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of Ontario

Third Session, 37<sup>th</sup> Parliament

Assemblée législative  
de l'Ontario

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**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Monday 25 November 2002**

**Lundi 25 novembre 2002**

Speaker  
Honourable Gary Carr

Clerk  
Claude L. DesRosiers

Président  
L'honorable Gary Carr

Greffier  
Claude L. DesRosiers

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## LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 25 November 2002

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 25 novembre 2002

*The House met at 1330.*

*Prayers.*

### MEMBERS' STATEMENTS

#### HIGHWAY 69

**Mr Rick Bartolucci (Sudbury):** Words cannot express the depth of my pride in the people of greater Sudbury and northeastern Ontario, whose concerted effort in recent months has prompted the provincial government to finally act on the multi-laning of Highway 69.

What got us to where we are today? Well, it was the 14,000 people who signed the postcard, the 28,000 people who signed the petition, the 7,645 people who signed the electronic petition and the well in excess of 11,000 people who signed the bumper sticker and put it on their cars. It was our media in Sudbury, it was the Northern Life, it was our radio stations and our television station who kept the issue alive, who believed in the issue and promoted it almost on a daily basis. Last but not least, it was the CRASH 69 committee, the committee made up of our community. "CRASH 69" stands for "community rallying against substandard Highway 69." We came together as a group from business, labour, service clubs, education, health care and, tragically, from those who lost loved ones. The result: well, the government made the announcement.

But you know what? The announcement is good, but rhetoric must be reality. The promise must translate itself into pavement. I say today that the community of Sudbury, the community of northeastern Ontario, will be very vigilant to ensure that that announcement becomes reality.

I say to the people of my community, my constituents, that a lot of people will want to take credit for it, but the reality is that there is only one group that should be taking credit: the constituents of the ridings of Sudbury and Nickel Belt and northeastern Ontario. I'm proud of you. We've proven that if you stay together, if you believe in a cause and if you're determined to ensure you reach your goal, you can do it.

Again, I am proud of the constituents I represent; I am proud of the people in Nickel Belt; I am proud of the people of northeastern Ontario. We came together, and certainly David slew Goliath.

#### ST CATHARINES COURTHOUSE

**Mr Bart Maves (Niagara Falls):** On Friday, November 22, I attended the dedication ceremony of the St Catharines courthouse, along with colleagues Minister David Young, Minister Tsubouchi, Minister Hudak and St Catharines MPP Jim Bradley.

The St Catharines courthouse was officially dedicated to the late Robert S.K. Welch. Many admirers, colleagues, friends and family members, including Mr Welch's grandchildren, were in attendance to recognize Mr Welch's long record of public service.

Mr Welch was first elected to the Ontario Legislature in 1963, and during his many terms served in just about every portfolio, including Attorney General twice, education and energy. As well, Mr Welch served many years as Deputy Premier. Mr Welch had a wonderful sense of humour, and was a great orator and an extremely capable manager of each ministry he captained. He was a true leader and a great gentleman. He was indelibly connected to and had a deep and abiding respect for the law.

The idea to dedicate the courthouse to Mr Welch came from a committee that was organized by St Catharines resident Dave McDonnell.

The courthouse is located in downtown St Catharines and currently serves St Catharines, Niagara-on-the-Lake, Niagara Falls, Grimsby, Smithville and the town of Lincoln.

Future visitors to the courthouse will be able to view a commemorative plaque that will be placed in the main lobby of the courthouse.

Hundreds of people came out on Friday to honour Mr Welch and the many contributions he made to the community and the province, for which we are all forever in his debt.

#### AFFORDABLE HOUSING

**Mr Dominic Agostino (Hamilton East):** I was proud this morning to be there along with a number of colleagues as my leader, Dalton McGuinty, unveiled the Growing Strong Communities platform, the second part of the Liberal platform that will lead us into the next election and lead us to a better province for people who are in need of affordable housing.

This platform, that has been unveiled today by the leader, is going to commit \$245 million to housing in Ontario. We're going to ensure there are 20,000 new units built in this province. We're going to have a shelter allowance to help 35,000 Ontario working families.

We're going to have real protection, unlike the pie-in-the-sky NDP irrelevant approach nobody believes or listens to, and unlike eight years of being abandoned by this government. Tenants, people who need affordable housing in this province, are finally going to get some help.

We're going to get rid of the Tenant Protection Act that is now in place and bring in real legislation. We're going to bring in real rent control, that is going to help people across this province—not the type of deal that this government has cut with developers, that has abandoned tenants across Ontario. We're going to restructure the Ontario Rental Housing Tribunal; we're going to establish a provincial rent bank; and we're going to establish an Ontario mortgage and housing partnership. We are going to work with the federal government; we're going to work with developers; we're going to work with tenants. Ontario is going to have housing policies that are going to be proud. People are going to have a real choice next time.

After the eight years of abandonment of tenants and people who need help from that side of the House, and the irrelevant NDP, to real choice by a real leader with Dalton McGuinty, a real policy that Ontarians are going to be proud of. We're going to walk into the next election, and walk proudly with this and help tenants across this province.

#### BIODIESEL FUEL

**Mr John O'Toole (Durham):** A week ago the Minister of Energy, the Honourable John Baird, and our new Commissioner of Alternative Energy, the Honourable Steve Gilchrist, travelled to Halton region to announce an initiative in support of energy conservation, clean energy and alternative energy sources. I can tell you, as a member of the alternative fuels committee, I know the work they've done.

The host for the day was the Halton-based company called Biox. Biox Corp is a Canadian success story. It produces an alternative to petroleum diesel fuel and it is made from vegetable oil and animal fat. The product, called biodiesel, can be used in diesel engines without modification. You don't hear the big oil companies talking about biodiesel, and here's why: biodiesel is biodegradable, it's renewable, it's non-toxic and it's essentially sulphur-free.

Biox Corp is supported by a number of contributors and alliances. Contributors include Rothsay, one of Canada's largest renderers, the Ontario Soybean Growers' Marketing Board, and Trimac Corp. In fact, Biox's innovative work takes place inside the Trimac facility at Halton region.

Congratulations to Biox, Trimac Corp and to everyone who is involved in biodiesel, in making the oil companies stand up and take notice. In this context I want to commend Biox, the Minister of Energy and our Commissioner of Alternative Energy for the work they've done and will continue to do to make our environment cleaner for all the people of Ontario.

#### GROWING STRONG COMMUNITIES

**Mr Dave Levac (Brant):** I rise in the House today to speak on the newly released Liberal policy on improving Ontario communities, called Growing Strong Communities. Liberal Leader Dalton McGuinty, in consultation with many stakeholders across Ontario, released this policy that will make sure that Ontario communities work for the people, not against the people, of Ontario.

Statistics Canada stated that Ontario has lost 2.5% of its front-line police officers since the Harris-Eves government came into power in 1995. The Ontario Liberals are committing to placing 1,000 net new front-line police officers on our streets to fight crime and keep our streets safe. Ontario's probation and parole officers have a 70% higher caseload than the national average. This is putting Ontario people's families at risk and the Ontario Liberals are going to fix it. In our first term of office, we are committed to hiring an additional 100 probation and parole officers to correct this government's abysmal record on probation and parole staffing.

I am proud to announce that the Ontario Liberals have committed to assist our firefighters by ensuring that each fire service in Ontario is equipped with a thermal imager, that allows firefighters to see into dark places for trapped victims and into burning buildings. This is a necessary tool that will enable firefighters to find victims quickly and minimize the amount of time spent in a burning building. The Ontario Liberals value the dedication and commitment of firefighters, and that is why we will do what is necessary to provide them with the best tools possible.

Ontario Liberals have a plan to repair and improve Ontario's communities by introducing Growing Strong Communities, and I am proud to be a part of that plan.

1340

#### AUTISM

**Mr Tony Martin (Sault Ste Marie):** I rise today to let the House and the Minister of Community, Family and Children's Services know that I met on Friday with a group in my community, the Sault Ste Marie chapter of the Autism Society Ontario. They are very upset, frustrated and angry about the government's lack of support for services for that group of people. They're saying there was no funding and that the funding she announced last week was simply not enough. When you break it down across the province and look at the number of communities and the number of families and children who are in need, it's a paltry amount of money to be putting out there. They also say that continuing to stick to the age six tack is arbitrary and based on no science whatsoever.

They feel very strongly that the government has a responsibility. They say the government should listen to my colleague Shelley Martel, when she calls for autism to be moved into the health portfolio and for intervention for every child in this province diagnosed with autism to be automatically covered. They also ask the government

to pay attention to the court case in British Columbia, where the government was found to be in contravention of the Human Rights Act, and indeed of the Constitution, for refusing to provide immediate and needed services to children and families suffering with autism. That court told the government very clearly that it needed to provide funding and services. As a matter of fact, it went so far as to say it would fine individual bureaucrats if that service is not delivered. Your government is on the hook here and should be listening to that court finding and delivering to those people the services that are needed.

#### ENVIRONICS POLL

**Ms Marilyn Mushinski (Scarborough Centre):** It's not my normal practice to comment on public opinion polls, but one recent sampling did manage to catch my attention. I refer to a poll that was done for the TVO program Fourth Reading by the Environics Group. The poll found that Ontarians are questioning the Liberal Party of Ontario. It showed that more people trust the PC government led by Ernie Eves than the Liberals. This got me thinking. "Why would this be?" I asked myself.

First, I suppose, are the flip-flops that have characterized the Liberal leader. One day he is for shutting down Ontario's coal-fired generators; the next, as the Globe and Mail so eloquently put it on Saturday, the Liberal clean air plan is blown out of the water. According to the Globe, Dalton was the target of ridicule by members of his own caucus.

The people of Ontario recognize how hard it was for Finance Minister Ernie Eves to manage this province's budget after the 10 lost years of Liberal and NDP governments. They recognize that this government has created an economic environment of lower taxes and balanced budgets. The result has been the creation of more than one million net new jobs since our election in 1995.

We delivered on our promises to the people of this province, and our economy is stronger as a result. The poll result, showing distrust of the Liberals, marks the recognition that people understand that Dalton's shiny, expensive promises cannot be kept without tax increases.

#### ENVIRONMENTAL PROTECTION

**Mr Mike Colle (Eglinton-Lawrence):** Today there was a momentous announcement by Dalton McGuinty where he basically laid out a protective plan to ensure that all the Golden Horseshoe has protection, a shield whereby lands in Seaton will be protected, the 6,600 homes will not be built in the middle of the moraine and the Oakville Trafalgar moraine lands will not be given away to developers. We will put a line in the sand and make sure developers don't pave all the GTA and the Golden Horseshoe.

This morning, Dalton said, "Save, don't pave." This government has pretended to protect, when all they've done is given away sensitive lands to developers; that's all they've done. We are saying you need public transit.

That's why we're giving two cents on every litre sold to public transit, because without public transit you can't protect the environment. We are saying that we're going to have a greater Toronto transit authority to coordinate transit throughout the GTA to make sure it's done in a comprehensive fashion. Right now this government has abandoned transit. We are saying you can't save unless you have transit, so save; don't pave.

#### WHITE RIBBON CAMPAIGN

**Mr AL McDonald (Nipissing):** Today is the official launch of the 2002 White Ribbon Campaign to stop violence against women. Since the campaign began in 1991, men have been encouraged to wear a white ribbon at this time of the year as a personal pledge to never commit, condone or remain silent about violence against women. I and our government believe that ending violence against women is everyone's responsibility, so I am pleased to support this campaign.

Men are encouraged to reflect on this important issue and to talk to their friends about the problem of violence against women. We need more men to take an active role to ensure that women can live in safety and security in our province.

The government of Ontario is committed to ending violence against women. It is a commitment that is ongoing and unwavering. This government is spending more than \$160 million this year alone to address the issue of violence against women. This is more than any previous government.

The government of Ontario does not tolerate violence against women. We are taking a comprehensive approach to domestic violence that focuses on protection and prosecution, support for victims, and prevention and education.

While we've made progress on this issue, we know that more can be done. Preventing domestic violence is everyone's responsibility. We need everyone to be involved to make this a success.

Today I'm wearing a white ribbon. It is my personal pledge that I will not condone or remain silent about violence against women. To my colleagues, I urge that you make this commitment as well.

#### REPORTS BY COMMITTEES

##### STANDING COMMITTEE ON ESTIMATES

**The Speaker (Hon Gary Carr):** Standing order 62(a) provides that, "The standing committee on estimates shall present one report with respect to all of the estimates and supplementary estimates considered pursuant to standing orders 59 and 61 no later than the third Thursday in November of each calendar year."

The House not having received a report from the standing committee on estimates for certain ministries on Thursday, November 21, 2002, as required by the standing orders of this House, pursuant to standing order 62(b) the estimates before the committee of the Ministry of Training, Colleges and Universities; the Ministry of Community, Family and Children's Services; the Ministry of Natural Resources; the Ministry of Public Safety and Security; the Ministry of Tourism and Recreation; and the Ministry of Enterprise, Opportunity and Innovation are deemed to be passed by the committee and are deemed to be reported to and received by the"—

**Interjection:** Dispense.

**The Speaker:** It was the last word, but dispense? Dispense—"House."

#### STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

**Ms Marilyn Mushinski (Scarborough Centre):** I beg leave to present a report from the standing committee on the Legislative Assembly and move its adoption.

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

Bill 113, An Act to honour firefighters who have died in the line of duty / Projet de loi 113, Loi visant à rendre hommage aux pompiers décédés dans l'exercice de leurs fonctions.

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

The bill is therefore ordered for third reading.

#### INTRODUCTION OF BILLS

##### ELECTRICITY PRICING, CONSERVATION AND SUPPLY ACT, 2002

##### LOI DE 2002 SUR L'ÉTABLISSEMENT DU PRIX DE L'ÉLECTRICITÉ, LA CONSERVATION DE L'ÉLECTRICITÉ ET L'APPROVISIONNEMENT EN ÉLECTRICITÉ

Mr Baird moved first reading of the following bill:

Bill 210, An Act to amend various acts in respect of the pricing, conservation and supply of electricity and in respect of other matters related to electricity / Projet de loi 210, Loi modifiant diverses lois en ce qui concerne l'établissement du prix de l'électricité, la conservation de l'électricité et l'approvisionnement en électricité et traitant d'autres questions liées à l'électricité.

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

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

All those opposed will please say "nay."

In my opinion, the ayes have it.

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

*The division bells rang from 1350 to 1355.*

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

#### Ayes

Agostino, Dominic	Dunlop, Garfield	Murdoch, Bill
Arnott, Ted	Ecker, Janet	Mushinski, Marilyn
Baird, John R.	Elliott, Brenda	O'Toole, John
Barrett, Toby	Flaherty, Jim	Ouellette, Jerry J.
Bartolucci, Rick	Galt, Doug	Parsons, Ernie
Beaubien, Marcel	Gill, Raminder	Patten, Richard
Bountrogianni, Marie	Gravelle, Michael	Peters, Steve
Boyer, Claudette	Hodgson, Chris	Phillips, Gerry
Bradley, James J.	Johns, Helen	Pupatello, Sandra
Brown, Michael A.	Johnson, Bert	Ramsay, David
Bryant, Michael	Kells, Morley	Runciman, Robert W.
Caplan, David	Kennedy, Gerard	Sampson, Rob
Chudleigh, Ted	Klees, Frank	Smitherman, George
Clark, Brad	Kwinter, Monte	Spina, Joseph
Clement, Tony	Lalonde, Jean-Marc	Sterling, Norman W.
Coburn, Brian	Levac, David	Stewart, R. Gary
Colle, Mike	Marland, Margaret	Stockwell, Chris
Cordiano, Joseph	Maves, Bart	Tascona, Joseph N.
Crozier, Bruce	Mazzilli, Frank	Tsubouchi, David H.
Cunningham, Dianne	McDonald, AL	Turnbull, David
Curling, Alvin	McLeod, Lyn	Wettlaufer, Wayne
DeFaria, Carl	McMeekin, Ted	Wilson, Jim
Di Cocco, Caroline	Miller, Norm	Witmer, Elizabeth
Dombrowsky, Leona	Molinari, Tina R.	Wood, Bob
Duncan, Dwight	Munro, Julia	Young, David

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

#### Nays

Churley, Marilyn	Kormos, Peter	Martin, Tony
Hampton, Howard	Marchese, Rosario	Prue, Michael

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 75; the nays are 6.

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

The minister for a short statement?

**Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs):** This important legislation puts Ernie Eves's action plan for electricity into law. It provides a rebate of every cent more than 4.3 cents that consumers have paid for electricity back to May 1. It provides some stability on price going forward to 2006. It also includes different measures for supply and conservation.

If I could, on a personal note, I have always tried to approach these important public policy issues in a non-partisan way, and I want to thank the official opposition for treating it that way.

**Mr Howard Hampton (Kenora-Rainy River):** On a point of order, Mr Speaker: I ask for unanimous consent for the minister to give a five-minute statement telling us about the provisions of the bill.

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

**Mr Michael Bryant (St Paul's):** On a point of order, Speaker: I listened closely to the statement by the minister and I ask you whether that constituted a minister's statement, for which we get five minutes to respond.

**The Speaker:** No, unfortunately it isn't. Members do get a little time, a short statement, and that was well within the bounds.

**Mr Hampton:** On a point of order, Speaker: I ask for unanimous consent for the Liberals give a five-minute statement about the bill.

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

BACK TO SCHOOL ACT  
(SIMCOE MUSKOKA CATHOLIC  
DISTRICT SCHOOL BOARD), 2002  
LOI DE 2002 SUR LE RETOUR  
À L'ÉCOLE (SIMCOE MUSKOKA  
CATHOLIC DISTRICT SCHOOL BOARD)

Mr Clark moved first reading of the following bill:

Bill 211, An Act to resolve a labour dispute between the Ontario English Catholic Teachers' Association and the Simcoe Muskoka Catholic District School Board / Projet de loi 211, Loi visant à régler le conflit de travail opposant l'Association des enseignantes et des enseignants catholiques anglo-ontariens et le conseil scolaire de district appelé Simcoe Muskoka Catholic District School Board.

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

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

All those opposed will please say "nay."

In my opinion, the ayes have it.

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

*The division bells rang from 1401 to 1406.*

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

**Ayes**

Agostino, Dominic	Ecker, Janet	Murdoch, Bill
Arnott, Ted	Elliott, Brenda	Mushinski, Marilyn
Baird, John R.	Flaherty, Jim	Newman, Dan
Barrett, Toby	Galt, Doug	O'Toole, John
Bartolucci, Rick	Gerretsen, John	Ouellette, Jerry J.
Beaubien, Marcel	Gill, Raminder	Parsons, Ernie
Bountrogianni, Marie	Gravelle, Michael	Patten, Richard
Boyer, Claudette	Hodgson, Chris	Peters, Steve
Bradley, James J.	Hudak, Tim	Phillips, Gerry
Brown, Michael A.	Johns, Helen	Pupatello, Sandra
Bryant, Michael	Johnson, Bert	Ramsay, David
Caplan, David	Kells, Morley	Runciman, Robert W.
Chudleigh, Ted	Kennedy, Gerard	Sampson, Rob
Clark, Brad	Klees, Frank	Smitherman, George
Clement, Tony	Kwinter, Monte	Spina, Joseph
Coburn, Brian	Lalonde, Jean-Marc	Sterling, Norman W.
Colle, Mike	Levac, David	Stewart, R. Gary
Cordiano, Joseph	Marland, Margaret	Stockwell, Chris
Crozier, Bruce	Maves, Bart	Tascona, Joseph N.

Cunningham, Dianne	Mazzilli, Frank	Tsubouchi, David H.
Curling, Alvin	McDonald, AL	Turnbull, David
DeFaria, Carl	McLeod, Lyn	Wettlaufer, Wayne
Di Cocco, Caroline	McMeekin, Ted	Wilson, Jim
Dombrowsky, Leona	Miller, Norm	Witmer, Elizabeth
Duncan, Dwight	Molinari, Tina R.	Wood, Bob
Dunlop, Garfield	Munro, Julia	Young, David

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

**Nays**

Churley, Marilyn	Marchese, Rosario	Prue, Michael
Kormos, Peter	Martin, Tony	

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 78; the nays are 5.

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

The minister for a short statement?

**Hon Brad Clark (Minister of Labour):** I'll defer till ministers' statements.

MAN WHO WASN'T THERE ACT, 2002

LOI DE 2002 SUR LA PRÉSENCE  
À LA PÉRIODE DE QUESTIONS ORALES  
DES CHEFS D'UN PARTI RECONNU

Mr Kormos moved fist reading of the following bill:

Bill 212, An Act to amend the Executive Council Act and Legislative Assembly Act respecting an institution of democracy in the Legislative Assembly / Projet de loi 212, Loi modifiant la Loi sur le Conseil exécutif et sur l'Assemblée législative concernant une institution démocratique de l'Assemblée législative.

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

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it. Carried.

**The Speaker:** The member for a short statement?

**Mr Peter Kormos (Niagara Centre):** Recently, Bill 21 received first reading in this Legislature, which has as its goal an effort to secure more regular attendance of the Premier at question period. We've made observations since November 21 that demonstrate that one official party leader has attended little more than 30% of question periods, while the other party leader has attended over 70%, even though his caucus only numbers nine.

This bill would amend the Legislative Assembly Act to ensure attendance of party leaders in the same manner as Bill 21 would require attendance of government leaders.

The short title of the act is the Man Who Wasn't There Act, 2002, although it has become known readily and rapidly as the Dalton, we hardly knew ye Act.

**Mr George Smitherman (Toronto Centre-Rosedale):** Mr Speaker, on a point of order: I seek unanimous consent to move and pass a motion without debate removing section 25 pertaining to the Pension Benefits Act from Bill 198.

**The Speaker:** There is no process to do that. What you would have to do if you wanted to amend the bill is ask for unanimous consent for the House to go to committee of the whole, at which time there would be a process to do it. There wouldn't be a mechanism if that motion passed to do it, so if the member wanted to and if that was the intent, he would have to move that this House go to committee of the whole right away to deal with it.

**Mr Smitherman:** Thank you for that clarification, Mr Speaker. I seek unanimous consent to move that the House go into committee of the whole to deal with section 25 of the Pension Benefits Act.

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** Mr Speaker, on a point of order: Always in an effort to entertain and accommodate the members opposite—

**Mr Smitherman:** I don't think it's funny.

**Hon Mr Stockwell:** I wasn't being humorous, Mr Smitherman. If we did go into committee of the whole to do this debate and the clock did continue to run till past 3 of the clock, would we be jeopardizing question period?

**The Speaker:** Yes, if we did.

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

#### VISITORS

**Hon Jim Wilson (Minister of Northern Development and Mines):** Mr Speaker, on a point of order: I would ask members of the Legislature to join with me in welcoming 52 members of the Minesing Good Times Club. They've come here for a good time, so I would ask all members—

*Applause.*

**Hon Mr Wilson:** Since they have come for a good time, could we at least behave today, folks?

**The Speaker (Hon Gary Carr):** We welcome our special guests.

#### STATEMENTS BY THE MINISTRY AND RESPONSES

##### TEACHERS' LABOUR DISPUTE

**Hon Brad Clark (Minister of Labour):** As members are aware, secondary school students with the Simcoe Muskoka Catholic District School Board have been out of class since November 4. They have endured rotating strikes since October 23 and a work-to-rule campaign by their teachers since September 24.

Bargaining between the school board and the union has come to a halt, leaving no end to this dispute in sight for students. As a result, the Education Relations Commission has advised that the continuation of the current situation will place the students' school year in jeopardy. It should be obvious to all members that the time to act is

now. We must ensure that these students' studies are not put at risk by a continuation of the strike. We must get them back to the classroom. That is why today I am introducing the Back to School Act (Simcoe Muskoka Catholic District School Board), 2002. This bill would get students back into the classrooms and ensure a fair settlement can be reached between the board and the union.

The government always prefers that labour disputes be resolved through the collective bargaining process. The best solution is a local solution, where the school board and the union achieve a mutually acceptable, fiscally responsible, negotiated settlement. We have given the school board and the union time to achieve such a settlement. Now the priority is to get the children's education back on track.

The bill, if passed by the Legislature, would provide a fair and balanced approach. It would get students back in their classrooms without delay. It would allow the school board and the union seven days to continue to negotiate a fair settlement or jointly agree to a mediator-arbitrator. If the school board and union are unable to reach a settlement or agree to a mediator-arbitrator within these seven days, the Minister of Labour would appoint an independent third party as mediator-arbitrator.

Until a new agreement is reached, the terms and conditions of employment would remain those that were in effect on the last day before the strike began. The mediation-arbitration process would begin within 30 days of appointment of a neutral third party, and a final award is to be made within 90 days of appointment.

The bill would also provide for maximum fines of \$2,000 for individuals and \$25,000 for the board or the union for non-compliance. Each day of non-compliance would be a separate offence.

We believe it would be best for the parties to reach an agreement and achieve a quick ending to their labour negotiations. We want school boards and their employees to be able to negotiate fair and reasonable contracts, but this must be done without jeopardizing the education of students.

Like parents, the government does not want the children's education further disrupted because of this dispute. We want Ontario's students to benefit from one of the best and most challenging curricula available and the assurance of quality provided by province-wide standards. That is why we are continuing to put students first by introducing the proposed Back to School Act (Simcoe Muskoka Catholic District School Board), 2002.

I call on all parties to also put the students of the Simcoe-Muskoka area first, as my honourable friends in the New Democratic Party did in 1993 with the Lambton County Board of Education and Teachers Dispute Settlement Act, the East Parry Sound Board of Education and Teachers Dispute Act, and the Windsor Teachers Dispute Settlement Act.

I would also encourage the Liberals to do the same as they did in 1985 with An Act respecting the Wellington

County Board of Education and Teachers Dispute and with the Wellington County Board of Education and Teachers Dispute Settlement Act, and in 1989 with an act respecting the Toronto Transit Commission labour disputes. It's important to note that when these bills were brought forth, there was all-party consent to get them passed.

I know the students in the Simcoe-Muskoka area want their schools to return to normal. Many of these 7,000 students are about to graduate from grades 12 and 13 and are now preparing to head to university or college. This is a crucial time for them, as the marks they receive now will help determine their future paths in life. We want these students in school, learning and growing.

I ask all members to support this legislation and allow it to proceed to second and third reading today so our children's education will get back to normal as soon as possible.

With that, I would ask that we get unanimous consent to proceed with this bill on second and third reading.

1420

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

Responses?

**Mr Gerard Kennedy (Parkdale-High Park):** We stand in the Legislature today with what is supposed to be a last-resort measure from the government, through the Education Relations Commission, when school boards and federations representing teachers can't arrive at agreements. But it is very important to remark here what the first resort of this government should and could have been to accommodate the students in Simcoe Muskoka, because this is just the latest: 136,000 days lost in Simcoe Muskoka, part of almost 25 million lost days under this government for students, three times as many days as the previous two governments combined because of the policy of turmoil and non-support for the school system that this government has made its breakfast and dinner when it comes to education policy. Every one of the students in Toronto and Simcoe and all around the province on average has \$1,200 less in support because this government deems them less valuable. Then they leave it to the boards and to the students and to parents to sort out where that hurt and that pain are going to be felt.

In some years we have had no increases in teachers' salaries and sometimes we have had instead some constraints in the system. They have put impossible choices in front of the boards and the teachers of this province and they have, in every instance, put paid to the title of this bill, or at least the subtitle: the interests of students last.

We have seen turmoil and fights incurred with teachers, with school boards. In fact, we see that last year this government has had such an impact on the teaching resources of this province—and that's how we need to start to regard the teachers that are part of this dispute—that we have 1,884 letters of permission from the government, letters that said that people who are not teachers

have to stand in front of the class and attempt to provide instruction to children. That's up from just 300 a few years before. Why? Because the policies of this government, the endless turmoil that they generate with their lack of support for the education system, are chasing teachers right out of the province and right out of the profession.

We say here today that it is vitally important that the province starts to awake to the implications. The Premier said to the boards of this province, "You should wait for us to provide more funding." Well, they've been waiting from the beginning of this year and there has been no additional funding coming forward—nothing apparently put forward by the member for Simcoe, nothing put forward by any of the members opposite—to see that there be some equitable funding.

In June of this year, Dalton McGuinty and I put forward a critical action plan. We said, "Don't give in to boards, don't give in to teachers; give in to students' needs," which is what we believe most of the people that are participants in this dispute today would like to see happen. This government had that opportunity. They could have reckoned with curriculum casualties, with the kids who were having very great difficulty passing courses.

We heard reference today to the double cohort. This may be the only thing this provincial government does on behalf of the kids in the double cohort, perhaps have them go back to school a few days earlier because, quite frankly, it's an absolute car crash that this government could have avoided in terms of providing for those kids in this year, trying to get their credits, trying to get into school, trying to get scholarships, trying to get spaces in colleges and universities, all courtesy of a government that has had a recipe for turmoil in our schools from day one. We see, just today, in front of us, the legislation that deals with just the most recent example of that.

This government has not had within it the ability to support publicly funded education. They have put their priorities forward and they have been for private schools. There has been a 54% increase in the enrolment of private schools. Four hundred public schools have closed, 200 private schools have opened, and the members opposite are proud of that effect.

We should not be surprised that we have in this Legislature yet another example of last-resort legislation, because there's no one opposite who will stand up for the average, everyday interests of students and the people who help make that system work.

**Mr David Ramsay (Timiskaming-Cochrane):** Legislating any worker back to work in this province is a very serious step, and I would have hoped that this government would have learned, from its experience in dealing with the Toronto garbage strike this summer, that they would have dealt with more sensitivity in dealing with the different parties involved in this, in looking at their choice of arbitrator. Several of the parties have put forward names, but unlike what finally happened in the

crisis dealing with the garbage strike, this government is adamant in not allowing the parties to come together and choose a mutually-agreed-upon arbitrator, but is going to appoint one in the end.

That's not the way to resolve these disputes. We should be working in partnership. This is a serious step to take, it's a tough step to take and we should make sure that all the parties are involved in this and that they can work together from the beginning to find an arbitrator who is acceptable to all sides, so we can get to a successful conclusion of this dispute.

**Mr Peter Kormos (Niagara Centre):** The Liberals support the government today by virtue of their vote on first reading. I tell you, New Democrats don't. Even the most cursory reading of this bill—take a look at subsection 10(5): “In appointing a mediator-arbitrator, the minister may appoint a person who has had no previous experience as an arbitrator, has not been previously or currently recognized as a person mutually acceptable, is not a member of a class of persons which has been or is recognized, who are mutually acceptable.” Obviously, the only inference to be drawn is that the Liberals support that proposition as well.

Take a look at subsection 10(7), where there is no possible review of even the most un-neutral, the most biased arbitrator. Subsection 10(7) permits this government to appoint—it has been said before; let's say it again—Guy Giorno as the arbitrator. The appointment of Guy Giorno would not be subject to a review.

New Democrats do not support this legislation. New Democrats will not willy-nilly force teachers back to work. New Democrats believe in free collective bargaining and New Democrats condemn this government and, quite frankly, their Liberal collaborators for giving boards of education like the Simcoe-Muskoka board carte blanche, because the Simcoe-Muskoka board doesn't have to negotiate. The Simcoe-Muskoka board can go to the table week after week, time after time empty-handed, silent, not prepared to participate in active negotiation, knowing full well that at the end of the day this government is going to reach in and pull them out of the wringer.

New Democrats don't agree with the government; we don't agree with the Liberals. The Liberals agree with the government; they don't agree with us. I understand that. New Democrats are standing with the teachers in Simcoe-Muskoka. New Democrats are going to ensure that those teachers get a resolution that's fair, that's just, that reflects their interests. Indeed it's their interests, when properly responded to, that are going to improve the quality of education, not just in Simcoe-Muskoka but in every board of education jurisdiction in this province.

**Mr Rosario Marchese (Trinity-Spadina):** I want to add a couple of things and say that I congratulate the teachers from the Simcoe-Muskoka area for standing up against a very hostile board and a very hostile government. These are the lowest-paid teachers in the whole of Ontario. For the last 10 years they haven't had an

increase. For the last 10 years these are the heroes of our system, working with our students. Because we expect the best, we think they should be paid as fairly as the rest of the teachers across Ontario, and they haven't had an increase in 10 years. When you factor in inflation, it's less than zero per cent. That's not fair.

The minister stands up and says, if you can believe him, “We think the best solution is a local solution.” How can they get a local solution when they're short of money to be able to negotiate fair agreements? You have, under your reign, not given the money they deserve to negotiate fair settlements. They are \$1 billion short of the money they need to be able to negotiate fair settlements. So how can you stand up and say the best solution is a local one, when you know without money they cannot ever have a local solution? You know that. They have been dipping into their reserve funds to balance their budgets. Reserve funds should not be dipped into to pay for ESL, to pay for librarians, adult education, music teachers, vice-principals, educational assistants, books—and the list goes on and on. They shouldn't be using reserve funds for those purposes.

Chris Stockwell puts his hand to his forehead like this, as the typical young adolescent that he is from time to time. What are you talking about?

*Interjection.*

**1430**

**Mr Marchese:** Teachers are looking for the fairness they deserve. We are telling you that the public needs to know that the problem is not with the teachers; the problem is with this government. The debate needs to happen in this place. Unless we do that, the public will not know, and they will take a position against teachers, I would say, unfairly. The fairness of the argument takes place in here. We will expose it. We will fight for the fairness that students and teachers need and we will make sure that will happen. We're not going to let you just come up here and say, “We will give unanimous consent so teachers can go back into the classroom, so they”—and Liberals, God bless, with their support. We're not going to let that happen. The debate will happen here, and fairness will take place in this Legislative Assembly.

#### VISITORS

**Mr Michael Gravelle (Thunder Bay-Superior North):** On a point of order, Mr Speaker: I'd like to introduce some very special guests that we have visiting from the Northwestern Ontario Associated Chambers of Commerce. In the members' gallery west we have Tannis Drysdale, the president of NOACC; Jon Christianson, the past president of NOACC; Mary Long Irwin, the president of the Thunder Bay Chamber of Commerce; and Debbie Schatkowski from the Kenora Chamber of Commerce. We welcome you.

*Applause.*

**The Speaker (Hon Gary Carr):** I thank the members.

## DEFERRED VOTES

MUNICIPAL STATUTE LAW  
AMENDMENT ACT, 2002LOI DE 2002 MODIFIANT DES LOIS  
EN CE QUI A TRAIT AUX MUNICIPALITÉS

Deferred vote on the motion for third reading of Bill 177, An Act to amend the Municipal Act, 2001, the Municipal Elections Act, 1996 and other Acts consequential to or related to the enactment of the Municipal Act, 2001 and to revise the Territorial Division Act / Projet de loi 177, Loi modifiant la Loi de 2001 sur les municipalités, la Loi de 1996 sur les élections municipales et d'autres lois par suite de l'édiction de la Loi de 2001 sur les municipalités et révisant la Loi sur la division territoriale.

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

*The division bells rang from 1431 to 1436.*

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

## Ayes

Agostino, Dominic	Ecker, Janet	Mushinski, Marilyn
Arnott, Ted	Elliott, Brenda	Newman, Dan
Baird, John R.	Flaherty, Jim	O'Toole, John
Barrett, Toby	Galt, Doug	Ouellette, Jerry J.
Bartolucci, Rick	Gerretsen, John	Parsons, Ernie
Beaubien, Marcel	Gill, Raminder	Patten, Richard
Bountrogianni, Marie	Gravelle, Michael	Peters, Steve
Boyer, Claudette	Hudak, Tim	Phillips, Gerry
Bradley, James J.	Johns, Helen	Pupatello, Sandra
Brown, Michael A.	Johnson, Bert	Ramsay, David
Bryant, Michael	Kells, Morley	Runciman, Robert W.
Caplan, David	Kennedy, Gerard	Sampson, Rob
Chudleigh, Ted	Klees, Frank	Sergio, Mario
Clark, Brad	Kwinter, Monte	Smitherman, George
Clement, Tony	Lalonde, Jean-Marc	Sorbara, Greg
Coburn, Brian	Levac, David	Spina, Joseph
Colle, Mike	Marland, Margaret	Sterling, Norman W.
Conway, Sean G.	Maves, Bart	Stewart, R. Gary
Cordiano, Joseph	Mazzilli, Frank	Stockwell, Chris
Crozier, Bruce	McDonald, AL	Tascona, Joseph N.
Cunningham, Dianne	McGuinty, Dalton	Tsubouchi, David H.
Curling, Alvin	McLeod, Lyn	Turnbull, David
DeFaria, Carl	McMeekin, Ted	Wettlaufer, Wayne
Di Cocco, Caroline	Miller, Norm	Wilson, Jim
Dombrowsky, Leona	Molinari, Tina R.	Witmer, Elizabeth
Duncan, Dwight	Munro, Julia	Wood, Bob
Dunlop, Garfield	Murdoch, Bill	Young, David

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

## Nays

Churley, Marilyn	Kormos, Peter	Martin, Tony
Hampton, Howard	Marchese, Rosario	Prue, Michael

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 81; the nays are 6.

**The Speaker:** I declare the motion carried. Be it resolved that the bill do now pass and be entitled as in the motion.

CONSUMER PROTECTION STATUTE  
LAW AMENDMENT ACT, 2002LOI DE 2002 MODIFIANT DES LOIS  
EN CE QUI CONCERNE  
LA PROTECTION DU CONSOMMATEUR

Deferred vote on the motion for second reading of Bill 180, An Act to enact, amend or revise various Acts related to consumer protection / Projet de loi 180, Loi édictant, modifiant ou révisant diverses lois portant sur la protection du consommateur.

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

*The division bells rang from 1440 to 1445.*

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

## Ayes

Agostino, Dominic	Flaherty, Jim	Newman, Dan
Arnott, Ted	Galt, Doug	O'Toole, John
Baird, John R.	Gerretsen, John	Ouellette, Jerry J.
Barrett, Toby	Gill, Raminder	Parsons, Ernie
Bartolucci, Rick	Gravelle, Michael	Patten, Richard
Beaubien, Marcel	Hampton, Howard	Peters, Steve
Bountrogianni, Marie	Hudak, Tim	Phillips, Gerry
Boyer, Claudette	Johns, Helen	Prue, Michael
Bradley, James J.	Johnson, Bert	Pupatello, Sandra
Brown, Michael A.	Kells, Morley	Ramsay, David
Bryant, Michael	Kennedy, Gerard	Runciman, Robert W.
Caplan, David	Klees, Frank	Sampson, Rob
Chudleigh, Ted	Kormos, Peter	Sergio, Mario
Clark, Brad	Kwinter, Monte	Smitherman, George
Clement, Tony	Lalonde, Jean-Marc	Snobelen, John
Coburn, Brian	Levac, David	Sorbara, Greg
Colle, Mike	Marchese, Rosario	Spina, Joseph
Conway, Sean G.	Marland, Margaret	Sterling, Norman W.
Cordiano, Joseph	Martin, Tony	Stewart, R. Gary
Crozier, Bruce	Maves, Bart	Stockwell, Chris
Cunningham, Dianne	Mazzilli, Frank	Tascona, Joseph N.
Curling, Alvin	McDonald, AL	Tsubouchi, David H.
DeFaria, Carl	McGuinty, Dalton	Turnbull, David
Di Cocco, Caroline	McLeod, Lyn	Wettlaufer, Wayne
Dombrowsky, Leona	McMeekin, Ted	Wilson, Jim
Duncan, Dwight	Miller, Norm	Witmer, Elizabeth
Dunlop, Garfield	Molinari, Tina R.	Wood, Bob
Ecker, Janet	Munro, Julia	Young, David
Elliott, Brenda	Murdoch, Bill	
	Mushinski, Marilyn	

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 88; the nays are 0.

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

Pursuant to the order of the House dated November 19, 2002, this bill is ordered referred to the standing committee on finance and economic affairs.

For the people in the gallery who have asked, we have one more deferred vote before question period.

LEGAL AID SERVICES  
AMENDMENT ACT, 2002

LOI DE 2002 MODIFIANT LA LOI  
SUR LES SERVICES D'AIDE JURIDIQUE

Deferred vote on the motion for third reading of Bill 181, An Act to amend the Legal Aid Services Act, 1998 /  
Projet de loi 181, Loi modifiant la Loi de 1998 sur les services d'aide juridique.

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

*The division bells rang from 1449 to 1454.*

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

**Ayes**

Arnott, Ted	Hudak, Tim	Ouellette, Jerry J.
Baird, John R.	Johns, Helen	Runciman, Robert W.
Barrett, Toby	Johnson, Bert	Sampson, Rob
Beaubien, Marcel	Kells, Morley	Snobelen, John
Chudleigh, Ted	Klees, Frank	Spina, Joseph
Clark, Brad	Marland, Margaret	Sterling, Norman W.
Clement, Tony	Maves, Bart	Stewart, R. Gary
Coburn, Brian	Mazzilli, Frank	Stockwell, Chris
Cunningham, Dianne	McDonald, AL	Tascona, Joseph N.
DeFaria, Carl	Miller, Norm	Tsubouchi, David H.
Dunlop, Garfield	Molinari, Tina R.	Turnbull, David
Ecker, Janet	Munro, Julia	Wettlaufer, Wayne
Elliott, Brenda	Murdoch, Bill	Wilson, Jim
Flaherty, Jim	Mushinski, Marilyn	Witmer, Elizabeth
Galt, Doug	Newman, Dan	Young, David
Gill, Raminder	O'Toole, John	

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

**Nays**

Agostino, Dominic	Di Cocco, Caroline	McLeod, Lyn
Bartolucci, Rick	Dombrowsky, Leona	McMeekin, Ted
Bountrogianni, Marie	Duncan, Dwight	Parsons, Ernie
Boyer, Claudette	Gerretsen, John	Patten, Richard
Bradley, James J.	Gravelle, Michael	Peters, Steve
Brown, Michael A.	Hampton, Howard	Phillips, Gerry
Bryant, Michael	Kennedy, Gerard	Prue, Michael
Caplan, David	Kormos, Peter	Pupatello, Sandra
Churley, Marilyn	Kwinter, Monte	Ramsay, David
Colle, Mike	Lalonde, Jean-Marc	Sergio, Mario
Conway, Sean G.	Levac, David	Smitherman, George
Cordiano, Joseph	Marchese, Rosario	Sorbara, Greg
Crozier, Bruce	Martin, Tony	
Curling, Alvin	McGuinty, Dalton	

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 47; the nays are 40.

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

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

VISITORS

**Mr George Smitherman (Toronto Centre-Rosedale):** On a point of order, Mr Speaker: I hope that all members might join with me in welcoming the grade 11 students from Rosedale Heights, accompanied by Frank Rioux,

their teacher, a former political staffer here at Queen's Park.

**Hon Brad Clark (Minister of Labour):** On a point of order, Mr Speaker: Since the House is on a roll in voting together on issues, I'd seek unanimous consent to move second and third readings on our Muskoka school bill.

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

**Hon Jim Wilson (Minister of Northern Development and Mines):** On a point of order, Mr Speaker: I just want to introduce His Worship Mayor Rick Brassard, the mayor of Englehart.

**Mr Mike Colle (Eglinton-Lawrence):** On a point of order, Mr Speaker: Since we're on a roll here, as the Minister of Labour said, I would like to get unanimous consent to agree to the playing or singing of O Canada once in the Legislature every week as part of our proceedings.

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** On a point of order, Mr Speaker: Could we amend that to twice a week?

**Mr Colle:** Sure.

**Hon Mr Stockwell:** OK.

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

Just so we know as we continue on, we're right now at 3 o'clock. If we begin now, we can get the hour of question period in.

ORAL QUESTIONS

EDUCATION FUNDING

**Mr Dalton McGuinty (Leader of the Opposition):** My first question today is to the Minister of Education. Minister, it turns out that last week's Toronto public school board budget was wrong. The budget you celebrated as increasing funding to classrooms in fact did the opposite. It cut classroom funding by a full \$23 million. My question is, why did you tell Toronto parents their children would get more classroom dollars when in fact that funding will be cut by \$23 million?

**Hon Elizabeth Witmer (Deputy Premier, Minister of Education):** I think the Leader of the Opposition has neglected to keep in mind what the point of the exercise was. What happened in Toronto was that the trustees refused to abide by the Education Act and pass a balanced budget. In response to the refusal of a small majority of trustees to not abide by the law, it became necessary for us to send in a supervisor.

I am very pleased to say that the supervisor's task was to balance the budget, and last week the supervisor did exactly that: he balanced the budget.

1500

**Mr McGuinty:** Minister, I assume you're agreeing now that in fact classroom spending is going to be cut by \$23 million.

Last week the Premier boasted, and I quote, "The supervisor has managed to increase [spending in] the classroom." That simply was not true.

Several months ago, when he first appointed supervisors in Ottawa, Toronto and Hamilton, he said classroom spending would not be affected. That is not true either.

The truth is that both in Toronto and in Ottawa you can't balance the books. You're short \$16 million here in Toronto. Our kids are continuing to pay the price as a result of your cuts to education. That means less money for textbooks, less money for special education programs, less money for computers, less money for teachers and assistants and on and on.

Madam Minister, will you now admit the truth: your supervisors' budgets are doing nothing less than further compromising our children's education.

**Mr Gerry Phillips (Scarborough-Agincourt):** Christie just lied.

**Hon Mrs Witmer:** For five years, the trustees on this board had the opportunity to use almost \$1 billion in transition funding in order to make a smooth transition to the funding model. Unfortunately, they refused to use the funding to do the necessary restructuring: they did not make the decisions; they did not pass a balanced budget; they did not obey the law. As a result of that, we sent in the supervisor.

Now, I think the opposition would agree with me that all of the programs they said were in jeopardy are there: the swimming pools, the heritage language and the parenting centres. All the things you said would be gone are still in place.

The other thing I can tell you is that spending, if we take a look at the classroom—

*Interjections.*

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

**Mr McGuinty:** Madam Minister, why not have the decency to admit that this entire business of taking over school boards and imposing supervisors has been an expensive, time-wasting charade. The end result has been further compromises to our children's education. You did not balance the budget in the city of Toronto. We're short \$23 million more this year when it comes to our children's education, and you're short \$16 million when it comes to balancing the budget.

This has been an expensive, time-wasting charade that is further compromising the education of our children. Why not have the decency to stand up and admit that this has been a terrible exercise? It has wasted money, it has been a fraudulent perpetration on our children, and it has done nothing more and nothing less than impose further cuts on their education.

*Interjections.*

**The Speaker:** Order. I'm going to ask the member to withdraw that comment, please.

**Mr McGuinty:** I withdraw the comment, Speaker.

**Hon Jim Flaherty (Minister of Enterprise, Opportunity and Innovation):** On a point of order, Mr

Speaker: I heard the member from Scarborough-Agincourt say a moment ago, "Christie just lied." That is unbecoming—

**The Speaker:** Order. Take your seat. The member will know that he didn't say it about a minister. I listened very carefully. He did not indicate the minister. I would say this, however: I would ask all members to think before they make any comment.

The Minister of Education has the floor.

**Hon Mrs Witmer:** The Leader of the Opposition appears to be somewhat confused on this whole issue of whether or not trustees or boards should be required to balance their budgets, or whether they should be allowed to break the law. In fact, in September 2002, Mr McGuinty suggested trustees should be allowed to make their own decisions. Then he goes on to say that the school board does not balance the books—

*Interjections.*

**The Speaker:** Minister, take your seat. Come to order, please. Would the minister continue, please.

**Hon Mrs Witmer:** As I said, the Leader of the Opposition seems to be confused in his position. Then he goes on to say that if they do not balance the books, the Liberals would be "all over them like a cheap suit."

Do you know what? I can tell you about the budget. The budget was able to increase spending for classroom teachers, textbooks, classroom supplies and classroom computers. There were no school closures. There were more—

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

## PENSION PLANS

**Mr Dalton McGuinty (Leader of the Opposition):** My question is to the Minister of Finance. Minister, on Friday there was a landmark ruling in the Ontario Court of Appeal that protects employee rights when it comes to their pension surpluses. You will know that your omnibus bill is going to change all of that. You want to turn the tables and allow employers to raid pension funds of any surplus and keep it for themselves. We believe that is patently unfair. We believe that any decision regarding pension funds ought to be a joint decision involving the employer and the workers. Will you respect the unanimous decision of the Ontario Court of Appeal by withdrawing your changes to the Ontario pension law?

**Hon Janet Ecker (Minister of Finance):** I would agree with the honourable member that nothing should be allowing employers to raid pension plans. The proposals do not do that. We respect the fact that the court has made a decision, we respect the fact that that decision may have an impact on the amendments, and that's why we put out the statement on Friday to say that we will not proclaim those sections of the bill until we have analyzed the court decision thoroughly to make sure there is nothing in any proposals that is taking away any rights of pensioners in this, because that is not the intent nor is that the desire of the government.

Secondly, we will continue to do consultations on any proposed regulations, again to make sure that pensioners who have heard this debate, pensioners who may be concerned, can see and can feel fully confident that their pensions are secure.

**Mr McGuinty:** Madam Minister, do you honestly think that Ontario workers, people who stand to benefit in one way or another under a pension, are going to take satisfaction in knowing that you're going to take this away and somehow, under cover of darkness, you're going to make some kind of a decision that's going to respect their interests and their needs? Hardly.

The question everybody is asking is, why are you doing this? Last week, you were asked to name one single employee group that supports what you're doing, and you could not. You said you needed to ram this bill through the Legislature to keep pensions viable, but you can't name a single pension plan whose viability is at risk.

The highest court in Ontario has now told us that the surplus is something that should be shared. Your legislation is going to give employers the right to take the surplus away from the workers who have earned it, and it denies those workers any right of appeal. Minister, it's fundamentally not about workers, and it's not about the employers; it's about what is fair in the circumstances.

We believe that workers and employers should be making joint decisions when it comes to the future of their pension funds. We think what you're doing is fundamentally wrong. We think the right thing to do in the circumstances, Madam Minister, is to withdraw your changes to Ontario pension law.

**Hon Mrs Ecker:** Obviously the honourable member has not read the legislation or read the discussion paper, because the legislation specifically recognizes and requires in many circumstances that a surplus-sharing agreement between the employer and the employees is the preferred way to go. Absolutely we agree with pensioners on this issue. But we should also be very clear that if there is no change in the current situation of uncertainty that is causing people to go to court, that is causing groups to make applications for this, that there were circumstances where pension plans could be forced into putting surpluses out for employees, whether the plan was able to withstand that or not—now, maybe the honourable member thinks that is not something that the government should be concerned about. But I would think pensioners would want to know that decisions made about their pension plan are paying attention to the future viability of the plan.

1510

**Mr McGuinty:** Madam Minister, I have no idea what you're saying. What I know is what the Ontario Court of Appeal said—they were very, very clear—that workers have to be involved when it comes to issues dealing with the future of their pension funds. It is as simple and as straightforward as that. If you're looking for clarity on this, read the decision. The offending sections of your bill are going to affect hundreds of thousands of Ontarians

and millions and millions of dollars. There were 200 cases—that's 200 separate employee groups—awaiting the Monsanto decision. You want to pass legislation now that is going to take their rights away from them without giving them any right of appeal.

Your bill is wrong. It's wrong to trample on the rights of hard-working people and then unilaterally and retroactively change their pension rules. What you want to do now is that you're looking for us to give you authority to make changes under cover of darkness. This bill was wrong from the outset. The policy that informs it is wrong. It is patently unfair to Ontario workers. The only reasonable and responsible thing to do is to withdraw this change to Ontario pension law.

**Hon Mrs Ecker:** The honourable member seems to be ignoring the advice of many, many pension experts who have publicly stated that with the reduction in investment income that has hit many pension plans—a National Post article, for example; a study by Caldwell Securities—46 major Canadian companies with pension plans expressed the concern that there were underfunded plans out there—a Globe and Mail article; a UBS Warburg study—again, a warning that pension plans have to be very, very cautious about how they continue to function so they remain viable. Maybe the Liberal Party thinks the government should ignore that. On this side of the House, we believe steps should be taken to ensure that there is nothing that takes away the rights of pensioners, that legislation respects, encourages, supports employees making surplus—

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

## HYDRO DEREGULATION

**Mr Howard Hampton (Kenora-Rainy River):** My question is for the Minister of Energy. Minister, a quick review of your pre-election hydro bribe legislation reveals that Hazel McCallion, mayor of Mississauga, is right: you will stick the municipal hydro utilities with the \$500-million cost of implementing your hydro deregulation and privatization fiasco and you will stick them with the cost of sending out the rebate cheques, which means the only way they can recover this is by, in effect, putting it on to municipal property taxpayers. A \$500-million cost spread across property taxpayers in this province is \$100 per household. Do you really believe that you can bribe people with a \$75 cheque—

**The Speaker (Hon Gary Carr):** Order. The member has to withdraw the word "bribe." You're not going to be able to use that. Withdraw it, please.

**Mr Hampton:** I withdraw it. Minister, do you really believe that you can send out a \$75 cheque before the election and then force up people's property taxes to cover your tracks, and that people are going to fall for it?

**Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs):** I'd like to address both issues that the honourable member raised.

With respect to those costs to get the rebate out, we believe they should be recoverable from a corporation should the local distribution company get the rebate out by December 31, after the 2006 freeze.

With respect to the market-ready costs, they have not even begun to be determined by the Ontario Energy Board. I think some are rather modest, like in the case of Mississauga. Some are perhaps greater than they need to be. The Ontario Energy Board will make those determinations at some period of time in the future, as they were going to do, and they'll be held as assets.

So the leader of the third party is wrong on both of those.

**Mr Hampton:** What's clear from reading your legislation is that scam artists like Direct Energy will continue to collect their outrageous profits and get a rebate from the taxpayers of Ontario as well; that Hydro One won't be forced to operate on a not-for-profit basis; that Brascan, British Energy and OPG will continue to charge outrageous prices, but municipalities are being lined up to carry all the freight here.

Minister, there are a number of municipal hydro utilities that are already on the brink of bankruptcy thanks to your deregulation and privatization fiasco. Now you're going to stick them with more costs. Do you really think you're going to get away with this? Do you really think you can say to the Hazel McCallions of the world that they should just buzz off?

**Hon Mr Baird:** I don't think there is anyone in the province of Ontario who would indicate that to Her Worship, the Mayor of Mississauga.

With respect to Hydro One and the two examples you raised, both for the cost of getting rebates into consumers' hands and for the market-ready costs, we're going to treat Hydro One exactly as we treat every other local distribution company in Ontario. That is not any different.

I suggest to the member opposite that he might want to take more than a few moments to read the bill that was presented to the House. I'd certainly be very happy to offer him and his folks a briefing on the issues so he can be informed as to its contents.

**Mr Hampton:** There is nothing in this bill that will force Hydro One, for example, to roll back its transmission charges that are now profit-based. There is nothing in this bill that is going to force Direct Energy to fork over the 40% increase in hydro costs that they've pushed on.

For almost over a century, municipal hydro utilities have always paid their bills on time. Now, after your deregulation and privatization fiasco, Dominion Bond Rating Service last Friday came out and said that many of them are in big financial trouble. Now, in your attempt to cover up the disaster of hydro privatization and deregulation, you're going to push more costs on to them.

Why don't you just admit it? Hydro privatization and deregulation is the problem. Kill it, not the municipal hydro utilities.

**Hon Mr Baird:** The leader of the third party raises three issues, and I'll go through them one by one.

With respect to marketers like Direct Energy, under the piece of legislation we introduced, they are not entitled to a single cent more than they were entitled to before the legislation was introduced—not a single cent.

With respect to transmission charges at Hydro One, they have been frozen and they haven't gone up since the market opening.

With respect to local distribution companies, what we're doing is going back to the price of the commodity that existed before the market opening. I don't recall a single local distribution company going under on that former process.

## PENSION PLANS

**Mr Howard Hampton (Kenora-Rainy River):** My next question is for the Minister of Finance. On Friday the highest court in Ontario, the Ontario Court of Appeal, delivered a clear and unanimous judgment. They said that under the existing Ontario Pension Benefits Act, a pension surplus must be distributed to employees affected by a plant shutdown and mass layoffs. Your government has tried to tell Ontarians that the existing pension law must be amended and clarified, but the Court of Appeal says it's very clear.

What is equally clear is that the whole objective of your offensive pension amendments is to give your corporate friends on Bay Street the capacity to go in and raid the pension plans of retirees and hard-working employees.

Now that the Ontario Court of Appeal has said clearly and unanimously that you are wrong and your pension amendments are wrong, will you withdraw them from Bill 198 immediately?

**Hon Janet Ecker (Minister of Finance):** I think it's very clear to note that the Monsanto court decision was about a particular circumstance. It was not a judgment on proposed legislation before this House.

However, we quite recognize the significance of this decision for workers. We quite recognize the fact that there is a great deal of concern among pensioners that something could happen to their pension plans that might jeopardize their rights. We do not wish this to happen. That is why we have said very clearly that those amendments are not going to be proclaimed. There needs to be further work done to ensure they are consistent with the court decision. If they're not, they will be amended.

## 1520

Second, any regulations that may or may not go forward will not go forward until there has been clear consultation, until all of the groups are very aware that their rights have been protected. This is about respecting those plans where there is, in the plan documents, old documents, new documents, where there is entitlement for—

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

**Mr Hampton:** What a pile of complete nonsense. The Ontario Court of Appeal interpreted the law of Ontario,

the Ontario Pension Benefits Act, and they said there's no need for clarification, there's no need for amendments. The law is clear: where there is a plant shut down and there is a pension surplus, it must be equally shared between employer and employees. They said that your amendments aren't necessary.

Let's recognize what your amendments are all about. Your amendments are all about making it possible for your greedy friends on Bay Street to take money away from retirees, to take money out of the pension plan of people who've worked for years and years. That's what it's about. It is theft from people's pension plans. If you had any decency, you would do what you've done in the past with some of your other budget bills: you'd amend it. You'd rip those sections out of the bill, because it is an insult to all hard-working Ontarians that you even tried to do this. Will you do it now?

**Hon Mrs Ecker:** This legislation respects the rights of employees. It does not allow employers to raid pension funds.

Secondly, let's be very clear. We have said we are analyzing the court decision. We quite understand the concern that pensioners may have. We want to make sure that pension plans, that the rights that pensioners have, that the earned benefits that pensioners have, are indeed protected. This legislation will respect the court decision or it will be amended.

Regulations under any sections will be thoroughly consulted on. We've got additional meetings scheduled. I repeat, as I've said in this House before, this is an issue that has been worked for over two years. The government was very open about the concerns and the problems, and consulted in order to try and resolve the issue. If we haven't got an appropriate resolution, we are prepared to continue to make sure we have a resolution so that pensioners' rights are respected.

#### EDUCATION FUNDING

**Mr Gerard Kennedy (Parkdale-High Park):** I have a question for the Minister of Education. Minister, I want to speak to you directly in your special capacity as the person particularly responsible for the kids in the Toronto public system. Last week you and the Premier said things like, and this is the Premier's quote, "First of all, money spent in the classroom has actually increased under the supervisor's recommendation." Figures were released to say there was a \$2-million increase. In fact, there was a \$23-million cut to the classroom.

Minister, you had to know. You have the staff; you have the supervisor's staff, the board's staff. They're all working for you now. You had to know. Your job is to protect those kids. For three days, until it was pointed out by somebody else, you let that be told to the parents and children of this province. How is it possible that you would forgo your responsibility and let a story like that get told to the parents and students of this city?

**Hon Elizabeth Witmer (Deputy Premier, Minister of Education):** The story that needs to be told is the fact

that a small majority of trustees refused to obey the Education Act. It was necessary to send in a supervisor, and the supervisor managed to balance the budget. All those programs that you said were going to be cut—the swimming pools, the heritage languages, the parenting centres—are still in place. Furthermore, there is more spending for classroom teachers, for textbooks and classroom supplies, as well as computers. There was also more money for hall monitors in order that there would be extra school safety. Those are the facts.

**Mr Kennedy:** They are wrong. The minister opposite, who is responsible for the well-being of children in the Toronto public school system, directly took it over, and last week the minister and the Premier said they were protecting the interests of those children by not having cuts to the classrooms.

Minister, you know then there were \$23-million worth of cuts. You tried to say just now the budget was balanced. In fact, there's a \$16-million deficit. You're not telling the people of this city what's happening in their schools. I want to say to you, as they have in fact fewer textbooks, according to the real figures, as they have less classroom support, less teachers' assistants, less supply teachers, why should anyone in this province in any of the schools believe you when you let this be on the public record for as long as it was when you clearly had the knowledge beforehand that things were different?

**Hon Mrs Witmer:** I guess the question is, why would anyone believe you? You were the people who talked about parenting centres—gone; heritage language—gone; swimming pools—gone. Instead, all of those programs were saved, plus there was a balanced budget plan, plus there is more money for classroom teachers and textbooks and classroom supplies, stabilized spending for special education, stabilized spending on school maintenance, stabilized funding for the itinerant music teachers, the preservation of the international language programs, and stabilized funding for the parenting and family literacy centres. This is the job that the trustees could do and refused to do.

*Interjections.*

#### SCIENCE NORTH

**Mr AL McDonald (Nipissing):** My question is for the Minister of Culture. I understand that on November 9 you were in Sudbury to announce this government's support for the capital expansion underway to improve the facilities at Science North. We all know that Science North is a very popular attraction in northern Ontario. In fact, you know that—

*Interjections.*

**The Speaker (Hon Gary Carr):** This is the last warning for the member for Parkdale-High Park and the member for Windsor West. If they continue to yell across when the question is being asked by someone else, they will be thrown out. Last warning for both of them.

Sorry for the interruption, member for Nipissing.

**Mr McDonald:** Minister, we all know that Science North is a very popular attraction in northern Ontario. In fact, you do know, and I was happy to hear, that Science North was the winner of the 2002 Attractions Canada national award for best indoor site with an operating budget of more than \$400,000. Science North has become famous for its visitor-friendly approach, which creates an environment that highlights learning over teaching.

Minister, could you tell us a bit about this expansion project?

**Hon David H. Tsubouchi (Chair of the Management Board of Cabinet, Minister of Culture):** I thank the member for Nipissing for that excellent question. I did have the pleasure of being in Sudbury to visit Science North along with my colleague the Minister of Tourism. We were able to announce a \$2.2-million investment over two years for the expansion of Science North. Science North will be looking for an 8,500-square-foot expansion to go to the educational and tourist attraction, as well as exhibit floors and science workshops.

I give my congratulations to both Jim Marchbank, who is the CEO, and Risto Laamanen, who is the chairperson, for the wonderful “bluecoats,” as they are affectionately called, who make a visit to Science North a memorable learning experience. There are also volunteers there who wear light blue coats, as the member for Sudbury knows, 150 or 200 of them, some of them over 80, and some of them as young as 13 or 14 years old who plan to have careers in science and who make our experience there a wonderful thing.

**Mr McDonald:** Thank you, Minister. I also understand that in keeping with their entrepreneurial spirit and through their independent business division, Science North continues to market and sell their expertise in multimedia attractions, film production and program development. I understand that the recent IMAX film Jane Goodall’s Wild Chimpanzees and the creation of Discovering Chimpanzees are both examples of this entrepreneurial spirit. Both of these exhibits have now moved on to Cincinnati and will tour other American cities and bring revenue back to Science North.

Minister, could you tell this House what future plans Science North may have for the people of Ontario to enjoy?

**Hon Mr Tsubouchi:** One thing that really struck me about Science North when I was there was the fact that they are quite a leader in innovation. This was brought home to me with some of the innovative projects they are doing in exporting our talent to the United States. For example, and this is quite ironic, at the Tech Museum of Innovation in San José, in the middle of Silicon Valley, Science North was hired to create this wonderful theatre of innovation in Silicon Valley. The same thing happened in the middle of car country with the Henry Ford Museum in Dearborn, Michigan. They were the ones asked to do this display on cars. What’s really exciting is that they’ve got this wonderful exhibit called the

Dynamic Earth project, at a cost of \$14.35 million, that allows visitors to Sudbury to really engage in what Sudbury is all about—the mining community and the community itself—explaining it in a wonderful way to visitors. It’s a wonderful project for tourists, and this is exceedingly good news for Sudbury as well.

1530

## PENSION PLANS

**Mr George Smitherman (Toronto Centre-Rosedale):** My question is to the Minister of Finance, and it concerns Bill 198 and, in particular, the pension considerations. She has used the word “viability” so many times in trying to define this issue, when everybody but her seems to have understood that it’s about state-sanctioned robbery designed to placate the business elite—

**The Speaker (Hon Gary Carr):** You have to withdraw that, please.

**Mr Smitherman:** Yes, I withdraw.

It is about state-sanctioned legislation that is designed to offer an incentive to corporations to take all of the surpluses out of pension funds. This honourable member, who ran around getting sports teams to sign off for \$10 million, has established a record that makes people very concerned about dealing with her, to the point where she refuted the suggestion that I made on Thursday about her flawed consultation, only to agree by Friday at 6:15.

So, Madam Minister, I’d like to ask you a question, which is: will you stand in your place today and agree to withdraw section 25 of Bill 198 because it is so deeply flawed?

**Hon Janet Ecker (Minister of Finance):** If the honourable member has read Bill 198, he knows that the tax to which he refers, the special treatment for sports teams, is not allowed to proceed under that legislation, so perhaps he might want to consider voting for the legislation since he seems to agree with the direction.

First of all, what the honourable member should understand is that some pension plans currently allow employers access to surpluses. One of the things this bill talks about in the proposals is that there has to be an application, there has to be entitlement, there has to be protection for the rights of pensioners. The plan itself has to have a surplus to distribute. I’m sure the honourable member would agree with that.

We understand that the court has ruled. We are taking a look at that court decision. We are making sure that anything this government wishes to do is clearly respecting rights workers have in this province, and we will continue to do that. I think it is only due diligence to do that.

**Mr Smitherman:** It would be nice if it were so, but it isn’t, because the legislation you propose wipes out any of the rights that the Monsanto workers were awarded on Friday. If that isn’t enough, it goes one rather significant step further, to make Ontario the only jurisdiction in North America that encourages the stealing of surpluses from ongoing pension funds, section 79.1.

So, Madam Minister, since you don't seem to understand your own legislation and since you didn't take the time over the weekend to read it and because you have admitted that it's probably way out of whack, why don't you do the honourable thing and withdraw it today?

**Hon Mrs Ecker:** Employers were not required to distribute surpluses in partial windup situations under the Liberals and under the NDP. But decisions have been made that have made it very unclear. What is important here is that we are looking at the court decision. We are not going to be proceeding with something that is flouting the rights of workers. We are continuing to sit down with all of the groups that are part of this, because this legislation does not, nor would we stand for something that would, allow employers to raid pension plans, to take away the rights of workers. That would not be appropriate and would not be fair. If the honourable member would like a full briefing on this, we'd be quite happy to give it to him.

#### HIGHWAY 69

**Mr Norm Miller (Parry Sound-Muskoka):** My question is for the Minister of Transportation. Minister, road safety has been improving in this province. In 1994, Ontario had the eighth-safest roads in North America; by 1999, we had improved to having the second-safest roads.

Sadly, tragedies do occur on our highways. There have been growing concerns, including those of our own Premier, over the safety and the stretch of Highway 69 between Parry Sound and Sudbury. This part of the highway has seen a number of tragic collisions and loss of life. The loss of even one life is one too many.

The Premier has committed to making this two-lane stretch of Highway 69 safer by expanding it to four lanes within 10 years. Will you tell us what you are doing to make sure this happens?

**Hon Norman W. Sterling (Minister of Transportation):** Our Premier is the first leader of any political party to make a commitment and commit to a time frame for four-laning Highway 69 to Sudbury. Road safety is a top priority in my ministry and our Premier announced in Sudbury on November 21 that we are working to complete the four-laning of Highway 69 from Parry Sound to Sudbury in stages. Starting in 2003, we will begin construction of 14 kilometres of four-lane highway north of Parry Sound. We are finalizing the design and acquiring property to allow construction of another 20 kilometres south of Sudbury. We're fast-tracking the schedule to complete four-laning of the 118 kilometres between Noble and Estaire.

When all is said and done, over \$1 billion will have been spent four-laning Highway 69, one of the largest transportation projects the government has ever tackled. We are proud of this commitment and the \$1.6 billion we have spent on highways in northern Ontario since 1995.

**Mr Miller:** Thank you, Minister, for restating that commitment.

There are many factors that contribute to collisions on our highways. We hear from police and other authorities that many collisions are preventable. I certainly appreciate that our roads are the safest in Canada for the second straight year, but any loss of life on Ontario's highways is a concern for us all.

People are concerned about what appears to be an increasing number of collisions and fatalities. What is your ministry doing in the shorter term to make it safer for those who drive on this highway?

**Hon Mr Sterling:** Unfortunately, we cannot build roads immediately. There are many, many things that we are doing in the interim to deal with the problem with highway use on 69. Over the past 13 years—that is, from 1988 to 2000—the overall average of the collision rate actually has declined slightly.

However, we continue to be concerned about fatal collisions. According to the police reports on Highway 69, in fatal collisions, some 27% involved drivers that were speeding, following too closely or passing improperly. We are helping to improve road safety through the implementation of our Highway 69 action plan, installing 50 new road signs to promote safe driving habits, increasing enforcement of commercial vehicles by 30% and short-term highway improvements to the S curve south of Highway 637. But we cannot do this alone; drivers must improve their habits. We will continue to look at methods to stop the fatalities that are occurring on Highway 69.

#### EDUCATION FUNDING

**Mr Rosario Marchese (Trinity-Spadina):** My question is to the Minister of Education. Evidently, the supervisor is allowed to carry a deficit of \$9.5 million over a three-year period for severance for all of the workers that he has either laid off or is firing. But the trustees at the Toronto Board of Education reminded me that there is a \$45-million account that's available for severance. My question to you is, why is he carrying over a deficit of \$9.5 million over a three-year period when there is \$45 million available for the purposes of taking care of severances?

**Hon Elizabeth Witmer (Deputy Premier, Minister of Education):** I didn't hear all of the question, but I think it had to do with severance costs. I would just mention to the member opposite that the fact that the budget was balanced five months late into the year also meant that a possible \$9 million in savings was not able to be achieved, and that's why there is some carry-over.

**Mr Marchese:** If I could just suggest to you, Minister, because you couldn't hear the question, that you wear this little earpiece just in case.

My question to you is, he's allowed to carry over a deficit of \$9.5 million that deals with severance and another \$6 million that deals with enrolment decline, for a total of 16 million bucks. The board has available \$45 million for the purposes of severance. We don't know what the supervisor is doing with that 45 million bucks.

We think he's cooking the books. We think you should know about it.

Trustees were not allowed to carry over a deficit. Why is the supervisor allowed to carry that deficit, and why is he not using the \$45 million that's available for the purposes of severance to do that? It's a simple question.

1540

**Hon Mrs Witmer:** On the issue of the enrolment numbers, obviously the trustees were not aware that the numbers were going to go down. So that has had an impact on their bottom line and their per-student funding allocation. That's why Mr Christie has brought forward a plan that responds to a budget that is now being balanced five months later.

We are well aware of the severance fund. In fact, as the member probably knows, the trustees at one time thought they would have access to this in order to balance their budget.

**The Speaker (Hon Gary Carr):** New question.

**Mr Richard Patten (Ottawa Centre):** My question is to the Minister of Education. Minister, I'm sure you have learned by now that your appointed supervisor for the Ottawa school board, Mr Merv Beckstead, has been unable to balance the books. He says that the funding formula is to blame, and I quote from an interview he had on CBC radio: "A permanent fix for Ottawa's problem is unlikely until the government changes the funding formula...."

"It's very difficult to have a universal formula that works the same for everyone. The idea is sound but they didn't get it right the first time. Major shifts in policy like that—rarely are they ever right completely the first time."

So, Minister, I ask you, will you withdraw the supervisor and his very expensive office that has cost the board about half a million dollars—he has been unable to balance the budget—and will you apologize to the trustees who are now totally vindicated in their fight to do something for students for a change? Will you remove him?

**Hon Mrs Witmer:** We should probably review the actions of the trustees and be mindful of why it was necessary to bring in a supervisor. But certainly I think it's important to remember that the supervisor is presently preparing a plan that we anticipate will return the Ottawa-Carleton board to a balanced financial position, and I hope we'll receive that plan this week.

**Mr Patten:** I have a speech here from Mr Beckstead that he gave to the Greater Ottawa Chamber of Commerce. I note with some interest the title of his address: Challenges in Managing Funding for Public Education. It was subtitled "You Cannot Solve a Problem with the Same Thinking that Created It."

On Friday, Beckstead said that in spite of making painful choices, he could not find enough cuts to balance the board's budget, and the funding formula is to blame. "The province's funding formula did not work for Ottawa.... Only when that formula is changed can Ottawa begin to think of longer-term solutions."

Minister, you have said that there needs to be a review of the funding formula. It must be rather embarrassing now to have your appointee come back and say you have created the problem—not you, but your government. Will you do the right thing and make adjustments and provide adequate funding to these school boards in the interests of our children?

**Hon Mrs Witmer:** I think it's very important to remember what Mr Beckstead has been able to do. If you remember, when he was appointed as supervisor, the school year and the school starting date were all in jeopardy simply because the board had not selected to behave in a way that was in accordance with the Education Act. Mr Beckstead made sure that the schools opened safely and on time. The banks did not cancel the board's line of credit. Teachers and staff were paid. He is presently putting in place a plan for long-term financial stability.

**The Speaker:** New question.

**Mr Toby Barrett (Haldimand-Norfolk-Brant):** I also have a question for the Minister of Education. We in rural Ontario have certainly been following the work of the supervisor as he puts the Toronto Board of Education back on course. However, I understand that Mr Kennedy, the member for Parkdale-High Park, is apparently trying to confuse the budget numbers for the Toronto District School Board. Is this true, Minister?

**Hon Mrs Witmer:** Unfortunately, the methodology that has been used by Mr Kennedy is flawed. The supervisor's table compares net expenditures in 2001-02 to net expenditures in 2002-03, in other words, an apples-to-apples comparison. Mr Kennedy, on the other hand, has a table that compares total expenditures in 2001-02 to net expenditures in 2002-03, an apples-to-oranges comparison.

The net-to-net comparison used in the supervisor's table shows there were increases in spending for teachers, textbooks, supplies, computers and school operations. This method of reporting was not invented by the supervisor. All boards report to the ministry on both a net basis as well as a gross basis. So the methodology is flawed.

*Interjections.*

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** On a point of order, Mr Speaker: The member for Parkdale-High Park accused the Minister of Education of misleading them. I think that's out of order and I would ask he withdraw it.

**The Speaker:** If the member said something, he wasn't doing it publicly. I didn't hear it. I was trying to listen to the question. Quite frankly, I couldn't hear him because of you.

*Interjection.*

**The Speaker:** He can withdraw it any time if he wants to. I didn't hear it.

**Mr Barrett:** Thank you, Minister. That clarifies some of the flawed methodology of the member opposite. If one were to look at this budget in a clear way, could you

tell us just what it does, not only for students but for people in Toronto?

**Hon Mrs Witmer:** What this budget does—  
*Interjections.*

**The Speaker:** Now I'm going to have to do it formally. Last warning to the government House leader as well. I'm not going to continue when you're shouting across. Sorry, Minister of Education.

**Hon Mrs Witmer:** Regardless of how you look at the numbers, the supervisor's budget has put the board back on a sound financial basis. He has been successful in finding \$90 million in savings. The programs that were in place when the supervisor was appointed, such as parenting, the literacy centres, the pools and of course heritage language, are still in place. The budget release has been transparent. The supervisor has not tried to disguise his savings plan; quite the contrary, he released nine pages of details on where the savings can be found. Again, I would say that Mr Kennedy's methodology is flawed. The method of reporting used by the supervisor is the same one the boards use to report to the ministry on a net as well as a gross basis.

#### PENSION PLANS

**Mr Monte Kwinter (York Centre):** My question is to the Minister of Finance. In answer to questions last week, you said, "There has been public consultation on this bill. There has been a public discussion paper, meetings and submissions." You went on to say, "This legislation is clearly there to protect the rights of pensioners."

After the Ontario Court of Appeal ruled on Friday that former employees are entitled to a share of pension surpluses, you have now decided not to proclaim parts of the bill pertaining to pensions while you conduct these same consultations on measures to ensure that the rights of pensioners are protected. The problem is that by not proclaiming this bill you solve nothing, because you're going to pass this bill and it's going to be law, other than the proclamation.

What confidence can anybody have that the same consultations that led to this disaster on your pension bill are not going to be repeated in these subsequent consultations when there is no public input? Would you now agree to withdraw that portion of the bill and have public hearings so we can at least get some real input to it?

1550

**Hon Janet Ecker (Minister of Finance):** With all due respect to the honourable member, sitting down and having a meeting with the Ontario Federation of Labour is hardly not having public input; sitting down and having meetings with some of the other groups, as has happened in the succeeding months and will happen in the future—he says that's not public input. I reject that. We are indeed going to sit down with all of the groups.

We're analyzing the court case. The portions of this bill that pertain to pensions are not going to be proclaimed until we have done due diligence with the court

decision, until we have finished further consultations to make sure they understand that their rights are protected.

If amendments have to be made in the future, we're prepared to do that, but I think what is important here is that this was started in the year 2000. There was a public discussion paper, there were many submissions from groups—employee groups, union groups, legal groups, employer groups—there have been meetings. Those consultations will continue until people's concerns are eased.

**Mr Kwinter:** Madam Minister, you went on to say, "This bill does not interfere with court cases that are going on. We specifically are not retroactively changing court decisions."

First of all, there was only one case, and that was the Monsanto case. You rolled the dice on that one and you lost. There were 200 cases that were pending that decision. You are retroactively going to wipe them all out, notwithstanding that the courts have ruled on the same issue that most of those cases are pursuing.

How can you possibly suggest that you are dealing fairly and equitably with this issue? Why don't you just withdraw this section? Let's have some public hearings and let's make sure we get it right, because obviously you didn't get it right the first time.

**Hon Mrs Ecker:** First of all, the legislation clearly exempts any case that is before the courts. We thought that was appropriate. We are indeed analyzing this particular court decision. It was on a particular case, a particular set of circumstances, but we're doing what I think is the prudent thing: to analyze that court decision to see what direction it would have for us.

The other thing is that there are cases before the superintendent. Yes, those are not before the courts, they are before the superintendent, and one of the challenges has been that because of the unclear direction that is there, there were circumstances that could have forced surplus distribution, that could have put some pension plans in jeopardy.

We will continue the consultations to ensure that pensioners' rights are indeed protected and that that is very clearly understood by all the organizations.

#### RURAL ECONOMIC DEVELOPMENT

**Mr R. Gary Stewart (Peterborough):** My question is for the Associate Minister of Municipal Affairs and Housing responsible for rural affairs. Minister, your hard work continues to improve the economic well-being of hundreds of thousands of rural residents. Ontario's small towns and rural communities have benefited enormously from our government's foresight and strategic thinking as it implements a variety of programs for rural Ontario. Indeed, rural Ontario could not have a stronger advocate working to ensure that its residents have the same opportunities for economic growth and prosperity as our urban residents.

Minister, I understand this past weekend you visited the Ottawa Valley to announce a major economic in-

vestment. Can you expand on your work and the investment you made on Saturday for the working people of Renfrew county?

**Hon Brian Coburn (Associate Minister of Municipal Affairs and Housing):** I thank the honourable member from Peterborough. On Saturday, I was in Pembroke at the Renfrew county council chambers to announce a major economic development program for this area. This resulted from an innovative project that emphasizes the partnerships, skill sets and assets they have right across the county of Renfrew.

Our government, through the OSTAR-RED project, is investing more than \$1.8 million in the County of Renfrew Partners Initiative, or CoRPI. This is a \$4.1-million, public-private sector investment partnership that goes right across the county of Renfrew and creates 200 new jobs in tourism, manufacturing, agriculture and resource processing in Renfrew county.

It's a joint initiative between the Renfrew county economic development, the Renfrew Industrial Commission, the town of Deep River, the town of Petawawa, the Ottawa Valley Tourist Association, the Ottawa Valley Manufacturers Alliance and Enterprise Renfrew County, an innovative initiative.

**Mr Stewart:** Thank you, Minister. It's another example that partnerships do work. Partnerships will continue to move this great province forward.

This is outstanding news for the Ottawa Valley. This CoRPI announcement shows that we are indeed addressing the economic development needs of this region.

Minister, can you tell this House how this investment fits into our government's overall rural economic development strategy?

**Hon Mr Coburn:** The OSTAR-RED economic development program in rural economic development is an initiative, and that's where this project is funded. It's an initiative that enables partnerships, and in fact promotes partnerships, between municipalities and between businesses to capitalize on some of the technologies and initiatives they have in their communities. It's a \$200-million program that assists rural and small-town Ontario by promoting a diversified business climate and creating and retaining long-term jobs.

To date, there have been 48 projects approved. These projects are injecting \$308 million into new economic activity all across rural Ontario. Of this total, the province has contributed in the order of \$49 million in direct investment.

So there are success stories, from Essex county, Kingston, Midland, Trenton, and in Pembroke and Renfrew county—all across the province.

#### ONTARIO DISABILITY SUPPORT PROGRAM

**Mr Tony Martin (Sault Ste Marie):** My question is for the Minister of Community, Family and Children's Services. Minister, last spring you raised the hopes of people living on the Ontario disability support program.

You promised to review the program, look at ways to improve it and raise benefits for the first time in nine years. But almost six months later, we've heard absolutely nothing from you.

Here with us today are more than 20 people from the ODSP Action Coalition, who have done your work for you. They have put together a full report of the problems with ODSP and have made 10 practical recommendations that you could implement today.

People on ODSP are being forced to live in poverty. Thousands of others are even worse off because your application process makes it too hard for them to even apply.

Minister, will you stand in this House today and commit to implement the 10 recommendations given to you by the ODSP Action Coalition?

**Hon Brenda Elliott (Minister of Community, Family and Children's Services):** I thank my colleague across the way for the question. He will know that our government has been committed for some time to do what we can to improve the lives of the disabled. It is our government that removed those who are disabled from the old welfare program and created the new ODSP plan, with a number of improvements that we think make lives easier for those who are disabled. It is also our government that introduced the Ontarians with Disabilities Act, one of the first in Canada.

My colleague across the way indicates that he has some ideas, on behalf of constituents, that he wishes for me to consider. I have indicated that our government is looking at doing what we can to improve the plan. Of course, as in any other situation when ideas are presented to our government on how to make plans or processes work better, I'd be more than pleased to receive those—

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

**Mr Martin:** The answer was totally unsatisfactory. It's obvious that the minister hasn't read the report, so I'll send it over to her, if I could have a page here, please.

Minister—

**The Speaker:** I apologize.

*Interjection.*

**The Speaker:** Order. I apologize. It is 4 o'clock. I thought there was time on the clock, but unfortunately it's 4 o'clock.

Just before we begin, it being 4 of the clock, pursuant to standing order 30(b), I'm now required to call orders of the day.

The member for St Catharines on a point of order first.

**Mr James J. Bradley (St Catharines):** On a point of order, Mr Speaker: I'd like to request unanimous consent of the House to present a petition calling for the cleanup of the abandoned aluminum smelter in the town Georgina.

**The Speaker:** Is there unanimous consent? No, I'm afraid not.

**Mr Gerard Kennedy (Parkdale-High Park):** On a point of order, Mr Speaker: I'd like to raise my dis-

satisfaction with the answers provided by the Minister of Education. I have filed a notice with the Clerk for a late show tomorrow.

**The Speaker:** I thank the member, and if he could table the appropriate papers with the table.

#### WEARING OF RIBBONS

**Mr John O'Toole (Durham):** On a point of order, Mr Speaker: Earlier today the member from Nipissing, Mr McDonald, spoke rather passionately about the White Ribbon Campaign, which is a violence-against-women initiative. I'm seeking unanimous consent for members to wear the white ribbon for this significant event.

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

1600

#### ORDERS OF THE DAY

##### TIME ALLOCATION

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** I move that pursuant to standing order 46 and notwithstanding any other standing order or special order of the House relating to Bill 191, An Act to amend the Highway Traffic Act to ensure the safety of emergency vehicles stopped on a highway and people who are outside a stopped emergency vehicle, when Bill 191 is next called as a government order, the Speaker shall put every question necessary to dispose of the second reading stage of the bill, without further debate or amendment, at such time the bill shall be ordered for third reading, which order may be called on that same day; and

That, when the order for third reading is called, the Speaker shall put every question necessary to dispose of this stage of the bill without further debate or amendment; and

That the vote on second and third reading may, pursuant to standing order 28(h), be deferred; and

That in the case of any division relating to any proceedings on the bill, the division bell shall be limited to five minutes.

**The Speaker (Hon Gary Carr):** Mr Stockwell has moved government notice of motion 65.

**Mr Rick Bartolucci (Sudbury):** I stand to speak against any type of time allocation motion because in this instance, as in other instances, it stifles debate in this House and doesn't enhance the democratic process. In fact, it does not allow the general public, the people in Ontario, to have a say in the important bills that this government should want to be taking out to committee and to have input etc.

In this particular instance, this bill is important. The act itself, Bill 191, is a good piece of legislation. In the words of Brian Atkin, the president of the Ontario Provincial Police Association, "Lives could be saved by having this bill introduced as law." For that reason, I as a

member representing the people of Sudbury will be supportive of the legislation. Our Liberal caucus said, on first reading, that we would support the legislation.

The problem we have with the way the government has been doing business lately is that it's stifling critical debate on a number of very serious initiatives. If the government were able manage its time better to allow bills to go to committee, to allow for a more democratic process to take place, I think we could be passing a lot more bills that would enhance the safety of children in this province, the safety of police officers and the powers of the police to execute their duties more diligently and with less restraint.

I think of some of the private member's bills I've introduced—for instance, Bill 24, the Municipal Amendment Act, with regards to adult entertainment parlours—and how children could be exploited because they haven't passed some of the arguments I put forth in Bill 24. I think of other bills—Bill 47, the Highway Traffic Amendment Act (Driving While Suspended); I don't think the fines are strong enough for people who drive while they're suspended.

I'm going to the launch of the red ribbon campaign on Friday with Action Sudbury. Again, I'm going to say that I've tried to get the government to pass Bill 47, but they refuse refuse to pass Bill 47.

As winter approaches, in northern Ontario in particular, I think of Bill 119, which is my studded tire bill. I'm concerned that this government continues after four years to be reluctant to pass meaningful legislation that will potentially save the lives of police officers who have to drive on inferior winter roads because of a privatized maintenance program that is at best flawed and, in the real-case scenario, lousy in most parts of the province.

I think of Bill 128, the highway memorials act, that I've introduced. It may be a mission of mine and of the constituents whom I represent—but tragically, we lost two police officers. One was hit after putting down a spike belt—Sergeant Rick McDonald—and one, as we all know in this House, was brutally executed by two killers. It's a goal of my community to ensure that we have overpasses named after them. So we, with me as their voice, will continue to fight with regard to the passage of this bill so both Joe and Rick will know that they will be forever remembered by not only the people of Sudbury, but also by people who are passing through our great city, our wonderful city—and they find out that—do you know what?—there are these two memorials named after these two very, very fine police officers who died tragically way too early in their careers.

I think of Bill 136, the Highway Traffic Amendment Act, with regard to having police officers inspect motorcycle helmets. That's a very, very significant piece of legislation which will certainly allow police to do their job properly and very effectively in a short period of time.

I would suggest to the government that it would be in their best interests to ensure that they manage the time of the House a whole lot better, and that way, we'd be able to get a whole lot more debated.

**The Acting Speaker (Mr David Christopherson):**

The floor is open for further debate.

**Mr Michael Prue (Beaches-East York):** I rise today to speak in favour of what the bill says and against, again, another closure. Here we are—almost every single bill this particular month, every single bill in this session of the Legislature, is ending by closure. No matter whether the bill is a good one or a bad one, it seems to end up in the same way: the government rams it through at the last minute without listening to the people and to debate. In fact, this debate probably would not have been necessary had the government been a little more open and honest in some of its other bills and allowed for the other bills to have the full limit of debate they needed and not pushed issues like this up against the wall so that we're here on a third day debating a bill that I'm sure every one of us in this room will probably end up voting for.

This is a bill, after all, that seeks to protect police and emergency personnel on our roads, who are out there with the express purpose of trying to save lives; people who are out there in accident situations, people who are out there pulling over careless drivers, people who are out there in ambulances, people who are out there in fire trucks, people who are out there trying to do what they can for the people of this province, sometimes in very hazardous circumstances, sometimes in slippery, wet, snowy and icy circumstances, where we should all hope that drivers would all show just a modicum of caution.

So of course it is important to pass this kind of legislation. In fact, this legislation does exist in other provinces and in states in the United States. No one can deny that the intent of the bill is a good one. No one can deny that asking motorists to slow down in what potentially is a dangerous situation is a good idea. No one can deny that the bill, in allowing motorists, where it is feasible, to stop—who actually stop their car either hopefully to come to assistance, but even if they don't come to assistance, just to stop their car so that it will make it easier for the enforcement and emergency people to do their jobs correctly—that they be allowed to do it.

1610

One can ask, and I guess I've asked myself this question, why don't ordinary drivers do this anyway? Why don't ordinary drivers, when they see a difficult situation, when they see flashing red lights, instinctively and normally either slow down or stop in order to accommodate the men and women who are out there working to try to protect the lives and safety of motorists and pedestrians and the ill and the disabled and those who are on the sides of our roads? I don't know the answer, but quite frankly, we see it almost every day. In and around the city of Toronto where I'm wont to drive, especially in the periods when school is in session, one often sees school buses stopped at the side of the road with the stop signs coming out the side of the bus, with the lights flashing, and you see ordinary, otherwise careful drivers—I guess they're late for work or whatever it is or late trying to get home or trying to go about their everyday business—

passing these buses. It is a very, very dangerous situation. We believe that something needs to be done in order to protect everyone.

I looked through this bill and some of the aspects of the bill are good because if the drivers can't slow down using their own common sense, which tells them they should be slowing down in slippery or icy conditions or around accidents where there are ambulances and fire trucks and police officers and all those things, if they do not have the sense to do that, well, I guess they're going to end up being fined. The fines here range from \$400 to \$2,000 for a first offence, and if anyone doesn't learn from that first offence, the fine the next time around is quite a bit steeper at \$1,000 to \$4,000 for second and subsequent offences—with two kickers. One is, you can get up to six months in jail as well, and as well, you can lose or have your licence suspended for a period of time.

Drivers should know how to do this already. This bill should, in reality, not be necessary, but I would suppose that there are people out there who, for whatever reason, are distracted, people who are out there who do not obey the simple rules of the road, people out there who are more than happy, more than willing or more than uncaring to put lives at risk.

Our police and emergency personnel have very dangerous jobs. They have jobs where they often put their lives at risk. Their lives are not so much at risk, although they are from time to time, in a shootout that one would see in Hollywood, and their lives are not so much at risk in ordinary situations around the office, but their lives are at risk when they are on the streets and roads and highways of our province. They are very often at risk when they are attempting to do work where the weather conditions are tough, where they're bad, where the roads are slippery or icy. We need as a society to ensure that their jobs are made just a little bit less risky. We need to make sure that the job for which they are hired and for which they are paid is made just that much easier so that they can do those jobs, so that they can get the traffic flowing, so that they can get the sick and the injured to hospitals, so that they can put out fires or car fires or whatever is adjacent to the street. That is why it is important, I would suggest, that this bill be passed.

The failure of the bill, and it's not enough for me to vote against it, is that it is confined in all of the sections to flashing red lights. I would draw the members' attention to section 159.1 of the bill, which reads, "upon approaching an emergency vehicle with its lamp producing intermittent flashes of red light that is stopped on a highway," and goes on. In section 159.2 it says the same thing again: "upon approaching an emergency vehicle with its lamp producing intermittent flashes of red light that is stopped on a highway with two or more lanes." It is confined to those vehicles except school buses that have red lights. There are many other vehicles and workers who need to be protected as well, and I do not know the rationale of why they are not being protected in this legislation, which I am sure would get swift all-party approval.

There are many workers who deal with emergency situations, who drive vehicles that have other coloured lights; that have orange lights that would show caution; that have blue lights to show they are highway vehicles clearing snow or dangerous debris. I do not understand why we are not seeking to protect them as well. It is granted that they may be moving vehicles and may not necessarily be stopped on the side of the road, but they have nothing with them except the lights with which they are equipped. So if you have a snowplow, for example, which is on the side of the road, perhaps helping a motorist who is stranded during a snowstorm and has gone off the road, or any other type of semi-emergency vehicle with orange lights, they can be stopped at the side of the road doing what they are supposed to do, as good Samaritans, to help clear up the emergency situation, and they are not covered by the ambit of this law.

I think the only failure of the law is that it treats our people in different categories. They are there to do the same kind of dangerous work, they are there to keep the traffic moving, they are there to help the injured and the sick, they are there to get rid of whatever problem is causing the tie-up, yet the workers from those vehicles are not being treated in the same way that we are treating our police officers, our fire people and our ambulance crews. I would suggest that they need to be protected in much the same way. Their lives are every bit as important to all of us as those of our emergency personnel. Their lives are important to themselves and to their families, and they need to be protected in the same way.

Obviously, since this is going to closure, it's far too late for us to move an amendment or to suggest that this be done, but I would suggest to the members opposite that the time has come as well to protect all of the people of Ontario in these dangerous situations, all of the people who are employed either by the province or the municipalities or by the federal government to do the kind of work that is done out there on the roads. In fact, with privatization there are also many private people—private snowplow operators, for example—who are out there as well. We need to protect those workers, those people who are called upon to do extraordinary things when we get huge snowfalls, those people who are asked to go the extra mile on behalf of all of us. We need to protect them as well. This bill does not do that, and this bill should have done that.

I would ask all the members of this House, either in the next session, when this can be brought back, or in a subsequent Parliament, whichever party is in power, to turn our minds to that important aspect of what is fair for the workers in this province. I would suggest that what is fair for the police, the firefighters and emergency vehicles is fair for everyone and that the subsequent law should be amended to include them all. As I said, this is a very good first step and I am pleased to be able to vote to make life safer for at least one small group in our society.

As they become travelled, our roads increasingly produce many problems, many accidents. We have heard repeatedly from the member for Sudbury and others—

and even today on the government side—about the carnage that takes place on Highway 69 leading to Sudbury. We know of other highways throughout this province where there are a huge number of problems. Surely the people who are out there trying to save lives, trying to make sure the highways remain passable, deserve our respect and our support.

With that, I am going to yield the floor. My colleagues will be speaking for the balance of our time. I thank you for an opportunity to speak to this bill.

**The Acting Speaker:** The floor is now open for further debate.

1620

**Mr Wayne Wettlaufer (Kitchener Centre):** I do appreciate the opportunity to be able to stand and speak on this important piece of legislation. It's unfortunate that the government had to move time allocation again, but I think we have to accept the fact that all of the workers involved, affected by this legislation, want this to pass right away. They want it to pass immediately, whether they be police officers, firefighters or other emergency workers who are so vital to keeping this province safe.

Just last week, as did a number of other members of the Legislature, I had some members of the Police Association of Ontario in my office. One of the items that was high on their agenda was this piece of legislation. They raised it in such a manner as to impress on me the urgency for it to be passed. They said, "Can't you move forward on this right away? Can't you get the other parties to agree with it?" I said, "The other parties do agree in principle but, for whatever reason, they're dragging their feet on allowing us to pass it." They said, "Get it done right away. We can't have any more cops die."

I'd like for a moment to recognize two members of the House who have been very instrumental in bringing Bill 191 before this House. One is my colleague Frank Mazzilli, the MPP for London-Fanshawe, who is a former police officer himself. He introduced a private member's bill that was the catalyst for this piece of legislation. I believe we owe Frank Mazzilli, the member for London-Fanshawe, a vote of thanks. The other member was my colleague the Honourable David Turnbull. He laid the groundwork for this legislation during his time as Solicitor General. He too deserves our thanks.

Over the past six years a number of Ontario Provincial Police officers have lost their lives while performing their duties, while patrolling the province's highways. We cannot and we will not forget them. We will not forget their efforts on behalf of the residents of this great province. Their names will live forever on the walls of the police memorial that stands just outside this building. But we also owe it to these fine officers and the thousands of others like them who go to work every day to protect us, the citizens of the province, not knowing what the next shift, the next hour will bring, to pass Bill 191.

They accept that their job is dangerous. They knew that when they applied to become police officers or

firefighters or emergency workers. But that doesn't mean that we should put these fine people at risk needlessly.

I have a few statistics to emphasize just how important it is that this House unanimously pass Bill 191 today. Between 1998 and 2000, 78 parked and/or stopped ambulance, 69 fire and 819 police vehicles were involved in motor vehicle collisions in Ontario. Nine police vehicles were involved in fatal collisions, 237 emergency vehicles were involved in collisions that resulted in injuries and 720 vehicles were involved in collisions that resulted in property damage only. They could have resulted in injury or death. These are sobering statistics.

The legislation has the support, as I said earlier, of every organization whose workers will be affected. Little wonder. These outstanding men and women deserve our support and our protection.

Everyone who uses our provincial highways will benefit by passage of this bill because we all benefit when these hard-working workers—police, emergency workers and firefighters—are able to concentrate on their task at hand.

I would like to remind the House that this government has been at the forefront, we've been the leader, in supporting our police officers, firefighters and other emergency workers. We've given them the tools that they require to do their jobs.

Since 1995, as a government we have invested more than \$68.2 million in the community policing partnerships program to put an additional 1,000 officers on the streets of communities across the province. I read on the weekend that Dalton McGuinty, the leader of the Liberals, advocates adding 1,000 additional members to the police officers across the province. Welcome to the real world, Mr McGuinty; we've already done that.

He also advocates doing other things. In British Columbia they have a saying, Speaker. I know you've heard this. They say they don't have a climate, they have weather, and if you don't like the weather, wait a minute. Well, if you don't like the Liberals' policies, wait a minute; they'll change.

Since 1995, we have also doubled funding for Reduce Impaired Driving Everywhere, the RIDE program, to \$1.2 million annually to get impaired drivers off our roads.

We've given municipal police services in Ontario \$11 million through the municipal police service technology grant program over the past two years to develop information exchanges and purchase hardware that will enable them to share information electronically with each other and with other justice system partners.

We've invested more than \$2 million through the Youth Crime and Violence Initiative to help police fight youth crime.

We've provided more than \$6 million in funding to expand the Ontario Police College and Ontario Fire College so they can provide specialized training.

We've invested \$1 million to provide protective equipment to first responders that will protect them against chemical, biological, radiological and nuclear mishaps.

We've introduced the CERV Ontario program, whereby volunteers become members of emergency response teams in their local communities, thus allowing full-time police, firefighters and other emergency personnel to deal with more serious situations. We are targeting retired police officers, firefighters and other former emergency services personnel so communities can call on these people to support their local police officers, firefighters and emergency personnel.

It's indicative of what our government has done to support these people. The Liberals will say on one hand it's not enough; then, on the other hand, they'll say it's too much. As I said before, if you don't like their policy today, wait until tomorrow; it'll be something else.

In closing, I'd like to remind all members that by passing Bill 191 forcing drivers to slow down to a reasonable speed or, where it's feasible and safe to do so, to move to an adjacent lane, we are protecting those whose job it is to protect us. I know the members of the NDP agree with that. I can see them nodding their heads. The Liberals, we don't know. I encourage all members of the Legislature to support this legislation.

I want to point out that we cannot wait until another police officer, firefighter or emergency person loses his or her life. It shouldn't take the death of another one of those emergency personnel for this House to realize the seriousness of this bill. These people are very valuable to us.

I say let's put a stop to these needless deaths now. Let's pass this legislation. Let's do it unanimously. Let's not stand up with all the rhetoric and hyperbole you're so used to using over there. Stand up and support this; get on with it so that the police, firefighters and the emergency personnel of this province feel we're doing them a service.

**Mr Dwight Duncan (Windsor-St Clair):** I will vote in favour of this bill, as I voted in favour of Mr Mazzilli's bill, as I've voted and supported it for a long time.

Let me just again remind the public what this does. It basically will require, under the Highway Traffic Act, if there's an emergency vehicle pulled off to the side of the road with its lights flashing, moving into the next lane and slowing down as long as the conditions are safe. This should have been passed probably five years ago and the government just hasn't seen fit to do it. Let's remove the hyperbole and let's just say what this is: it's an amendment to the Highway Traffic Act that I think all three parties support.

**1630**

What's amazing is that this government didn't do it four or five years ago. They talk a good game on a number of issues related to crime and safety. They thought this province needed 1,000 more police officers; they got it half right. We need still another 1,000, and we need more prosecutors. So again, they like to talk a good game.

I'll remind the member opposite who debated here and spoke about the substance of the bill that we're not dealing with the bill in this debate; we're dealing with

time allocation. We're dealing with the government's desire to stop debate, to jam things through on a bill that all three parties in the House support. You could have had it a month ago. You could have had it five years ago. Why didn't you? Because you don't know how to manage the House, not to mention the affairs of the province of Ontario. That's why we're here tonight. That member from Kitchener can't run this House any more than his colleagues can.

Is this something unique, all these time allocations? Well, let's have a look at the record, because we do have a record. In 1999-2000, that government, in the first session: 22 bills under time allocation, 19 at second reading, for 86%; time allocation motions prohibiting committees, 45%; time allocation motions prohibiting third reading debate, 4.5%.

Let's look at the record of the Eves government: number of bills introduced at first reading, 16; the total that have been passed so far, six; number of bills passed with time allocation, five of those six. That's 83% time-allocated. That compares to Mike Harris's record of 70% with no third reading. He's even worse than Mike Harris.

What I think makes this particularly humorous to all of us in the opposition is the fact that we're time-allocating bills that everybody agrees to. And no, we don't want to delay them.

Why don't we have hearings on the budget bill? They don't want that. They don't want to do that.

**Mr Dave Levac (Brant):** It's faulty legislation.

**Mr Duncan:** It's faulty legislation. They don't want to talk about pensions in here. They don't want to do that. They flip-flopped on Friday, acknowledged the errors of their own bill, and he has the nerve to stand up and accuse us of that. Well, that's crazy and you're not going to get away with it, just like you haven't gotten away with it up until now. I don't want to hear about a government that can't manage its legislative agenda, because we know they can't manage the affairs of this province.

What about the Taxpayer Protection Act? We have a bill before us that was time-allocated on Thursday, that is, cut off debate, no third reading, no committee hearings. What did that bill do? It undid their own balanced budget legislation that was the centrepiece of their first term here in office. They simply got rid of it. They changed their mind. They took a different position. They said they couldn't afford the tax cuts, which is what we said all along.

What about hydro? For four years they advocate a policy, and in one fell swoop, gone.

But again tonight, this evening, this afternoon, we are speaking about time allocation. That's a fancy parliamentary term for stopping debate, for not allowing duly elected members the opportunity to address a piece of legislation—

**Interjection:** Killing democracy.

**Mr Duncan:** —killing democracy on something that should be relatively simply.

I spoke about the record of the Harris government. Let's look at other governments.

The Rae government had a great record on time allocation compared to either the Eves or Harris government. They used it only 11% of the time. Governments run into difficulties and, understandably, from time to time, time allocation will have to be used. It's a respectable number.

The Peterson government: 2.1% of the time. Of 183 bills passed, four of them were passed using time allocation.

So far in the Eves government, we're up to 83%. What's more insidious about it, in the time allocation motions—and that's what we're debating tonight, is a time allocation motion. As much as the member for Kitchener would like to talk about the bill and our police officers, he can't. We're talking about time allocation, and in this motion they will not allow committee hearings, they won't allow third reading debate—crazy.

That's why this institution is in such disrepute, because we don't want to talk about the important things. We time-allocated Bill 198 on Thursday, the bill that allows the government to allow employers to go in and take surpluses out of employees' pensions, without even consultation with those employees. We shut down debate, we prevented third reading debate, we allowed no committee hearings, and what happened on Friday? The Supreme Court of Ontario said, "You got it all wrong."

How did the government respond? The government responded by saying, "We won't proclaim the offensive sections of the act." Let me be unequivocal: I don't believe them when they say that. They will proclaim those sections of the act when this Legislature is not sitting, when there's not an opportunity to hold the government to account, late in the day on a Friday afternoon. That's been their record historically.

We're faced again this evening with time allocation. I would like to have some more time. I'm restricted because of the number of members in our caucus. I'd like to speak more about our police services, our fire services and our paramedics and ambulance workers. I would like that opportunity. If we were actually debating this bill, we would be afforded that opportunity, and more members of our caucuses would be afforded that opportunity.

I'd like to say that Dalton McGuinty and the Ontario Liberals made a commitment today to add 1,000 additional police officers across this province when they form a government next year, and 50 additional crown attorneys to deal with the increase in backlogs in our courts of justice.

I would like to have that opportunity. Unfortunately, I won't be able to. Most of last week, we spent our time debating time allocation, closure, cutting off debate.

I support this bill. I supported Mr Mazzilli's private member's bill. I support the concept. What I don't support is a government that can't manage its legislative agenda any better than it manages the affairs of this province. This government, the Eves government, has a horrible record in this regard. I'll vote against time allocation because I would like to talk more about our public service workers: police, fire, ambulance. Thank you.

**Mr Rosario Marchese (Trinity-Spadina):** That is the point the previous speaker alluded to: we're dealing with time allocation. We often say here that these are strangulation motions. They strangle debate. That's the purpose of them. I have just got to say, Michael, in the old days when we were in power, in 1990, we used to take out bills for four weeks at a time. Whether it was good or bad for the government, we would take a bill out four weeks at a time. Imagine. Some people will call that truly, genuinely democratic, right?

You go out and you get a beating on any bill out there, because for every bill you put out, some people are going to love it and some people are going to hate it. It's just the way it is. And we used to love the punishment. We used to love to be punished by the public. You'd find a couple of friends there supporting your bills, but mostly you'd find a whole lot of people who just didn't like what you were doing. And Chris Stockwell used to love that. He used to love us taking stuff on the road so we could get flagellated as regularly as possible.

**Hon Mr Stockwell:** Flatulated?

1640

**Mr Marchese:** Flagellate: to whip. He was thinking of another term, which he deliberately misheard.

That's what we did. That's what democracy was about. It was about defending your policies and your bills. Whether people loved it or not, it was a matter of honour, a matter of an obligation for governments to at the time say, "People need to be heard." It's not happening any more.

I also have to say to my friend Michael, we tried at some point to change the rules. I wasn't happy with changing the rules. At some point there were a few members of our caucus who said, "It's just not right. It's not fair. They're not allowing us to govern." Quite clearly, for the first time in this place, having a New Democratic Party at its head was not a very pleasant feeling for Liberals and Tories. They just didn't like it. It was most odious to them, most unpleasant, most malodorous. So they would whack us from one end of the room to the other. We didn't like the punishment and at some point we said, "Holy cow, this really hurts." So at some point we changed the rules to try to govern, to be able to remind the public, "Hey, we're in power and we need to find a way to be able to pass the bills that we feel are important for the public; otherwise we're not governing." I've got to say, I was not very happy with those rule changes.

As if it were not enough, this government comes into power and they change the rules again, limiting our ability as opposition to be able to slow down the government when it misuses its power, when it deliberately doesn't want to hear from the public. When it amalgamated the city of Toronto and close to 80% to 85% of the public were saying, "We don't want to be amalgamated," this government didn't pay any attention. It's in those instances that the people, the opposition parties, the public in general ought to have the means to be able to defend themselves against a government that is dictatorial.

**Ms Marilyn Mushinski (Scarborough Centre):** And the issue is?

**Mr Marchese:** To Ms Mushinski, the issue is strangulating debate—time allocation—and the point of strangulating debate is to prevent the public, and the opposition, through whom the public is often represented, to prevent them—us—from saying what we need to say.

You heard our member Michael Prue earlier on. I know Mr Wettlaufer said we were slowing down this bill and we really don't want it to pass. That's not the case. We have supported this bill. It's not a bad bill. It's a modest bill that, yes, enhances safety for people who are doing a job out there on those roads. What it says is that motorists approaching an emergency vehicle with lights flashing at the side of the road will be required to "slow down and proceed with caution, having due regard for traffic," if they are driving on the same side of the highway. No problemo here. We are in agreement with that.

We are in disagreement with the proliferation of time allocation, strangulation motions. They proliferate like rabbits in this place. Every other day this government introduces yet another time allocation, strangulation motion. That's what we're opposed to, Minister of Labour. You see, it doesn't feel good after a whole while to say, "Oh, this is really important so we've got to strangulate debate." Everything you do around this place is so important to you, isn't it, for which you need to strangulate very tightly the debate? That's what we're against.

This is our only opportunity, as the member from Beaches-East York said earlier on. It includes a number of people such as firefighters and, yes, ambulances, but it does exclude school buses—these are the ones that have red lights—and it does exclude from this bill other folks who do important work, vehicles that have orange and blue lights, that presumably deal with safety on the road. It doesn't deal with road vehicles with blue lights—I don't know. The point is, whatever lights we've got out there on those highways, it should include them too as a matter of safety. It's not a big amount of work to be able to include a couple of other people for whom safety is an issue out there and for whom most of us, as legislators, have a concern about. So, Minister of Labour, we're not slowing this down.

**Hon Brad Clark (Minister of Labour):** Yes, you are.

**Mr Marchese:** You are the ones who are speeding these things up. Often you don't give us the time of day to debate any bills. In fact, for bills that are in opposition to you, bills that are unsavoury, you guys give a day or two for debate, you allow some of those bills to get out on the road for a couple of days, but we used to give you four weeks, Minister of Labour, as you fiddle your figures. We used to give you four weeks to beat us up. When we, the public, got to have the opportunity to beat you people up—because you well deserve it, with a nice long whip, very thin—because you deserve it, you give us a day, you give us half a day, you give us a couple of days, and that's the extent of my democracy to be able to

beat you up good. But you know how to avoid the beating, because you don't like it; you know how to avoid it, how to dodge it. You know how not to bend over. You know how to fly and squirm away, to skulk away, slithering like serpents, hither and thither. You do that well.

**Hon Mr Clark:** Serpent. Look in the mirror

**Mr Marchese:** I'm a good-looking serpent. I give socialism a human face.

So what we're saying is—

*Interjections.*

**Mr Marchese:** They laugh.

**Hon Mr Clark:** Let's talk about the back-to-work legislation you stopped today.

**Mr Marchese:** Well, we're going to get to that. We're going to get to the back-to-work legislation. The Minister of Labour says, "We want local solutions." Very smart, very clever, for those who don't understand the issue. But if you don't give boards the money, they won't be able to negotiate locally. So the minister quite properly, of course, quite smartly says, "We want them to be able to negotiate, but since they haven't been able to, here we are, we're going to whack you back to work." Give them the money to be able to negotiate their agreements and then they can do it locally, right? That's the point, Minister of Labour.

**Hon Mr Clark:** Do you remember the social contract?

**Mr Marchese:** Oh, please. Ten years later these people reminisce about the good old days. I remember Mike Harris, Stockwell and Jim Wilson in the old days. They used to scream over here on this side, saying to Bob Rae, "You got the wheel, stop whining." Remember, Jim?

**Hon Jim Wilson (Minister of Northern Development and Mines):** We didn't use that line.

**Mr Marchese:** Yes, you did. The presiding officer of this place always used to stand up and say to Bob Rae, "Stop whining, you've got the limo. Don't blame the federal government," they used to say, "You're in charge."

Jim, I've got to tell you, seven good years you had, a good economy, and you're still whining about the federal government not giving you enough money to do this and to do that. Please, you've got so much money you don't know what to do with it. You're still whimpering about Chrétien not giving you a couple more dollars to do your job. Come on.

This is about strangulating debate. We don't like it, nobody likes it, because it hurts. So we're saying to you, "We oppose strangulation motions. We support this motion." We are saying, "You could have made it a little better by including other safety vehicles out there that deal with issues of safety." Then I'm sure the policemen and policewomen would support this action. They would probably support your including school buses under the protection of this bill.

**Hon Mr Clark:** You said the snowplow a minute ago.

**Mr Marchese:** Whatever it is, whatever deals with safety on the road should come under the aegis of this

bill. You didn't include them. It's not a big deal. It would only take a couple of minutes. It takes no great mind, and you guys hire a lot of good lawyers out there, well-paid, including Guy Giorno, who's coming back to prepare you boys for the election.

You should consult Guy Giorno and say, "Guy, how can we make this bill a little bit better without it costing us any money?" It's not a big deal.

Anyway, at the end of the day, we're going to oppose the strangulation motion.

**Hon Mr Wilson:** How do you do this without a conscience?

**Mr Marchese:** Are you kidding, Jimmy? How am I doing this without a—OK, I want to hear you stand up and tell me how I'm doing this without a—

*Interjections.*

1650

**Mr Marchese:** He's talking about the back-to-work legislation. We're going to get to it, Jimmy, otherwise the Speaker is going to rule me out of order, because we can't talk about another bill as we're trying to talk about safety for kids on the highway.

Anyway, we will oppose strangulation motions, but we do support this bill, in spite of the fact that you could have made it a little better and it wouldn't have cost you a cent.

**Ms Mushinski:** It is, I must admit, a bit of a challenge to follow the member for Trinity-Spadina, because he does tend to contribute a considerable amount of colour to this place in terms of the rosy type of speeches he makes.

*Interjection.*

**Ms Mushinski:** No, I'm talking about "rosy" as in sort of pink-coloured—you know, the pinky coral colour that tends to be, I guess, attributable or attributed to those who represent certain political parties.

It is, as I say, a bit of a challenge to follow the logic of that somewhat flamboyant, if not inflammatory, speech of the member for Trinity-Spadina.

Let's face it, this is about protecting the interests of our police officers, firefighters and other emergency personnel who often find themselves in dangerous situations, especially if they happen to find themselves working at the side of very busy highways and byways and roadways in Ontario.

Regrettably, just yesterday a firefighter in central Elgin, near London, was badly injured when he was struck by a car while directing traffic at an accident scene. The firefighter happened to be standing on the shoulder of the road when he was struck by a car and landed in a nearby ditch. He had to be airlifted to hospital in London. While he is expected to recover, there was no reason for this accident to happen.

As my colleagues have indicated in this Legislature, the legislation that is under discussion certainly has the support of every party in this House, and we know it has the support of every organization whose workers will be affected—and is it any wonder? These outstanding men

and women deserve our support and our protection, and that is what government should be doing.

Serious accidents on our major highways frequently force the closure of key thoroughfares for many hours. Disruptions that hold up traffic for hours can have major economic ramifications in addition to environmental and health impacts. We know that the Eves government is aware of this, and we have decided to take some decisive action.

The Ministry of Public Safety and Security's guideline on traffic management, enforcement and road safety, developed to support the adequacy standards regulations under the Police Services Act, requires police services to implement procedures that address road closures and minimize interference with the flow of traffic. This regulation came into effect on January 1, 2001. The Ministry of Public Safety and Security is committed to working with the Red Tape Commission's highway incident management task force and MTO's road safety personnel on initiatives that will enhance community safety.

The task force report has recommended that every effort be taken to reduce the time it takes to respond to and to clear accident scenes. Anyone who commutes in this huge urban region called the GTA knows that has to be addressed. It also recommended that emergency vehicles be, as much as possible, stopped off roadways or cleared off accident scenes.

Safer communities and enhancing community safety were also Blueprint and action plan commitments of our party. The Ministry of Transportation's action plan on safer roads also focuses on aggressive and unsafe driving, as well as improving driving habits and increasing seat belt use. In addition, the Ministry of Public Safety and Security has given communities the right to establish community safety zones, areas of roadways where public safety is of particular and special concern. They're generally set up near schools, daycare centres, retirement facilities and roadways in high-collision areas. Fines for moving violations in these zones are increased or doubled. I have to say that the city of Toronto council has done a commendable job in making sure that there is appropriate signage erected in these particular safety zones.

I think it's a known fact that this problem doesn't just exist here in Ontario. Jurisdictions worldwide face the same situation on a daily basis. In the United States, for example, more than 200 officers lost their lives in a similar fashion. That's why 16 American states and the province of Saskatchewan have enacted legislation similar to Bill 191 that's intended to protect these emergency workers. When police and firefighters and other emergency service personnel are focused on the accident or incident at hand, they really have little or no opportunity to address their own safety. The proposed legislation will protect these workers as they go about their jobs. Future deaths and injuries, we believe, can be minimized by enacting this legislation. That's why we need to do it quickly.

I can assure this House that the Eves government is serious in its quest to protect these people. That's why the penalties for not obeying the law, once enacted, will be serious. Few other jurisdictions have penalties as stiff as those that this government is proposing for those who fail to adhere to the law. Our message to those drivers who are inclined to disregard the law is clear: do so at your own risk. It will be expensive, you could lose your driver's licence and you might even end up in jail. Tough penalties? Absolutely. Our police, firefighters and other emergency services personnel deserve nothing less from us. By forcing drivers to slow down to a reasonable speed or, where it's feasible and safe to do so, move to the adjacent lane, we are protecting those whose job it is to protect us.

In conclusion, Mr Speaker, I know that you and all members of this assembly recognize that we are living in a time when our police and firefighters and other professionals who routinely respond to emergency situations have taken on a new and profound significance. We all stand to benefit if they do their job efficiently and safely. Because of the very nature of what they do, they're often placed in harm's way. There's no need to subject them to additional risk. They believe we can help their cause if this bill is passed. That's a view that our government shares, and I urge all members to support this legislation and to ensure its speedy passage by supporting this time allocation motion.

1700

**Mr Ernie Parsons (Prince Edward-Hastings):** Never time to do it right; always time to do it over. Here's another bill that's being rushed through.

It's a good bill. What's in there, I have no quarrel with. The concept of protecting our police officers and our firefighters and our ambulance personnel: superb. I believe it was another member, from Windsor, who said earlier, though, why not seven years ago? Why now? The US has had legislation similar to this for many years; many of the other jurisdictions in Canada do.

Working on a highway or standing on the edge of a highway is extremely intimidating and, statistics tell us very clearly, extremely dangerous. I worked at one time for the Ministry of Transportation, when it really was a Ministry of Transportation and it did things instead of contracting out, not to low bidders, but to high bidders. But this doesn't go far enough.

The bill refers to having to move over for vehicles displaying an intermittent red light. Great stuff. In a rural community such as I represent, we have volunteer firefighters who often drive directly to the scene of the accident or the fire on the highway with their own personal vehicles, and they are displaying a flashing green light. According to this bill, there's no need to move over and provide them with safety; it must be an intermittent red light. I would say strongly that whether one is a full-time firefighter or a volunteer firefighter, they are entitled to the same protection. If this bill wasn't being rammed through on time allocation, there would have been an opportunity to make that amendment to protect our

volunteer firefighters, but it's focusing too closely on just one group.

Tow truck drivers, service vehicles that have to stop: again, as a rural member I drive to Toronto on a great many occasions and I see a large number of vehicles, whether they be cars or trucks, broken down. There are times, particularly with transports, when they can't get very far off the highway. So the service personnel are forced to work almost on the edge of the road. They are going to be displaying an orange light. I think their lives are valuable; I think their safety is important. There is no provision in here for anyone having to do anything for someone displaying an orange light.

From my experience working on construction, it is absolutely terrifying working on construction if you are in a lane that's closed off, if you are working on the edge of a highway. The member for Brant some time ago introduced Bill 191, which would have doubled speeding fines for any vehicle going through a construction zone. It may not feel like one is driving very fast at 80 kilometres an hour through a construction zone when the regular speed is 100, but if you are that worker standing on the edge of the road, that is a very scary feeling. In the construction field, the people who work on our highways are in an extremely dangerous profession. We could do more for them too. We could do more to force traffic to recognize them.

All too often I see a little item in the paper, particularly the Toronto paper, about someone who broke down on the edge of a highway, got out and was struck by a car, or was struck trying to go across the lanes for help. In that case, although they wouldn't be displaying any light, I would suggest that if we're concerned about the safety of people on our highways, we would at the same time undertake an education program. People who break down on the edge of the 401 in Toronto often don't know what to do. They're panicky. They know they can't walk to a service station. In fact, thanks to self-serve stations, there aren't service stations to walk to any more to get assistance from a mechanic. I think we need to do an education program that would assist them.

I would even suggest that a lot of our highways could be made much safer by the simple act of paving the shoulders. Certainly it would reduce the accidents involving cars that happen to slip off the edge of the shoulder and hit the soft gravel and overturn. There are far, far too many people killed in Ontario for having simply let the wheel of their car go three or four inches off the edge of the pavement. There should not be capital punishment for losing control and drifting a little wee bit out of the lane. The government could greatly improve the safety on our highways by paving the shoulders. They would also make the highways themselves last longer, because with the solid surface pavement there, we're not going to get water running off the highway and freezing, expanding and deteriorating it. It requires some upfront money, but this government doesn't do the upfront money. It doesn't do things that are preventive or protective in nature. We bring children into care in this

province, rather than doing things to keep them in their own homes, in far too many cases, where prevention would have eliminated the need for further expenditures down the road. We take the simple shortcut of, "Let's pay for it now." So I'm distressed at times with the number of accidents that occur in Ontario simply because we won't do the paved shoulders. The other jurisdictions in North America know that. We've lagged far behind.

Once again, we have time allocation. The government doesn't like to hear us talk about that, but I think perhaps a lot of Ontario doesn't realize the world in which we function here in the Legislature. It was naive on my part, but when I was elected here to Toronto I thought I would have the opportunity to bring the viewpoint of my constituents forward.

The democracy we live in is extremely fragile. The more we convey to people that they're not part of the system, that their vote or their opinion doesn't make a difference and nobody cares, the more we drive them away from democracy. We continue to see countries in the world where people are prepared to die to get some form of democracy that is maybe only half of what we have. People want to be involved in their community, they want to be involved in their province, but as we take away their opportunity to do that, they become disenchanted.

I learned very quickly in life that none of us are as smart as all of us. We need to hear the experts in the field. Many of the bills that are put forward through this House clearly reflect that the government hasn't even consulted before they do the legislation, let alone during the process when it goes through the House. We've seen this government try to do things either behind people's backs or simply outside of the House. The change in the pensions has been referred to. That wasn't going to be brought up by the government. Their hope was that it would sneak through on the omnibus bill and no one would notice it. The increases in long-term care—an increase that affected every member in every riding, whether on the government or the opposition side—were announced on a late Friday afternoon of a holiday weekend, rather than here in the Legislature to be debated.

I find it most distressing that when the Premier has new legislation to introduce, such as for the Electricity Act, rather than do it in this House, where the opposition could respond and where the media could hear and question, it is done in someone's living room or dining room. Everything is done to diminish the power of the Legislature. But the power in this Legislature is not the power that I possess as an MPP, or that any of us do—because we truly are servants of our constituents. It takes away the power of the citizens in our community, who want to be able to go to their member—and they may have an idea that would greatly improve the quality of life for everyone in Ontario or improve the efficiency, and they come to us as individuals, give us input, and trust us to have the ability to bring that forward and share it with the Legislature, whether in the chamber or at committees. People want to believe that they have full citizenship rights in this province. But instead, we see

this government consistently saying, "We don't want to debate anything." Well, if you don't want to talk about something, there must be something in there that you're very ashamed of. Any good bill will withstand public scrutiny with no problem whatsoever.

We look on this current session, and in this current session 83.3% of the bills have been rammed through in a dictatorial style rather than a democracy. It is not an offence to the members in this chamber; it is an offence to the people of Ontario that continually, 83% of the time, this government is not interested in what they have to say. That is fundamentally wrong for democracy in Ontario.

1710

**Mr Levac:** I'd like to express to the House my intention to discuss, on this time allocation motion, three issues in the time that remains for us.

First, in a nutshell, time allocation itself, the reality of what time allocation means: basically, the stopping of debate. In this case and in a lot of cases, what the government has been doing lately is no debate at third reading, which also steals more time from the people to speak their minds to the government of the day through their members of the provincial Parliament. The second is faulty legislation as a result of time allocation, and the third is this particular bill itself. I'll address this bill as quickly as I can and add a few points and a little ripple to what the government is saying is great legislation.

Let's start with the first thing—first things first. Time allocation is a new device that this government is using to extreme. It's not a new device for the House; it's a new device with which this government has been stifling democracy. I've got a couple of small points for us to hear and understand. I'll go back to the 32nd Parliament—Bill Davis and Frank Miller. From March 1981 to May 1985, there were three time allocations—just three. How many bills did they pass with full debate, disclosure and community hearings? Two hundred and ninety two. Three out of 292 is a very admirable record.

In the 33rd parliament, from May 1985 to September 1987—the Peterson minority government, in co-operation with the NDP—how many times was time allocation used? Obviously, with a minority government you have to be careful of that. Once, out of 129 pieces of legislation. In the 34th session, with a majority government, from September 1987 to September 1990: three time allocations in 186 pieces of legislation.

It goes on and on all the way through, until finally we get to the real issue. In the 36th and 37th Parliaments in the Harris years, from June 1995 to June 1999 we've got 35 time allocations, with only 118 pieces of legislation. Then in the 37th term from June 1999 to just July 2, we've got 46 time allocations with only 71 pieces of legislation. Today we've almost doubled that to almost 85% of our legislation using time allocation. Nasty stuff, that time allocation, because what we find out in that pension legislation—budget legislation—is that we even had the highest court in Ontario tell this government, "Wait a minute. You're barking up the wrong tree.

You've got to pull the plug." They're not even going to admit they want to pull the plug.

What's interesting about this is that even though they've got their fingers in the cookie jar, they're going to put their hand in the jar and walk around the kitchen with it and tell their mother, "No, I don't have my hand in the cookie jar. It's not there."

"Get your hand out of that cookie jar."

"OK, I will. I will, I will." And the hand is not out of the cookie jar yet.

They're not withdrawing that piece of legislation that could possibly take hundreds of millions of dollars out of our pensioners', our senior citizens' pockets. Unbelievable. That's what's faulty about this piece of legislation.

Admitting they're wrong and that they made a mistake would be a wonderful thing to happen. It's a piece of legislation that was pointed out in the middle of time allocation—no debate on third reading. When we bring these facts to the House they're still saying, "There's not a problem here. We're simply not going to proclaim it." But it's still going to exist. The problem is that that piece of legislation needs to be completely withdrawn from that omnibus bill and then reintroduced, if you think there's a problem to correct, before or after consultation. I want to point out very clearly to the people of Ontario, and it's really interesting, their claim on a regular basis, almost to a T: "We consulted." But guess how they do it?

They send out these consultation papers to everybody in the province and get their advice. Then they draft the legislation—they put it together—but they don't come back and say, "This is the piece of legislation we think we've got." They just simply hear the advice and then they stand up and say, "We consulted all the stakeholders, and they've told us what they want in the legislation." Well, kind of. They had no intention of listening, but they consulted. And when the legislation gets written, that's it. Time allocation, third reading, no debate; that's the problem with this. It's a process problem that they know exists but they don't want to use it. Why? Because it means they're going to have to take sober second thought on legislation they know is faulty. I shame them for it because they know they should be trying to pass legislation that is the best possible legislation with input from the opposition, with input from all the stakeholders and in particular from the citizens of Ontario. Why aren't they doing that? Because they know when they ram things through that it satisfies a smaller group of people who say, "That's good enough for me."

I want to move now straight on to the bill. We've made recommendations to this government. The Liberal Party will make this bill pass properly, but we're going to make sure you understand that the faults are there. We've pointed it out time and time again. I want to tell you, somebody on the other side made reference to the United States and talked about the toughest legislation around. It's not quite the way it is, because in my review of the four pages I received from the United States, they made it quite clear that there are up to six, eight months in jail for some of the offences. They also included some of the other faults that I pointed out.

All lights, all emergency flashing vehicles should be included. It's not in this legislation. In this bill, in Bill 191, it was pointed out quite clearly that it's only red and white alternate flashing lights. Quite frankly, there are many other types of flashing lights out there where we need to protect those people when they stop on the highways.

So what should we be doing? The member from the Wellington area likes the volunteer firefighters, I know he does. I do too. But they're not included in this bill because they use green. Green's not mentioned in the legislation.

Another piece that nobody on that side knows, because I pointed it out to him and he didn't have a clue, is that there are actually volunteer ambulance response vehicles that are not allowed to use green.

**Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot):** Are you saying he's clueless?

**Mr Levac:** I'm making it quite clear that there are some problems in the legislation. But why are we debating this under time allocation, the stopping of the debate? We're trying to make sure they understand that there are problems with the bill. We're not here to hold up legislation; we're here to make it the best possible legislation it should be. There are people who need to be protected on these highways.

Quite frankly, for the past five years we've known the facts. We know that in other jurisdictions over 200 people have been killed doing their jobs; they're police officers. We know that. Quite frankly, I don't want to go through those cases again because I committed, for the dignity of those people, not to rehash those awful problems about their loved ones being killed on the highway. Suffice to say that the Liberal Party—Dalton McGuinty, myself and all of my colleagues—supports the type of legislation that this government is trying to do, but we're asking them to stop saying that we're trying to stall the legislation. We're not trying to stall the legislation; we're trying to make it better. Would you include all the different lights that are used on emergency vehicles, the plows?

In the jurisdictions I studied in the United States, almost every single one of them, to a T, included all emergency vehicles because a tow truck driver can get killed as well as anyone else could be out there but they're not flashing red lights.

**Mr McMeekin:** Why wouldn't they do that?

**Mr Levac:** I don't know. I asked them about that, and they're saying, "Well, just put it through and we'll take care of it. Put a lot of stuff through and we'll just take care of it." The people of Ontario are getting sick and tired of that promise.

**Mr McMeekin:** We saw that on hydro.

**Mr Levac:** We saw that on hydro; we saw that in the school boards; we saw that in the supervisors they assigned; we saw that in the most recent piece of legislation, the budget bill. "Trust us. We're not going to touch the pensions. Everything's going to be OK." But time after time, it's pointed out quite clearly we've got

some problems with this legislation. I only ask that you take a look at these.

There are two other situations in there that I think this government should be looking at. This is a really good one, particularly for this bill, and that is the new evolution of studded tires. Believe it or not, studded tires have evolved past what used to be the destruction of highways with the use of metal clips. Rick Bartolucci from Sudbury offered us a piece of legislation in a private member's bill that would reintroduce studded tires. I know the Minister of Transportation is looking carefully at that because he knows the evolution of the studded tire has been improved so that there's no damage on the highways. In the Scandinavian countries they've reintroduced studded tires and they've dropped accidents by a large percentage. So we need to take a look at new innovation. Rick, what was it, 80% now?

**Mr Bartolucci:** Eighty per cent.

**Mr Levac:** Eighty per cent reduction in major accidents with the studded tire. That would help care and control of the car in the very bill we're talking about right now.

So it is a valuable exercise to try to get the government to see that there are things this particular piece of legislation should consider. But we get time allocation. Time and time again, as we've been pointing out, almost every single time they've introduced this there are problems with the bill and they have to retreat. I'm asking them, let's be proactive and get it right the first time. If you were to do that, you would get co-operation from this side more often. Instead of wasting time and telling us that we're wrong all the time, there are opportunities for them to improve the legislation, which also undoubtedly protects the citizens who work on the highways day in and day out.

Speaker, I want to thank you for the opportunity. Stop the closure stuff.

1720

**Mr Peter Kormos (Niagara Centre):** New Democrats don't support this time allocation motion either. But what's most regrettable about this time allocation motion is that the government chose not only to cut off debate—all three parties support this legislation. So that, in and of itself, wasn't and isn't the most offensive or regrettable thing. The most regrettable thing is that the government in the course of the time allocation motion ensured that this bill would not see the light of a committee room. That is unfortunate.

The Police Association of Ontario, when they had their lobby here at Queen's Park just a short while ago, had this on their list of items that they were discussing with various caucuses—with the New Democratic Party caucus as well. I recall having been in the House with the Solicitor General, the Minister of Public Safety, when he railed about the need for this legislation to be passed. I addressed the police association reps who came to our caucus very directly. I said, "Look, the opposition members don't have the capacity to prolong debate. But what's most critical from your interests"—you, police officers' interests—"is that this bill go into committee."

I remain convinced that notwithstanding the purpose, the intent of the bill—and it's a laudable one; everybody has agreed with that proposition—the bill suffers from unenforceability. The contra-argument is made, “Well, the bill is merely designed to be symbolic. It's an educational tool.” Let me put this to you, Speaker: it's not much of an educational tool if every time—the rare time—the charge gets laid, whoever it is gets charged walks away from provincial offences court with an acquittal, without an application of the somewhat high fines that reflect the seriousness of the offence. You want to educate the public? Pass a piece of legislation that if there's a violation, you can get a conviction, and have a few people walking around Ontario talking about how they got whacked by a justice of the peace for a \$1,000 or \$1,500 fine for not slowing down as they sped past a police cruiser with its red lights flashing on the side of whatever highway you want, whether it's the 406 down where I come from or Highway 3 or the QEW, what have you. That's public education.

One of the concerns that we had around this bill was that it was not a vicarious liability bill. You'll recall the amendments that were made to the Highway Traffic Act, as I recall it, around the failure to stop for the red lights that flash on a school bus. One of the problems that school bus drivers had was, as cars sped by them, they might have been able to get the licence plate number of the vehicle, especially if the car was passing them on the left-hand side. That was a scenario where it was almost impossible to ever identify the driver of the vehicle. So you can't charge, unless you have vicarious liability.

New Democrats have been advocating that this offence be a vicarious liability offence, where the licence plate number is sufficient identification to result in a conviction against the owner of the car or whoever else might come up and basically 'fess up to the crime. It's done with fail to remain at the scene of an accident under the Highway Traffic Act, for good reason. The fact is, somebody is usually taking off, speeding away. It's a rare occasion in a fail-to-remain case under the Highway Traffic Act that you can identify the driver. A police officer, whoever the crown attorney's or provincial prosecutor's witness is, has to be able to say, “It was that woman”—or that man—“who was driving that car that committed that offence,” if you're going to charge that person.

New Democrats have pointed out that on this type of offence it's going to be virtually impossible for what will usually be police officer witnesses, in the case of police cruiser pullovers, to say, “It was that woman.” They may have the licence plate number, but their ability to positively identify the driver as the offender is going to be seriously impaired. We're saying the bill should have gone to committee to consider an amendment to make it a vicarious liability offence. It's not unprecedented in terms of those types of offences.

Look, most police officers, if they're at the roadside, either you've got one police car pulling over a speeder in the most, I suppose, benign sorts of situations, and that police officer, by and large, is going to be put in a

difficult position if he or she has to weigh, “Oh, do I abandon the”—I remember one time I got stopped for a Highway Traffic Act offence and as the police officer was talking to me a car went off the shoulder and rolled over. The police officer had to make a speedy choice as to who he—it was a male—was going to have to deal with. I was the one who didn't get the speeding ticket because the police officer had to attend to the more serious incident that happened literally while we were stopped by the shoulder of the road. The police officer is going to be in a difficult position. When a car speeds by, that police officer is going to jump back into his car, after he's stopped a speeder, to pursue the car that just went by. And if there's more than one police officer present—which implies that it's an even far more serious situation than just somebody being pulled over for speeding or no tail light, what have you—again, they're still going to be disinclined.

We New Democrats wanted to make this law better. I can't for the life of me understand why the government wouldn't have addressed that in the first instance, but New Democrats saw that fault, if you will, that defect in the bill, and wanted to make it better, wanted it to go to committee.

The other issue is this: it's police officers who have been injured and killed as they're attending to matters on the shoulders of the highways and various roads. I don't think there's a part of the province that hasn't been impacted by that type of incident. It's incredibly dangerous for anybody, but incredibly dangerous for a police officer who's there doing what he or she has to do on the shoulder of the road as cars speed by. But we raised, as did other opposition members, the prospect of considering whether other similar vehicles that are required to pull over to the side of the road with appropriate warning lights, be they the orange flashing lights of a road safety vehicle, be they the green lights of a volunteer firefighter's personal vehicle, be they the blue lights or white lights of a road-clearing vehicle—say, a road-clearing operator who has emergency flashing lights who has to get off to the side of the road and attend to a mechanical problem with the plow on the front or clear snow out from the mechanism underneath the vehicle—do those people not deserve the same level of courtesy that this bill requires? What about ambulance attendants? You can see that the bill is very specific, isn't it? The bill would seem to exclude an ambulance that's pulled over at the side of the road, or a firefighter, tending to a scenario on the side of the road. So we've suggested that this bill go to committee for those considerations.

It's not going to committee now. The government made that decision. The government, in this time allocation motion, had no fear of saying, “Oh, we daren't put it to the committee, because then the opposition members are going to prolong it or filibuster it in committee.” No, because the government in this time allocation motion could have, as has been suggested to the government, indicated one afternoon, one day, or two afternoons, two days, of committee hearings so we could consider these things and hear from the stakeholders who would be

impacted by such an amendment. The government chose not to do it.

I don't know if the government's going to proclaim this bill. How many pieces of legislation has this government passed—many of them with a whole lot of fanfare and publicity and PR and backdrops and photo ops, with ministers of all shapes, sizes and stripes and so on—and then failed completely to ever proclaim? I hope the police aren't being taken for a ride on this one by this government and I hope the government proclaims it.

**1730**

My regret is that a first-year law student is going to go into provincial offences court and beat these charges. That's my concern. That isn't a very effective educational exercise when drivers get charged, because it's going to be the rare driver who gets charged because of the difficulty in apprehending these types of drivers from the very get-go. But when that driver does get charged and then the driver can beat the rap with relatively little effort, there isn't much of an educational exercise going on. That's unfortunate.

I've been involved in committees where committees have discovered defects in bills, have discovered ways of beefing up legislation and have found ways to make legislation better and in almost, dare I say it, a non-partisan spirit have ensured that that happens. I've also been in far too many committees, the majority of them, where efforts to clean up legislation are futile.

This is a bill that could have been improved in committee. The government chose not to do it. I don't see how opposition members, then, could take any responsibility for this bill failing to achieve the purposes it seeks. We support the proposition of creating a safer environment for police officers and other front-line emergency personnel—police officers, firefighters, ambulance workers. We regret this bill being proceeded with in this fashion by this government stands but a modest chance of achieving any new security and safety for those same front-line emergency personnel.

**The Acting Speaker:** The floor is open for further debate. The government House leader.

**Hon Mr Stockwell:** I can't. I introduced the bill. I'm sorry.

**The Acting Speaker:** Very well. Then the floor now goes to the member for Durham.

**Mr John O'Toole (Durham):** I was actually looking forward to the government House leader standing up, because he's usually quite entertaining and informative, I might add, as well.

It's my pleasure to stand on behalf of Minister Runciman this afternoon on Bill 191, An Act to amend the Highway Traffic Act to ensure the safety of emergency vehicles stopped on a highway and people who are outside a stopped emergency vehicle. If you listen to the debate, I think all members from all sides will be supportive of this bill because, as the minister said in his opening statement, the day the police associations were here was really a day of celebration.

The preamble to the bill probably tells the viewer today all that's really needed to be said.

"The bill amends the Highway Traffic Act to require drivers approaching an emergency vehicle that is stopped on a highway with its red light flashing to slow down and to move into a lane not adjacent to the vehicle if it is safe to do so. A person who contravenes these requirements will be guilty of an offence punishable, for a first offence, by a fine of \$400 to \$2,000 and for subsequent offences, by a fine of \$1,000 to \$4,000, or to imprisonment for a maximum of six months, or to both a fine and imprisonment. The court that convicts a person of an offence may also suspend his or her driver's licence for a maximum of two years."

Clearly, these are very severe consequences for not respecting the hard work, and important work, that our front-line officials on the highway perform.

We could go on, but there are a couple of things I want to put on. As you've heard from my colleagues, this proposed legislation is endorsed by all the people it is meant to protect. We have the support of the Police Association of Ontario, which represents more than 20,000 front-line police officers in the province; the Ontario Provincial Police Association membership; the Ontario Association of Chiefs of Police, with whom I met about a month ago; the Ontario Association of Police Services Boards; the Ontario Safety League; the Fire Fighters Association of Ontario; the Ontario Professional Fire Fighters Association; the Ministry of Transportation; the Ministry of Health and Long-Term Care; and the list goes on.

I'd like to take a moment to read into the record comments made in a letter to Public Safety and Security Minister Bob Runciman by Brian Adkin, president of the OPPA. Mr Adkin and his front-line OPP officers, who face danger every day on our 400-series highways, are appreciative of what the Eves government is doing to protect them as they go about their daily, and difficult, routines.

Mr Adkin writes, "We believe the legislation being proposed by Minister Runciman is a potential lifesaver that will help protect our members in the line of duty.

"Our members are keenly aware of the dangers they face from motorists when they are stopped on the shoulders of Ontario's high-speed, high-traffic routes, especially the 400-series highways.

"We have had several officers killed on the shoulder of the road in the line of duty by drivers plowing into them. Each day my members face an unprecedented danger as vehicles, including tractor-trailers, pass them within inches at speeds up to 140 kilometres per hour.

"This is a very important health and safety issue to our members. We police all multi-lane 400-series highways in Ontario. We ask for your support to protect your OPP officers and my members."

Mr Adkin's letter brings home the dangers these men and women face each and every shift, each and every day. They are fathers and mothers, brothers and sisters, sons and daughters. Those in this House who have family members serving as police officers, firefighters or in other life-threatening jobs know what Mr Adkin is speaking about.

Allow me to remind you of the distressing circumstances and statistics you heard just a little while ago, lest we forget why it's important that Bill 191 receive all-party support this evening. It's an important statement. I know there are members on all sides of the House who want to go off the record and make their own little tirade, but this is a simple statement, as I read in the preamble. It needs all-party support to show the support that our front-line people have.

In the past five years, OPP officers have been killed in the line of duty as a direct result of motor vehicle collisions when their cruiser was stopped on the shoulder of the highway. Between 1998 and 2000, 78 parked and/or stopped ambulances, 69 fire and 819 police vehicles were involved in motor vehicle collisions in Ontario; nine police vehicles were involved in fatal collisions; 237 emergency vehicles were involved in collisions that resulted in injuries; and 720 vehicles were involved in collisions that resulted in property damage only, fortunately.

Commercial drivers are already taught to move over for stationary vehicles at the side of the road, but the driving public will need to be educated to help them understand what is expected and to recognize what to do should the situation present itself as they go about their daily business.

As has been pointed out, the Ministry of Transportation is committed to improving the safety of all road users and to developing strategies that enhance the safety of emergency service personnel.

When police, firefighters and other emergency service personnel are focused on the incident at hand, they have little or no opportunity to address their own safety. The proposed legislation will protect these workers as they go about their difficult but important jobs.

Future deaths and injuries can be minimized and potentially eliminated by enacting this legislation, and the sooner the better, especially as we enter the winter season where the likelihood of emergency personnel and police and firefighters having to respond to accident situations is increased at this time of year.

I can assure the House that the Eves government is serious in its quest to protect these very people. That's why the penalties for not obeying the law, once enacted, will be serious. Few other jurisdictions have penalties as stiff as these that this government is proposing for those who fail to adhere to the law. Our message to the drivers who are inclined to disregard the law is clear: "Do so at your own risk. It will be expensive. You could lose your driver's license and you might even end up in jail. Clearly, pull over and avoid the dangers." Tough penalties, absolutely. Our police, firefighters and other emergency personnel deserve nothing less from each of us in this House.

In closing, I would ask the honourable members to remember the OPP officers who have been killed in recent years while on duty patrolling our provincial highways. While they will live on in our thoughts, through their names being placed on the police memorial just outside this very building, let us ensure that they

didn't die in vain. I would encourage each member of the House to stop and think before they vote on this very serious Bill 191. Stop and show respect. We expect the best from our emergency personnel and it's only right that we, too, do the right thing. It's time to do it.

In the remaining time left, I'm hoping our former Solicitor General will get up, because he's worked long and hard, and I'm anxious to hear Mr Tsubouchi's response to this important bill before us today.

1740

**Hon David H. Tsubouchi (Chair of the Management Board of Cabinet, Minister of Culture):** I thank the member for sharing his time. I asked if I could have some time to speak on this very important issue as a former Solicitor General. I must say—and you know as well, Speaker, as a former Solicitor General yourself—that it's certainly a privilege and an honour to work with the men and women who represent us in the Ontario Provincial Police.

It was my unfortunate duty, I guess, and the toughest thing when you are Solicitor General, to have to attend police funerals. It's a very difficult thing to do. On my watch, unfortunately, we lost three OPP officers: Sergeant Marg Eve on June 9, 2000; Constable James McFadden on December 31, 1999; and Constable Chuck Mercier on September 30, 1999.

What I want to bring to this very important bill is the fact that we're dealing with an important safety measure. It's a measure that will save and protect our police, our emergency workers, but it also has a huge personal and human impact. I think you only see that when you see the effects it has on the families of these officers who go out and protect us day to day and put their own safety behind our safety as civilians. You would not think, if you were married to a police officer, either the husband of a police officer or the wife of a police officer, that when your spouse goes to work and they are on traffic, there is a greater risk that they will be killed than if they were working undercover on organized crime or with the drug squad, something that you would think might carry a huge amount more danger than going out in traffic. But the reality is that many officers, not only in the OPP but in municipal forces across this province and across this country, are at a great deal of risk because there are people who drive on the roads who are careless and treat emergency situations in a very poor way.

I would want to say this: when Marg Eve was in this crash, along with her team, Constable Patti Pask and Constable Brad Sakalo—all from the Chatham division, by the way—I visited the hospital with her family as we were waiting with her. Her husband was there, her sister—all her family. There must have been about 12, 14 or 15 people in that waiting room. You see the real impact it has on the family. They were waiting to find out what was going to happen to Marg. When the bad news came, there was a real human response to that. Once again, here's someone who devotes her entire life to protecting you and me, and yet people tend to forget these families.

It was the same thing when we attended the funeral of Jim McFadden. It was a very cold day. He was killed in December, so it was January. We were at the funeral, in the cemetery. He had a couple of really fine sons who were taking care of his wife, and I still remember a very touching moment when one of the boys took off his jacket to give to his mother in this very cold cemetery.

That is why this is so important. This particular law really points out the things we should do out of common sense and that we don't do. To any of us who are on the highways and see that there is a police car on the side of the road, lights flashing, it's very evident that you should be cautious when you are approaching this particular situation, and yet people continue to speed by. In some cases, because they are watching the police car at the same time and they are distracted, this is what occurs.

This is just a commonsensical bill. It's a bill that is a long time coming. It's not simply police officers, as I said, but firemen and ambulance attendants. All are in very dangerous and tenuous situations as a result of all of this.

I will say this, though, just to talk on the upbeat side of all this. Of course, Marg Eve was in the hospital in London, and both Patti Pask and Brad Sakalo were in the Chatham hospital, so I went and visited them in the hospital. Patti had a broken pelvis, I was told, and was in very serious condition. When I knocked on her door to see whether I could come in, she was up in a walker—this was the day after—on a walker. I said, "Why are you on a walker?" She says, "Well, I've got to get back to work. I want to do what I can to get back to work." That's the kind of dedication these folks have.

When I saw Brad—and Brad, of course, was flat on his back. He was in casts all over the place with serious injuries in multiple places. I still remember this because it was very touching. I had a chance to chat with Brad for a while and see how he was and he said to me, "Will you do me a favour, Mr Solicitor General?" I said, "Well, certainly. What can I do for you?" He said, "Well, would you sign this piece of paper?" I said, "Why do you want me to do that?" He says, "No one will believe you were actually here. I want to share this with the guys and sort of laugh about it." Later on at Marg's funeral, in the condition that these officers were in, Brad was wheeled in on a gurney, just to be there with his fellow officer.

So there's a real brotherhood there. We have an obligation as legislators to make sure that people who protect us, our emergency workers, all of them—whether ambulance workers, whether they're paramedics, whether they're firemen or whether they're police officers—have as much protection as we can possibly give to them.

This is a bill that was a long time coming, I believe, and I'm really hoping that everyone will support it. I believe they will. It's a good thing for all of us out there to make sure that our officers and our firefighters and emergency workers are all protected.

But there are many other things that we can be doing and should be doing for our police. The good news is, I know that when I've been here as Solicitor General I've had a great deal of support from all members of the

House on bills I've brought forward—whether it was the Sergeant Rick McDonald bill, whether it was the sex offender registry—that people here seem to get past the parochial type of political playing that we do from time to time. When we have a serious bill that has huge public safety implications, somehow people are able to see past all the baloney that goes on from time to time and see real issues and are supporting issues that are really important for the men and women who protect you and me out there, day to day.

Speaker, I'm very happy to be here to support this bill, and I hope everyone here does as well.

**The Acting Speaker:** The time for debate has expired. I will now put the question. Mr Stockwell has moved government notice of motion number 65.

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

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

All those opposed, please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 10-minute bell.

*The division bells rang from 1748 to 1758.*

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

#### Ayes

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

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

#### Nays

Agostino, Dominic	Cordiano, Joseph	Marchese, Rosario
Bartolucci, Rick	Di Cocco, Caroline	Martel, Shelley
Bountrogianni, Marie	Dombrowsky, Leona	McMeekin, Ted
Boyer, Claudette	Duncan, Dwight	Parsons, Ernie
Bryant, Michael	Gerretsen, John	Phillips, Gerry
Caplan, David	Gravelle, Michael	Prue, Michael
Churley, Marilyn	Kennedy, Gerard	Ramsay, David
Colle, Mike	Kormos, Peter	Sergio, Mario
Conway, Sean G.	Levac, David	Sorbara, Greg

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 49; the nays are 27.

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

It now being after 6 of the clock, this House stands adjourned until 6:45 this evening.

*The House adjourned at 1801.*

*Evening meeting reported in volume B.*

**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

Lieutenant Governor / Lieutenant-gouverneur: Hon / L'hon James K. Bartleman

Speaker / Président: Hon / L'hon Gary Carr

Clerk / Greffier: Claude L. DesRosiers

Deputy Clerk / Greffière adjointe: Deborah Deller

Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma-Manitoulin	Brown, Michael A. (L)	Haldimand-Norfolk-Brant	Barrett, Toby (PC)
Ancaster-Dundas- Flamborough-Aldershot	McMeekin, Ted (L)	Haliburton-Victoria-Brock	<b>Hodgson, Hon / L'hon Chris</b> (PC) Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement
Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC)		
Beaches-East York	Prue, Michael (ND)	Halton	Chudleigh, Ted (PC)
Bramalea-Gore-Malton- Springdale	Gill, Raminder (PC)	Hamilton East / -Est	Agostino, Dominic (L)
Brampton Centre / -Centre	Spina, Joseph (PC)	Hamilton Mountain	Bountrogianni, Marie (L)
Brampton West-Mississauga / Brampton-Ouest-Mississauga	<b>Clement, Hon / L'hon Tony</b> (PC) Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée	Hamilton West / -Ouest	Christopherson, David (ND)
Brant	Levac, Dave (L)	Hastings-Frontenac- Lennox and Addington	Dombrowsky, Leona (L)
Bruce-Grey-Owen Sound	Murdoch, Bill (PC)	Huron-Bruce	<b>Johns, Hon / L'hon Helen</b> (PC) Minister of Agriculture and Food / ministre de l'Agriculture et de l'Alimentation
Burlington	Jackson, Cameron (PC)		
Cambridge	Martiniuk, Gerry (PC)	Kenora-Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Chatham-Kent Essex	Hoy, Pat (L)		Gerretsen, John (L)
Davenport	Ruprecht, Tony (L)	Kingston and the Islands / Kingston et les îles	
Don Valley East / -Est	Caplan, David (L)	Kitchener Centre / -Centre	Wetlaufer, Wayne (PC)
Don Valley West / -Ouest	<b>Turnbull, Hon / L'hon David</b> (PC) Associate Minister of Enterprise, Opportunity and Innovation / ministre associé de l'Entreprise, des Débouchés et de l'Innovation	Kitchener-Waterloo	<b>Witmer, Hon / L'hon Elizabeth</b> (PC) Deputy Premier, Minister of Education / vice-première ministre, ministre de l'Éducation
Dufferin-Peel- Wellington-Grey	<b>Eves, Hon / L'hon Ernie</b> (PC) Premier and President of the Executive Council, Minister of Intergovernmental Affairs / premier ministre et président du Conseil exécutif, ministre des Affaires intergouvernementales	Lambton-Kent-Middlesex	Beaubien, Marcel (PC)
Durham	O'Toole, John R. (PC)	Lanark-Carleton	<b>Sterling, Hon / L'hon Norman W.</b> (PC) Minister of Transportation / ministre des Transports
Eglinton-Lawrence	Colle, Mike (L)		
Elgin-Middlesex-London	Peters, Steve (L)	Leeds-Grenville	<b>Runciman, Hon / L'hon Robert W.</b> (PC) Minister of Public Safety and Security / ministre de la Sécurité et de la Sécurité publique
Erie-Lincoln	<b>Hudak, Hon / L'hon Tim</b> (PC) Minister of Consumer and Business Services / ministre des Services aux consommateurs et aux entreprises	London North Centre / London-Centre-Nord	<b>Cunningham, Hon / L'hon Dianne</b> (PC) Minister of Training, Colleges and Universities, minister responsible for women's issues / ministre de la Formation et des Collèges et Universités, ministre déléguée à la Condition féminine
Essex	Crozier, Bruce (L)		
Etobicoke Centre / -Centre	<b>Stockwell, Hon / L'hon Chris</b> (PC) Minister of the Environment, government House leader / ministre de l'Environnement, leader parlementaire du gouvernement	London West / -Ouest	Wood, Bob (PC)
Etobicoke North / -Nord	Hastings, John (PC)	London-Fanshawe	Mazzilli, Frank (PC)
Etobicoke-Lakeshore	Kells, Morley (PC)	Markham	<b>Tsubouchi, Hon / L'hon David H.</b> (PC) Chair of the Management Board of Cabinet, Minister of Culture / président du Conseil de gestion du gouvernement, ministre de la Culture
Glengarry-Prescott-Russell	Lalonde, Jean-Marc (L)		
Guelph-Wellington	<b>Elliott, Hon / L'hon Brenda</b> (PC) Minister of Community, Family and Children's Services / ministre des Services à la collectivité, à la famille et à l'enfance	Mississauga Centre / -Centre	Sampson, Rob (PC)

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Mississauga East / -Est	<b>DeFaria, Hon / L'hon Carl</b> (PC) Minister of Citizenship, minister responsible for seniors / ministre des Affaires civiques, ministre délégué aux Affaires des personnes âgées	Scarborough Centre / -Centre	Mushinski, Marilyn (PC)
Mississauga South / -Sud	Marland, Margaret (PC)	Scarborough East / -Est	Gilchrist, Steve (PC)
Mississauga West / -Ouest	Snobelen, John (PC)	Scarborough Southwest / -Sud-Ouest	<b>Newman, Hon / L'hon Dan</b> (PC) Associate Minister of Health and Long-Term Care / ministre associé de la Santé et des Soins de longue durée
Nepean-Carleton	<b>Baird, Hon / L'hon John R.</b> (PC) Minister of Energy, Minister responsible for francophone affairs, deputy House leader / ministre de l'Énergie, ministre délégué aux Affaires francophones, leader parlementaire adjoint	Scarborough-Agincourt	Phillips, Gerry (L)
Niagara Centre / -Centre	Kormos, Peter (ND)	Scarborough-Rouge River	Curling, Alvin (L)
Niagara Falls	Maves, Bart (PC)	Simcoe North / -Nord	Dunlop, Garfield (PC)
Nickel Belt	Martel, Shelley (ND)	Simcoe-Grey	<b>Wilson, Hon / L'hon Jim</b> (PC) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Nipissing	McDonald, AL (PC)	St Catharines	Bradley, James J. (L)
Northumberland	<b>Galt, Hon / L'hon Doug</b> (PC) Minister without Portfolio, chief government whip / Ministre sans portefeuille, whip en chef du gouvernement	St Paul's	Bryant, Michael (L)
Oak Ridges	<b>Klees, Hon / L'hon Frank</b> (PC) Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs	Stoney Creek	<b>Clark, Hon / L'hon Brad</b> (PC) Minister of Labour / ministre du Travail
Oakville	<b>Carr, Hon / L'hon Gary</b> (PC) Speaker / Président	Stormont-Dundas-Charlottenburgh	Cleary, John C. (L)
Oshawa	<b>Ouellette, Hon / L'hon Jerry J.</b> (PC) Minister of Natural Resources / ministre des Richesses naturelles	Sudbury	Bartolucci, Rick (L)
Ottawa Centre / -Centre	Patten, Richard (L)	Thornhill	<b>Molinari, Hon / L'hon Tina R.</b> (PC) Associate Minister of Municipal Affairs and Housing / ministre associée des Affaires municipales et du Logement
Ottawa-Orléans	<b>Coburn, Hon / L'hon Brian</b> (PC) Associate Minister of Municipal Affairs and Housing / ministre associé des Affaires municipales et du Logement	Thunder Bay-Atikokan	McLeod, Lyn (L)
Ottawa South / -Sud	McGuinty, Dalton (L) Leader of the Opposition / chef de l'opposition	Thunder Bay-Superior North / -Nord	Gravelle, Michael (L)
Ottawa West-Nepean / Ottawa-Ouest-Nepean	Guzzo, Garry J. (PC)	Timiskaming-Cochrane	Ramsay, David (L)
Ottawa-Vanier	Boyer, Claudette (Ind)	Timmins-James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Oxford	Hardeman, Ernie (PC)	Toronto Centre-Rosedale / Toronto-Centre-Rosedale	Smitherman, George (L)
Parkdale-High Park	Kennedy, Gerard (L)	Toronto-Danforth	Churley, Marilyn (ND)
Parry Sound-Muskoka	Miller, Norm (PC)	Trinity-Spadina	Marchese, Rosario (ND)
Perth-Middlesex	Johnson, Bert (PC)	Vaughan-King-Aurora	Sorbara, Greg (L)
Peterborough	Stewart, R. Gary (PC)	Waterloo-Wellington	Arnott, Ted (PC)
Pickering-Ajax-Uxbridge	<b>Ecker, Hon / L'hon Janet</b> (PC) Minister of Finance / ministre des Finances	Whitby-Ajax	<b>Flaherty, Hon / L'hon Jim</b> (PC) Minister of Enterprise, Opportunity and Innovation / ministre de l'Entreprise, des Débouchés et de l'Innovation
Prince Edward-Hastings	Parsons, Ernie (L)	Willowdale	<b>Young, Hon / L'hon David</b> (PC) Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Renfrew-Nipissing-Pembroke	Conway, Sean G. (L)	Windsor West / -Ouest	Pupatello, Sandra (L)
Sarnia-Lambton	Di Cocco, Caroline (L)	Windsor-St Clair	Duncan, Dwight (L)
Sault Ste Marie	Martin, Tony (ND)	York Centre / -Centre	Kwinter, Monte (L)
		York North / -Nord	Munro, Julia (PC)
		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	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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COMITÉS PERMANENTS DE L'ASSEMBLÉE LÉGISLATIVE**

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Gilles Bisson, Ted Chudleigh, Alvin Curling,  
Gerard Kennedy, Frank Mazzilli, Norm Miller,  
John R. O'Toole, Steve Peters  
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Finances et affaires économiques**

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Rob Sampson, Joseph Spina  
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Marilyn Churley, Mike Colle,  
Garfield Dunlop, Steve Gilchrist, Dave Levac,  
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James J. Bradley, Leona Dombrowsky, Michael Gravelle,  
Bert Johnson, Tony Martin, Frank Mazzilli,  
Wayne Wettlaufer, Bob Wood  
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Peter Kormos, AL McDonald, Lyn McLeod  
Clerk / Greffière: Susan Sourial

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Vice-Chair / Vice-Président: Julia Munro  
Caroline Di Cocco, Jean-Marc Lalonde,  
Margaret Marland, Bart Maves,  
Julia Munro, Marilyn Mushinski,  
Michael Prue, Joseph N. Tascona  
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**Regulations and private bills /  
Règlements et projets de loi d'intérêt privé**

Chair / Président: Rosario Marchese  
Vice-Chair / Vice-Président: Garfield Dunlop  
Gilles Bisson, Claudette Boyer, Garfield Dunlop,  
Raminder Gill, Pat Hoy, Morley Kells, Rosario Marchese, Ted  
McMeekin, Bill Murdoch, Wayne Wettlaufer  
Clerk / Greffier: Katch Koch

# CONTENTS

Monday 25 November 2002

## MEMBERS' STATEMENTS

<b>Highway 69</b>	
Mr Bartolucci.....	3177
<b>St Catharines courthouse</b>	
Mr Maves.....	3177
<b>Affordable housing</b>	
Mr Agostino.....	3177
<b>Biodiesel fuel</b>	
Mr O'Toole.....	3178
<b>Growing strong communities</b>	
Mr Levac.....	3178
<b>Autism</b>	
Mr Martin.....	3178
<b>Enviroics poll</b>	
Ms Mushinski.....	3179
<b>Environmental protection</b>	
Mr Colle.....	3179
<b>White Ribbon Campaign</b>	
Mr McDonald.....	3179

## REPORTS BY COMMITTEES

<b>Standing committee on estimates</b>	
The Speaker.....	3179
Report deemed received.....	3180
<b>Standing committee on the Legislative Assembly</b>	
Ms Mushinski.....	3180
Report adopted.....	3180

## FIRST READINGS

<b>Electricity Pricing, Conservation and Supply Act, 2002, Bill 210, Mr Baird</b>	
Agreed to.....	3180
Mr Baird.....	3180
<b>Back to school Act (Simcoe Muskoka Catholic District School Board), Bill 211, Mr Clark</b>	
Agreed to.....	3181
<b>Man Who Wasn't There Act, 2002, Bill 212, Mr Kormos</b>	
Agreed to.....	3181
Mr Kormos.....	3181

## STATEMENTS BY THE MINISTRY AND RESPONSES

<b>Teachers' labour dispute</b>	
Mr Clark.....	3182
Mr Kennedy.....	3183
Mr Ramsay.....	3183
Mr Kormos.....	3184
Mr Marchese.....	3184

## SECOND READINGS

<b>Consumer Protection Statute Law Amendment Act, 2002, Bill 180, Mr Hudak</b>	
Agreed to.....	3185

## THIRD READINGS

<b>Municipal Statute Law Amendment Act, 2002, Bill 177, Mr Hodgson</b>	
Agreed to.....	3185
<b>Legal Aid Services Amendment Act, 2002, Bill 181, Mr Young</b>	
Agreed to.....	3186

## ORAL QUESTIONS

<b>Education funding</b>	
Mr McGuinty.....	3186
Mrs Witmer.....	3186, 3190, 3192, 3193
Mr Kennedy.....	3190
Mr Marchese.....	3192
Mr Patten.....	3193
Mr Barrett.....	3193
<b>Pension plans</b>	
Mr McGuinty.....	3187
Mrs Ecker.....	3187, 3189, 3191, 3194
Mr Hampton.....	3189
Mr Smitherman.....	3191
Mr Kwinter.....	3194
<b>Hydro deregulation</b>	
Mr Hampton.....	3188
Mr Baird.....	3188
<b>Science North</b>	
Mr McDonald.....	3190
Mr Tsubouchi.....	3191
<b>Highway 69</b>	
Mr Miller.....	3192
Mr Sterling.....	3192
<b>Rural economic development</b>	
Mr Stewart.....	3194
Mr Coburn.....	3195
<b>Ontario disability support program</b>	
Mr Martin.....	3195
Mrs Elliott.....	3195

## GOVERNMENT MOTIONS

<b>Time allocation, government notice of motion 65, Mr Stockwell</b>	
Mr Stockwell.....	3196
Mr Bartolucci.....	3196
Mr Prue.....	3197
Mr Wettlaufer.....	3198
Mr Duncan.....	3199
Mr Marchese.....	3201
Ms Mushinski.....	3202
Mr Parsons.....	3203
Mr Levac.....	3205
Mr Kormos.....	3206
Mr O'Toole.....	3208
Mr Tsubouchi.....	3209
Agreed to.....	3210

## OTHER BUSINESS

<b>Visitors</b>	
Mr Wilson.....	3182
Mr Gravelle.....	3184
Mr Smitherman.....	3186
Mr Wilson.....	3186
<b>Wearing of ribbons</b>	
Mr O'Toole.....	3196

## TABLE DES MATIÈRES

Lundi 25 novembre 2002

### PREMIÈRE LECTURE

<b>Loi de 2002 sur l'établissement du prix de l'électricité et l'approvisionnement en électricité, projet de loi 210, M. Baird</b>	
Adoptée.....	3180
<b>Loi de 2002 sur le retour à l'école (Simcoe Muskoka Catholic District School Board), projet de loi 211, M. Clark</b>	
Adoptée.....	3181
<b>Loi de 2002 sur la présence à la période de questions orales des chefs d'un parti reconnu, projet de loi 212, M. Kormos</b>	
Adoptée.....	3181

### DEUXIÈME LECTURE

<b>Loi de 2002 modifiant des lois en ce qui concerne la protection du consommateur, projet de loi 180, M. Hudak</b>	
Adoptée.....	3185

### TROISIÈME LECTURE

<b>Loi de 2002 modifiant des lois en ce qui a trait aux municipalités, projet de loi 177, M. Hodgson</b>	
Adoptée.....	3185
<b>Loi de 2002 modifiant la Loi sur les services d'aide juridique, projet de loi 181, M. Young</b>	
Adoptée.....	3186