncan, Dwight	McMeekin, Ted
Bisson, Gilles	Gravelle, Michael	Miller, Norm
Boyer, Claudette	Hoy, Pat	O'Toole, John
Bradley, James J.	Kennedy, Gerard	Parsons, Ernie
Caplan, David	Kormos, Peter	Peters, Steve
Churley, Marilyn	Kwinter, Monte	Prue, Michael
Colle, Mike	Levac, David	Pupatello, Sandra
Crozier, Bruce	Marchese, Rosario	Ruprecht, Tony

Di Cocco, Caroline
Dombrowsky, Leona

Martel, Shelley
Martin, Tony

Smitherman, George
Tascona, Joe

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

Nays

Baird, John R.	Hardeman, Ernie	Mushinski, Marilyn
Barrett, Toby	Hastings, John	Newman, Dan
Beaubien, Marcel	Hodgson, Chris	Ouellette, Jerry J.
Chudleigh, Ted	Hudak, Tim	Runciman, Robert W.
Clark, Brad	Jackson, Cameron	Sterling, Norman W.
Cunningham, Dianne	Johns, Helen	Stewart, R. Gary
DeFaria, Carl	Johnson, Bert	Stockwell, Chris
Ecker, Janet	Kells, Morley	Tsubouchi, David H.
Elliott, Brenda	Klees, Frank	Turnbull, David
Flaherty, Jim	Maves, Bart	Witmer, Elizabeth
Galt, Doug	Mazzilli, Frank	Wood, Bob
Gilchrist, Steve	McDonald, AL	Young, David
Gill, Raminder	Munro, Julia	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 30; the nays are 38.

The Acting Speaker: I declare the motion lost.

It being past 12 of the clock, all business before the House is now complete. The House will resume sitting at 1:30 of the clock.

The House recessed from 1210 to 1330.

MEMBERS' STATEMENTS

WATER QUALITY

Mr Steve Peters (Elgin-Middlesex-London): Today, Ontarians woke up to learn that the Ernie Eves government has not yet learned anything from the tragedy of Walkerton as they continue to fail to monitor our drinking water properly. Drinking water for more than a million and a half Ontarians in southwestern Ontario has to be retested today because the Eves government was not properly monitoring our water. Hundreds and thousands of Ontario families don't even know if they've been drinking contaminated water for several weeks. How could the Ernie Eves government let this happen after the deaths at Walkerton? How could this happen after the recommendations of Justice O'Connor?

The phones in my constituency office have been ringing off the wall today. People are concerned about what's happened, and people are concerned that they've been once again abandoned by the Ernie Eves government. Families are worried that this government has put their children at risk.

We know the NDP government started this privatization path of water testing labs. Then, in 1996, the Conservatives accelerated the move at breakneck speed. Six years ago, then-Finance Minister Ernie Eves, and now our Premier, slashed the Ministry of the Environment budget by more than half and cut staff by over a third. Ernie Eves still continues to put the drinking water of our

families at risk despite what happened at Walkerton. Ladies and gentlemen of Ontario, we all know that this government is failing the families of this province.

BIG SISTERS OF YORK REGION

Mrs Julia Munro (York North): I rise today to speak about an agency in my riding of York North, Big Sisters of York Region. For the past few months, Big Sisters has been working on developing a partnership with Girls Inc. Girls Inc is an American-based, non-profit organization whose motto is "Inspiring All Girls to be Strong, Smart and Bold." This organization provides gender-specific programming and research based on informal education programs aimed at meeting the physical, intellectual and emotional needs of young girls between the ages of six and 18. These programs are offered to millions of young girls, primarily in underserved or high-risk areas.

As a result of the partnership, Big Sisters will be able to offer programming in such areas as math and science education, pregnancy and drug abuse prevention, adolescent health, violence prevention and literacy.

Big Sisters has been providing programming for girls and young women in York region since 1979. This precedent-setting initiative has received positive feedback from funding partners and has been applauded by members of the community. I offer my congratulations to the Big Sisters of York Region on their initiative.

WATER QUALITY

Mr Michael A. Brown (Algoma-Manitoulin): This morning, the students of C.C. McLean Public School attended here at the Legislature. This morning, their families back in Gore Bay woke up to the news that their water system was at risk. The Tory government has been asleep at the wheel and the health care of families in my riding has been put at risk.

The question people are asking today is, how could the Ernie Eves government let this happen? After seven deaths in Walkerton, after a judicial inquiry, how could the Minister of the Environment and the Premier allow for this to happen again? Have they learned nothing from Walkerton?

Do you know what's worse? Just like in Walkerton it wasn't the government that identified the problem. It was an anonymous tip that led to the discovery that our water was not being properly tested. What if the tip hadn't come? How much longer would the residents of Gore Bay be put at risk under this government?

What started this mess? It started when Ernie Eves gutted the Ministry of the Environment. It started when Ernie Eves cut monitoring stations, fired inspectors and shut down public laboratories.

On behalf of the families in Gore Bay that the Ernie Eves government has put at risk, I demand an explanation. How could this government let this happen?

SENIORS' MONTH

Mr John O'Toole (Durham): In keeping with the celebration of June as Seniors' Month, it's my pleasure to pay tribute to three successful seniors in my riding of Durham. There are literally hundreds of seniors I could mention, but the three I chose to mention are leaders in their respective roles in their communities.

For instance, Greta Brown, who has just turned 90, has been a volunteer since 1956 and was recently honoured with a birthday celebration at Trinity United Church in Bowmanville. Ms Brown spends several hours at our hospital gift shop in Bowmanville on Thursdays and Sundays handling cash, recording sales and arranging displays. She also volunteers for Community Care on Fridays. She bowls and belongs to various community groups. A truly beautiful lady.

Roy Forrester was recently nominated as Clarington's senior citizen of the year. Mr Forrester is another example of a successful older adult serving his community. He is currently chair of the Oak Ridges Trail Association and is a member of the Clarington Concert Band. He has served as chair of the Ganaraska Region Conservation Authority and is an avid naturalist and birder. Before his retirement, he was the owner of the quite supportive Orono Weekly Times community newspaper. A true statesman.

In the township of Scugog, the Senior of the Year nominee is Carol Morrow. She is one of the township's most dedicated community care volunteers. Carol is active in Meals on Wheels and is a volunteer driver. She also finds time to play the piano for community care luncheons as well as playing the organ at many of the church celebrations.

In keeping with the recognition of Seniors' Month, I'd also like to pay respect to the visiting former parliamentarians—not to be confused with senior citizens, but I'd like to recognize them as well.

WATER QUALITY

Mr Dwight Duncan (Windsor-St Clair): Today in Essex county, as across Ontario, people in this province woke up to the news that this government failed yet again to protect their health and safety and their water system.

We need to be reminded by this today that it was Ernie Eves, as Finance Minister, who was responsible for cutting the Ministry of the Environment's budget in half, who was responsible for firing inspectors, who was responsible at the outset for the tragedy in Walkerton and the seven deaths there. One need only review the commissioner's report with respect to that. Why is it that this government hasn't put the health and safety of all our citizens first? They have failed yet again.

I say to the Premier and the Minister of the Environment, take responsibility for this. Don't run away from the House, and certainly don't run away from an emergency debate this afternoon on this vital issue, an issue that's being debated in every coffee shop and doughnut

shop in this province. Don't prevent this Legislature from having the opportunity to debate the facts of the situation: the fact of when the government knew, what it knew, and how long it took to respond. Don't prevent this Legislature and the duly elected people of this province from discussing the most pressing and important issue that has faced us certainly in the seven years I've been here.

This crisis merits a debate in the House this afternoon. I call on the government and the minister responsible not to hide, but to come forward and have a full debate, and not to put any conditions on that debate, so that all of us in this House have the opportunity to express our concerns and the concerns of our constituents.

MENINGITIS C

Ms Shelley Martel (Nickel Belt): Today I will introduce the Michael Maxwell bill, a bill to establish a province-wide immunization program against meningitis C.

On March 14, Michael Maxwell developed flu-like symptoms, was admitted to hospital that night and 21 hours later died of meningitis C. He was 17 years old.

This tragedy reinforces the need for this government to follow the lead of Quebec and Alberta and establish a province-wide immunization program for the highest-risk group: infants from two months to young adults aged 20. It's not acceptable for the Minister of Health to insist on federal government support to do so. Ontario runs the flu shot campaign without federal money. Ontario should follow the lead of two other provinces which have recognized meningitis as a serious public health issue which must be addressed.

The vaccine to protect against meningitis C normally costs over \$100 and is not usually covered under private insurance plans. That cost is prohibitive for many Ontario families, if they even are aware that a vaccine exists. It's imperative that the Ontario government cover the costs.

Further, the province must undertake a major public education campaign about the serious, even fatal, consequences of meningitis and the need for us to protect Ontario infants and young people.

Gregg and Bernadette Maxwell are here today for the introduction of the bill in their son's name. I call on the government to adopt this private member's bill as soon as possible so that the tragedy which so profoundly affected the Maxwell family never happens again in Ontario.

1340

SOUTH ASIAN WELCOME CENTRE

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): On behalf of the people of Bramalea-Gore-Malton-Springdale, I'm pleased to recognize the opening of the South Asian Welcome Centre. About 50,000 new Canadians arrive each year from South Asian countries and 80% of them choose to settle here in the greater Toronto area. That means there are at least 40,000 new South Asian Canadians in this region every year. They are hard-

working, entrepreneurial and self-reliant, but they need community support as well. I'm pleased the South Asian Welcome Centre will help new immigrants learn English and will help in their job search, as well as a variety of family and social services supports.

Last Sunday, June 9, I was very pleased to be able to join in the opening celebrations of the centre on Strathearn Avenue in my riding. The centre is inspired by the Reverend Bill Virgin, who saw that new immigrants in Brampton and Mississauga need help to adjust to the ways we do things here in Canada.

We should also recognize that the office space for the centre was contributed by Mr Gurdish Mangat. As well, there has been great support from the Baptist churches of Ontario and Quebec.

Congratulations and best wishes to them.

WATER QUALITY

Mr Dave Levac (Brant): I rise in the House today to express my deep concern that the people in my community of Brant awoke to news that their water may not be safe. Water testing in Ontario is in disarray and this government is failing to properly watch to ensure that our water is safe.

In my riding of Brant, both municipalities—the city of Brantford and the county of Brant—were using MDS Laboratories in London to test their water. They had been assured by the Ministry of the Environment that MDS labs tested the water within provincial standards and regulations, yet the news being released by the ministry yesterday urged 67 municipalities to test their water again after discovering that MDS Laboratories was not testing within the standards.

I have spoken to our medical officer of health in Brant and have been assured that they were doing parallel tests along with the city to ensure the safety of the drinking water for the citizens of Brant. For that, I compliment them. Both mayors have expressed concerns about the government's handling of issues surrounding safe drinking water today and in the past.

My concern is not only for the citizens of the riding of Brant, but for the 1.6 million Ontarians living within the 67 affected communities that may have been exposed to E coli. This government has learned nothing from the tragedy of Walkerton and continues to mismanage our testing.

Obviously this government cannot stand in the House today and assure the public, because of the mismanagement they're going through. They are not monitoring it properly and haven't invested in the human power and the resources necessary to test that water.

ST MICHAEL'S MUSTANGS

Mr Bart Maves (Niagara Falls): The Niagara Falls St Michael High School boys' soccer team, the Mustangs, sure have a lot to be proud of. They recently beat Hamilton 2-1 in the Southern Ontario Secondary

Schools Association championship, giving them their first title since the 1998 season.

Team stars included Mike Elia, who scored a pair of goals against John A. MacDonald of Hamilton. Elia scored the game's first goal in the first half. Hamilton tied the score in the second half and Elia then scored again for the win.

The Mustangs advanced to the OFSAA championships that took place last weekend in Ottawa. Despite their winning streak during the regular season and in tournament games, the Mustangs lost in the semi-finals at OFSA.

The Mustangs had an exceptional team this year and they should be thrilled with their accomplishments. I'd like to congratulate the St Michael's boys' soccer team on their great effort to win SOSSA and for their efforts in the OFSA championships. The Mustangs have consistently proven they are a skilled team who are sure to be successful again next year. They've done their school and Niagara Falls proud. Congratulations, St Mike's.

Mr Rick Bartolucci (Sudbury): On a point of order, Speaker: Today I laid on the table a resolution which reads, "Be it resolved that the Legislative Assembly of Ontario declares unequivocally that the Ernie Eves government should initiate negotiations with Inco Ltd to provide and ensure the following condition:

"That Inco Ltd be bound by an agreement ensuring ore mined in the Sudbury area be processed within the city of greater Sudbury and that the same protections provided to Newfoundland be provided to Ontario."

I would ask for unanimous consent to debate this on Monday.

The Speaker (Hon Gary Carr): Is there unanimous consent? I'm afraid I heard some noes.

Ms Marilyn Churley (Toronto-Danforth): On a point of order, Mr Speaker: I'm rising to request leave to make a motion for the adjournment of the House for the purpose of an emergency debate on a matter relating to a genuine emergency which was precipitated by the government's failure to ensure proper water testing and reporting by private laboratories, thereby endangering the lives of thousands of Ontarians.

The Speaker: Were you asking for unanimous consent?

Ms Churley: Yes, I am.

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

Mr Dwight Duncan (Windsor-St Clair): On a point of order, Mr Speaker: Earlier today at House leaders, the official opposition asked the government for an emergency debate on the situation that arose yesterday with respect to water. The government has yet to formally respond to us with respect to the need for an emergency debate.

I would seek unanimous consent to allow the minister an opportunity to address the House now to indicate whether or not the government is prepared to have an emergency debate with respect to water safety. It was our understanding that the government was interested in

doing that. I would like to find out now whether or not we will be debating that this afternoon.

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

Mr Peter Kormos (Niagara Centre): On a point of order, Mr Speaker: I have a Canadian Press story which quotes, as of this morning, the Minister of the Environment stating, "Let's just maintain our composure; have this emergency debate; go through question period so the information can become public."

I seek your direction, sir. The Minister of the Environment appears to have announced publicly that there will be an emergency debate. Will that occur before or after orders of the day?

The Speaker: I have no knowledge of any debate, emergency or otherwise. As you know, we asked for unanimous consent and there was not.

VISITORS

The Speaker (Hon Gary Carr): Just before we begin, I am very pleased to welcome in the Speaker's gallery today a number of our former colleagues. We also have some special guests, two former Speakers, John Turner and Hugh Edighoffer, joining us. Please join me in welcoming the entire membership of the Ontario Association of Former Parliamentarians.

Mr Peter Kormos (Niagara Centre): On a point of order, Speaker: I remember Speaker Edighoffer well.

The Speaker: All former Speakers are going to remember the member for Niagara Centre, I'm sure—fondly, I might add.

Mr AL McDonald (Nipissing): On a point of order, Mr Speaker: We have a very special guest in the gallery today. Her name is Amanda Minderlein and she's a Widdifield high school student. She's been down here at Sick Kids for far too long. She has a tough battle with cancer and we just want to wish her well.

Mr Kormos: On a point of order, Speaker: Students from Grapeview public school from the ridings of St Catharines and Niagara Centre.

The Speaker: We welcome our friends.

Mrs Margaret Marland (Mississauga South): On a point of order, Mr Speaker: I would like to draw my colleagues' attention to the fact that the former member for Mississauga South, who served in this House for 18 years, Mr Doug Kennedy, is in the public gallery. He looks younger now than when I came here 18 years ago. It's wonderful to see him.

I do believe it's unfortunate that we didn't have television in the era of Speakers Turner and Edighoffer, because I would love for all of us to see the decorum in the House when they were Speakers, and members on both sides of the House behaved.

The Speaker: There are some days I wish they were back here myself.

Hon Chris Stockwell (Minister of Environment and Energy, Government House Leader): On a point of order, Mr Speaker: You know, it's not often you get this

many people here who have represented the ridings across this province. I think we should introduce every one of them.

The Speaker: Unfortunately, we also have a lot of deferred votes.

1350

INTRODUCTION OF BILLS

CHILD AND FAMILY SERVICES AMENDMENT ACT (ACCESS TO CHILD ABUSE REGISTER), 2002

LOI DE 2002 MODIFIANT LA LOI SUR LES SERVICES À L'ENFANCE ET À LA FAMILLE (ACCÈS AU REGISTRE DES MAUVAIS TRAITEMENTS INFLIGÉS AUX ENFANTS)

Mr Parsons moved first reading of the following bill:

Bill 92, An Act to amend the Child and Family Services Act to allow school boards and police services access to the child abuse register / Projet de loi 92, Loi modifiant la Loi sur les services à l'enfance et à la famille pour donner aux conseils scolaires et aux services policiers accès au registre des mauvais traitements infligés aux enfants.

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

The member for a short statement?

Mr Ernie Parsons (Prince Edward-Hastings): The provincial government maintains a register with children's aid societies on which they are able to place names of individuals who have been convicted or who they believe have assaulted a child. There are instances where individuals may not have been convicted in court because of the victim being unable or unwilling to testify, for example; nevertheless, the name is registered. Unfortunately, at this moment only children's aid societies have access to the list.

This bill would permit school boards, when checking references for staff or volunteers, and police services to have access to this child abuse registry. I believe it is vital that we have every piece of information available to protect our children, and this bill would open it up to other authorities that require that information.

MICHAEL MAXWELL ACT (HEALTH INSURANCE ACT AMENDMENTS), 2002

LOI MICHAEL MAXWELL DE 2002 MODIFIANT LA LOI SUR L'ASSURANCE-SANTÉ

Ms Martel moved first reading of the following bill:

Bill 107, An Act, in memory of Michael Maxwell, to amend the Health Insurance Act to provide for immunization against meningitis C / Projet de loi 107, Loi à la mémoire de Michael Maxwell modifiant la Loi sur

l'assurance-santé afin de prévoir une immunisation contre la méningite C.

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

The member for a short statement?

Ms Shelley Martel (Nickel Belt): The purpose of the bill is to convince the Ontario government to adopt a province-wide immunization program against meningitis C. The National Advisory Committee on Immunization has accepted and endorsed a vaccine which is safe for use even with infants aged two months. Both Quebec and Alberta have begun province-wide programs to protect infants and adolescents because they recognize that meningitis C is a serious public health issue which must be addressed.

It's time for Ontario to follow this lead by adopting a province-wide meningitis immunization program so that the tragedy which affected the Maxwell family can never happen with another Ontario family.

DEFERRED VOTES

RELIABLE ENERGY AND CONSUMER PROTECTION ACT, 2002

LOI DE 2002 SUR LA FIABILITÉ DE L'ÉNERGIE ET LA PROTECTION DES CONSOMMATEURS

Deferred vote on the motion for second reading of Bill 58, An Act to amend certain statutes in relation to the energy sector / Projet de loi 58, Loi modifiant certaines lois en ce qui concerne le secteur de l'énergie.

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

The division bells rang from 1354 to 1359.

The Speaker: Mr Stockwell has moved second reading of Bill 58, An Act to amend certain statutes in relation to the energy sector.

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

Ayes

Arnott, Ted	Hodgson, Chris	Quellette, Jerry J.
Baird, John R.	Jackson, Cameron	Runciman, Robert W.
Barrett, Toby	Johns, Helen	Spina, Joseph
Beaubien, Marcel	Johnson, Bert	Sterling, Norman W.
Clark, Brad	Klees, Frank	Stewart, R. Gary
Cunningham, Dianne	Marland, Margaret	Stockwell, Chris
DeFaria, Carl	Martiniuk, Gerry	Tascona, Joseph N.
Dunlop, Garfield	Maves, Bart	Tsubouchi, David H.
Ecker, Janet	Mazzilli, Frank	Turnbull, David
Elliott, Brenda	McDonald, AL	Wettlaufer, Wayne
Galt, Doug	Miller, Norm	Wilson, Jim
Gilchrist, Steve	Molinari, Tina R.	Witmer, Elizabeth
Gill, Raminder	Munro, Julia	Wood, Bob
Hardeman, Ernie	Mushinski, Marilyn	Young, David
Hastings, John	O'Toole, John	

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

Nays

Agostino, Dominic	Curling, Alvin	Martel, Shelley
Bartolucci, Rick	Di Cocco, Caroline	McGuinty, Dalton
Bisson, Gilles	Dombrowsky, Leona	Parsons, Ernie
Boyer, Claudette	Duncan, Dwight	Peters, Steve
Bradley, James J.	Gravelle, Michael	Phillips, Gerry
Brown, Michael A.	Hoy, Pat	Prue, Michael
Caplan, David	Kennedy, Gerard	Pupatello, Sandra
Churley, Marilyn	Kormos, Peter	Ruprecht, Tony
Colle, Mike	Kwinter, Monte	Smitherman, George
Crozier, Bruce	Levac, David	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 44; the nays are 29.

The Speaker: I declare the motion carried.

Pursuant to the order of the House dated June 10, 2002, this bill is ordered referred to the standing committee on general government.

STUDENT PROTECTION ACT, 2002

LOI DE 2002

SUR LA PROTECTION DES ÉLÈVES

Deferred vote on the motion for third reading of Bill 101, An Act to protect students from sexual abuse and to otherwise provide for the protection of students / Projet de loi 101, Loi visant à protéger les élèves contre les mauvais traitements d'ordre sexuel et à prévoir autrement leur protection.

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

The division bells rang from 1402 to 1407.

The Speaker: Mrs Witmer has moved third reading of Bill 101, An Act to protect students from sexual abuse and to otherwise provide for the protection of students.

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

Ayes

Agostino, Dominic	Gilchrist, Steve	Mushinski, Marilyn
Arnott, Ted	Gill, Raminder	Newman, Dan
Baird, John R.	Gravelle, Michael	O'Toole, John
Barrett, Toby	Hardeman, Ernie	Ouellette, Jerry J.
Bartolucci, Rick	Hastings, John	Parsons, Ernie
Beaubien, Marcel	Hodgson, Chris	Peters, Steve
Bisson, Gilles	Hoy, Pat	Phillips, Gerry
Boyer, Claudette	Hudak, Tim	Prue, Michael
Bradley, James J.	Jackson, Cameron	Pupatello, Sandra
Brown, Michael A.	Johns, Helen	Runciman, Robert W.
Caplan, David	Johnson, Bert	Ruprecht, Tony
Chudleigh, Ted	Kennedy, Gerard	Smitherman, George
Churley, Marilyn	Klees, Frank	Spina, Joseph
Clark, Brad	Kormos, Peter	Sterling, Norman W.
Colle, Mike	Kwinter, Monte	Stewart, R. Gary
Crozier, Bruce	Levac, David	Stockwell, Chris
Cunningham, Dianne	Marland, Margaret	Tascaona, Joseph N.
Curling, Alvin	Martel, Shelley	Tsubouchi, David H.
DeFaria, Carl	Martiniuk, Gerry	Turnbull, David
Di Cocco, Caroline	Maves, Bart	Wettlaufer, Wayne
Dombrowsky, Leona	Mazzilli, Frank	Wilson, Jim
Duncan, Dwight	McDonald, AL	Witmer, Elizabeth
Dunlop, Garfield	McGuinty, Dalton	Wood, Bob
Ecker, Janet	Miller, Norm	Young, David
Elliott, Brenda	Molinari, Tina R.	
Galt, Doug	Munro, Julia	

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

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 76; the nays are 0.

The Speaker: I declare the motion carried.

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

BUILDING CODE STATUTE LAW
AMENDMENT ACT, 2002LOI DE 2002 MODIFIANT DES LOIS
EN CE QUI CONCERNE
LE CODE DU BÂTIMENT

Deferred vote on the motion for second reading of Bill 124, An Act to improve public safety and to increase efficiency in building code enforcement / Projet de loi 124, Loi visant à améliorer la sécurité publique et à accroître l'efficacité dans l'exécution du code du bâtiment.

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

The division bells rang from 1410 to 1415.

The Speaker: Mr Hodgson has moved second reading of Bill 124, An Act to improve public safety and to increase efficiency in building code enforcement.

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

Ayes

Arnott, Ted	Hodgson, Chris	O'Toole, John
Baird, John R.	Hudak, Tim	Ouellette, Jerry J.
Barrett, Toby	Jackson, Cameron	Runciman, Robert W.
Beaubien, Marcel	Johns, Helen	Spina, Joseph
Chudleigh, Ted	Johnson, Bert	Sterling, Norman W.
Clark, Brad	Klees, Frank	Stewart, R. Gary
Cunningham, Dianne	Marland, Margaret	Stockwell, Chris
DeFaria, Carl	Martiniuk, Gerry	Tascaona, Joseph N.
Dunlop, Garfield	Maves, Bart	Tsubouchi, David H.
Ecker, Janet	Mazzilli, Frank	Turnbull, David
Elliott, Brenda	McDonald, AL	Wettlaufer, Wayne
Galt, Doug	Miller, Norm	Wilson, Jim
Gilchrist, Steve	Molinari, Tina R.	Witmer, Elizabeth
Gill, Raminder	Munro, Julia	Wood, Bob
Hardeman, Ernie	Mushinski, Marilyn	Young, David
Hastings, John	Newman, Dan	

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

Nays

Agostino, Dominic	Curling, Alvin	Martel, Shelley
Bartolucci, Rick	Di Cocco, Caroline	McGuinty, Dalton
Bisson, Gilles	Dombrowsky, Leona	Parsons, Ernie
Boyer, Claudette	Duncan, Dwight	Peters, Steve
Bradley, James J.	Gravelle, Michael	Phillips, Gerry
Brown, Michael A.	Hoy, Pat	Prue, Michael
Caplan, David	Kennedy, Gerard	Pupatello, Sandra
Churley, Marilyn	Kormos, Peter	Ruprecht, Tony
Colle, Mike	Kwinter, Monte	Smitherman, George
Crozier, Bruce	Levac, David	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 47; the nays are 29.

The Speaker: I declare the motion carried.

Pursuant to the order of the House dated June 11, 2002, this bill is ordered for third reading.

HERITAGE HUNTING
AND FISHING ACT, 2002

LOI DE 2002 SUR LA CHASSE
ET LA PÊCHE PATRIMONIALES

Deferred vote on the motion for second reading of Bill 135, An Act to recognize Ontario's recreational hunting and fishing heritage and to establish the Fish and Wildlife Heritage Commission / Projet de loi 135, Loi visant à reconnaître le patrimoine de la chasse et de la pêche sportives en Ontario et à créer la Commission du patrimoine chasse et pêche.

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

The division bells rang from 1419 to 1424.

The Speaker: Mr Ouellette has moved second reading of Bill 135, An Act to recognize Ontario's recreational hunting and fishing heritage and to establish the Fish and Wildlife Heritage Commission.

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

Ayes

Agostino, Dominic	Gill, Raminder	Newman, Dan
Arnott, Ted	Gravelle, Michael	O'Toole, John
Baird, John R.	Hardeman, Ernie	Ouellette, Jerry J.
Barrett, Toby	Hastings, John	Parsons, Ernie
Bartolucci, Rick	Hodgson, Chris	Peters, Steve
Beaubien, Marcel	Hoy, Pat	Phillips, Gerry
Bisson, Gilles	Hudak, Tim	Prue, Michael
Boyer, Claudette	Jackson, Cameron	Pupatello, Sandra
Brown, Michael A.	Johns, Helen	Runciman, Robert W.
Caplan, David	Johnson, Bert	Ruprecht, Tony
Chudleigh, Ted	Klees, Frank	Smitherman, George
Clark, Brad	Kormos, Peter	Spina, Joseph
Crozier, Bruce	Kwinter, Monte	Sterling, Norman W.
Cunningham, Dianne	Marland, Margaret	Stewart, R. Gary
Curling, Alvin	Martel, Shelley	Stockwell, Chris
DeFaria, Carl	Martiniuk, Gerry	Tascona, Joseph N.
Di Cocco, Caroline	Maves, Bart	Tsubouchi, David H.
Dombrowsky, Leona	Mazzilli, Frank	Turnbull, David
Duncan, Dwight	McDonald, AL	Wettlaufer, Wayne
Dunlop, Garfield	McGuinty, Dalton	Wilson, Jim
Ecker, Janet	Miller, Norm	Witmer, Elizabeth
Elliott, Brenda	Molinari, Tina R.	Wood, Bob
Galt, Doug	Munro, Julia	Young, David
Gilchrist, Steve	Mushinski, Marilyn	

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

Nays

Churley, Marilyn

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 71; the nays are 1.

Interruption.

The Speaker: Order. Would the Sergeant-at-Arms please ask our guest to leave.

Pursuant to the order of the House dated June 5, 2002, this bill is ordered for third reading.

VISITORS

Hon Helen Johns (Minister of Agriculture and Food): On a point of order, Speaker: A couple of days ago, the member for Niagara Centre said that family really makes us able to be at Queen's Park today. So I want to introduce to all my colleagues my son, Brent Johns, who is up in the stands—stand up and wave, Brent—and his classmates.

The interesting thing for the Liberals is that this class, as you can imagine, is pretty political, because Amber Overholt, the granddaughter of Jack Riddell, is in this class too. Stand up, Amber.

Hon Chris Stockwell (Minister of Environment and Energy, Government House Leader): On a point of order, Speaker: Considering this great opportunity, I think they should introduce everyone in the class.

The Speaker (Hon Gary Carr): I understand he's a pretty good hockey player too.

ORAL QUESTIONS

WATER QUALITY

Mr Dalton McGuinty (Leader of the Opposition): My questions today are for the Minister of the Environment. Thousands of Ontario families woke up this morning to the kind of news they had hoped in their heart of hearts would be long put behind them. They hoped that two years after the Walkerton tragedy, two years after seven people lost their lives, two years after 2,300 people became very ill, they wouldn't learn once again that they can't trust Ontario water.

Minister, can you tell those families today, here and now, how it could be, two years after Walkerton, two years after seven people died, two years after 2,300 got sick, that this kind of thing could possibly happen again?

1430

Hon Chris Stockwell (Minister of Environment and Energy, Government House Leader): I appreciate the question from the leader of the official opposition. Let's be clear: the situation, as I was advised, was dealt with very quickly. Dr D'Cunha, the MOH for the province, has done his job and outlined all the procedures that were put in place.

I think we should keep this in perspective. I don't want to grossly downplay the situation, but I think we should keep in perspective, as Dr D'Cunha said, that the possibility is pretty close to zero that there was any E coli in the system for those tests he found. As a precautionary measure, he moved to alert the MOHs locally. There is a full investigation taking place with respect to the lab and

the Ministry of the Environment. As soon as I have that information, I'll certainly report back to the House.

Mr McGuinty: Minister, maybe the most frightening aspect of this was that here, as was the case in Walkerton, the way this information was brought to your attention was not by means of some rigorous, thorough and extensive investigation process or ongoing review of what's happening in our private labs. This was the result of an anonymous tip. This was the luck of the draw. Somebody tipped you off to the fact that there was something going on in a particular lab and the right kinds of tests were not being done.

You're not staying on top of this. The reason you're not staying on top of this is because your ministry doesn't have the resources. That's a result of the cuts made by your government to the Ministry of the Environment. You have about one half the budget you used to have. You have one third fewer staff than you used to have. You don't have the resources to get the job done.

Are we going to have to continue to rely on anonymous tipsters to find out whether or not something is wrong with Ontario water?

Hon Mr Stockwell: Let's be very clear: this has nothing to do with resources. Never in the history of this province has the Ministry of the Environment inspected laboratories.

The recommendation that came out of the O'Connor report two on May 23 was that we should start inspecting laboratories. You heard my Premier and the Premier of the province of Ontario say that we will accept all recommendations from the O'Connor second report. So we have adopted that approach. We can't flick a switch and, in fact, do it the next day. It takes time.

But this didn't have anything to do with resources whatsoever. Never have we done this. It had nothing to do with the number of people employed, the budget; not at any stretch in this process did it have to do with that. So let's be clear that there may be questions that should be answered and an investigation should take place, but nowhere has anyone suggested to me at any time at the Ministry of the Environment or elsewhere that it had anything to do with resources.

Mr McGuinty: This had much, if not everything, to do with resources. Why is it that this matter was not found out as a result of some kind of a spot check or spot audit on this lab? We had to rely on anonymous tipsters. Why is it you didn't find this out through your resources, Mr Minister? Why is it that was not the case? Why is it Ontario's families woke up this morning to this kind of news, the kind of news we had all hoped was long behind us, only to learn that you are still not doing your job?

How many other labs are you failing to inspect on a regular basis? How many more times are we going to have to rely on anonymous tipsters to get this kind of information before you're going to act? That's why you acted in the case of Walkerton. That's why you're acting now.

When are you going to put in place the necessary resources, the necessary numbers of inspectors and

enforcement officers, to do the job you are still failing to do two years after Walkerton?

Hon Mr Stockwell: I do understand the politics of this and the questions being asked. The question being asked is that somehow this is related to budget. I say to the members opposite, it isn't.

Interjection.

Hon Mr Stockwell: No, it has nothing to do with it. In fact—

Interjections.

The Speaker (Hon Gary Carr): Order. Sorry. Minister?

Hon Mr Stockwell: There has never been a—

Mr Dwight Duncan (Windsor-St Clair): He's blustering now.

Hon Mr Stockwell: I do take exception to that. This is a very important issue. I don't think it has anything to do with blustering or politics at all.

There has never been a government—

Mr Gerry Phillips (Scarborough-Agincourt): You said it was politics. You're the one who said that.

Hon Mr Stockwell: Mr Speaker, I appreciate the member for Scarborough-Agincourt's frustration. I'm trying to get to the response. There has never been a government that has in fact tested labs. We appreciate the fact that in O'Connor two—

Interjections.

Hon Mr Stockwell: —and there has never been a government that—

Interjections.

The Speaker: Order.

Hon Mr Stockwell: O'Connor two suggested we should in fact get into the business of accrediting, licensing and auditing labs doing drinking water testing.

That report came out May 23. We can't flip a switch. We agreed to the recommendation of all 93. That was the product that was produced by the O'Connor report, we agreed, but at no time before this was there any inclination, any registration, any opposition suggesting that there should be an accreditation process to test labs.

Mr McGuinty: Minister, just so we understand what you're telling us: your government, the Ernie Eves government, proceeded to privatize all water testing labs in Ontario, and you waited until last month for Mr Justice Dennis O'Connor to tell you that you have a responsibility to police what's going on in our water testing labs, and you're also telling us that you have not yet begun to implement that recommendation, which common sense would have dictated you should have done from the outset. Is that what you are effectively telling us?

I'm going to ask you this, Minister: how many times did you send in somebody to this particular lab, which as I understand has been accredited since 1995—municipalities have been relying on your list of accredited agencies—how many times have you had inspectors in there making sure that they're doing their tests in the way they're supposed to? How many times?

Hon Mr Stockwell: The actual accreditation body for laboratories is the Standards Council of Canada. We have

informed them that this in fact has taken place. They actually accredit the labs, I say to the Leader of the Opposition. The auditor for this is the Canadian Association for Environmental Analytical Laboratories. They're the auditor. They go in to do that. The actual responsibility for accrediting the labs and auditing the labs are those two bodies.

With respect to privatization, it was the former NDP government in 1993 that began charging municipalities for the use of provincial labs to do drinking water testing. The NDP gave municipalities the choice of using provincial labs or private labs. By 1996, about half the municipalities were using private, non-government labs to do their drinking water testing.

I understand the politics of this, but if the allegation is that somehow we got this involved—it began in 1993. When the NDP government gave municipalities the option of using private labs or public labs and they started charging for public lab use and the private labs were less expensive, municipalities started using, in 1993, the private lab option.

Mr McGuinty: Again, Minister, it's very important that the facts be well known in this. It is true that the NDP took us down the privatization road, but at that point in time all municipalities had an option as to whether they went with the private sector or the public sector. You people came in; you decided there will be no more public sector testing of water for municipalities.

Mr Justice Dennis O'Connor is very, very clear in part two, and this should have been common sense in the best sense of the expression. He said the province "cannot rely on accreditation alone as a means of overseeing water testing laboratories." He goes on to say, "Inspections should be done ... and should include unannounced inspections."

You privatized water testing in Ontario back in 1995. For all intents and purposes, our municipalities have no other options; they've got to go private now. How many inspections have you done since 1995 in all those private sector labs? How many?

Hon Mr Stockwell: First and foremost, there are still public labs out there. Many municipalities operate their own public labs, so the allegation is unfounded. I appreciate the question; I will get to it. I am dealing with the preamble. The allegation is unfounded.

You quote from O'Connor's report, and I don't disagree with O'Connor's report.

Interjections.

Hon Mr Stockwell: I appreciate that the member wants an answer. I'm trying. You quote from O'Connor's report, part two, and we don't disagree with the report. I think we must put some context on this. The report came out on May 23. Today is June; it's early June. We haven't had an opportunity, although we've undertaken to implement all the recommendations. So even the member opposite—

Interjections.

The Speaker: Order. It's too noisy. Sorry to interrupt the minister.

Sorry, Minister.

Hon Mr Stockwell: The member opposite has to see the irony in his question. You're asking me how many labs we've tested because O'Connor told us to test. He only gave us the report on May 23. Even you must accept that you can't switch on a light and do that kind of work in progress.

1440

Mr McGuinty: These revelations from this minister are shocking. He's telling us that back in 1995 it was OK to privatize water testing, and this government backed away entirely from the responsibility it's supposed to carry out on behalf of Ontario families to make sure that whatever the heck they're doing in the private labs is for our good. You didn't do that. You cannot now claim, "Well, hang on a second, we just got the recommendation a couple of months ago and we have yet to act on it." That is irresponsible.

Your responsibility is to make sure that if you are going to divest yourself of the responsibility of testing water for our municipalities, if you're going to fob it off on the private sector, you have a responsibility to make sure you are, at a minimum, overseeing what is going on inside those labs.

I ask you again: since you've privatized water testing in Ontario, how many inspections have you conducted inside those private labs?

Hon Mr Stockwell: I understand that the Leader of the Opposition is trying to leave the impression that there haven't been any inspections of these labs by any body. The Standards Council of Canada is the accreditation body. They in fact accredit the labs. Second, the Canadian Association for Environmental Analytical Laboratories is the auditor. They in fact do that too.

I appreciate what you're trying to do. You're trying to leave the impression that somehow there isn't a check and balance here. In many situations in this government, there are checks and balances provided by associations just like this. They've always been put forward.

O'Connor came out two weeks ago and said, "Maybe you folks should be doing this on your own." All we said subsequent to O'Connor coming out is, "Yes, Justice O'Connor, we agree, and we're beginning the process of doing it."

I know the member wants to paint this a certain way, but it's profoundly unfair and not an acceptable response. I'm prepared to debate this, but at least get your information right before you start making accusations.

The Speaker: New question.

Ms Marilyn Churley (Toronto-Danforth): My question is for the Minister of Environment. Once again your government has failed to ensure that the drinking water in this province is safe. Following Walkerton, this failure to ensure safe and reliable water and to properly test for deadly E coli is inexcusable, unacceptable.

You promised to fix the problems that caused Walkerton, but now we see that you haven't. You promised to restore public confidence in our water, but in fact you have done just the opposite.

Minister, I want to ask you, and please come clean with us today in this House: how long has your ministry known about the specific threat to water quality in this province? How long have you known and done nothing about it?

Hon Mr Stockwell: The best information I have is that the information was provided to the Ministry of Environment by another company in this industry on May 23. At that point in time, the ministry informed—what they classified as “sprang into action”—with respect to the inspection. I was informed, as I said, on Tuesday evening that there was a potential for a directive to be issued. It was confirmed to me on Wednesday morning.

So the best information I can give you—I think it's accurate—from the Ministry of Environment is that they had this information, basically the phone call, on May 23.

Ms Churley: Minister, when the government decided to appoint one minister for both energy and the environment, the NDP was quite worried and said so at the time. We feared that not having a full-time Minister of Environment would put the public at risk, and our fears have been proven true. You were so busy, and still are, trying to privatize one of our vital public assets, Hydro, that you let our most vital asset, our water, become unsafe. Minister, you have no time to deal with keeping our environment safe.

I'm going to ask you again. We have been told that your ministry was made aware of these problems with this lab for some time. I want to know why there was a delay in identifying for those 67 communities at risk that there was a potential problem with their water.

Hon Mr Stockwell: I presume you were equally concerned when the Premier of the province of Ontario, Mr Rae, also appointed one minister to run energy and environment. You were just as vocal at that time, I suppose.

I say to the member opposite, that's exactly what I said. I've been very straightforward on this issue. May 23 is the best information I have that the ministry was in fact informed. That's exactly what's going on with respect to the investigation, why it took so long between May 23 and June 5. That's the kind of information we're investigating right now.

Ms Churley: That's one of our concerns because, as you know, in Walkerton it has been proven that the delay in the reporting and then the notification to the community could have, if not prevented some deaths, prevented some of the illnesses. So this delay is inexcusable and we need to know what happened there so that it never happens again.

But Minister, you knew that privatization and deregulation of the testing labs was one reason why Walkerton happened, yet you have continued to underfund and undermine the very people and organizations that are supposed to be keeping our water safe. In the wake of Walkerton, you fiddled, you tweaked, but basically you did nothing to improve the situation. I'm asking you today, will you invest in the inspectors and scientists who are the front-line troops that protect Ontario's environ-

ment and keep our water safe? Will you bring back the staff you fired?

Hon Mr Stockwell: I think you're on thin ice with respect to the private lab situation. As I outlined to the leader of the official opposition, it was your government in 1993 that began charging municipalities to use provincial labs and then, by charging them, you in fact drove them to the private labs that you didn't seem to have a problem with operating when you were in government. So the allegation that we somehow forced these municipalities to private labs is profoundly unfair.

With respect to the Walkerton issue, let's be clear: it was a public utility with public employees. I'm not suggesting that's any different, but it was a public utility with public employees. So the privatization argument there is somewhat moot with respect to public utilities and public employees who received the test.

I say to the member opposite, I have not heard one word from the Ministry of the Environment or those involved in this who said this is a money issue. It isn't a money issue. It has nothing to do with money. We need to investigate and understand why it took so long between May 23 and June 5 to get this information, extract it, move on it and move up as high as the minister's office, which is causing me, without any doubt, some concern. To make these allegations, I think you're on very thin ice with respect to your track record and your history.

The Speaker: New question?

Ms Churley: Your former Premier Mike Harris went to Walkerton and tried to blame the NDP for what happened there. It didn't work then and it isn't going to work now. As you know, and if you read your files, the NDP allowed some municipalities to use private labs. What your government did was come in and, within eight weeks, closed down the four public labs and made every municipality across the province find a private lab without any rules around accreditation. That is what happened, and that is cited by Justice O'Connor as one of the problems that created the situation in Walkerton.

Minister, it has been two years since that tragedy in Walkerton. You brought in new regulations but no funding to enforce them. You promised to implement the recommendations of the Walkerton inquiry. Now I'm asking you this: will you promise to take responsibility for providing safe drinking water by immediately re-opening the public water-testing labs across this province?

Hon Mr Stockwell: If the member opposite is suggesting that I'm trying to blame the NDP, I think you may be somewhat sensitive. That wasn't my allegation. All I was alleging with respect to the private labs was that you had a part to play in it. If you feel that's blame, then you've got your own conscience to answer to.

With respect to the reporting process and what we did, I couldn't have acted more quickly. I acted as quickly as I could. I was made aware of concerns regarding incomplete testing, but they weren't found Tuesday evening, Wednesday morning, when they were confirmed to me

by the ministry, I issued an order against MDS labs. At the same time, we notified known municipalities and other waterworks' owners who were using MDS and suggested they should do retesting as a precautionary measure. We also sent a letter of official complaint to the Standards Council of Canada and the Canadian Association for Environmental Analytical Laboratories. The investigation and enforcement branch launched a full investigation. Once their concerns around incomplete testing were clear to me, I immediately contacted the chief medical officer of health, taking the advice of the chief medical officer of health to ensure that proper steps were taken. He called the 37 local municipal officers of health and dealt with them on a local basis. I then took the time to inform my cabinet, and then I took the time to inform you and the critic for the Liberal Party. I couldn't have acted any quicker or with more non-partisan action at all.

1450

Ms Churley: Minister, the people of this province want to know that their water is being tested, monitored and kept safe by publicly accountable inspectors and labs. They want you to implement the Justice O'Connor recommendations immediately.

As you know, the NDP developed a Safe Drinking Water Act two years ago, which finally your Premier agreed to pass after Judge O'Connor recommended a Safe Drinking Water Act. But you don't have time, given the other issues you're dealing with almost 24 hours a day, seven days a week, to have it done and introduced in this session. Minister, let's face it: you don't have time to protect the environment or the water in this province. There is no Minister of the Environment at this time. We have lost confidence in you, in your ability to protect the water and the environment in this province, and I'm asking you to do the honourable thing and step aside so that your Premier can appoint a real Minister of the Environment who is actually going to protect our water and our health. Minister, will you do that?

Hon Mr Stockwell: You've lost confidence in me? I don't believe there was ever a time that you felt you had confidence in me as Minister of the Environment.

I would like your confidence. I would like the confidence of the members opposite to deal with issues straight, to be an honourable member and answer them directly. I would like that. But I also would like the respect and the confidence of these people on this side of the House. I think I have that.

The Speaker: New question, the member for St Catharines.

Mr James J. Bradley (St Catharines): I have a question for the Minister of the Environment. Minister, you said in answer to the leader of the official opposition, the leader of the Liberal Party, that you are not doing any testing—in other words, you are not going out to check on these labs; the Ministry of the Environment, for which you are responsible, is not going out—and you said you just got the report of Justice O'Connor.

In February of this year—February 13, I think it was—there were charges laid against Fine Analysis Lab-

oratories in Hamilton, which have been under investigation for I think almost a year. Minister, were you not aware at that time, when there were problems with this particular laboratory, that you had to do something about ensuring that the accreditation was appropriate, ensuring that they had the proper equipment, ensuring that they were following the proper procedures? And was it not incumbent upon you at that time to start sending Ministry of the Environment officials out on a surprise basis to do double sample testing and so on to ensure that these laboratories were doing their job as you had hoped?

Hon Mr Stockwell: I want to say to the member opposite, first and foremost, that I heard you on CFRB, I think it was, today. Although there are partisan differences, I think Dr D'Cunha has suggested that we maintain composure and realize that there is not 100% certainty, but it's virtually 100%, that the probability is pretty close to zero. I appreciate the responsible remarks that you made on CFRB outlining those issues as well to the people of Ontario.

Applause.

Hon Mr Stockwell: That's one of the few times I think he didn't want applause.

At this point in time, with respect to the charges that are before the courts, before commenting on any judicial process, you know as a previous Minister of the Environment that it's very difficult for me to respond to any of those kinds of questions. After taking you into my confidence yesterday, I feel very certain that could be done again. I could certainly respond to the questions in a process that is not a public one.

Mr Bradley: Minister, I would not ask you specific questions about the Fine Analysis Laboratories Ltd case because it is before the courts and it would be inappropriate to deal with that case. I guess the point I'm making is that it didn't take Justice O'Connor's report; you already had an investigation that was going on for about a year before there were charges laid against this company. Surely the government of Ontario should have known at that time there were going to be problems with some of these laboratories and that without Justice O'Connor's recommendations, after that investigation took place, after the charges were laid, your ministry should have been sending people out to all these laboratories.

I can tell you that I have the year 2000 adverse water incidents report, and in many of these cases where there are problems with water, it was the MDS lab that was dealing with them.

My concern would be that you did not, as a minister, nor did your predecessor, send out anybody to all of these other labs to ensure they were doing their job appropriately, and as a result, Ontario's water is placed at a much greater risk than it would have been otherwise.

Hon Mr Stockwell: I think there is a police investigation involved, and that's why it's difficult for me to comment on the case. I know the member knows that if there's a police investigation taking place, it is difficult.

Having said that, if I knew for a moment that any of this was taking place, you can rest assured I would have

moved with due dispatch. I would have acted immediately if I had had any prior knowledge that this was taking place at the labs. So I can only offer up my word that I did not know. The moment I found out, I acted as quickly as possible.

I appreciate the fact that you outlined the concern or the issue of the lab that you're speaking about earlier. All I can tell you is that it's under police investigation and it would be totally inappropriate of me to make any kind of comment in a public forum about that with the police investigation already being undertaken.

YOUNG OFFENDERS

Mr Frank Klees (Oak Ridges): My question is to the Attorney General. It relates to the recent wave of violence against women in the greater Toronto area and what is becoming a serious concern to many people who live in this city and in this province. One of my constituents is dealing today with the emotional and physical trauma of being held at gunpoint by three youths, reportedly ages 15, 16 and 17. Three of her friends who were involved in that same incident are dealing with this horrific experience today.

At issue now is how our justice system is going to deal with these young offenders. Rumour has it and the suggestion is that they will be subjected to juvenile court and waltz through the system with a mere slap on the wrist. On behalf of every law-abiding citizen in this province, I implore you to use every resource you have available in your office to ensure that these young offenders are tried as adults, in adult court, so that they come to know the full effect of the law and the consequences of breaking it, should they be found guilty. Let's not be accused of being light on crime, as we so often accuse our federal cousins of doing.

Hon David Young (Attorney General, minister responsible for native affairs): I thank the honourable member for raising this issue. Let me start by saying that our thoughts are with the victims of these crimes. The member is quite right that when the crime ends, the trauma attached to it doesn't necessarily conclude. Indeed, we are talking about a situation where both physical and emotional trauma is likely to continue for some time.

I say to you, though, Mr Speaker, and I know you are aware of this fact, I am not in a position to comment on any pending case. I cannot do this in this Legislative Assembly and I will not.

I will tell you that the crown will consider the facts of this case. They will consider the law as it exists under the Young Offenders Act and the case law that has developed thereunder. Factors such as the seriousness of the crime and the age and maturity of the accused are all taken into consideration.

Mr Klees: Thank you, Minister. I do trust that as you review this case, you will agree with, I believe, the vast majority of Ontarians, that you will have reason and full justification to ensure that this trial takes place in the

appropriate court to ensure that the message is very strong that this government does not condone this type of activity. I can tell you that people in my community are becoming more and more concerned about youth crime, whether that be swarming, activities such as these, or bullying in the schoolyard or in our communities.

Minister, I want to ask you, do you share the concern of my constituents and, I believe, of most if not all members in this House, that we need to send a message to law-abiding citizens of Ontario that we will not stand by and allow the quality of life in this province to be undermined by thugs in our communities? What will you do as Attorney General to ensure that we enforce the law, that the message is very clear that we will not condone this type of criminal activity?

1500

Hon Mr Young: I do indeed share the member's concern about youth crime in this country. In fact, 72% of Canadians, according to a recent Ipsos-Reid poll, have indicated that they have little or no confidence in the Young Offenders Act. I suspect the federal government considered that when they brought forward their new legislation and started a process that included a reform of the criminal justice system for youth in this country.

Unfortunately, the federal Liberals have failed. They came forward with an act that has now been passed and will be proclaimed next year that is three times as long, that is five times as cumbersome and that will be 10 times as expensive to administer. I have been saying for some considerable period of time, publicly on every occasion that I can, that what the Liberals have done in this regard is unconscionable. I am hopeful that members opposite, be they Liberals or New Democrats, will begin at this time to speak out. When it comes to youth justice in this country, the federal government has dropped the ball.

WATER QUALITY

Mr Dalton McGuinty (Leader of the Opposition): My question is to the Minister of the Environment. Now that we have confirmed that the only thing Ontario families can count on with respect to whether or not tests are being performed adequately and properly in private labs are anonymous tipsters, there's something else I want to explore with you. I understand that the tip you received was on May 23—that's when the information was brought into the ministry—and you did not act until June 5. That's some 12 days. You then took a decision to act yesterday, some seven days later, so it took 19 days from the time you received the information for you to act. This is in a post-Walkerton world. You received information about testing that was at a minimum improper. Why did it take you 19 days to act and to make that information public?

Hon Chris Stockwell (Minister of Environment and Energy, Government House Leader): I think it's a very good question, and that's the question I think we must investigate. I didn't know until Tuesday evening that

there was even any inclination of this. I didn't get it confirmed until Wednesday morning. I have exactly the same question I've put to the Deputy Minister of the Environment and asked her to investigate why it took so long. I think it took too long—far, far too long—and I can only suggest to the member opposite that when that information comes back to me, I will fully apprise the House.

Mr McGuinty: I can appreciate the minister's very deliberate, calm demeanour and his efforts not to alarm Ontarians. I don't want to alarm them, but neither do I want to snow them. The fact of the matter is that it took 19 days between the time you received information and acted on it, and that's on top of the fact that we had to rely on an anonymous tipster to receive that information. We've also been able to confirm today that since you privatized water testing in Ontario, you have failed at any time to put in place a system by which people in the Ministry of the Environment inspected those people who were testing the water. So I ask you on behalf of Ontario families, Minister: knowing this, how is it that we can have any faith, any confidence that you people over there are doing what you're supposed to be doing when it comes to protecting drinking water for Ontario families?

Hon Mr Stockwell: Do you really believe that we didn't or that I didn't take this seriously, when you hear the actions I took from Wednesday morning on, since the knowledge of the testing came forward? I think it's an unfair charge. We acted very quickly. I acted very quickly. The actual investigation that we're asking for is taking place as we speak.

I suppose my position on this issue is that I would like to allow the deputy minister the opportunity to investigate and report back to me. We are now phoning. We've completed phoning every lab. We're visiting the labs as we speak to ensure that they're in fact operating properly. I think it would behoove me to give the good civil service that we have working for us the opportunity to investigate and to determine what happened.

ONTARIO WORKS

Mr Bart Maves (Niagara Falls): My question is for the Minister of Community, Family and Children's Services. A couple of weeks ago, the results of a city of Toronto survey regarding the success of the Ontario Works program in Toronto was released. A report in the Toronto Star indicated that people who managed to get off welfare were no better off. Minister, when we implemented the Ontario Works program, we believed that helping people find their way off welfare would improve their lives. Was this report accurate?

Hon Brenda Elliott (Minister of Community, Family and Children's Services): I'd like to thank my colleague for the question. People in Niagara Falls are very fortunate to have such a competent member representing them.

I've reviewed the city of Toronto's reports, and I think my colleagues in the House might be surprised to learn that we actually disagree with the Toronto Star's first

reading, and after studying it we're actually pleased with what we've learned.

This is what we have come to understand. First of all, it's clear that our reforms are working. Some 83% of the people surveyed are still off social assistance; 54% indicate their life is better now; 70% of people reported that they have job satisfaction; the average wage rate was twice the minimum wage; and over half of the respondents reported they were better off after leaving social assistance, having gained a sense of satisfaction and confidence. This city of Toronto report confirms what we already knew: our welfare reforms are working. A hand up is better than a handout; that is the way to successful reform in Ontario.

Mr Maves: I want to thank the minister for clarifying that. Those are indeed some impressive numbers. I've always believed that our reforms were working and I've passed that message along to my constituents on many occasions. But they would like to know what programs are available to assist individuals on Ontario Works find employment, and they want to know if these programs are working in my community.

Hon Mrs Elliott: The entire welfare program has been changed to be one of an employment assistance program. I would like to inform the member from Niagara Falls and my colleagues in the House that the Niagara region has experienced a drop of nearly 10% in their caseload from 2001 to 2002. This drop in caseload is encouraging to our Ontario placement numbers. In fact, what this means is a \$2.6-million surplus for Niagara region. This can be directed into their community programs. If we think in terms of the city of Toronto report, where 83% of former welfare recipients report that they're in a job with twice the average wage, that bodes very well for the Niagara region and once again proves that our welfare reforms are highly successful and working to give people a brighter future.

MENINGITIS C

Ms Shelley Martel (Nickel Belt): I have a question for the Deputy Premier. Gregg and Bernadette Maxwell of Ingersoll are in the gallery today to endorse the bill that I presented earlier in their son's name. On March 14 their son, Michael, developed flu-like symptoms, was admitted to hospital, and 21 hours later died of meningitis C. He was 17 years old. This is a tragedy which need not have happened. There is a vaccine to protect against meningitis C which is safe for use even in 2-month-olds, but it's very expensive, usually over \$100 and usually not covered under provincial plans. The other problem is that most families are not even aware of the serious nature of meningitis and that there is a vaccine that can protect their children.

Minister, I think the only way to protect infants and young adults is to have a province-wide immunization program. Will your government adopt my private member's bill so that families like the Maxwells will never experience the kind of tragedy that they have?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): I will refer that to the Associate Minister of Health.

Hon Dan Newman (Associate Minister of Health and Long-Term Care): I want to begin by offering my sympathy to the family involved and to say today that the government takes public health safety for our children very, very seriously. It is indeed an issue of not only provincial significance and importance but also national importance. Thus, we continue to work with the federal government on a strategy to implement this program. Late last year the Minister of Health, the honourable Tony Clement, wrote to his federal counterpart on this issue and we've not received a response to date. I expect that the new federal Minister of Health will discuss this matter shortly, this matter of common interest. This, hopefully, should be on the top of the agenda for the new federal health minister.

1510

Ms Martel: Minister, your government has introduced and funds a flu vaccine program without any federal support. The provinces of Alberta and Quebec have already implemented province-wide immunization programs, without federal support, to protect infants and young children. It is time the Ontario government followed suit.

This is a serious public health issue. Last year alone, 65 people were infected with meningitis and eight people died. There is no reason for any Ontarian to die of meningitis.

What is required is a commitment by your government to follow suit with Alberta and Quebec: fund a province-wide immunization program against meningitis and fund a public education program so that families understand how important this immunization is. Will you adopt my private member's bill to protect infants and young people in Ontario from meningitis?

Hon Mr Newman: Again, this is an issue of national importance, and that's why we continue to work with the federal government to implement a strategy to deal with this very serious situation. In fact, the Minister of Health and Long-Term Care, the Honourable Tony Clement, is meeting today with his federal counterpart, the Honourable Anne McLellan, to discuss that. This subject is on the agenda.

This government is indeed committed to health promotion and disease prevention. We continue to have that as a priority of the Ministry of Health and Long-Term Care.

WATER QUALITY

Mr Pat Hoy (Chatham-Kent Essex): My question is to the Minister of the Environment. The people of my community are concerned. They learned this morning that the government had once again failed to get its most basic job right. You failed to ensure that our water is safe. They've seen this kind of failure before; it led to the deaths of seven people.

They listened to Ernie Eves promise our water would always be safe to drink, and now their trust has been betrayed. We don't know if the water we have been drinking has been safe.

Minister, after the Walkerton disaster, how could it take 19 days for this to come to light?

Hon Chris Stockwell (Minister of Environment and Energy, Government House Leader): This is a fairly similar question to the one your leader just asked, and I think the response would probably stand. That's something we should allow the Ministry of the Environment to investigate and report on before we start making any brazen allegations and long-term decisions.

I might add that we were the government that actually put a process in place to accredit labs. Previous administrations simply said, "Follow provincial guidelines."

I would say to the member opposite that the response to his question is exactly the same as the response to his leader.

The Speaker (Hon Gary Carr): Supplementary.

Mr Steve Peters (Elgin-Middlesex-London): Minister, if Walkerton was the wake-up call, your government hit the snooze button on this issue.

According to you, the Ministry of Environment has been aware of this problem since May 23, but no steps were taken to warn municipalities or the public until yesterday. That's 19 days. If you or your staff had a tip that something was seriously wrong, it should have been acted on immediately. Where was the breakdown in communication in your ministry? Didn't anyone learn anything from Walkerton? It appears that the only thing protecting Ontario citizens right now is tipsters. How could this warning have been delayed by 19 days?

Can you please tell the House today when this internal review is going to be completed and why there was this breakdown in communications, so the citizens of Ontario can be assured we have safe, clean, quality drinking water?

Hon Mr Stockwell: I'd like to say to the member opposite that again we should understand that according to the medical officer of health, the chances are virtually nil that water that was tested and sent out was tainted. I think we should understand that and assure the people of this province that that is the case.

I will get back to you as soon as the Deputy Minister of Environment does the investigation.

Interjection.

Hon Mr Stockwell: Yes, I was disappointed, very disappointed they would have heard on May 23 that—

Interjections.

The Speaker: Come to order, please.

Minister, sorry for the interruption.

Hon Mr Stockwell: I appreciate the member for Scarborough-Agincourt suggesting I should have told them this was unacceptable when I became minister. I say to the member for Scarborough-Agincourt that I didn't have a crystal ball. I couldn't possibly have known something like this would come up. I would only have expected that had they had this kind of information on

May 23, they would have acted with due dispatch and informed me. They didn't. I'm giving them the opportunity to explain why they didn't. I think they should have as well.

GRAPE AND WINE INDUSTRY

Mr Doug Galt (Northumberland): My question is to the Minister of Consumer and Business Services. Prince Edward county is an up-and-coming area for vineyards and wine production in the future.

Prince Edward county has an interesting history of wine production. Way back in 1867, Dorland Noxon of Prince Edward county won an international award at the Philadelphia Exposition for the wine he had produced in Prince Edward county. Minister, what are you doing to assist areas such as Prince Edward county to enter into the development of vineyards and wineries?

Hon Tim Hudak (Minister of Consumer and Business Services): I think we're very excited about the great possibilities in the member's area and in Prince Edward county to help promote new wineries in the new grape-growing area.

Recently we changed the policy governing wine retail stores in the province to help emerging wineries in growing areas like Prince Edward county to have that kind of access. For example, the Waupoos winery in Prince Edward county now has their own store. They can sell more wine, bring in tourists and help create jobs for the local economy. Similarly, I understand VQA Ontario will be entering the area very soon to discuss the merits of joining the VQA and the additional benefits that can bring to wineries in the member's region.

Mr Galt: Approximately two years ago, after many vineyards were planted in Prince Edward county, the Alcohol and Gaming Commission of Ontario adopted a policy stating that until an area is classed as a designated viticultural area and producing 500 tonnes of wine grapes per year, wineries are limited in their ability to purchase grapes. Before reaching the threshold, any winery that wishes to have a retail store must purchase 50% of their grapes from the local region and the other half must come from an Ontario farm.

It seems unfair to place restrictions on new businesses that are just starting up. Furthermore, in emerging regions there are bound to be fewer grapes simply because the young vines produce less. Therefore, the initial entrepreneurs are penalized compared to those who enter later. Minister, do you support such a policy that is counterproductive to job creation?

Hon Mr Hudak: I appreciate the member for Northumberland's question. He has been a very strong proponent for helping the winery area in Prince Edward county, and of course it helps out Northumberland county as well.

The goal of the ministry is, as it is for the Ernie Eves government, to help promote job creation, especially small businesses in Ontario. We want, as part of this, to help develop a wine region in Prince Edward county to

help tie in local grape production and encourage the land to stay in agricultural use before a winery retail store, for example, is set up.

The success in the Niagara Peninsula has been not only in world-class wines but as a world-class winery region. It has been an international success. I think down the road we'll see something similar in Prince Edward county and we want to support that.

Because of the member's advocacy, VQA Ontario is going to be in his area very soon to help address how they can become a designated viticultural area down the road. But I want to assure the member and those in the House that there are very high standards to achieve that level because it's a standard that we need to keep quite high.

WATER QUALITY

Mr Bruce Crozier (Essex): This is for the Minister of the Environment. The communities of Kingsville, Essex, Lakeshore, Tecumseh and LaSalle, and indeed all the people of Ontario, have the right to safe drinking water. The problem is that we don't seem to be getting it. Instead, we're getting excuses and we're getting delays.

Minister, as has been shown today, it took your ministry and you together fully 19 days to reply to a tip. The government has an obligation to protect the people in this province, and it's your job to ensure that our water is being properly tested, and to do it without tips and to do it without 19-day delays.

Here's what we need to do: implement Dalton McGuinty's safe drinking water action plan, hire nine full-time medical officers of health and put the proper resources in place for the enforcement of regulations. Minister, will you finally take the steps that Dalton McGuinty and the Liberals demand are needed to ensure our water is safe to drink?

Hon Chris Stockwell (Minister of Environment and Energy, Government House Leader): I don't want to suggest for a moment that the member shouldn't be supporting his leader, and I understand that he's pushing what would be classified as his leader's agenda on water cleanliness, with respect.

I will take my advice, I think, from the learned and knowledgeable Justice O'Connor. Justice O'Connor produced two rather comprehensive, voluminous reports. He has set out in no uncertain terms how he thinks water should be handled in this province.

As a testament to this government, and as a testament to this Premier, not 24 hours after that report was issued, he stood in his place and said, "We will implement all 93 recommendations."

1520

Ms Caroline Di Cocco (Sarnia-Lambton): First of all, it's unbelievable that the ministry took 19 days to act. The other part of it is also that, earlier today, the minister said you have to have confidence in your water if the medical officers of health haven't issued a water advisory.

Do you know something? Sarnia-Lambton doesn't have a full-time medical officer of health. Remember the first recommendation from the first report that came out a long time ago? It didn't come out two weeks ago.

More than two years later, six months after the Walkerton inquiry's first report, nine regions of Ontario don't have a full-time medical officer of health.

Minister, a full-time medical officer of health is absolutely essential in a crisis like this. Why have you failed to ensure that Sarnia-Lambton and eight other regions have a full-time, permanent medical officer of health? This time we just happen to have gotten lucky.

Hon Mr Stockwell: I don't think the impression should be left that there isn't a medical officer of health for these regions. There are interim medical officers of health for all the regions she speaks about. I appreciate the fact that the member opposite would like to leave the impression that there is no medical officer of health for these regions.

I will say to the member opposite and to the others heckling that there are interim medical officers of health in place. Those interim medical officers of health joined in a conference call with Dr D'Cunha to deal with this issue. I take my hat off to each and every one of them. They handled it professionally and well. This is probably one of the finest times we can deal with our medical officers of health, knowing that they're there to protect the health of the people of the province of Ontario. I'm not going to slam any one of them.

ELECTRICITY SUPPLY

Mr Norm Miller (Parry Sound-Muskoka): My question is for the Minister of Energy and Environment. It has come to my attention that in recent months the Almaguin Highlands, an area in my beautiful riding of Parry Sound-Muskoka, has been suffering through numerous power outages of various lengths, some as long as four days and at varying times of day.

I am sure you would agree, Minister, that this inconsistency of power is cause for concern for the people who live and work in the Almaguin Highlands. There are many small business operators, farmers, families and elderly residents who are very concerned about the uncertainty of their power supply and are seeking a solution.

Minister, could you tell the people of Almaguin Highlands and indeed all rural Ontarians what is being done to ensure that Ontario's power supply is not only safe and efficient, but reliable?

Hon Chris Stockwell (Minister of Environment and Energy, Government House Leader): It's a good question the member opposite asks and it's one of the questions that kind of surrounds in a rather circumlocutious way the Hydro One debate. Why it is that way is because we've often had this difficulty with severe weather patterns and downing of lines that caused outages. Some outages are patently unreasonable and for incredible lengths of time.

I want to say to the member opposite, as part of the new mandate to regulate electricity distribution and transmission in the province, the Ontario Energy Board will be monitoring service standards for all electrical utilities, including Hydro One, and taking corrective action when necessary.

It also speaks to the argument I've been making very forcefully in this House. Standards haven't been maintained by Hydro One. There needs to be a huge capital investment into the infrastructure of the Hydro One wires. I make these arguments to the people of the province of Ontario and to you, and I get accused of fearmongering by the chief fearmongerer of the province of Ontario, the leader of the third party.

Mr Miller: Thank you, Minister. I am still on our side of the House. I know I did vote against the government this morning, but I'm still on your side.

I'm sure that those men and women who call rural Ontario home will be pleased to see your ministry is putting forth a solution. In the meantime, would you please explain whom the people of Almaguin Highlands should contact when they are experiencing difficulties with their power supply to ensure appropriate action is being taken to deliver reliable power to their homes and businesses?

Hon Mr Stockwell: First let me apologize to one of the finest members in our caucus, a second-generation Conservative, and I apologize. It completely slipped from my tongue.

Anyone expecting an outage or any other reliability problem should report the problem to Hydro One by calling the contact number on their hydro bill. If problems persist, they can be brought to the attention of the Ontario Energy Board by calling, toll-free, 1-877-632-2727. The number again is 1-877-632-2727. I'd encourage the members opposite, if you have these kinds of complaints as well, please also get them to call that number at the Ontario Energy Board or Hydro One, because we want to try and solve these problems. But the best solution we can use is to continue to have this kind of representation by local members representing their constituents.

WATER QUALITY

Ms Marilyn Churley (Toronto-Danforth): I have a question for the Minister of the Environment. Minister, as you know, there's a long-standing tradition in this House for ministerial responsibility when something goes wrong. You take the credit for the good things that your bureaucracy does. But today you refuse to take any responsibility whatsoever for the latest drinking water crisis.

Minister, you know that this should not have happened, particularly after what happened in Walkerton. There is no room for error any more since people died as a result of drinking tainted water.

I am asking you again: why are you not taking responsibility? You're the man at the top. You have the responsibility. You are not taking that responsibility to-

day. You are hiding behind your bureaucracy. I'm asking you again to take responsibility for this water testing crisis we have now and do the right thing and step down as Minister of the Environment.

Hon Chris Stockwell (Minister of Environment and Energy, Government House Leader): Well, I respectfully disagree with you. You're suggesting I'm not taking responsibility. I'm here in question period in a process known as parliamentary democracy. I am standing before this House answering every question you give me as directly as I can. I haven't avoided any; I haven't escaped on it. The only point I've made to you is that I don't have absolute confirmation of why it took so long. I have asked them to investigate, and I've given you my undertaking that when that investigation is done, I will report back to this House.

I don't think I've in any way tried to duck this issue, duck my responsibility or remove the responsibility from my own shoulders and pass it on to anyone else. I'm standing here for an hour answering every one of your questions. You may not like my answers, but don't tell me I'm ducking responsibility. I'm answering your questions.

Ms Churley: Minister, this has got nothing to do with whether or not you're answering questions. What you are saying today in response to the questions is what any minister would say: "Conducting an investigation," "Doing this," "Doing that," but acting all innocent when asked when you were told about this and saying you acted quickly.

The reality is, Minister, Walkerton happened. The crisis in the water testing should never have happened again. There are hundreds of thousands of people in this province who now have lost confidence in their drinking water when they turn on the tap. You are the minister responsible. This should not have happened again in the province of Ontario, yet it did.

Minister, I'm asking you again: will you do the right thing, will you step down as Minister of the Environment and allow somebody else to take over who actually has the time to deal with protecting our water and our environment?

Hon Mr Stockwell: I've tried my best to handle this in a non-partisan way with respect to the issue yesterday. I ask you: when I took you into my confidence as well as the Liberal critic and gave you this information, I ask you, how did this information end up on the wire before the information was released by the MOH? How did that happen? There were only two people who had this information, and I've talked to one of them. So if you're asking for confidence in my ability, I'm asking about the confidence in taking you into my confidence and giving you this information to protect the people of the province. So I don't think you have any room to lecture me with respect to how I do my job and the confidentiality and the work I do to get this done.

The question should be asked of you: can you stand before this House today and tell this House that you didn't go to the wire service immediately after that meet-

ing and in fact do exactly what you promised me you wouldn't do?

Mr Dwight Duncan (Windsor-St Clair): On a point of order, Mr Speaker: I seek unanimous consent to engage in a debate this afternoon on water safety in Ontario.

The Speaker (Hon Gary Carr): Is there unanimous consent? I'm afraid I heard some noes.

1530

PETITIONS

WATER QUALITY

Mr Dwight Duncan (Windsor-St Clair): I have a petition to the Legislative Assembly of Ontario:

"Whereas Ontario's families need to know that their water is safe;

"Whereas Ernie Eves is not protecting the drinking water of Ontario families;

"Whereas Ernie Eves recklessly cut the Ministry of the Environment budget by over 40% and laid off one third of the staff;

"Whereas Ernie Eves's cuts to the Ministry of Environment continue to put our drinking water at risk, despite the tragic deaths at Walkerton;

"Whereas Dalton McGuinty and the Ontario Liberal Party have outlined an emergency safe water drinking plan that includes hiring an additional 100 environment inspectors, drinking water experts, and enforcement officers;

"We, the undersigned, petition the Legislative Assembly of Ontario to ensure that Ontario's drinking water is safe for our families and to immediately implement Dalton McGuinty's safe water action plan."

I'm proud to affix my signature to this petition.

Mr George Smitherman (Toronto Centre-Rosedale): I have a petition to the Legislative Assembly of Ontario.

"Whereas Ontario's families need to know that their water is safe;

"Whereas Ernie Eves is not protecting the drinking water of Ontario families;

"Whereas Ernie Eves recklessly cut the Ministry of the Environment budget by over 40% and laid off one third of the staff;

"Whereas Ernie Eves's cuts to the Ministry of the Environment continue to put our drinking water at risk, despite the tragic deaths at Walkerton;

"Whereas Dalton McGuinty and the Ontario Liberal Party have outlined an emergency safe water drinking plan that includes hiring an additional 100 environment inspectors, drinking water experts and enforcement officers;

"We, the undersigned, petition the Legislative Assembly of Ontario to ensure that Ontario's drinking water is safe for our families and to immediately implement Dalton McGuinty's safe water action plan."

I'm happy to affix my signature to this most excellent petition and would recommend it to the honourable heckling minister.

HIGHWAY 522

Mr Norm Miller (Parry Sound-Muskoka): I have a petition to the Legislative Assembly of Ontario.

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

"We, the taxpayers, members of the communities and the people who have to travel along Highway 522 in the district of Parry Sound want to bring to your attention the poor condition of Highway 522."

I agree with this, and I will affix my signature.

STUDENTS' IMMIGRATION STATUS

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

"Whereas children are being denied an education on the basis of their immigration status, we ask that the Legislative Assembly enforce the laws of the province of Ontario to ensure that all children residing in Ontario have equal rights to education.

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

"Stop denying children in Ontario access to education. School boards in Ontario are breaking the law by refusing to admit children to school on the basis of their immigration status. This violates Ontario's Education Act, the Canadian Charter of Rights and Freedoms and the United Nations Convention on the Rights of the Child.

"According to section 49.1 of the Education Act, a school board may not refuse admittance of a child under the age of 18 to an elementary or secondary school based on the child's immigration status or the immigration status of the child's parent or guardian. 'A person who is otherwise entitled to be admitted to a school and who is less than 18 years of age shall not be refused admission because the person or person's parent or guardian is unlawfully in Canada.'

"Children should not be treated as second-class citizens due to their immigration status. We call upon the Legislative Assembly of Ontario to allow all children to access education regardless of their immigration status."

I will affix my signature to this petition.

Mr Gerard Kennedy (Parkdale-High Park): I have a petition to the Legislative Assembly of Ontario.

"Whereas children are being denied an education on the basis of their immigration status, we ask that the Legislative Assembly enforce the laws of the province of Ontario to ensure that all children residing in Ontario have equal rights to education.

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

"School boards in Ontario are breaking the law by refusing to admit children to school on the basis of their immigration status. This violates Ontario's Education Act, the Canadian Charter of Rights and Freedoms and the United Nations Convention on the Rights of the Child.

"According to section 49.1 of the Education Act, a school board may not refuse admittance to a child under the age of 18 to an elementary or a secondary school based on the child's immigration status or the immigration status of the child's parent or guardian. A child 'who is otherwise entitled to be admitted to a school and who is less than 18 years of age shall not be refused admission because the person or the person's parent or guardian is unlawfully in Canada.'" That is a quote in this petition from section 49.1 of the Education Act.

"Children should not be treated as second-class citizens due to their immigration status. We call on the Legislative Assembly of Ontario to allow all children to access education regardless of their immigration status."

Mr Speaker, there are over 1,100 people who signed their signature. There were dozens here today in front of the Legislature—you heard some of the music before—and, more important, dozens of children who currently are not in school or whose education is restricted. So I very gratefully acknowledge their efforts and affix my signature to this petition.

HYDRO ONE

Mr Mario Sergio (York West): I have another petition addressed to the Legislature of Ontario which reads as follows:

"Whereas the Conservative government plans to sell off Hydro One and Ontario's electricity transmission grid—the central nervous system of Ontario's economy;

"Whereas the government never campaigned on selling off this vital \$5-billion public asset and never consulted the people of Ontario on this plan;

"Whereas Ontario families want affordable, reliable electricity—they know that the sale of the grid that carries electricity to their homes is a disaster for consumers;

"Whereas selling the grid will not benefit consumers—the only Ontarians who will benefit are Bay Street brokers and Hydro One executives;

"Whereas selling Hydro One and the grid is like selling every 400-series highway in the province to private interests—selling the grid means the public sector will no longer be responsible for its security and protection;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature as follows:

"To demand the Conservative government halt the sale of Hydro One until the government has a clear mandate from the owners of Hydro One—the people of Ontario."

Speaker, I concur with the petitioners and I'm glad to forward this to the Clerk.

HOMELESSNESS

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): “To the Legislature of Ontario:

“Whereas the Ontario provincial government has totally withdrawn itself from building new social housing projects in this province, therefore endangering the lives of the less fortunate and residents who can’t afford paying the high cost of rent;

“Whereas the Ontario government should recognize that there is a serious shortage of affordable housing in this province;

“Whereas the Ontario government should recognize that the homeless situation in this province has reached a crisis proportion and that some measure must be taken to remedy the situation;

“Whereas the Ontario government should recognize that the hostel system wasn’t meant to be for permanent housing but for temporary shelters; ...

“We, the undersigned, petition the Legislature of Ontario as follows:

“We are asking that the Legislature see that the government take actions to end the homeless situation in Ontario with any means that are at its disposal.”

This petition is signed by folks from Napanee, and I’m very happy to add my signature to this petition.

EDUCATION FUNDING

Mr Mario Sergio (York West): I have a further petition, which comes to my attention from the Toronto District School Board, entitled, “Toronto Students Deserve a Fair Chance.”

“We, the undersigned, join the Toronto District School Board in its call for the government of Ontario to begin an immediate review of the funding formula and restore adequate funding for Toronto students and schools.

“We call upon the government of Ontario to put the needs of our children and our schools first and to provide a level of funding that allows all of our students to be successful in their educational experience.

“We call upon the government of Ontario to work with the school boards across Ontario so that all of us charged with delivering education can ensure that students can succeed in school.”

It’s signed by residents from the various school communities. I concur with the petitioners and I will affix my signature to it.

1540

ALTERNATIVE FUEL

Mr Steve Gilchrist (Scarborough East): “Whereas the Ontario government has a tradition of bold environmental initiatives; and

“Whereas the select committee on alternative fuels was given a mandate to investigate and recommend ways of reducing Ontario’s dependence on fossil fuels while

expanding access to environmentally friendly sustainable energy; and

“Whereas the select committee on alternative fuels has recommended the following:

“We, the undersigned, petition the Legislative Assembly of Ontario to implement all of the 141 recommendations of the select committee on alternative fuels made in their final report tabled June 5, 2002. Full details of these recommendations are attached and form part of this petition:

“A.1 Ontario government policy

“(1) The Ontario government shall develop an alternative fuel and energy strategy to establish a framework for a coordinated approach to: (a) increase the use of renewable energy and fuel sources in both the immediate and long term; (b) reduce Ontario’s reliance upon carbon-based fuel sources; (c) reduce adverse impacts upon the environment; (d) ensure that the relative cost of different energy sources, fiscal implications, energy security, impact on job creation, export development and the provincial economy are all considered; (e) support innovative research and development in the alternative energy fields that yield long-term economic, environmental and social benefits; (f) and ensure that energy conservation and efficiency are improved.

“(2) The Ministry of Environment and Energy shall be the lead in formulating an Ontario alternative fuel/energy strategy. Other pertinent ministries and agencies shall be consulted including: enterprise, opportunity and innovation; agriculture and food; training, colleges, and universities; education; finance; Management Board; municipal affairs and housing; natural resources; native affairs; northern development and mines; transportation; Ontario Power Generation; Hydro One and/or successor companies; Ontario Energy Board; Independent Electricity Market Operator; and Natural Resources Canada. A coordinating branch shall be established within the Ministry of Environment and Energy to deal with alternative fuel/energy policy and programs. An independent technical advisory group reporting to the Minister of Environment and Energy shall be appointed to advise on alternative fuel/energy technologies and levels of assistance to individual technologies.

“(3) An Ontario Energy Research Institute shall be established by March 1, 2003, to advance the manufacture and use of alternative fuel and energy products in Ontario. The institute should have responsibility for oversight of all alternative fuel/energy projects and be a schedule 3 agency reporting to the Ministry of Environment and Energy. It should have an annual budget of \$40 million and a guaranteed minimum 10-year lifespan. Its functions should include: policy development and implementation, including product specifications and standards in conjunction with the Technical Standards and Safety Authority; development of partnerships with the private sector and post-secondary institutions; testing of technologies at a demonstration site, with a \$10-million funding commitment over three years; development of an educational program, including a comprehensive Web

site and alternative fuels/energy component within the elementary and secondary educational science curriculum, in cooperation with the Ministry of Education; securing of matching federal and private sector funding; funding programs to promote alternative fuels/energy installations at Ontario universities, community colleges; working with municipalities on energy planning; and monitoring and assessment of worldwide developments in alternative fuels/energy.

“(4) The Ontario government shall undertake a comprehensive legislative and regulatory review to consider amendments to legislation/regulations regarding alternative fuels/energy, including energy efficiency and conservation by June 30, 2003.

“(5) The Ontario government’s ‘core business’ and related ‘core activities’ within all relevant Ontario ministry and agency business plans shall be revised to establish priorities for alternative fuel and energy, including energy efficiency and conservation. Performance measures shall be developed for the increased use of alternative fuels/energy in Ontario ministry/agency operations.

“(6) The committee supports the development of a registry for airborne contaminants by the Ministry of Environment and Energy that includes annual reporting of greenhouse gas emissions and other smog forming pollutants by large and small emitting sectors. Relevant work of Environment Canada, the US Environmental Protection Agency and the North American Commission for Environmental Cooperation, should also be consulted.

“(7) The Ontario government shall use a ‘Life Cycle Costing’ approach to assess costs and impacts of new fuel/energy technologies. In assessing the costs of new alternative fuel/energy sources, comparisons should be made with the costs of new conventional sources of fuel/energy.”

There are recommendations 8 through 141, and I look forward to a response from the ministry to all those important recommendations.

The Acting Speaker (Mr Bert Johnson): The time for petitions has ended.

BUSINESS OF THE HOUSE

Mr Steve Gilchrist (Scarborough East): Mr Speaker, I wonder if I might give the House an indication of the business for next week.

The Acting Speaker (Mr Bert Johnson): Is there consent? It is agreed.

Mr Gilchrist: Pursuant to standing order 55, I have a statement of the business of the House for next week.

Monday afternoon will be budget day. On Monday evening, we will continue debate on Bill 80, the Hydro One Inc. Directors and Officers Act.

On Tuesday afternoon we will debate Bill 81, the Nutrient Management Act. On Tuesday evening we will be debating Bill 80.

Wednesday afternoon’s business is still to be determined. On Wednesday evening we will debate the budget motion.

On Thursday morning during private members’ business we will discuss ballot item 51, standing in the name of Mr Curling, and ballot item 52, standing in the name of Mr Gerretsen. On Thursday afternoon we will debate the budget motion. Thursday evening’s business is still to be determined.

ORDERS OF THE DAY

HYDRO ONE INC. DIRECTORS AND OFFICERS ACT, 2002

LOI DE 2002 SUR LES ADMINISTRATEURS ET LES DIRIGEANTS DE HYDRO ONE INC.

Mr Gilchrist, on behalf of Mr Stockwell, moved second reading of the following bill:

Bill 80, An Act respecting directors and officers of Hydro One Inc. and its subsidiaries / Projet de loi 80, Loi concernant les administrateurs et les dirigeants de Hydro One Inc. et de ses filiales.

The Acting Speaker (Mr Bert Johnson): Member for Scarborough East, I want to just clarify your position.

Mr Steve Gilchrist (Scarborough East): I’m making these comments in my capacity as parliamentary assistant to the government House leader.

The Acting Speaker: That is the information I was looking for. The Chair recognizes the member for Scarborough East and parliamentary assistant for the leadoff time for the government caucus.

Mr Gilchrist: I’ll say at the outset that I’ll be sharing my time with the member from Etobicoke Centre.

There is no argument that the passage of Bill 80 is a necessary action the government must take to rebuild confidence in a strong and reliable electricity system for Ontario and its future. The electricity consumers of Ontario must be sure that all parts of the system—the generation, the transmission and the distribution—are working in their interest. In all respects, those involved in providing electricity to consumers must not only do the right thing; they must be seen to be doing the right thing.

That, for example, is why consumer protection has always been this government’s first priority when we were considering the restructuring of Ontario’s electricity sector. We have made it clear right from day one that we put electricity customers first in the design of our new market and in the government’s commitment to fix the problems of the past, to safeguard our future electricity supply and to ensure that safe, reliable power will continue to be supplied to consumers at a competitive cost.

May 1 marked a very exciting day, a new era in Ontario’s history when we opened our electricity market to full competition. And the transition was quite successful. In fact, it could be argued it was this year’s Y2K. There is no doubt there was a great deal of fear-mongering on the other side. The Chicken Littles were out in full force suggesting there would be rolling

blackouts and rolling brownouts. I know the leader of the third party put his picture and a light bulb on the side of a bus and went out on the dim bulb tour and suggested to people all across Ontario that they were facing nothing short of the Dark Ages.

1550

The only thing that has changed since May 1 is that prices have gone down. The lights didn't go out. Prices have averaged 3.3 cents a kilowatt hour compared to the reference point, the price that every utility in Ontario was paying on April 30, which was 4.3 cents a kilowatt hour. That has to be seen as an excellent start to our plan to restructure the electricity sector. We've shown, even in the wake of the first brief heat wave of the summer, that a competitive market, a market founded on business principles, works.

As we do this, we are not deregulating the electricity sector. If there is a word that has been bandied about these last few months that is more inaccurate than that, I don't know what it could be. The fact of the matter is there are actually more regulations, particularly regulations designed to protect consumers in all aspects of the electricity marketplace, than ever in the province's history. We are not going to abandon the government's responsibility to protect the people of Ontario, the electricity consumers of Ontario, in every possible way. In fact, for the first time ever in this province, the transmission and distribution of electricity will be strictly regulated by the Ontario Energy Board in order to protect customers. In the past, believe it or not, the old Ontario Hydro regulated itself.

You'll remember back to those halcyon days when we had only one telephone company in Canada. You'll remember how delightful it was every year when Bell Canada would go to the federal regulators, the CRTC, and they would ask for, and invariably receive, a cost increase far above inflation, with no recognition of the need to provide reliable, low-cost service to people for a very essential service, a telephone service. That was the hallmark of the phone business in Canada.

Ten years ago that market was opened up to competition and we have seen the benefits. Now we have at least two local utilities, we have at least four cellphone companies and we have literally an infinite number of long-distance service providers. Instead of measuring the cost of phone service in dollars per minute, particularly for calls to Europe, we now measure it in minutes per dollar, with rates as low as seven cents a minute for international calls.

The members opposite haven't anywhere, through the debate on Bill 58—and I strongly suspect we won't hear it in the debate on this bill—challenged the evolution in the phone marketplace so that somehow they can make a case that that evolution is different than what we will see when another regulated monopoly, namely the electricity system, is transformed, just like the phone system was, into a competitive model.

The government has taken some pretty bold first steps with the opening of the marketplace, but Bill 80 is a further clear demonstration that this government is pre-

pared to take more steps to ensure that at all times and in every way all parts of the system, regardless of whether it is publicly or privately held, are there to fairly serve the consumers of Ontario.

Moving forward from the May 1 start-out, there is no doubt the new marketplace will evolve and mature as market participants gain experience and the tools and processes are further refined. There will be new participants who invest in the industry and competition will be strengthened. It's a decidedly bright future—pun intended.

It therefore saddens me that Bill 80 had to be brought forward at all. It's without question a necessary response to a quite legitimate consumer and public concern. The public and this government are absolutely right to have been concerned about the expenditures and the efficiency of Hydro One, which is a key part of the electricity system. I am heartened that through Bill 80 the government has taken decisive action on the platinum-plated compensation packages at Hydro One. But it is unfortunate that it has taken attention away from the very significant success story that is the overall restructuring of Ontario's electricity system.

As the market matures and as the government puts forward the remaining steps in restructuring Ontario's electricity system, we should see other benefits, including greater efficiencies, better service and innovation. As with other jurisdictions that have successfully made the transition to competition, we firmly believe that market competition, commercial discipline and strong regulation are the best guarantees of reasonable prices for customers over the long term. But I stress again that this is most certainly not done in the absence of government or regulation.

In the area of generation, the Independent Electricity Market Operator, IMO, must protect the interests of customers with respect to the reliability and the quality of electricity generation throughout Ontario. Through Bill 80, this government is sending a strong signal that even as the options are considered on the future of Hydro One, Ontario's transmission utility, we will not tolerate actions by that company that show such blatant disregard for the interests of its ratepayers and the taxpayers of Ontario. I am confident that the new board of directors of Hydro One, recently appointed by the Minister of Environment and Energy, will take the necessary steps to restore full consumer confidence that Hydro One is being managed in their interests and that it's operating fairly and honestly.

The proposed legislation, like all this government's electricity restructuring legislation, is legislation with clear direction, with strength, with teeth. It's not a pie-in-the-sky wish list of what might be; it ensures for the people of Ontario what will be. Not only does it direct Hydro One's new board to address the compensation question for the future; it takes real steps to nullify the excesses of the recent past. It's legislation that actively protects the people of Ontario from actions and decisions that put private interests ahead of public responsibility and fairness, just as at the retail level we've protected

consumers by putting in place tough consumer protection laws for energy retailers which require them to operate fairly and honestly. This consumer protection legislation is a clear example of the standards we expect from all parts of the electricity system and all those involved in it and the steps the government's prepared to take to ensure that what is done is going to be the right thing for Ontarians.

We've provided the Ontario Energy Board with the tools it needs to oversee the retailing practices of marketers and deal with those engaging in questionable practices. For example, all retailers must be licensed by the OEB, and as a condition of their licences, they must follow the electricity retailer code of conduct that establishes guidelines and standards. The code requires sales people to carry photo identification when retailing door to door, to indicate that they don't represent a distribution utility, to clearly state the price and other terms and to provide a clearly printed contract. The offer must clearly indicate the price, any other fees, the length of the contract and any other terms, such as cancellation charges, renewal terms and the transferral or assignment of the contract. Retailers must give a customer ample time to understand an offer without pressure or harassment. No customer is required to show their electricity bill or any other information to a retailer unless they decide to sign a contract with that retailer. Where the company can't resolve a problem, the retailer is obligated to refer customers to the OEB, and they will administer an independent consumer complaints resolution process.

I think all members of the House would agree that as a rule all Ontarians, be they electricity retailers, Hydro executives or politicians, respect the public interest and are honest and caring citizens. Still, from time to time, it's important for government to lay down the rules and give direction to clarify that public interest. That is of course what Bill 80 is really about.

Similarly, in our efforts to ensure consumer comfort with all aspects of the new electricity system, Bill 58, also recently introduced into this House, will do a whole lot more to improve upon the consumer protections that are already in place. One of its strongest features will be an energy consumers' bill of rights, a first in this province. The bill of rights is going to require retailers to have their contracts reaffirmed by customers within 15 to 30 days after they originally signed. It will also stop the practice of automatic renewals for contracts at the end of their term, so-called negative option billing.

If the legislation currently before the House is passed, customers who now have automatic renewal clauses have no need to worry. The bill of rights will replace the negative option with a requirement that customers will have to reaffirm the renewal of their existing deals. If there are any problems, the Ontario Energy Board, headed by Floyd Laughren, has the authority to levy financial penalties against a retailer or revoke or suspend its licence completely.

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Just as this government has demonstrated zero tolerance for platinum-plated compensation at Hydro

One, the OEB has zero tolerance for anyone engaging in questionable marketing practices. This was demonstrated on April 25 when the OEB's director of licensing levied significant fines on two electricity retailers for violations of the code of conduct. That's certainly not what I would characterize as deregulation. Instead, it's a balance system of private sector activity coupled with protection of the public interest, just as Bill 80 is intended to deal exclusively with the problem we have at Hydro One.

Similarly, on the generation side, the IMO can take strong steps to ensure that generators operate fairly and in the public interest. I know that in Bill 58 the government is taking additional steps to ensure that the IMO can do this job even more effectively. As Bill 80 demonstrates, the government is prepared to take real action, quickly and decisively.

The only shame is that the members opposite, despite countless protestations during question period and outside to the media of how they were equally reviled—they claim—with the pay and the severance package; how they were equally offended at the transgression of the normal process through which a board of directors would respond to their fiduciary obligation to their shareholders; and how they cared just as much about the taxpayers and the ratepayers in this province—it's a shame that when they were offered the opportunity not once but on a number of occasions to grant immediate second and third readings of this bill to put in force all of these new protections, they proved they were on the side of the fat cats and not on the side of the ratepayers in the province of Ontario, and for that they should be ashamed.

This government has demonstrated it will take the steps to ensure that any aspect of the electricity system which is seen to not be functioning in a way acceptable to the people of Ontario will be corrected. This commitment to action is a reflection of the government's resolve to protect the consumer and, through all of its legislation on electricity restructuring, to ensure that we have a reliable, affordable supply of electricity.

The government of Ontario recognizes that consumers consider the electricity system an important and critical part of their lives. Without a doubt, consumers are increasingly aware of how that system does and should operate. They will have, and have had, an important role in putting forward their expectations for the system. The people of this province have opinions, increasingly informed opinions, about what is right and what is wrong, about the delivery of electricity in Ontario. On issues like the Ontario Hydro debt, the \$38-billion debt of this vaunted monopoly that our friends opposite would have us maintain, matched with only \$17 billion in assets, that's what they want to defend. That's what we want to fix.

But whether it's the issues of Ontario Hydro debt, or the transmission lands and who owns them, or executive salaries, the people have made their views known, and the government has taken action. I want to say that from the very outset of the tenure of the new Premier and the new minister and myself as the parliamentary assistant,

we each took our respective jobs with an absolute commitment to set forth and find all the possible options on how we could maintain that supply of affordable electricity and ensure that there's enough private sector involvement to guarantee greater discipline in the operations of Hydro One; ensure there was enough money to maintain the infrastructure of that transmission grid, an estimated \$550 million that will be required this year and each and every year into the foreseeable future to make sure that those wires stay up and efficiently transport the electricity our businesses and our homes rely on; and to make sure that we respect consumers, and make sure that their rights and responsibilities are fairly balanced in the design of the new system. The government could take some credit for the interest and knowledge Ontarians have about the electricity system, an important part of our lives. Informed consumers are protected consumers.

I'm immensely proud that as we stand here right now debating this bill, it follows up on over two and a half years of consumer education—literally millions and millions of inserts sent out in the monthly electricity bills, newspaper ads and radio and TV ads—telling people there were bold changes about to take place, changes designed to make sure we had an increased power supply, greater consumer choice, greater investments in new technology and innovation throughout the electricity system. People had two and a half years to prepare for these exciting new changes.

The members opposite may not have been reading their papers and watching TV and were certainly not reading the countless publications that came out from the former Minister of Energy, Science and Technology, but I can tell you that my constituents certainly knew what was happening and they have told me loud and clear that they are very happy with the changes they've seen so far and they are very excited about the fact that they are going to have consumer choice that they've never had before.

The Minister of Environment and Energy will continue an extensive consumer education program aimed at developing this broader awareness of electricity restructuring and informing consumers. Possibly for the first time, Ontarians can give considered thought to how their electricity system is structured today and what it should look like in the future.

The current public discussion about Hydro One is a part of that. Information and educational materials have been provided over the last two years, as I mentioned, through brochures, fax sheets, bill inserts, a toll-free information line, a ministry Web site, town hall meetings, seniors' information sessions and radio, print and television advertising. In fact, since 1999—let me give you the hard numbers—the ministry has distributed 1.3 million brochures and 11 million utility bill inserts in an effort to inform consumers well before the market opened. Informed consumers are empowered consumers, and this government will continue to ensure that all customers have access to the information they need.

As we move forward with the restructuring of our electricity market, we will continue to put the needs of

Ontario's electricity customers first and to ensure that their interests are protected. Bill 80, by taking strong action on the issue of executive salaries and perks within the transmission system, speaks loudly of the government's commitment to protecting all the interests of electricity consumers.

The bill has to be seen very much in the context of these overall changes. The bill itself is very focused. It deals exclusively with the problems at Hydro One, but it can't be taken in isolation from Bill 58 and from a myriad of other changes we've brought forward.

One of the other prospective changes in the electricity marketplace—"changes," plural—will flow from the recent report tabled by the select committee on alternative fuel sources. Just a week ago, an all-party committee of this Legislature unanimously adopted a report with 141 different recommendations on how we could put in place the most progressive, the most aggressive, the most comprehensive package of consumer and businesses incentives, as well as new product standards, to guarantee—let me underline the word "guarantee"—the future air quality in this province, to make dramatic improvements to ensure that the health consequences of the kind of smog that we inherited when we were elected in 1995 and that, quite frankly, has vexed this province going back for decades, those problems, would become a thing of the past. Whether it was the application of wind, solar, biomass, fuel cell or any other new technology, whether it was the pursuit of new battery storage technology that a company here in Ontario has developed that would allow the capture of the otherwise wasted power in off-peak times and feed that power back into the grid during times of peak demand that would allow us almost instantaneously to reduce or even eliminate our reliance on coal, diesel oil and natural gas, those technologies are there today.

What is perhaps most striking about the committee report is that every one of those 141 recommendations, it probably could be argued, has some similarity to a program that exists in some other jurisdiction across North America or around the world. Each one has a counterpart, but no jurisdiction anywhere in the world has implemented the entire spectrum of recommendations that the committee brought forward. So while some jurisdictions have put in place what's known as a renewable portfolio standard and have said that by regulation, by law, every utility must buy a certain percentage of their power from green sources—wind, solar etc—not all of them have. Others have created tax incentives for the use of wind turbines or the erection of solar panels on roofs or the use of solar panels as cladding on the sides of government buildings. There are jurisdictions that have moved to cleaner gasoline, that have created incentives for the use of hydrogen fuel cell powered vehicles.

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When you go through the complete list of 141 recommendations, what you read isn't Buck Rogers in the 25th Century. It is a listing of some thoughtful, well-researched, very doable policy initiatives that, if

implemented, would allow us quite accurately, quite honestly to brag all around the world that we have put in place the toughest air quality standards, the greatest guarantees for future great air quality and the most aggressive strategy to attract the jobs that come from the manufacture and assembly and use of many of these new technologies, particularly wind turbines, photovoltaic cells, fuel cells etc.

I think back to a report done, organized by my father, in fact, back in 1986. I was very privileged to sit in on the deliberations of what was a panel of Canada's best scientists and industrialists on the future of hydrogen back in 1986. I remember that their conclusion was that by now, 15 years later, there would be \$400 billion a year in exports of this technology, never mind all the local applications and environmental benefits locally by moving to a hydrogen environment instead of a traditional gasoline environment for use in our cars and our trucks etc.

While we may have missed the opportunity to get that head start and to keep up with some other jurisdictions that have made significant investments, particularly Germany and Japan, the members of the committee from all three parties recommended—and I think I can say strongly believe that we haven't missed the opportunity to catch up—that the government, and all parties, presumably, should continue to move forward and take these recommendations and see them enacted.

There is no doubt that the application of these recommendations will involve many other entities. It will involve the federal government, municipal governments and the private sector as well.

It was interesting to read a report just this past week that a very large environmental group in Ontario recognized that the return to service of at least seven of the eight nuclear reactors that have been down since 1998 will guarantee a greater supply of power than is currently supplied by all our coal plants put together. What a refreshing change to see a group that traditionally might have shied away from saying nice things about nuclear power recognize that there is a pecking order, and that the most offensive technology out there right now is the one that generates the greatest amount of air pollution. That would be the combustion of coal. As you go down the list, it's basically a function of the amount of carbon in the fuel itself that determines where it should be in that pecking order. Of course, at the bottom of the list you'll find water or hydraulic sources and nuclear. There is no carbon by-product from their use and they should be seen in that light as the most environmentally benign, the most environmentally progressive technologies we could be using in this province.

There is also no doubt that we need the federal government to co-operate with us. I was particularly struck that the committee was able to find a number of legal precedents in areas that constitutionally folks in this chamber have traditionally shied away from involving themselves in.

I think of things such as the operation of railroads. Clearly, the overall regulation and licensing of railroads

is a federal responsibility, but in the operation of railroads or the operation of anything else, any other engine of any kind, the courts have ruled that if there is an environmental component, the provinces have the right to set the standards. That's why in our report we talk about the need to require that locomotives burn at least the same quality diesel fuel that cars and trucks operating on the road use today. That will make a dramatic improvement in and of itself.

We've gone further. We discovered that Irving Oil down in the Maritimes already has moved to something called Auto Makers' Choice. It is a worldwide standard of super ultra clean gasoline. Irving is making it today and so is a company called MacEwen's that operates down in the Ottawa Valley, and they deserve great credit because there's no federal law, there's no provincial law, that made them implement and made them invest in the reconfiguring of their refineries to be able to produce this far superior product. But they've done that. They're marketing it.

If governments across this country simply made that change, required every gas station to be supplying that super ultra clean standard of gas, it would be the equivalent of taking two million cars off the road tomorrow—two million fewer cars would be the equivalent of the combustion of that cleaner fuel.

There were some utterly staggering opportunities presented to the committee. I am truly struck by the fact that we didn't even have to take any votes. The Liberals and the NDP actually agreed with all the government suggestions. It was certainly a change from the normal procedures in this House, but I want to give credit where it's due. Members of all three parties guaranteed that on behalf of their respective caucuses they would sign off on this report.

Now it's before us, as are a myriad of other pieces of legislation, designed to move us forward.

Mr Peter Kormos (Niagara Centre): On a point of order, Mr Speaker: Is there a quorum present?

The Acting Speaker: Please check and see if there is a quorum in the House.

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

The Acting Speaker ordered the bells rung.

Clerk Assistant: A quorum is now present, Speaker.

The Acting Speaker: The Chair recognizes the member for Scarborough East.

Mr Gilchrist: Thank you very much, Mr Speaker. I am struck by the fact that the member from the third party was so keen to ensure that a wider audience was there to hear my comments. I know he's listening with rapt attention, having been unable to participate in the committee's work. I hope he's had a chance to read the report of the select committee; it's available on the Internet. Even having completed the report, we as parliamentarians now are keenly interested in feedback from people who have a chance to read these recommendations, critique them, tell us whether we've gone too far, whether the time frames we've set are too aggressive or

not aggressive enough. We need to hear that feedback, and I'm immensely grateful to the individuals and the companies that have taken the time to respond to the recommendations in the report.

For those of you with computer access, the report can be found at www.ontla.on.ca, the Ontario Legislative Assembly Web site. Then just click on "Committees" and you will find a copy of the final report in PDF format on that Web site.

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It's extremely exciting, and we really have to see all these things as a package. No one piece of legislation dealing with electricity restructuring can be seen to stand on its own. It really is a package, a comprehensive approach to the changes that have to be wrought to the complete system, from generation all the way to the ultimate use in our houses and our factories.

We all recognize—at least we on this side of the House recognize—that having an adequate supply of affordably priced electricity moved Ontario to the forefront industrially not just in eastern North America but, one could argue, worldwide. For the better part of a century, Ontario Hydro served the consumers of this province very well. Through the 1940s, 1950s and 1960s, we had one of the lowest, if not the lowest, prices for electricity anywhere in North America. When General Motors wanted to open a new car plant, prominently on their checklist would have been the cost of electricity. Their decision was to open a plant in Oshawa or expand an existing plant in Oshawa or build an engine plant elsewhere in Ontario. Chrysler, Ford and other large manufacturers went through exactly the same thought processes.

We lost that competitive edge starting in the 1980s as a result of some very foolish decisions relating to Darlington, the nuclear plant east of town. The government of the day made the mistake, I would argue, of allowing Ontario Hydro to build the nuclear plant on its own when they had received an offer for half that amount from the manufacturer itself, Atomic Energy of Canada. So in the 1980s and increasingly in the 1990s, we lost that competitive edge, we lost that price advantage, we lost the ability to leverage low prices as one of the ways to attract new jobs and investment.

It's a marvel to us on this side of the House that notwithstanding what happened at Ontario Hydro, we've been able to see the creation of over 866,000 net new jobs. Businesses still went out and made the investment, built the new plants, built the new stores and hired 866,000 more people than were working in 1995. Arguably, 600,000 of them came off government assistance, came off welfare—a great success story, but no thanks to Ontario Hydro and its price structure.

The bills we've brought forward are clearly designed to reverse that trend, to guarantee that consumers have adequate and well-priced electricity and to guarantee they have consumer choice. For the first time ever, if you want to build a wind turbine, if you want to clad a building with solar panels, you will have the right to sell

any excess power back into the grid. As a consumer, you're going to have the right to buy green power. If you don't like the fact that OPG generates some of its power from coal, you have a chance to put your money where your mouth is and pay that one or two cents extra per kilowatt hour but have the satisfaction of knowing you're in on the ground floor of a dramatic change in how electricity is generated here in Ontario and around the world.

We've given you that choice with the opening of the marketplace. We've given clear direction, under Bill 58, for further changes that have to take place at Hydro One to bring discipline to that company. And in Bill 80, we've gone the final step in saying that the shareholders of Hydro One and any other crown corporation come first, that the board of directors is responsible to the shareholders, not the other way around. This government stands four-square with consumers and electricity ratepayers: we will not tolerate shoddy business practices, and we will not tolerate irresponsible behaviour on the part of the board or senior administration in any crown corporation. We're going to put ratepayers first. That's what Bill 80 does.

It's not too late for the Liberals and New Democrats to sign on and say they want to move forward today and give second and third readings to this bill.

With that, I want to share the balance of my time with the member from Halton.

Mr Ted Chudleigh (Halton): It's my privilege to enter this debate and talk about Ontario Hydro and Hydro One, where it's going and how we might get to the future we all want to get to.

The objectives of this bill are important to review. First of all, it formally removes the directors of Hydro One Inc from the board of Hydro One and its subsidiaries. I think what a board of directors is expected to do when it sits on a public company or a private company is important to understand. They review the most critical directions that this entity, whether it be a public entity or a private entity, is headed down. What road is it going to take? What is the critical path it might move in?

This board of directors that was in charge of Hydro One was somewhat lax, in the opinion of most Ontarians, and certainly very lax in my opinion, as to how they treated their position and their duties under their appointments as directors of Hydro One.

This act also authorizes the appointment of the board members as necessary until the next annual meeting of Hydro One. That happened last week and they appointed what I think is a pretty interesting list of people to run the affairs of Hydro One. There were three former politicians on that interim board, one being Murray Elston, a former cabinet minister for the Liberal government under David Peterson and a man who is well recognized in Ontario as being someone who has contributed strongly to this province, who stands in good stead with the people of Ontario and is very concerned about the future of this province. I think he will do a marvellous job representing the best interests—after all, that's really what a board of

directors does; it represents the best interests of the people of Ontario, or in this case the shareholders, the people of Ontario—of Hydro One.

Second, another appointment on that interim board was Darcy McKeough, another former Conservative member, someone who, after a politician's life, ran Union Gas. Union Gas is a power utility, much the same as Hydro One, so he understands the power business. Whether it be electricity or natural gas, he understands that business and will be able to make strong contributions to the board, given his background and his experience in that area.

The third politician who was appointed was Bob Rae, a former Premier of the province, an appointment that perhaps I wouldn't find a lot of comfort in, given the record of his government in that 1990 to 1995 era. However, it does enfold a balance on the board and it's important that a board of directors have a suitable balance across its membership so that the interests of all the people of Ontario are represented in the decisions that are taken by that board.

Further, the objectives of the bill would be to impose restrictions on Hydro One's compensation for the termination and resignation of designated officers. I think that perhaps is one of the key objectives of this bill, because that's what the people of Ontario really expect to have happen. I think they were enraged by the compensation packages that took place under Hydro One. Having this clause in the bill will tend to mollify the people of Ontario and give them some confidence that these kinds of things are not going to be tolerated or allowed by their government of whatever stripe.

The bill requires negotiation of new compensation packages for designated officers of Hydro One and nullifies existing contract provisions in excess of this act.

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Obviously those clauses have to be in this bill in order to make sure the people of Ontario and their best interests, their hard-earned dollars and the dollars they will pay in the future for the transmission of electricity throughout this province are protected so we can remain competitive in the North American power grid. That competitiveness is very important. If you're not competitive in the electrical industry—that is one of the first things that companies that are considering expanding or companies that are considering moving into Ontario would look at. They would look at the possibility of what the costs of—

Pager beeping.

Mr Chudleigh: That was my buzzer that went off. I'm supposed to make a phone call, but I'm not going to make the phone call.

That is one of the competitive factors that they would put in. If we don't have competitive electricity rates, we can't expect our private sector industries and our jobs to grow in the province the way that we want them to and the way that all Ontarians expect them to grow. It's actually through that growth that we are able to finance the kinds of increases in expenditures that we've seen in

health care in the last seven years or the kinds of increases in expenditures that we see in education and in those other areas that Ontarians feel so strongly about.

Another objective of the bill is to put in place a means to recover any excess amounts paid and prevent proceedings against the crown or others related to this act. It's important that the citizens of Ontario be protected from those excesses. Despite the resignation of the Hydro One board, this legislation is necessary to allow for the appointment of new directors and to protect the people of Ontario against excessive provisions in some current contracts of Hydro One executives.

We need to protect Ontario from the excesses of Ontario Hydro and Hydro One. That isn't just something that has happened over the last few months. I was a pretty young kid when I sat in the kitchen and listened to the 6 o'clock news or the 12 o'clock news when Gordon Sinclair was reporting on CFRB. I can remember that every once in a while Gordon Sinclair would get on his high horse and start ranting and raving over the airwaves about Ontario Hydro floating another bond issue. He would rail on that they had floated another bond issue without paying down one penny of their debt. In fact, over the entire history of Ontario Hydro, they never paid off one cent of their debt. They continued to finance the debt, to finance interest on that debt, with more and more borrowing until that borrowing reached a level of \$38 billion. It's untenable and it's unsustainable; however, that was the history of Ontario Hydro and its successor, Hydro One. So we have this \$38 billion, which Gordon Sinclair warned us about in the 1950s. He said, "You cannot continue to do this." Yet successive governments from that time on have allowed Ontario Hydro and its successor, Hydro One, to continue to pile up debt upon debt upon debt, never paying down one cent.

The proposed legislation also puts the people of Ontario first. The proposed legislation designates very strongly that the people of Ontario are the shareholders—through their government, but they are the shareholders—of Hydro One. As shareholders of a company you have certain rights, and those rights should be recognized by the board of directors and protected by the board of directors. This legislation lays that out clearly and strongly and allows the board of directors and the people of Ontario to have confidence that the future of this utility will be managed in a way that I believe Sir Adam Beck would have approved of.

Some interesting things have happened in the successor companies to Ontario Hydro—the power generators, for instance. We've seen, just about a month ago, I think, an announcement that the company running Bruce nuclear has announced that they had brought back one of the generators from being upgraded and repaired in a shorter time frame than they had initially suggested it would take, and they brought it back under budget. They spent less money bringing it back on line than they had expected to.

Just about two weeks later, there was an announcement out of the power-generating companies that the

Pickering generation plant had yet again another delay and it was going to cost them, again, more money than they had originally intended. I think that's a very good comparison—what happened at Bruce and what happened at Pickering—as to what happens in public utilities that have lost sight of their direction, have lost sight of the critical path, the road they're taking in trying to supply the people of Ontario with electricity, but they are not doing so in a way that is acceptable to the shareholders.

This proposed legislation merely exercises the usual rights of a shareholder—in this case, the government and the people of Ontario—to ensure that the board of directors will carry out the wishes of those people who not only use the majority of the power generated in Ontario but count on the transmission lines to carry that power from the source of generation to their homes, to their businesses, to the areas of the province that need this material.

It's interesting; it was many years ago that that grid was built. The grid supplied Ontario electricity. It was, I believe, in the 1930s that the program of rural electrification took place. I am very pleased and very proud that my grandfather was very much a part of that rural electrification program. It was that rural electrification program that allowed agriculture, allowed the barns and the farmhouses of agriculture in Ontario to experience growth, realize their potential as agricultural production units to get involved in the new technologies of the time, which were run by electricity—everything from an electric milking machine to electric grain grinders and those kinds of things that heretofore were not available on the farms because they didn't have electricity. But it was in the 1930s that that electricity went across the province in all the rural areas. It really revolutionized agriculture in those days and allowed agriculture in Ontario to become the breadbasket of Canada, really. We think of the prairies as being huge grain producers but Ontario's agriculture has always been, as far as gross farm receipts go, the major producer of agricultural products in this country.

Furthermore, the key to the proposed legislation is the direction to the new board to conduct a review of the remuneration and benefits of its officers. I think that's perhaps one of the most important parts of this legislation. If we don't learn from our mistakes of the past, how can we expect to go into the future? Knowing that the board of directors has the direction of its shareholders to review the compensation packages, to review what is necessary in order to attract some of the best management that we might have in the world to come and manage this massive organization, is very important.

This review will result in compensation packages that reflect both Hydro One's need to attract and retain talented executives—because it's a very competitive competition to retain those executives—and also the expectation of the people of Ontario for fair and reasonable compensation packages for those people.

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It's interesting that we read a lot about what private businesses compensate their people in order to attract the very best management that they might in some of these large companies. For instance, Microsoft, a very large technical company, has annual gross sales of something in the order of \$25 billion. Given that the Ontario government's budget for a given year is about \$62 billion—we'll know next Monday, I guess, what this current fiscal year is going to be—in those kinds of relative terms, with the Ontario government at \$60 billion-plus and Microsoft floating around \$25 billion—it puts those things in perspective. I think General Motors' annual sales worldwide are in the area of \$60 billion, and perhaps the member from Scarborough would correct me.

Hydro One doesn't really have total gross sales because it's a public utility. I know that it has a net income of something in the \$374-million package. It's not in the billions of dollars; it's in the millions. The compensation for Microsoft's chief executives is absolutely astronomical. I'm not sure what their salaries are. In Ontario's BusinessWeek there's an article about Steve Ballmer this month and it's interesting that his total compensation is primarily based on options on the shares of Microsoft that trade on the NASDAQ. If you take the options he gets and where that compensation might go—a few years ago in the halcyon days when the high-techs were increasing at ever-increasing rates, Mr Ballmer probably made in excess of \$10 million a year, given his options and what they did in the private market. Today that situation is far different. When they haven't performed in the marketplace in the same way as they have in the past, their compensation falls drastically.

When we look at Hydro One and the compensation of those people who run this business for us as shareholders, the people of Ontario, as we look at what their compensation is, if they're doing very well, if they're paying down their debt, if they're managing very well, if they're maintaining the lines in a way which meets the long-term goals of the province, there should be compensation that reflects that. But when they are not paying down their debt, when they're not maintaining the lines—they tell us they need \$500 million to repair lines, to cut the undergrowth under the lines. Apparently they haven't been doing this for a while. They've been saving some money by not doing this, but now all of a sudden they need this kind of money to get their lines back in shape. They haven't been maintaining the engine that they have been designated to run. By not doing that, it would be my opinion that they have not been doing a very good job of managing this company and their compensation should reflect that. In the events of recent history we have seen that their compensation far outstripped the performance of their duties.

In the meantime, the proposed legislation protects the people of Ontario from what this government considers excessive provisions for termination or voluntary resignation of some key Hydro One officers. I think we're looking at the CEO of the organization, who got an extremely generous package.

I don't have a great deal of difficulty with Eleanor Clitheroe's compensation package. I suppose if I were the leader of a large company like that, I would go and ask for a compensation package similar to that. I find no fault with Eleanor in asking for those kinds of things. The fault lies—and I think the member from Thorold would agree with me—in the board of directors that granted it. It was a wonderful compensation package, and God bless her for asking for it. The fact that she was given the compensation package, that responsibility, rests squarely on the shoulders of the board of directors. They are the ones who should be upbraided for that rather generous offer for a public utility, not a corporation like Microsoft that is churning out tens of millions of dollars of profit; I think last year they cracked the billion-dollar profit mark. This public utility was not moving in those kinds of circles, so it's hard to imagine why the board of directors would have accepted those kinds of compensation packages for the top executives of Ontario Hydro. This act, this bill, this legislation, will provide those compensations are not repeated or are not concluded.

Also, the legislation sets out how any amounts paid out in excess of its provisions can be recovered and exercises the will of the people, through their government, to protect its rights through preventing proceedings resulting from the proposed bill. That's a long sentence, but I think what it says is that maybe the lawyers won't get too rich on this one. It limits the litigation that would be possible under this act, and in that way protects Ontarians, who are the shareholders of Hydro One, from being abused and getting ripped off in this particular regard.

The proposed legislation is a balanced effort to protect the rights of Ontario as Hydro One's shareholder and the people of Ontario with the needs of Hydro One's board to direct the corporation as an effective and efficient business enterprise. I think that's probably the key, to direct it as an efficient business enterprise. It's something that has been missing, because as we go back to the comments that Gordon Sinclair made in the 1950s and 1960s, this has not been an efficient business enterprise; it has not been something that Ontarians have been served well by. It is a huge corporation. It is one that has power grids that spread from Kenora to Cornwall, across this province, and it is one that is very, very important to Ontarians. We feel a kinship to it. There is probably nothing more Ontarian than Niagara Falls, and when Sir Adam Beck, who was abused when he tried to build Hydro One—there was a quote going around the other day, something about he's been misquoted, he's been lied about, he's been lied to, and now he's just going to hang around and see what happens after he started this wonderful project of building Niagara Falls into one of the world's great generators of electricity.

Hopefully, Mr Speaker, with the passing of this legislation and with the best parts of the heritage of Ontario Hydro, Hydro One will continue down the road to be a successful entity, to be a successful utility, one of which the people of Ontario can be proud, one with

which we will live to be pleased about the legislation that we're debating today.

The Acting Speaker: The member's time has expired. Comments and questions?

Mr Mike Colle (Eglinton-Lawrence): Just to comment on the government members, I would say that the interesting thing that the government members refuse to explain is why all the details about salaries, about the workings of Hydro One or Ontario Power Generation, have been made explicitly exempt by this government's legislation. In other words, the public can't find out about the salaries, can't find out about the arrangements made for compensation, because this government passed an act making Hydro One matters exempt from freedom of information. They don't want the public to know that they were giving these outrageous salaries: \$172,000 for vacation pay, \$174,000 for Clitheroe's Aston Martin. They didn't want the public to know they were giving them this and they were pretending they didn't know about this compensation when they were appointing the directors they supposedly just fired.

1650

The buck stops at Premier Eves's desk. He was the Minister of Finance when he set up Hydro One and appointed the directors. He was there. Now he says, "I didn't know." I call this Bill 80 the we-didn't-know act. Nobody believes that.

As you know, David Olive's headline in today's Star reads, "Eves' Hydro One Comedy of Errors." It has been a comedy of errors, and the public all across the province and on Main Streets from Wawa to Windsor to Cornwall know that this is probably the most bungled project in recent Ontario history. Adam Beck is rolling over in his grave as he sees the bungling of one of our most significant assets, which he built, by the Eves government and his stooges, who basically do nothing but fiddle and squander while Hydro burns.

Ms Marilyn Churley (Toronto-Danforth): In a way, I think the government has been enjoying the controversy over the obscene compensation for people who work at Hydro One, because they're hoping to distract the media and public attention away from the privatization agenda and have the focus completely on this compensation.

In fact, what happened here is that the government got caught. They were warned by my leader, Howard Hampton, about six months ago that this was happening and it was completely ignored. Then, when it became public as it did recently, when the horse was out of the barn and it became a huge public controversy, they brought in this act to try to fix it. But the horse is already out of the barn, and at the end of the day the bar has been raised so high on this, the salaries are so obscene and so high, that any level the new board comes back with is still going to be way too high for the public to accept and, I can assure you, for the New Democratic Party to accept.

I want to respond to the member for Scarborough East, who was talking about the alternative fuels committee which I sat on, and I did sign off on the report. He said that to his surprise, the NDP and the Liberals did support

all the recommendations from the government. I must correct the record on that. There was a spirit of co-operation on the committee but there were certain things withdrawn from the report, I think from all sides, that we couldn't agree on. There are still a few things in the report that I take issue with. I was very pleased to see the government agree to put energy efficiency and conservation in as one of the things to make recommendations on. That wasn't there at the beginning.

Mr AL McDonald (Nipissing): When I was back in my riding of Nipissing and listening to the individuals there, they were very supportive of our government's firing the board of directors of Hydro One. In fact, they thought that was a great idea. They were outraged at the level of compensation, as well as I. That was a tremendous amount of money. It's a waste of taxpayers' money, in my opinion.

What they expressed to me very strongly was why the opposition wouldn't support this bill. This government here is known as trying to protect the taxpayers of Ontario, and it was trying to put a bill through to say, "Hey, we think it's outrageous too. Let's put a stop to this," and we couldn't even get the support of the Liberals on it. That was the biggest comment I was hearing throughout places like North Bay, Mattawa, Powassan and Callander. They were shocked that the whole House wouldn't just unanimously agree, "Yes, let's clear out this group and put out another group that may be a little bit more fiscally responsible in running Ontario Hydro."

Personally, when I looked at it, I was kind of shocked that the Liberals would take a stance that they thought this bill wasn't worth supporting and they weren't going to support it, which really surprised me in the sense that all you're hearing about is how badly Ontario Hydro is being run and here they are not supporting what I thought was a very important bill to take steps to bring Ontario Hydro around to where it should be. I guess to the people of Nipissing I will say that I will continue to support this bill that replaces the board of directors.

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): My perspective on this bill is that it is here because of the very good work of my leader, Dalton McGuinty, the member for Ottawa South, the member from Renfrew-Nipissing-Pembroke and the member from St Paul's. These are the gentlemen who, on the floor of this Legislature, exposed the inability of the Tory government to manage its own affairs.

The Tory government appointed the last board that was there. It strikes me as very strange that they appoint a board and then they're absolutely surprised when it comes to light that there are totally exorbitant and inappropriate salaries being paid to the chief executive officers of Hydro One. If you were to believe that, then I would suggest that they created the climate that might even enable that kind of notion to even happen because they introduced legislation that allowed a cloak of secrecy around Hydro One and Ontario Power Generation. So they created the monster that they now have been

forced to introduce legislation to put an end to. They introduced the legislation that prevented the main shareholders in this company, the people of Ontario, from having access to that information—what the compensation packages were for.

The other part of this legislation with which we have some significant difficulty is the fact that there is not a component in here that describes what kind of formal review the newly appointed board will undergo, so how do we know it may not happen again?

The Speaker (Hon Gary Carr): Responses?

Mr Gilchrist: Thank you for the comments from the members opposite, particularly the supportive comments about the good work done by the select committee on alternative fuel sources.

An awful lot has been said in this chamber and outside about who knew what, when and where. I don't know how many of the members opposite have actually read the Hydro One prospectus. I would encourage you to do that. If you did that, you would find right on the very front page that the issue date is March 28. I would remind everyone in here and outside that Mr Eves became the Premier on March 23. I would think, never having filled that office, nor has anyone else in this chamber, that there are probably a few things on your list of things to do when you become Premier of the province of Ontario. I would think that when taking over a \$64-billion-a-year enterprise, you have a few briefing notes to get caught up on, a few operational details—the small matter of hiring all your staff, getting the team in, getting everyone up to speed. You might not have a chance, even on the day that something like the Hydro One prospectus comes out, to read through this massive tome and to see on pages 77, 78 and 79 details about the compensation package and the outrageous severance offers and the outrageous benefits that were offered in there.

So the members opposite, who obviously believe that they've got some insider's scoop here about when people knew certain things, are suggesting that somehow Hydro One broke the securities regulations and gave advance notice to certain people about what was in their prospectus, even though the whole world didn't find out until March 28.

The bill is necessary. We've got to fix the problem. We're on the side of the ratepayers. Get off the fence and join us in protecting taxpayers and ratepayers.

1700

The Speaker: Further debate?

Mr Gerry Phillips (Scarborough-Agincourt): I'm pleased to say I'm sharing my time with the members from St Catharines and York West.

I'd just comment on the last point by the member for Scarborough East. He makes a very interesting point, and it's one I'll talk about at length later in my remarks. But he points out that the prospectus went out March 28 and Mr Eves became Premier-elect or Premier-designate March 23. I'll just remind the people of Ontario about this: Mr Eves today in the media said, "Oh, I had reservations about this. I didn't think it was right. I thought

maybe we were making a major mistake sending this out at the same time as the market opened.” Well, why didn’t he do something about that? Mr Eves, without a question of a doubt, was asked before that went out on March 28, “Are you comfortable with this, new Premier?” That has to be the way it was. There would be no way that Mr Eves, becoming Premier-designate on March 23, did not put his stamp of approval on that initial public offering that the member from Scarborough says went out March 28. Mr Eves is now obviously trying to distance himself, saying, “Well, I had all these reservations.” If he had the reservations, he owed it to the people of Ontario to say, “Hold it. Stop right there. Don’t put it out.”

Interjection.

Mr Phillips: The minister may choose to barrack, but this is a very important issue.

Mr Eves is trying to say, “Well, I had all these reservations, but Mr Harris did it.” Mr Eves gave the approval for that initial public offering to go out March 28, and if he had reservations, he should have—any kind of leader would have said, “Stop it. Mr Lindsay, don’t send that out. You do not have my approval for that. I want more time to think about that.” But no; he said, “Let it go.” And now it has cost the province of Ontario, believe me, millions and millions and millions of dollars. It has cost Ontario Hydro tens of millions of dollars.

The Minister of Energy is coming in. I’m very pleased he’s here.

So I’ll get to that issue later, but there’s absolutely no question that Mr Eves said, “Go ahead with the initial public offering,” on March 28, and away it went and now we’re into this mess.

On the salary issue, I make this charge: I believe the government of Ontario knew every step of the way about these salaries. The member from Nipissing says, “Why haven’t we passed this bill already?” I think the residents of Nipissing deserve to understand how this worked.

First, it was Mr Eves, the then-Deputy Premier and Minister of Finance, along with the rest of the cabinet, who drafted and put together the legislation that set up Hydro One. “We’re going to set this up on a businesslike basis. Trust us. We know what we’re doing.” And so on April 1, 1999, the government set up Hydro One exactly like they wanted to. This was going to be businesslike: “Trust us. We know how to run these businesses.” That’s the first thing. Hydro One was set up just exactly as they wanted. “We know how to run these businesses.”

Secondly, the government, with again, I say, Mr Eves at the time Minister of Finance, Deputy Premier—nothing happened without his approval—hand-picked every single member of that board. Every single member. This wasn’t some rogue board that they inherited from some other government. I remember the government bragging about, “We’ve finally got a board here that’s businesslike. We’ve scoured,” not just the province. The chair of Hydro One, Sir Graham Day: international experience. They bragged about that. So now they’ve got the company set up exactly like they want it to be, a hand-picked board that can reflect our businesslike

attitudes. I can only assume the government made absolutely sure that this board was going to act in the interests of the taxpayers of Ontario in the direction they were given.

Mr Wilson, who until April was the minister responsible, brags about how frequently he met with the board. He suggests on at least one of the two boards, on OPG, “Well, I met weekly with them,” and he brags about the influence that he had with the board. So I conclude that Mr Wilson, acting on behalf of the people of Ontario, was deeply involved with the board. As I say, he brags about it. On one occasion, he said—this was when he was talking about OPG, the other board—“I meet with Mr Farlinger and Mr Osborne every week at a set time, as did my predecessor Norm Sterling, as did my predecessor Brenda Elliott.” He goes on to say about the other parties, “Oh, I meet with Mr Farlinger, as has been the tradition of all parties—or at least you guys should have met with them when you were in office.”

So I say to the people of Nipissing and to the people of Ontario, Mr Wilson says he was meeting on a weekly basis with these boards and nothing was happening without his stamp of approval. I’d go further: as the shareholders, the people of Ontario each year have to approve the plans of Ontario Hydro. So someone has to act on behalf of the shareholders and approve those plans.

When all of this hit the public, Mr Wilson did say, “Oh, I tried to tell the board not to do this, but they wouldn’t listen to me. In fact, every time I talked to them, they made it worse.” Well, I say to the people of Ontario, if that is what actually happened, I want to see the letters he wrote on behalf of the taxpayers telling the board, “That’s unacceptable.” We’ve requested this from the Minister of Energy several times and have yet to see a single letter that Mr Wilson wrote to the Hydro One board saying, “I find your actions unacceptable.”

The reason for this, I say to the people of Nipissing and the rest of the people of Ontario, is I hold the government responsible. The board, in my opinion, believed they were acting exactly as the government wanted them to act. I can’t blame them. Mr Eves left here for a year’s sabbatical. I believe his salary was at least \$1 million with one company and maybe \$250,000 with another. This was the kind of money I’m sure the board felt was acceptable.

This was first raised in the Legislature on May 15. The Minister of Energy, who is here with us—and I’m pleased he is—has said that when he was first briefed on this matter in April, he was outraged—outraged.

Hon Chris Stockwell (Minister of Environment and Energy, Government House Leader): I didn’t say I was outraged.

Mr Phillips: You did say “outraged,” actually. You were outraged. It’s a matter of record that he said he was outraged.

That was in April. When we raised this on May 15 in the Legislature, you would expect that if the minister was outraged about the salaries when we raised it—and it was

raised talking specifically about how she would receive a cash payment of \$6 million to \$7 million and pensions. We asked the Premier. He referred it to the Minister of Energy. The Minister of Energy never once, in his answer, referred to the salaries. He never said, "Oh, I'm glad you raised that. In April, I saw that and I was outraged." He said nothing on May 15, not a word, and Hansard will show that. So the opposition raised the \$6-million salary, the pensions and the fringe benefits. You would have thought Mr Stockwell—who said he had been briefed and as soon as he saw this in April was outraged—would have raised that with us on May 15. Silence. Nothing was said—nothing.

The next day we raised it again in the Legislature to the Premier. The Premier said nothing about being outraged. He said, "I'm having the minister look into it." I would have thought if the minister was outraged when he was briefed in April—and by the way, he indicated that he'd already told the Premier before question period. I believe he said that two or three days before we raised it in the Legislature, he had raised this matter with the Premier. Well, I'll say to the people of Ontario, if the government was so outraged by these salaries in April, when we raised it on May 15—the minister's looking it up right now in Hansard, and I'm pleased about that—I would have expected he would have got up to outline how outraged he was about the salaries. In fact, he changed the subject. He said, "We are going to be voting on legislation to set up the bill and whatnot." He never mentioned the salaries. The next day, when we asked the Premier—although the Minister of Energy has said, "I briefed the Premier on this two or three days before it was raised in the Legislature"—he never mentioned he was outraged. So I say to the people of Ontario, if Mr Wilson was so outraged by this, show me this evidence. Show me one letter that he wrote to the Hydro board, show me one piece of evidence that he indicated his intense dissatisfaction.

1710

If the current Minister of Energy, who was appointed in mid-April, was so outraged in mid-April, show me the evidence that you immediately let the board know that you were outraged by it. Show me that evidence. Show me a piece of evidence. The first correspondence to the board that we're aware of is dated May 30, two weeks after we raised it here in the Legislature, six weeks after the current minister said he was outraged, and months if not years after the previous minister said he was outraged.

So I say to the people of Ontario, how did this happen? How did the board get to the position where they're offering these kinds of, frankly, outrageous settlements, salaries and fringe benefits? How did we get to that position? I say that the evidence is that the board assumed they were acting with the support of the shareholders, represented by the government. If that is not the case, I raise again what we asked a week ago today. We said to the current Minister of Energy, "Show us the evidence. Show us where Minister Wilson sent a

letter to the board telling them, 'We find this unacceptable.'" Show me the evidence, current minister, who said he was briefed in April and was outraged by all of this, of what you did. When this was raised in the House on May 15, not a word. He's furiously looking through Hansard. He will not find a word about being outraged by the salaries.

So I say to the member from Nipissing, who asked why we wanted a debate on the bill, it is because of this. In our opinion, the clear evidence supports the fact that the board felt that every step of the way they were working hand in glove with the minister—the minister, who, after the fact, after the public were aware of this deal, then the outrage came, and then Mr Wilson, who never, ever sent a letter to the board. The evidence will say that as soon as the Minister of Energy was briefed in April, he was outraged by that.

Believe me, and the public can check this, on May 15, when it was raised here in the Legislature, not a word, not a single peep out of him. The minister said, "I informed the Premier about this outrage before it was raised in the Legislature." The Premier, as a matter of fact, was barely aware of it at all and implied that we were wrong in the numbers we were using.

The first letter, communication to the board that we have seen—and I challenge the Minister of Energy who is here now: if you have more recent correspondence than May 30, send it to us. Send us the letters when Mr Wilson informed the board that he was finding these salaries unacceptable. Give us the evidence when you were briefed in April that this outrage was translated into some action.

I say to the people of Ontario, if it had not come out publicly—and by the way, it's increasingly difficult to get anything out of the government because we are banned under what's called freedom of information from finding out much of what the public should be entitled to. This was as a result primarily of the fact that they had to file a prospectus with the securities commission. Even there, there is limited information.

I repeat my challenge, and the public of Ontario should be aware of this. You're being told, "As soon as he found about it, Mr Eves took action. The government was caught by surprise and was outraged by it all." Well, I say this: Mr Wilson, acting on behalf of the people of Ontario, informs us that he was meeting on a weekly basis and that he grew—he called it "abhorrent." If in fact he felt that way at the time, I want to see what he did about it. I want to see the evidence that he did something about it. The current Minister of Energy, Mr Stockwell, in his briefing said that as soon as he saw it he was outraged by these salaries. I want to see the evidence of what you did.

Hon Mr Stockwell: No. Gerry, stop saying that.

Mr Phillips: You see, he's trying to use some revisionist history: "I wasn't outraged until they made a change." They made one minor change—one minor change. When we raised it here, her salary for severance was \$6 million, her pension was \$1 million a year, the car

was \$175,000 and the holiday \$172,000. Mr Stockwell said, "Oh, when I first saw that, I was outraged." He did nothing. Nothing. When we raised it here in the Legislature, he would not even answer the question.

So I say to the people of Ontario, why does all this matter? The board is gone. In my opinion, these salaries and the fringe benefits were totally unacceptable. That's why we raised it. The board, unfortunately, can't sue the government. The board will never get a public airing to say, "Listen, we thought we were operating consistently with what the government wanted." This bill prohibits that. This bill shuts them up. They're gone; they can't sue; they're out of here. Why is that? Just to make absolutely sure they can't ever tell their story publicly.

Frankly, these people are well-respected individuals. When they were appointed by the government, they bragged about it. They said, "These are well-respected business people." I just say to the current Minister of Energy that I hold you, Ernie Eves and Jim Wilson accountable. Every step of the way the board had your agreement. I challenge you again, I say to the public: listen, this outrage is manufactured. They knew it was happening, and it was only when the public got justifiably outraged that they finally, on May 30, sent off a letter to the board. I challenge the minister to show me Jim Wilson's letters, evidence that Jim Wilson did a thing about it, evidence that you did a thing about it in April, evidence that you were outraged by it. I await that. I've asked. It was just a week ago here that we requested that once again. Nothing—we've heard nothing from them.

As I say, we'll never hear from the board. They will never get a chance to tell their story. Some of them have said to the media, "Listen, we simply assumed we were doing what this government wanted." I repeat, I can understand that. Mr Farlinger is a well-regarded individual; Ms Hutton is a senior person at Hydro One and is very close to the government, obviously. Some of their closest advisors are very close to the government. They assumed they had the pulse of the government. In their weekly meetings with the Minister of Energy they must have assumed they were heading in their direction. Again I say to the people of Ontario, if the government informed the board before May 30, 2002, that they were heading in the wrong direction, I want to see that. So far, nothing. Nothing.

The other matter I wanted to touch on briefly with this bill is that the board is essentially also taking the fall for this fiasco on the initial public offering. Where did the initial public offering come from? We will not find out. Where did that idea come from? Was it the board of Ontario Hydro that thought we should do this? Was it Mike Harris? Who thought this up? It came out of the blue. In my opinion, it was because the government wanted some money to balance their books. They sold the 407 before the last election; they're going to sell Hydro One before this election.

The Premier is saying, "Listen, if I had my druthers, I wouldn't be putting the IPO out at the time the market

opened," and the market opened May 1. Well, he did have his druthers. The initial public offering went out March 28, 2002. Mr Eves became Premier-designate March 23.

1720

I guarantee you, because this was going to be the largest public offering in the history of Canada, the first issue for the new Premier would have been, "Premier, we're ready to put out this initial public offering. It's scheduled to go out March 28. We want to make absolutely sure you're on side, because you're going to have to live with this." He had to put his stamp of approval on that and we hear today in the media that no, he had these reservations.

I say two things to the business community. One is that the board's taken the fall. The board, in my opinion, thought they knew exactly what the government wanted to do. I think the government was wrong and the board was wrong. They were both wrong and they're both responsible.

The initial public offering went out on March 28. Mr Eves was briefed March 25 and there is no way that went out without his approval—no way. He had to say, "Let it go." I realize that he's trying to distance himself, saying, "I think it was a mistake," and whatnot. But timing permitted him to say, "Whoa. I'm feeling very uneasy about this."

Recognize that this is supposed to be Mr Eves's area of expertise. He was off for a year. This is the sort of thing he did with the international bank he went to. He was the expert on this. If he was feeling uneasy about it, feeling it was a mistake to open the market and to go with the IPO, he had an obligation, a responsibility, to say to Mr Lindsay from SuperBuild, who I gather was in charge of this, "Whoa. I am feeling uneasy. There is no rush on this. Let's hold off on that." In fact, he had the perfect opportunity. It didn't come as a surprise. He spent three months on the campaign trail debating this issue. He must have had a firm opinion on it. It was what he'd done for a year in the private sector. Several of his campaign team were experts on it. There can be no way that he didn't have a clear idea of what was going to happen.

Now we're having this revisionist kind of history, because frankly this thing has become a financial fiasco. It truly is an embarrassment that the IPO was put out. First, the courts rejected it, but equally important, Mr Eves, who now says, "Oh, I had these major reservations," had the perfect opportunity to put his hand up and say, "Whoa. You want this to go out, but no, I want some more time on it." In my opinion, something this absolutely fundamental could not have caught him by surprise. That year in the private sector was what this was all about.

Today, we have him trying to distance himself from those salaries. Again, I go back. He was the number two guy. Nothing happened without his approval: the legislation set up to make this a more business-like approach, set up exactly like the government wanted to; the board

hand-picked; and Mr Wilson, then Minister of Energy, bragging about how he, just on an absolutely regular basis, stayed right in touch. And yet no evidence—no one piece of evidence—that the government said, “Listen, these salaries are getting out of line.”

Then the outrage we found that Mr Stockwell had in April, that as soon as he saw this he was outraged. I want to see any evidence that he did anything at all about that. I would suggest people read Hansard from May 15, 2002, when this issue was first raised in the Legislature—not a peep by the government about these being outrageous. We outlined the details to them.

The new member for Nipissing says, “Why don’t you just pass this bill?” I think the public has a right to know that the board did not act alone. This wasn’t some rogue board that the government inherited from some other party’s government. This was their own hand-picked board. So the board will take the fall. They’re going to be shut up by the legislation. They have no recourse to litigation. But the evidence to me is crystal clear: step by step, they just assumed that everything they were doing had the support of the shareholder, the government. As a matter of fact, I think you’ll find a voting record. The shareholders have to vote, at least annually.

Here we are: an incredible mess, egg on Ontario’s face, without a question of a doubt. The business community is laughing at us. In this international marketplace, where our fiscal credibility is so important, where we’re trying to build credibility in the financial community, we look foolish, to say the least.

I’m not sure what we’re going to do with Hydro One. We’re going to leave it out of the private sector. Then we’re going to have an IPO. Then we settled the IPO and we don’t have the legislative authority for it. We then back off. There’s no direction, and the Premier is now saying, “Listen, I didn’t want to do this in the first place.” The member for Scarborough East made the point for me. The prospectus is dated March 28, five days after Mr Eves became Premier-designate. This would have been cleared with him. He would have had to put his stamp of approval on it, and if he felt uneasy about it, that’s when I think he would have said, “Don’t do it.” But he had to say “Go ahead.”

The bill will pass shortly. As I say, the board is gone. But I hold, without a question of a doubt, the government accountable and responsible. I’m pleased to turn the floor over to the member for St Catharines.

Mr James J. Bradley (St Catharines): I was just conversing with the member for Niagara Centre, who agrees with me, I’m sure, that the government knew all along what these salaries were because they appointed the board, and just when the heat came on the government, they decided to change their minds and became outraged.

I was looking for that outrage a couple of years ago when they were setting up Hydro One in the first place. The member for Niagara Centre and I on that occasion were worrying about the salary structure we would see, because these people run with the rather wealthy crowd.

Not you, Mr Speaker. You’re a neutral, independent individual, but you would know, I think, as you happen to know some of the folks on the other side, it’s a pretty highbrow crowd—well, not highbrow—a highfalutin crowd, we’ll call it, that has plenty of money, and they run with them. You don’t. You’re still down to earth and interested in the average person. I know that.

I can’t believe that the Premier of this province, the Honourable Ernie Eves, was not aware of this package when he became the Premier. As my colleague from Scarborough-Agincourt has so ably outlined, the government was well aware of what was happening at Hydro One. I happen to subscribe to the view that he does, that the reason for wanting to sell Hydro One—other than the fact that the members who sit on the other side tend to be very ideological these days, rather right wing, and don’t like anything that’s in the public sector—one of the desperation reasons was the government wanted to have a balanced budget. When it appeared last fall that revenues would be down considerably because of an impending recession, partially caused by the incident that happened in New York City and Washington on September 11, they felt they wouldn’t have sufficient money to show a balanced budget. So they wanted to get into a fire sale.

You will recall, Mr Speaker, very well, as a member of this Legislature, that this government before the last election sold Highway 407 for a virtual song. The reason they sold it for a song was that they needed the money to balance the budget. I think they sold it for—what?—\$3 billion, and the valuation was \$10 billion.

I truly believe that when I’m trying to make this point there should be sufficient government members here to be able to hear it. Therefore, I ask you whether or not we have a quorum in the House.

1730

The Speaker: Is a quorum present?

Acting Clerk at the Table (Ms Anne Stokes): A quorum is not present.

The Speaker ordered the bells rung.

The Speaker: A quorum is present. The member for St Catharines has the floor.

Mr Bradley: Thank you. I was glad I was able to secure the presence, at least momentarily, of the Minister of Environment and Energy, government House leader and chief political adviser to the cabinet, who is obviously very overburdened with the present responsibilities he has. Perhaps that will allow me to get into that specific issue.

I found it difficult to believe that the Minister of Environment and Energy was able to keep on top of this issue. The reason I say that is because the Premier has landed very onerous responsibilities on his desk. First, as government House leader—people know that requires his presence in the House from time to time and at special meetings to deal with legislative matters. Second, it is of course necessary for him to deal with the quagmire that is Ontario Hydro or the successors to Ontario Hydro, and that has preoccupied his time. Third, he has to be the Minister of Environment.

It would be my view that one of the reasons we have the situation with water-testing laboratories in this province is because the member has been preoccupied with the legislation we have here and has not had sufficient time to deal with matters related to the Ministry of Environment.

I can see the bags developing under his eyes from his long hours of work. They're not there from reading his briefing books; I know that. But they might well be there from his long hours of awakening out there. I'm sympathetic to his—

Mr Kormos: Wine stains are such devilish things to read through.

Mr Bradley: That they are. I'm even wondering—this may be unfair, and somebody will tell me if it's unfair to say this—if somebody in the Ministry of Environment told him something about these labs and he was just busy with something else at the time, perhaps this bill that has come before the House, and forgot he was told about this. I don't know that, but it's plausible. It's very plausible. He'll come into the House to defend himself against that.

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): You might know. You were there.

Mr Bradley: Well, I know exactly what it's like when you have a lot of things on your plate. The former Minister of Environment, Ms Elliott, is here. She knows what it's like in that ministry: how complicated it is and how onerous a responsibility it is.

So it might well be that somewhere along the line somebody gave a memo to the minister and he didn't have a chance to read it that day because he was preoccupied with Hydro One and OPG. That's a plausible thought. Maybe that's not the case, but it's a plausible thought for members of this House to entertain.

Mr Kormos: How about this: we know he has late nights; does he have early mornings, though?

Mr Bradley: Well, I cannot comment on that. It used to be alleged that the now Premier did not rise early in the morning. I never believed that, of course, although I was assured one day, when we were in an all-night session of the Legislature, by a person who used to sit in this chair who will remain nameless, that I didn't have to worry. I was worried that I'd have to be here bright and early and we were sitting all night. The person who was sitting in that chair at the time said, "Oh, you don't have to worry about that because 11:15 will probably do, to get in the next day." I don't know whom he was making reference to, and that's probably not a trail I should go down at this time.

I, like the member for Scarborough-Agincourt, really believe that with the Honourable Jim Wilson, who was then Minister of Energy, meeting so often with the board of Hydro One and the board of OPG, the government was fully aware of what was going on, in fact was giving advice to OPG's board and to Hydro One's board. All of this manufactured outrage that we see now at the compensation package—that's both the salaries and the severance potential, the pensions and so on—came only after the opposition raised this matter in the House and it

became very public and the telephone calls started to come in to the Conservative members' offices about this matter. Then they decided that they were going to be outraged.

The crowd that sits on the other side by and large—there are probably exceptions—believe in this stuff, that there should be very rich people getting a lot of money in the corporate sector; they always have, and I'll say they've been consistent in that. So why would they be suddenly surprised when they saw the kind of salary and compensation package that was forthcoming for the board of Hydro One? That's why I call it manufactured outrage.

Clearly, the people of this province did not want Hydro One sold. I think the government was intent on doing it; the Premier was vacillating. I didn't know if he was going to sell it. One day he had six options on the table; he started out with one option. The day of the by-election that the Premier was involved in, you will remember the big headline in the *Toronto Star*, which they always criticize: "It's Off the Table." Now, the member for Nipissing would tell me perhaps that made a 19-vote, 20-vote difference in that riding. Who knows whether it did or not? But certainly that was an impression that he tried to create.

There's a justified worry among those of us in the opposition that today the Premier really doesn't mean it, that while he says he wants to retain 51% after the battering that the government has taken over the issue of Hydro One privatization, in reality if he could get past another election we would see the rest of Hydro One sold. That would be similar to selling all the highways in Ontario—I've been saying the 400-series highways, the four-lane highways, but all the highways in the province, because that's what the transmission grid in essence is.

It was interesting to see—you may have noted this with telephone calls to your office, Mr Speaker—that many of the people who phoned were actually long-time Conservatives, many seniors who were quite concerned, and I was getting the calls from these people who were Conservatives, so I know the Conservative members of the Legislature were getting those calls. Now we've seen the government is down to 51%. Who knows where they'll be when it's all over.

I want to say as well, when I look down the list of the original board members, they're a who's who of Torydom and they are friends of this government. They are people who would be more at home in the Albany Club than they would be in the Optimist Club or the Lions Club. They were people very close to this government. We've got a few political appointments that have come in now, because the government wants to look good, so you always pick the good friend of the member for Niagara Centre, the Honourable Robert Rae. He was a strong supporter of his years ago, and my colleague Murray Elston was put on the board, because you've got to have a Liberal there and a Conservative there, so if anybody complains you simply point across and say, "Well, what about this person or that person?"

Mr Kormos: We know who the Liberal is. Are you suggesting Murray is a Conservative?

1740

Mr Bradley: The board is still stacked. The member for Niagara Centre may suggest that when they appointed Bob Rae and Murray Elston they appointed two Liberals, but I don't want to mischaracterize his affection for his former leader, who was so good to him.

I want to say that finally we're getting a decision with which I think we can agree.

What was interesting to watch—and my colleagues who are next will tell me when I'm supposed to sit down—was the government House leader. The government House leader would get up in the House and say he wanted immediate second and third reading of this bill. Well, all he had to do was call the bill. We rarely have second and third reading of a bill on the same day, particularly a bill of this significance, but that was the hammer he tried to use. He got up in the House to divert attention from his own troubles.

One thing I must say the Minister of the Environment, the Minister of Energy and the government House leader all combined into one has is the ability to divert attention. His bluster and bluff that we see in the House are something to behold. It entertains his own members. I see him look up to the press gallery for approval from some people up there. I don't know if he gets it or not, but he certainly gets it from his own members. And I frankly find it entertaining to see him at least try to put a smile on the faces of the government members because, heaven knows, their faces have been long over the past few weeks with all of the problems besetting this government and their ability to try to do a 180-degree turn philosophically since the former member for Nipissing departed this House. I should say he's departed this House but he's close by. Just in case you were worried that he's gone, he has an office in the Whitney Block—I'm told it's a newly renovated office in the Whitney Block—where he can advise the government. His long shadow can still be not far from his very best friend, the Honourable Ernie Eves, Premier of Ontario.

But we all remember, as you remember, Mr Speaker, because you were sometimes a dissident in certain matters, as I recall, that it was the Honourable Ernie Eves—if I may use his name in a common way, as we do, rather than “the member for” any particular riding, because he's a good friend of many of us on this side—who was the finance minister while all the slashing and burning went on and while a lot of the shenanigans at Hydro were starting up.

I think I have to yield the floor at some time.

Interjection.

Mr Bradley: Oh, he says about eight minutes. I'm glad to see that.

I'm worried about this. Maybe the member for Niagara Centre can help me with this, or perhaps somebody else who is a lawyer in this House. I don't know how they can get away with passing a bill that won't precipitate some legal proceedings by the people affected

by this bill. Maybe a lawyer, a person learned in the law from Niagara Centre or elsewhere, would be able to say to me, “Look, folks, this is still going to precipitate some legal proceedings.” I'm worried that there could be yet another protracted legal dispute going on between the government and in this case the deposed board of directors of Hydro One. They're not actually deposed, because of course they resigned their positions when it appeared they were going to be fired by this particular government. I anticipate, as a non-lawyer, that we're going to see some considerable legal action against this government and that those folks who are being deposed or those whose salaries and compensation packages are being cut back will reclaim some of that through legal proceedings in which they will be engaged.

Again, I want to describe this as a genuine problem for the government and my good friend the Minister of Environment and Energy, and I think all this distraction has taken him away from his attention to the Ministry of the Environment. I asked him one day if I could take him on a tour of the Ministry of the Environment—I don't think he had been in the building at that point in time; it's 135 St Clair Avenue West, by the way, in case he's wondering—and if he would acquaint himself with that. Now, is that because he's not interested? Of course not. It's because Premier Eves has dumped on him such onerous responsibilities.

That's why I think we're in the mess we're in with water testing in this province. I heard him say today, “Well, I only got the report from Justice O'Connor”—that was a good report, by the way—“a couple of weeks ago. Did you expect me to act on it immediately?” I was pointing out to members of the news media and to members of this House that in fact a year ago a company called Fine Analysis, which is close to your riding—it's in Hamilton—had been investigated and eventually charged by the Ministry of the Environment for manipulating its tests: not doing certain tests and manipulating the results of tests. That was the charge against this company. There had been a long investigation. I know the member for Hamilton East wrote a letter to the minister at the time. Both of us were saying, “Look, you should conduct an audit of all the labs in Ontario.”

You've got to figure this out: if MDS laboratories, which is probably the largest—somebody can correct me—laboratory in this province, which has done a lot of work over the years and has a reputation in this province, was having trouble with the testing, if it wasn't testing as it was supposed to for E coli, which was responsible for killing people in Walkerton and making thousands ill, if they were not testing for it and not providing information in a timely fashion, imagine what might happen with other laboratories that have fewer resources. So it's important to go and look.

When you go out and look you might find there was not a problem in some of those. I know my friend from Etobicoke North is afraid that there's a broad brush there. I wouldn't mean to do that at all. What I want to say is, you assure the people of this province if you do the checking.

After the fact—because it's policy on the fly, just as this bill is policy on the fly—by the time the minister left the House here, made his way through the back lobby and got out there, he was already sending people out to investigate laboratories. That's the first I heard he was sending anybody out, because when he was in the House answering, he said, "That's not our job. It's the standards council's job, somebody else's job. It's not our job." But by the time he got through the back alley and out into the scrum where he was under intense pressure, he said, "We're phoning the people now and telling them we're coming."

That's not a very good thing to do, either. If you phone somebody and say that you're going to arrive, chances are everything's going to be in place by the time you arrive. It's better to make a surprise visit, take split samples if possible, take a careful look at what's going on, and then make those judgments. So I think we would not have been into the other problem we had today if the minister was not preoccupied with backfilling, with that manufactured outrage, over this piece of legislation.

I want to ensure that others in the House get a chance to speak on this piece of legislation, so I'm going to yield the floor now to my colleague from York West.

Mr Mario Sergio (York West): I'll take the opportunity to add my few minutes to Bill 80. Bill 80 was introduced just a few days ago by the minister due to the pressure that was brought upon him, the minister himself and the government, of course, with the issue of the compensation salaries of the Hydro One board of directors, all successors and, of course, everything associated with hydro: Ontario Hydro, Hydro One, the sale and whatever. What Bill 80 really does is give the minister the power to let the members go. It deals with the compensation packages, their salaries and, of course, the power of the minister and the government to re-appoint new members.

The bill was introduced on June 4, 2002, I believe; just a few days ago. Immediately, on the spot, the minister said, "Well, if you're with us, if you really want to do something about it, let's get it approved now: first, second and third reading." The bill wasn't even introduced in the House and the minister said, "I want your support here, now."

I remember very well that the member for Windsor West said, "Give us five minutes to take a look at the bill and we'll give you that approval." We demanded five minutes' adjournment to take a look at the bill, Bill 80 here, to see what it contained. The government and the minister refused to allow the opposition in the House five minutes to review the contents of this bill, and now they have the gall to say to the public that we are opposed, that we don't want to deal with the issue. Give me a break.

1750

I hear the member from Scarborough East say, "We spent millions of dollars during the past two years explaining what we were doing with respect to hydro and Hydro One." Isn't this wonderful, that after they spent millions of dollars in the last couple of years, none of it

went to address the real issues? According to the member himself, if they had done a proper job and spent millions of dollars, we wouldn't be here today debating this particular issue.

The board members were appointed by the same government. Most of the board members used to work for members of the government. And now he has the gall to come into this House and say, "We've spent millions of dollars telling the public what we were going to do." It doesn't wash with us and it doesn't wash with the public.

Even today the public says, "What's IPO? What's OPG? What's this Hydro One? What are these corridors?" If they really had spent the money with the purpose of educating the public, they wouldn't be here today. I have to tell the minister, the Premier and the member from Scarborough East that if they had really wanted to explain what that entailed, they should have held public hearings a year ago, even before they announced it, or said, "This is what we want to do and this is what we are going to do. We are going to go to the public." They didn't do that; they gave us three or four days because the opposition and the public and the press crucified this government and the minister. They said, "You can't do that. You did it with the 407, and now we know where we are." God forbid they are going to do the same thing. The Hydro One outcry is 10 times bigger than on the 407.

It's quite interesting. The board members were appointed by the government. The government must have known the compensation packages and the salaries, because in the end they had to know, but they didn't do anything until the outcry became public. And it was their own doing. It started with the splitting up of Hydro One, on May 1 the generation, and then of course the on-again, off-again sale of Hydro One. That was their own doing. They brought this upon themselves, because time and time again they said, "Yes, we're going to sell it; no, we're not going to sell it." It was on the table, it was off the table, it was under the table, but they never told the public what they really wanted to do.

I have to say that even the present Premier says, "Having listened to the people of the province of Ontario, the government has now decided it is not going to part with the control of Hydro One." So the Premier told reporters. He didn't change his mind until we had the decision of the court back in April, but he was in favour all the time. Of course, he was seconding the idea of the former Premier, Mr Harris, and now he has changed his mind. Rightfully so—he has a right—and I believe by changing his mind he has done the right thing, because he has seen the light. This is too important just to go ahead and sell it.

Even so, if they did one thing right, it was to confuse the public. Even after yesterday's announcement, where the Premier said, "That's it. We're not going to part with it," he then kept on saying, "We still believe there are ways to bring private sector discipline into the corporation without parting with more than 50%." Oh, come on. Tell the people of Ontario what the heck you really want to do. Either you part with it or you don't part with it.

Then he adds more fuel: "Those three primary ways, of course, are a strategic partner of some sort; an income trust arrangement of some sort; or an IPO arrangement of some sort of less than 50% of the entity."

The possible sale of Hydro One, some \$5.5 billion in proceeds, would have helped to pay down the \$21 billion. We all know what happened to the sale of 407 and the money. How much did they pay off on the debt? Nothing. As a matter of fact, they went to borrow more money to make it even bigger, so no wonder there is this outrage. But I am pleased to say that at least they have listened to the opposition, they have listened to the public and they are doing something about it.

We were not opposed to saying, "Something has to be done about those truly exaggerated compensation packages, salaries, vacation pay and car allowances," and we are prepared to deal with that. We were asking the government, the minister, for simply five minutes to take a look at the bill. We said, "We would like to make one major amendment, and that is to open it up to the public, subject to the Freedom of Information and Protection of Privacy Act and greater legislative accountability." What's wrong with that? It's not in the act, and this is what the Liberals wanted. I'm sure that every Ontario taxpayer would like to have that kind of accountability, but the government, being the government, says, "No. Either you vote now, otherwise you will be against doing

something." We believe it's important that we correct the mistake the government made. It is important that we bring some accountability, on behalf of the government, to Ontario Hydro and all the successors.

I believe that the bill should be approved. The compensation should be well taken care of and we should be dealing in the proper fashion. We did say that we would like to see a great amount of accountability. We were looking for two things: a formal review for appropriate compensation for the public sector CEO of Hydro and OPG. The government said, "Uh, uh. We want the approval now," so that's why we are here today. At least now we have a little bit of debate. We can expose more of the mishandling by the government, if you will, of the total issue of Hydro One and of course the compensation packages.

I note that you and I were both looking at the clock, Mr Speaker. It's 6 o'clock, and you want to say that the time is gone and we should go.

I do thank you. I thank the House for the opportunity to address the issue, although briefly, and I hope we can see some changes and get on with Bill 80.

The Speaker: It being 6 o'clock, this House stands adjourned until 6:45 this evening.

The House adjourned at 1758.

Evening meeting reported in volume B.

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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Speaker / Président: Hon / L'hon Gary Carr

Clerk / Greffier: Claude L. DesRosiers

Clerk Assistant / Greffière adjointe: Deborah Deller

Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

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		Markham	

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Ottawa Centre / -Centre Ottawa-Orléans	Patten, Richard (L) Coburn, Hon / L'hon Brian (PC) Associate Minister of Municipal Affairs and Housing / ministre associé des Affaires municipales et du Logement	Thunder Bay-Atikokan Thunder Bay- Superior North / -Nord Timiskaming-Cochrane Timmins-James Bay / Timmins-Baie James	Ramsay, David (L) Bisson, Gilles (ND) Smitherman, George (L)
Ottawa South / -Sud	McGuinty, Dalton (L) Leader of the Opposition / chef de l'opposition	Toronto Centre-Rosedale / Toronto-Centre-Rosedale	Churley, Marilyn (ND) Marchese, Rosario (ND) Sorbara, Greg (L) Arnott, Ted (PC)
Ottawa West-Nepean / Ottawa-Ouest-Nepean	Guzzo, Garry J. (PC)	Toronto-Danforth Trinity-Spadina Vaughan-King-Aurora Waterloo-Wellington Whitby-Ajax	Flaherty, Hon / L'hon Jim (PC) Minister of Enterprise, Opportunity and Innovation / ministre de l'Entreprise, des Débouchés et de l'Innovation
Ottawa-Vanier Oxford Parkdale-High Park Parry Sound-Muskoka Perth-Middlesex Peterborough Pickering-Ajax-Uxbridge	Boyer, Claudette (Ind) Hardeman, Ernie (PC) Kennedy, Gerard (L) Miller, Norm (PC) Johnson, Bert (PC) Stewart, R. Gary (PC) Ecker, Hon / L'hon Janet (PC) Minister of Finance / ministre des Finances	Willowdale	Young, Hon / L'hon David (PC) Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Prince Edward-Hastings Renfrew-Nipissing- Pembroke Sarnia-Lambton Sault Ste Marie Scarborough Centre / -Centre Scarborough East / -Est	Parsons, Ernie (L) Conway, Sean G. (L) Di Cocco, Caroline (L) Martin, Tony (ND) Mushinski, Marilyn (PC) Gilchrist, Steve (PC)	Windsor West / -Ouest Windsor-St Clair York Centre / -Centre York North / -Nord York South-Weston / York-Sud-Weston York West / -Ouest	Pupatello, Sandra (L) Duncan, Dwight (L) Kwinter, Monte (L) Munro, Julia (PC) Cordiano, Joseph (L) Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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