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**Official Report
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(Hansard)**

**Journal
des débats
(Hansard)**

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Jedi 21 novembre 2002

Speaker
Honourable Gary Carr

Clerk
Claude L. DesRosiers

Président
L'honorable Gary Carr

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Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY
OF ONTARIO

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ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Jeudi 21 novembre 2002

*The House met at 1000.
Prayers.*

PRIVATE MEMBERS'
PUBLIC BUSINESS

GRAFFITI AND ADVERTISING SIGNS
CONTROL ACT, 2002

LOI DE 2002

SUR LE CONTRÔLE DES GRAFFITIS
ET DES PANNEAUX PUBLICITAIRES

Mr Kells moved second reading of the following bill:

Bill 205, An Act to control graffiti on public and private property and advertising signs on public property / Projet de loi 205, Loi visant à contrôler les graffitis sur des biens publics et privés et des panneaux publicitaires sur des biens publics.

The Acting Speaker (Mr Michael A. Brown): The member for Etobicoke-Lakeshore has 10 minutes for his presentation.

Mr Morley Kells (Etobicoke-Lakeshore): I rise today to address the Legislature on the merits of my Graffiti and Advertising Signs Control Act, 2002, and the necessity to have the province take action to protect the property rights of the public.

Graffiti takes place on both private and public property, while illegal advertising signs are usually placed at random on public property near well-travelled thoroughfares. I'm going to quote from an article by author Jake Reichert, in a journal article out of Winnipeg:

"Graffiti has existed in one form or another as long as writing. The earliest known cave paintings dated from 20,000 years ago sometimes seem to have more in common with modern graffiti than with writing.

"Confining a person's avenues of graphic and decorative expressions to books, canvases and printed pages—instead of spreading them out on communal surfaces—is a relatively recent practice and is part of our culture's obsession with private property."

Right from the start let me be clear: graffiti is one thing and illegal signs another, but the one thing they have in common is that they intrude on the public consciousness without permission. They both assault your privacy and show utter disregard for property rights, whether we are referring to public property infrastructure or the walls of homes and commercial properties.

With this in mind, I will begin with graffiti, for it is by far the most pervasive of the two, and obviously the most

difficult to police and eliminate as a public nuisance. The original graffiti artists I suppose could be called the media writers of ancient and medieval times, for often their drawings told a story of events of the era, and often in vivid colour and description, without the use of language, which hadn't yet been created. To these unknown purveyors of the realities of life, we owe an incredible vote of thanks. But we've come a long way since the days of cave art and their messages, and current graffiti relates little of value unless you believe that "John luvs Judy" painted on a subway wall delivers a sublime message of some kind.

Before I get ahead of my story, let me tell you why I feel so strongly that something has to be done before our capital city of Toronto begins to resemble and suffer the fate of some of Europe's great cities.

Just last year I was fortunate enough, along with my wife and a group of friends, to visit Hungary and their capital of Budapest, a charming city to be sure, with a metropolitan area that is resplendent with churches, government buildings and commercial structures that glorify the landscape. Unfortunately, it's all spoiled by an overwhelming display of graffiti on building after building up and down the main streets of the city. These are not fresh displays. Their existence relates the frustrating struggle of hundreds of wounded and captive spirits over the years to have their joys and sorrows on record.

Perhaps I'm being overly kind here when I credit the scribblers with a motive other than vandalism, but let's accept the presumption of a lack of malice. Nonetheless, the architecture of these twin cities separated by the Danube is degraded by those unwanted frescos.

Upon my return to Toronto, I began to notice just how much this defacing of walls, postboxes, telephone and electricity units has expanded in our fair city. Toronto and other urban centres now face a similar fate, unless we take steps to eliminate new displays of graffiti and eradicate the offending renderings that have grown to assault our senses as subway trains, buses and cars roll by or be forced to endure these unwanted intrusions forever.

A review of the efforts of Canadian cities, through their municipal councils, is in order.

Vancouver, way back in 1994, declared war on the rascals smearing city walls with graffiti by these punitive measures: every owner of real property must remove from that real property any unsightly accumulation of graffiti within 10 days after the director of permits and licences causes a notice to be served upon the owner requiring such removal. Secondly, if an owner defaults in

removing any unsightly accumulation of graffiti, the city, by its workers or others, may enter the real property and effect such removal at the cost of the defaulting owner. Finally, if an owner defaults in paying to the city, within 30 days after receipt of demand for payment from the city, the city may recover from the owner by putting their cost on the tax bill.

Victoria responded to this menace with even harsher penalties. A 23-year-old Victoria man has already served jail time for doing thousands of dollars of damage to three local businesses. He spent 16 days in jail after pleading guilty in provincial court out there to three counts of mischief under \$5,000 for tagging buildings. Three other people have been charged and their cases are before the courts.

It is estimated that graffiti removal costs \$2 million to \$3 million a year in downtown Victoria. The police believe 12 to 15 hard-core addicts are responsible for 80% of the graffiti in the downtown area.

Then there's Montreal's experience when they had to shut down their contribution to the Great Millennium Wall of Canada project back in 2001 after the graffiti applicators chased out the real artists and destroyed their mural. "Right now, Montreal does not have any laws about graffiti removal," said Montreal city officials. Montreal has spent millions of dollars, including \$1 million this year, helping property owners clean up graffiti on their walls, but ultimately it isn't the city's responsibility and will have to be done by owners.

Chicago, Philadelphia and New York require building owners to remove graffiti at their own expense.

Yet nobody has tried harder and more recently than Toronto with its proclamation that declared May 2002 as Graffiti Reduction Month. Graffiti, as embodied within the program context, is specific to the unlawful defacing of both private and public property through the use of this kind of writing.

1010

Here are the common targets, and if you look around Toronto you will quickly relate to the list: public and private buildings; parks and recreational facilities; public transit vehicles, stations and shelters; public telephone booths; railway cars; bridges and overpasses. That's why I'm suggesting that a \$5,000 fine for each offence is in order.

The dimension of the graffiti problem is clear and well chronicled, and the least the members of this House can do is support my bill and let our municipalities know that the senior level of government supports their efforts to clean up and maintain the public's right to have unwanted, unintelligible etchings rendered unacceptable in our society.

The problem of erecting or attaching advertising signs to public property is a much easier law to enforce. Simply put, the offender is clearly identified by the message on the sign. It is patently a scheme dreamed up by some companies to advertise without cost. I recall that when Avenue Road Roofing started this trend and were quickly joined by Alpine Roofing, then an assortment of

other roofing firms got in on the act. Lately, they've been erecting these unwanted signs around the Queen's Park Legislature, and I think this is the final straw. Many intersections are littered with 1-800-GOT-JUNK signs, and now an ever-increasing list of small business offerings are sprouting up like weeds.

If the bill becomes an act, through third reading and royal proclamation, we should encourage our municipalities and police forces to crack down on the well-known offenders. What's the use of beautifying the main streets in our cities and towns and then letting them be marred by unwanted and illegal advertising messages?

The offence is straightforward and remedial action should be swift: get the gratuitous signs off our public property or pay the consequences.

Mr Gerry Phillips (Scarborough-Agincourt): I'm pleased to join the debate to offer my support for the bill and congratulate the member for bringing it forward. I think it's actually quite an important bill.

I've watched with interest New York City's rejuvenation. In a 10-year period, New York City has recovered enormously. One of the things they did was to clean up the city, and one thing they cleaned up was the graffiti. For those who may remember New York City 15 years ago, when you rode the subway there it was filled with graffiti. Not that I visit there very often, but I did go down a year ago for Canada Loves New York—all at my own expense, by the way, just in case the taxpayers are understandably worried about politicians using their money. I took my grandson down, and my daughter. You have to be impressed with what New York City has done.

I came to understand this issue through a very good friend of mine, a police officer who was on the Toronto police force as an emergency task force officer. I coached hockey with this individual. He got in a car accident and became a quadriplegic, had no use of his hands or lower body. I give the Toronto Police Service a lot of credit. He went back to the Toronto Police Service full-time as a constable under then Chief McCormack, by the way, and then Chief Boothby and then Chief Fantino, all of whom were supportive of this.

One of his jobs was to deal with youth gangs. He became Canada's expert on youth gangs. No one knew more about youth gangs than my friend Brian Keown. We'd drive around Toronto—he drove an adapted van; quite an extraordinary individual—and he would point out graffiti for me. He'd say, "That's X gang. That's Y gang." He could identify virtually all the graffiti and could tell you what youth gang it was associated with. My friend Brian would tell me that it is important that we not allow this to continue, that, quite apart from the points my colleague Mr Kells mentioned about just the sight of our city, there's another aspect to this that's real. My friend Brian Keown would, not lecture me, but kind of encourage me to recognize that this isn't simply a case of some individuals deciding to take their artistic merit and display it on a wall or a freight car or the side of an arena; it also had, in many cases, some other implications.

So I think this piece of legislation, while seemingly relatively minor, is important on a variety of fronts on the graffiti side. I take to heart the New York City experience. I think there are things we can learn from what happened in New York City. One of the things they did was that they recognized—and you can actually see this in your own life. If a neighbour's house begins to deteriorate a little bit, it influences the neighbourhood, whether we like to acknowledge that or not. If we were to allow this to continue to grow, I think it does have a synergistic effect on how clean our urban areas are; it's probably not just related to an urban area, but it tends to be where it's most prevalent. So it is, in my opinion, a solid idea.

I am also supportive of the part on the illegal signs. On a personal note, we have a cottage up north, and as I drive up there, I'm a little bit discouraged at the increasing number of signs along the side of the road. The Haliburton area is a gorgeous area that I love to drive through because it's beautiful, but almost weekly, as I drive there, there are more of these signs along the side of the road. And certainly I represent an area in Toronto and I see these signs growing, particularly over the weekends when they know there aren't crews out there to take them down, so you'll see on a Friday night, in the community I live in, these illegal signs put out visually polluting the neighbourhood. As my colleague pointed out, from a fairness to business point of view, it is unfair that someone can put up a sign illegally to advertise when other businesses do the legal thing and advertise through normal commercial channels. From a commercial point of view but certainly from a visual point of view it's wrong.

As we look ahead, as we've often talked about here in the Legislature, our services, our police services, our municipal services, have got fewer and fewer resources. It's just a fact of life. Our police services obviously are dealing with major issues. Our municipal services are also dealing with major issues. This should not be an area to which they have to constantly be allocating resources; this should be an area where we as a society say, let's collectively find a way that we either eliminate or dramatically reduce this as a problem, the two problems mentioned in this bill: the graffiti part and the illegal signs. I think it's unfortunate that scarce municipal resources are required to go out, often on a Monday, and take these signs down, or else they simply stay up. In the area I represent, there is a roofing company that has many signs up. I won't mention their name. It sounds like Alpine, though, I think. It's a blue sign—not a Conservative blue sign, an Alpine sign.

1020

We're here dealing with private members' business, and a member has taken the time to bring forward I think a constructive piece of legislation. Now, there may or may not be some things in here that require some fine-tuning; I simply don't know. I would hope the Legislature would pass it and it could go a committee so that municipalities or police services or those directly affected

by it might have an opportunity to comment on it. But that's not to be interpreted as any lack of support; I am wholeheartedly in support of it.

I want to return to where I began. I know a little bit about this issue primarily because of a very good friend of mine. I mentioned that this friend, Brian Keown, was on the police emergency task force, got in a car accident and became a quadriplegic, and the police services hired him back as a full-time regular constable. By the way, he was promoted to detective; he competed against 500 people and he's one of the relatively few who were promoted. I take my hat off to the Toronto Police Service for making sure they were able to accommodate that. We coached hockey together before he had his accident and we kept coaching for 15 or 16 years after that. He had an electric wheelchair and he'd go on the ice and coach. He was one of the really fine coaches in the league I was in. Tragically, by the way, he passed away on February 10 at a young age, of cancer. Actually, the city of Toronto is recognizing him in an award ceremony next Monday at Toronto city hall. It's well deserved.

As I say, I come to this issue with some pretty direct experience in it. The messages I got from my friend Brian Keown, originally Constable Brian Keown and then Sergeant Brian Keown, was that this is not simply a harmless expression of creative talent. In many, many cases it is a way of gangs staking territory. We have a challenge in the province, particularly in the major urban areas: there are gangs. That is a reality that our police services are attempting to deal with. I believe it is not simply a policing matter. I think there are things we can do to assist the police in it, both in terms of resources to try and get at the root causes—and by the way, Chief Fantino has talked often about that, that he needs help from the rest of the community in dealing with some of the root causes that lead to individuals participating in gangs. Having said that, the fact is that there are gangs of individuals that need to be dealt with. You may say, "Well, this is but a small part of it," and it's true; it's but a small part of the gangs, but it is a part that we can deal directly with.

The cost associated with this vandalism is not insignificant. Again, as I understand the experience in New York City, if you don't aggressively deal with this, it just keeps expanding and expanding and expanding and the costs of dealing with it rise. But for New York City they were finding that it was also impacting on tourism, it was impacting on the economic well-being of the city of New York and it was in some different ways affecting gang activities.

So I think this bill, as Mr Kells, the member for Etobicoke-Lakeshore said, is partially a signal to our municipal partners that we understand this is an issue and we will do what we can to support them in dealing with it. But to the public who are watching it and saying, "Is this an issue, really? What are you doing spending time on this?" I say it is an issue. It is an issue of cost for our municipalities to try and deal with the symptoms of this. It's an issue that, if not dealt with, continues to grow. It's

a—cancer is too strong a word; it is an activity that kind of feeds on itself if you don't deal with it, and if we simply accept it, you stop seeing its growth, stop seeing that it's getting out of hand. So I agree with dealing with it and dealing with it quite aggressively, which I think this bill does.

As I said before, I would hope and suspect that it might go to a committee, although maybe the member has already checked with those affected, AMO, the Association of Municipalities of Ontario, and our police services, and maybe they're quite comfortable with all the details of it, and so be it. Frankly, I would rather have it passed than go to committee and die, obviously.

As the member from Etobicoke-Lakeshore said, it is primarily dealing with graffiti, and then there's the other aspect of illegal signs, which I too support him on because I see in my own community the growth of it. There's an unfairness to the rest of our, dare I say, honest businesses that are prepared to invest their money in advertising only to find that somebody else is doing it essentially for free right under their nose.

It's a bill worthy of our support. I would hope we will see it passed today, but more importantly, that it will get its way moving quickly into law so we can show our municipal partners we're with them.

Mr Michael Prue (Beaches-East York): First of all, I commend the member for Etobicoke-Lakeshore, Mr Kells, for bringing forward this bill and for an opportunity to debate it today. I do have to tell him that I don't know how the rest of my caucus is going to vote on this, but I personally think it is an idea that is deserving of some support.

As you travel around this country, especially in urban areas, you will see increasing amounts of graffiti and we as governments, at all levels, seem to be powerless to stop it. You will see the graffiti in the form of signs. We've already talked about the roofing companies, but you will see all types of people putting up signs along our roadways, our streets and our parks in literally any place they are visible to passers-by, be they in a car or be they walking. You see those signs that are supposed to make us as consumers want to use the products. The first thing I would say to anyone who finds them offensive is to phone the company, as I did on one occasion, and tell them that if I ever needed my roof repaired they would be the last company on earth to whom I would go. I think that kind of thing that a consumer can do will speak volumes to a company that is attempting to use that kind of visible pollution of our environment.

You also see graffiti in terms of vandalism where people go out simply to vandalize a property by spray-painting it, usually with some ridiculous type of painting or something which I would not want to call public art in any of its forms. It is simply an act of vandalism for which the Criminal Code has just penalties of up to two years less a day.

You see graffiti that many people do not understand, but it is often in the form of hate messages. It has symbols from groups, sometimes ethnically based, some-

times not, sometimes skinheads, offering hate against other people in our society. The police will tell you what some of these are. I was absolutely shocked the first time I was given a whole list and the gangs to which they were related, to the ethnic rivalries they documented. Last but not least you have gang turf symbols, where people put these signs up to indicate to all and sundry that the gang is in control in that particular quarter or that particular neighbourhood of the city.

These are vandalisms to all of us and they need, quite frankly, to be stopped. There has been an overriding failure of the Criminal Code and the justice system and the police to deal with this. I'm not sure that this bill is going to stop any of that, but it certainly is not going to do any harm. For those municipalities that do not have a bylaw on graffiti, this will be at least a minimum for them to aspire to.

1030

I suggest that what we really need in this society that might go beyond this bill are three things. First of all, we need an education forum. We need to get out to, primarily, the young people who are spray-painting; to the companies that are posterizing and putting up signs; and to gangs. We need to get out to everyone to tell them that this is a Criminal Code offence and it will not be tolerated. I'm going to speak a little bit later about the experience in the city of Ottawa. Certainly, education has to be prime, and I do not really see it in this bill. We need to be spending some resources, some monies, either in the schools or directly one-on-one with street people to ensure that they know this will not be tolerated.

The second thing we need to do as a community and as a province is to help fund those who would eradicate the graffiti. We need to fund the municipalities, the townships, the highway departments and the hydro commissions which are forced every day to go out there and remove the graffiti. We need to make sure that there is sufficient funding in our cities, which today are far too often finding it difficult to make ends meet. The tax base is not increasing, and we all know the difficulties that cities are having on a whole broad range of issues, from housing to transit, to maintenance of the parks and sewer and water systems. To add another cost to remove graffiti is simply beyond their abilities. A senior level of government, like the province, should be making funding available if we are serious about removing it throughout the length and breadth of this province, and making some sort of effort to get that funding.

Last but not least, and I think most importantly, we need to empower ordinary citizens. That is not in this bill. I am taken back to a time when I was still a councillor in the borough of East York before I became the mayor. There was a fellow councillor who has since sadly deceased, Jenner Jean-Marie, who represented the Leaside area of East York. He organized the people of the Leaside community to be graffiti busters. He encouraged them and told them how to go out and literally rip the signs off the lampposts. To this day, you will probably find fewer signs on lampposts in the Leaside com-

munity than anywhere else in the city. Even though Jenner Jean-Marie is gone, his little army continues. They go out and they tear down the signs whenever they see them on the lampposts. The community will not tolerate them. I invite any of you to go through that community, even today, and you will be surprised, you will hardly ever see a sign on a lamppost.

The community is tolerant of people who are holding a garage sale or lost a cat and put up a few signs, but they expect within their own community that someone will take those down after the garage sale is finished, or after the cat has been found, or after a reasonable period of time. If it is not, they take it down and they will actually take it back to the offender.

What we need to do as a society is to empower people to do this. I am convinced that if we do this in the beginning, and people feel confident to go and take those signs down, there will be far less vandalism and far fewer people willing or wanting to put them up.

Many municipalities already have more stringent bylaws, especially the big ones: Ottawa, Hamilton, Toronto and Windsor. They all have more stringent bylaws. The courts, though, have very much hurt the case of those who would fight against graffiti. Two cases—immediately, of course, is the famous case of the city of Peterborough and Supreme Court of Canada back in 1993, where the city lost its case before the Supreme Court in trying to prosecute someone who was putting up illegal posters contrary to the city bylaw. Of course, the Constitution and free speech was brought into that.

There was a second case that is not quite as well known, *Regina v Quickfall*, in which they said postering in and of itself, putting a poster on a hydro pole, was not an offence under the Criminal Code. I think this has caused considerable angst in all the municipalities.

There have been several suggestions today about New York City, talking about how they cleaned it up. With respect, they didn't clean it up with a bylaw like this. They cleaned it up through aggressive action in removing the graffiti and getting citizens to speak out and stop the graffiti from taking place in the first place. In the case of the United States, both in the city of Seattle and in New York City their bylaws on graffiti have been overturned by the courts. So I want us to be very cautious about thinking that this bylaw may in and of itself do what it's intended to do.

I support the bill because it does no harm. I support the bill because it gives all those municipalities that have not yet passed a bylaw something to cling to. There are some who will not support the bill, I'm sure, because it infringes upon the right of free speech, as set out by the Supreme Court of Canada in the famous Peterborough case.

I'd like to go back to where I started: the need for education. We need to go out to the young people and those who are committing the graffiti and tell them it is not acceptable. We need to inform every member of society it is not acceptable. Secondly, we need to fund cities and municipalities.

The city of Ottawa today spends \$400,000 removing graffiti. That may sound like a lot of money and you would think you could do a lot of work with that, but in fact it is a very limited graffiti program. In the city of Ottawa they use some of the money, I understand around \$100,000, to go out to people who are called taggers, those who actually put the graffiti on the walls and public buildings of our capital city. They try to educate them and tell them it is not acceptable and get them to cease and desist.

They have also set up areas where graffiti are allowed. They understand it is impossible to obliterate it everywhere. There are building hoardings and places where graffiti are allowed and where the taggers, if they must practise their art, are encouraged to go to a hoarding around a new development or a site where graffiti will be allowed, and it will be taken down and will not cause huge public harm to existing buildings.

They do other things. In the downtown core on Bank Street and Rideau Street they have an eradication policy. They have a paid contractor who goes out every day and looks up and down Bank Street and along Rideau Street, the two main commercial streets in that city, looking for graffiti. They have other paid contractors who do nothing except take those graffiti off the walls. This is very expensive. It's about \$300,000 a year to do this in the Ottawa pilot project. One needs to understand that in a city that is, I think, the third-largest or fourth-largest city in Ontario—maybe it's even the second largest. I'm just trying to think about that.

Mr George Smitherman (Toronto Centre-Rosedale): Ottawa is second.

Mr Prue: Bigger than Hamilton?

Mr Smitherman: Yes, almost twice as big.

Mr Prue: All right. It's a large city. Their program at \$400,000 does two streets. That's all. Ottawa cannot, with the monies available to it, eradicate graffiti throughout that capital city. That's their experience. They need help, and they need more help than is in this bylaw.

We have the city of Toronto. The city of Toronto has a bylaw that has not yet been enacted because they cannot get community consensus. They are attempting to limit signs and signage to 4,500 poles in the city of Toronto. There are approximately 100,000 hydro poles in this city and they are trying to limit it to 4,500 poles or about 4% of all of them. There is a proposal that there be a \$60 fine for every illegal sign that is put on any of the balance of the 95,500 poles where you are not allowed to do it. They are going to put plastic sleeves on the ones where it is allowed.

But there is a huge community uprising against that, which might be surprising to people, because people believe in free speech and the right to put out their signs, whether it's to advertise a babysitting service, to find a lost cat or to do whatever, and the city of Toronto has been singularly unable, with the threat of being taken to court, to act.

1040

We have the example of some cities. My assistant in my office has recently come back from Spain and she

told me a remarkable story of how every morning there was a whole graffiti squad in the town she stayed in that goes out and, with high-powered sprays, literally sprays off the graffiti that were painted the night before and takes down the signs. That city is spending an inordinate amount of money, but they are doing it for tourist reasons. Something I think we should remember: tourists don't want to come to a city, don't want to come to Toronto or Ottawa or Hamilton or Niagara Falls or Thunder Bay and see graffiti all over everything. It is not the image we have of ourselves as Ontarians or Canadians.

Last but not least, we need to empower the citizens. We need to tell people it is OK to take the graffiti down. We need to tell them it is their duty to take the graffiti down. We need to tell them it is their duty to report when they see people spray painting or causing damage, and not to look the other way. We need to have ordinary citizens in our community understand that when that violation is done to a piece of property, is done to a street or a road or a roadway, it is a violation to all of us, that it reduces our value as Ontarians, reduces the value of our property, and really diminishes us as a society.

I commend the member for Etobicoke-Lakeshore for bringing this forward. I will be supporting it, but I ask all of us: we need to go the extra mile to eradicate that from Ontario.

The Acting Speaker: I would like to bring members' attention to the members' gallery west. We have a former member, Mr Ed Philip, from Etobicoke-Rexdale, who represented those fine people in this Legislature in the 32nd through 35th Parliaments.

Further debate.

Ms Marilyn Mushinski (Scarborough Centre): I'm particularly delighted today to address this important bill from my esteemed colleague from Etobicoke-Lakeshore, Mr Kells, because I believe it's an issue that affects all of us. It's of considerable importance, not only to my constituents in Scarborough Centre and myself but to all the residents, as we've already heard, in this great province of ours.

One of the underlying principles of a democratic society is the right to ownership and enjoyment of one's private property. Graffiti, illegal advertising and other forms of property defacement undermine this very basic principle of good government. Graffiti are a crime that victimizes not only the property owner, but also the property owner's neighbours. It effects entire communities. It can be used to promote hatred and violence, cause fear and lead to crime and disorder and the general disintegration of community standards within a community.

In my 20 years of service to the people of Scarborough, I have learned the value of civic pride and I have witnessed the demoralizing effects of graffiti and other forms of property defacement. Many years ago the streets of Scarborough were once lined with illegal advertising and unsightly billboards. Car dealer advertisements that had long since lost their appeal competed

with run down and tattered billboards across the street. This made for neither a pleasant nor an inspiring drive through the city streets. It provided little, if any, incentive for investment. Property values suffered and economic development slowed. As a result, of course, the people of Scarborough suffered.

In addition, proliferation of graffiti raised public safety concerns in the community.

In order to protect the rights of citizens, the municipality adopted action plans to clean up city streets. In fact, it was the municipality of Scarborough in the late 1970s that introduced a sign code bylaw that has been challenged all the way to the Supreme Court of Canada—and has been upheld, I might add. To uphold this, we introduced stronger property standards enforcement which required timely cleanup of any illegal or unsightly advertising. We believe that the effect contributed to creating safer and cleaner communities, affected economic development in a positive way and brought back a revival of civic pride.

I believe that Scarborough residents are not alone in wanting better and more attractive neighbourhoods for themselves and their children. Concerns over graffiti and defacement of property have been echoed by many communities. An increasing number of jurisdictions, not only in Ontario but also in the rest of Canada as well as in the United States, have taken steps to combat this problem. In Toronto, May 2002 was proclaimed Graffiti Education Month. Communities and the police services worked together in an effort to revitalize urban areas, to make them more attractive to investment and to showcase the best that the city of Toronto has to offer.

But incentive for investment is not necessarily the primary objective of cleaning up our neighbourhoods. The partnerships that form between communities and the police services that seek to reduce crime promote social cohesiveness and reduce fear and disorder. Not only that; they send a clear message. They send the message that hatred and biased propaganda do not belong in our communities. They send the message that gang graffiti does not belong in our communities. They also send the message that cult graffiti does not belong in our communities.

I believe it's time for this House to extend the strong message to the rest of the province that we need to take steps to ensure that each and every resident in this province, regardless of the street or the community or the town or the city they live in, has the opportunity to enjoy their right to property. No citizen should be subjected to the distress and the fear that can result from hate propaganda. No city or community should be subjected to the distress that comes from freely showcased graffiti on building walls, private as well as public property.

We must support this initiative that encourages residents, especially youth, to take pride in their community. Of very special concern to me are the safety and security of my constituents. Community safety is tremendously important, and I'm sure that many members of this House share the same concern. I have repeatedly met

with community leaders and members of the police services board to discuss crime and its management. As a result of these meetings, I can tell this House that evidence shows significant costs to graffiti crime. The most obvious of these is the cost of cleanup and the restoration of property and the judicial costs. There are, however, other costs that, although not as obvious, have a more damaging effect on the community and society as a whole, and these are the social costs that include decreased respect for law and order, citizen fear and diminished use of public spaces. In addition, graffiti crime increases the likelihood of supply theft, leading to mischief and carrying the potential of more serious offences.

1050

Eradicating the defacement of property helps to reduce crime. It prevents citizens, and especially our youth, from treading on that very dangerous path that begins with a seemingly harmless prank but leads to serious disregard for the law and the safety of others.

These are serious concerns that plague many communities across our province. If we are to expect our citizens to take pride in their communities, we must address this serious symptom of social disorder. If we want our citizens to be active in crime management initiatives, community surveillance programs and other Crime Stopper initiatives, we must do our part and show our commitment to eradicating the problem of graffiti and property defacement.

Anti-graffiti legislation is not only a means by which we will encourage economic development and invite investment. It is not only a means by which we help our tourism industry to flourish. It is also a significant component of our war against crime. It is one more strategy we can utilize to ensure that Ontario is indeed the best place to live, work and raise a family.

Mr John O'Toole (Durham): It is indeed a pleasure to rise this morning. I do so, I might add at the beginning, in respect to the member for Etobicoke-Lakeshore and the interest he places on traditions and values. He is the member who previously introduced a private member's bill on the two-minute silence for Remembrance Day in respect to those who served their country, and it's in the same tradition that this bill pays respect in our communities and the ridings in which we live. This bill goes a long way in making a statement about making our communities, as the previous speaker said, better places to live and enhancing the quality of life and sense of safety.

In preparation for speaking on the member's bill, I got a copy of the bill. For those watching, I think it's important to recognize that it describes graffiti as including "any design, drawing or writing scratched, scribbled or applied by any means to or on any surface."

In fact graffiti, previous speakers might have mentioned, was a form of self-expression or a form of art or a modern-day kind of community—I don't know—territorialism in some respects. It may, in the gang sense, be demarcating their territory, and it certainly is in my view

something that needs to have clear direction from the province.

I commend the member for Etobicoke-Lakeshore, because I did survey the three principal communities in my riding of Durham. For those viewing, my riding of Durham includes the north part of Oshawa where there are lots of commercial plazas and other areas where this certainly can be a problem. It also includes Port Perry, which is a wonderful community on the shores of Lake Scugog. In Palmer Park in the downtown area, they have had from time to time small problems with this situation on sidewalks, walls and other meeting spots, if you will, and also in the municipality of Clarington, which of course is a municipal area which includes a lot of communities, Bowmanville being the largest one, Newcastle and Orono, a smaller, rural-setting community where graffiti wouldn't be to a large extent, yet there are youth issues there that are being addressed on a continual basis. But it includes smaller communities like Hampton and more growing areas like Courtice. Young people to some extent get frustrated and they do tend to congregate because they may be bored or just want to hang out together.

When it comes to a general sense, in my research in Oshawa there is a municipal bylaw, which I'll mention to some extent later, but in Clarington there is no such bylaw—I think there's just a "good fences make good neighbours" approach to it—and in Port Perry there's no existing bylaw. This gives them a framework by which they have a tool to use as an enforcement mechanism to make our communities more beautiful, more pleasant and the sense of feeling safer, I suppose.

But to that extent there is a bylaw in the city of Oshawa, a very large city in the riding. I do share that with the member from Oshawa, the Honourable Jerry Ouellette. Their bylaw is bylaw 01-2002, so it's very recent. It's section 5.3.2. I'll read it. "Exterior walls of a building (and their components) shall be free of painted slogans, graffiti and similar defacements."

I was listening to the NDP member earlier. He talked about the very famous Peterborough case, where the courts determined that it was a freedom-of-expression issue. Well, I think freedoms have boundaries. I think with freedoms go responsibilities, or with rights go responsibilities. I think in many cases this activity is unacceptable and to some extent it could be slanderous, it could also be discriminatory, it could have messaging that is in conflict with what in our common community view is acceptable behaviour. But it runs very closely into the whole issue of vandalism. I think of most of it as being vandalism.

I guess there can and should be room for it being a forum for artistic expression. Well, do it on your own fence or do it on your own house. But I think it's important to recognize that it isn't acceptable in most cases.

But I will say that the municipality of Clarington has the Clarington youth group, which congregates at the Firehouse Youth Centre. It's administered by the John Howard Society. There are approximately 200 members.

They're supervised by adults and provided a bunch of activities under very capable leadership. It gives young people a place to collect. They work with the Durham Regional Police and community policing officers.

But I think a very important program, in the final moments I have here, is the Clarington youth group advisory committee, which received \$6,000 recently from our provincial Solicitor General for the purpose of promoting youth development in the area. They intend to purchase anti-graffiti paint with the money. The idea is that the graffiti can be washed off, cleaning the surface with hot water and pressure. It is the intent of the Clarington youth advisory committee to use the paint purchased to create murals in some locations in Clarington where graffiti and vandalism are a problem. In fact, most of the design and work would be painted by those very members of the local youth group.

So there's a case where they are making a positive statement. I believe that this bill will be one more signal that this province promotes beautification in our communities for a great place to live, work and raise our families.

The Acting Speaker: Response?

Mr Kells: In the two minutes I have left, I'd like to summarize by saying I believe that my bill merits your support. There is no more decisive illustration of support than a strong section in the new Municipal Act, 2001, under the heading "Closing premises, public nuisance." This legislation passed during the spring sitting, and it allows the court to take action to prevent abuses of property. Under the "public nuisance" heading, the presence of graffiti is included as a reason for the court to take action to protect property rights. So this government has taken action and added graffiti right into the new Municipal Act.

Since I represented the minister at the committee meetings on this new bill, I know that our municipalities were pleased to learn of these extended powers to the Municipal Act. Yet it is possible to help these wayward artists if some effective communication can be established. I think the honourable member from the NDP spoke to that.

Now may I paraphrase a statement made in the House by Brenda Elliott, MPP for Guelph-Wellington, back in November of 1999. She said, "In the spring of 1996, Guelph police noticed a disturbing increase in the amount of graffiti in the city of Guelph. An officer took it upon himself to find a strategy to combat this problem.

"He first solicited the help of a known local graffiti artist" and then worked rather quickly to track the perpetrators down. He got them to put their graffiti on legitimate areas. It all worked out rather well.

This Legislature, in supporting my bill, will have sent a clear signal to perpetrators that we no longer tolerate these abuses of public and private property. The same thing goes with our ability to help municipal councils enforce their bylaws in our new legislation.

The Acting Speaker: This completes the time allotted for debate on this ballot item. I will place the question to decide this matter at 12 o'clock noon.

1100

MOTORCYCLE AWARENESS WEEK
ACT, 2002

LOI DE 2002 SUR LA SEMAINE
DE SENSIBILISATION
À LA MOTOCYCLETTE

Mr Stewart moved second reading of the following bill:

Bill 201, An Act to proclaim Motorcycle Awareness Week / Projet de loi 201, Loi proclamant la Semaine de sensibilisation à la motocyclette.

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

Mr R. Gary Stewart (Peterborough): I am pleased to have the opportunity to introduce An Act to proclaim Motorcycle Awareness Week. If this bill passes, it will declare the first Monday in May of each year as Motorcycle Awareness Week in Ontario. The bottom line of this bill is about safety, education and awareness. It relates to the motorcyclist but, equally as important, it addresses the motorist as well.

There are 102,000 officially licensed motorcycles registered in Ontario for road use. As well, there are untold numbers of motorcycles for off-road use, totalling 570,000 motorcycles. And 9,121 more riders were licensed in 2000 than in 1999—a 7% increase, and it's continuing to increase daily. They are 7% of the driving force in Ontario.

Motorcycles have been used for transportation and recreation in Canada and indeed around the world for years. In fact, they have been an important transportation vehicle in both war time as well as in peace time.

In May, there is an annual renewal of motorcycle enthusiasm. Over the last 20 years, organizations across Ontario have promoted and participated in motorcycle awareness campaigns. Some cities and towns in this province have proclaimed May as Motorcycle Awareness Month or Motorcycle Awareness Week, depending what the municipality chose.

Motorcycles are not a toy. They are a high-speed, powerful mode of transportation and must be ridden safely and responsibly. These days, with the high cost of fuel, motorcycles are seen as an economical form of transportation and are becoming more and more popular every day. Moms and dads, grandfathers and grandmothers, sons and daughters are turning motorcycling into a family sport. We want it to be a safe family form of fun. Less than 2% of all riders are involved in motorcycle gangs. They are becoming a nonentity in motorcycling.

If we are to promote safety both for motorcyclists and motorists, we have to develop and promote skills and awareness of proper habits on how to handle motorcycles and also good road habits, which should be apparent but sometimes are not, especially with we motorists.

In my riding of Peterborough, Sir Sandford Fleming College offers a motorcycle awareness and skills course. It focuses on safety, basic motorcycle tips, riding habits, how a motorcycle works, basic skills and how to practise them, what hazards they must be looking for while they're riding, emergency braking and collision avoidance. The course is more comprehensive than most automobile driving courses. This course is endorsed by all levels of government and the insurance advisory organization. This course has gained recognition as the finest rider training program anywhere in the world.

The motorcyclist indeed is very vulnerable when on the highway. All of the motoring public must recognize the importance of sharing the roadway. Safe driving habits and an overall awareness for all those who travel Ontario highways are essential. We all have a right to use our roadways. As we drive our cars and trucks down Ontario highways, we always seem to be aware of those trucks, transports and other vehicles that can be seen very easily in our rear-view mirrors, but motorcycles can be missed. They could be in the blind spot of our vehicle, or we could just fail to realize or remember that they also have a right to be on our highways. Motorcycles are a relatively small component of the total traffic mix, therefore their visual recognition is reduced. Many drivers do not anticipate routine encounters with motorcycles in traffic. Again, motorcycles are smaller visual targets and are more likely to be obscured.

Let me comment on a couple of safety tips that are very important to motorcyclists. I believe they are also very important to motorists.

Be very cautious during the first rain after a dry spell. All the oil that has accumulated on a road comes up in the first half-hour and is very slippery. Sound familiar? Yes, indeed it does.

Motorcyclists, when passing parked cars, stay to the left side of your lane. It's somewhat similar to what we should be doing when we're driving our cars or trucks.

Look ahead. Plan ahead. Look as far down the road as you can. Pay close attention to colours and shapes on the road surface, for example trash, puddles, new asphalt, bumps, cracks, holes and fluid spills. Again, I believe looking ahead and planning has as much to do with when you're driving a car or truck as it does when you're riding or driving a motorcycle.

These suggestions should be practised every time we hit the road if we are to be responsible drivers. All of us know we should slow down before entering blind turns and be watchful at intersections and when passing driveways and alleys.

Members of this Legislature, these are all awareness and safety issues that we all should practise on a day-to-day basis.

This bill is about respect: respect for each other, the motorcyclists and all the motoring public who practise responsible driving. Long gone is the stigma associated with motorcyclists, and so it should be. Today lawyers, doctors, teachers, businessmen and businesswomen, people from all walks of life ride bikes. They pay big

prices for their equipment and contribute to the economy of this great province.

This summer I had the opportunity of opening the official HOG rally at Trent University in Peterborough. There were over 2,500 bike riders there. A tremendous amount of dollars was represented in the vehicles I observed in front of us when we opened it, and the people who were there were so enthusiastic. The Golden Helmets from the OPP were there showing their form but also passing on safety tips to many of the riders. By the way, "HOG" stands for Harley Owners Group, a wonderful group to be associated with and be part of.

In my riding last year, we had too many deaths, too many accidents, too many riders left with physical and mental disabilities due to motorcycle accidents. In 2000, there were over 437 motor vehicle fatalities; 37 of those were motorcycles drivers.

By declaring Motorcycle Awareness Week, maybe, just maybe, we can save some lives and some limbs. I encourage all members to support this bill. It is imperative for citizens of Ontario to be aware of motorcycles on our highways. This is a very non-political issue. I would hope the members of this House will support this bill. Just maybe we can save a few lives.

1110

Mr Steve Peters (Elgin-Middlesex-London): I'm pleased to stand up and offer my unequivocal support for this bill in front of us. The honourable member had put it forward earlier, but because of his position within the government caucus it couldn't be dealt with. Now he's had the opportunity to bring this bill forward, and I think it is important. As he pointed out, safety education and awareness is definitely a two-way street. We need to do everything we can to help support this bill.

The history of the motorcycle is very interesting. The motorcycle is a direct descendant of the bicycle. The first bicycle, as we know it, appeared around 1800, and the motorcycle is an evolution of the bicycle. Gottlieb Daimler is credited with building the first motorcycle in 1885, with one wheel in the front and one wheel in the back, although it had smaller wheels, almost like training wheels, on each side. This motorcycle was constructed mostly of wood, with the wheels being iron-banded, wooden-spoked, wagon-type wheels. It was known as having the bone-crusher chassis. It was powered by a single-cylinder auto cycle engine. There were also some earlier experiments in the United States in trying to develop a motorcycle, but it was steam-powered. In 1867 a gentlemen by the name of Sylvester Roper developed a charcoal-fired, two-cylinder engine attached to a bicycle. The earliest designs started out with three- or four-wheel vehicles, but eventually settled on the two-wheel variety.

The first successful production of a two-wheeled motorcycle began in Munich, Germany, in 1894. By 1895 there was a French company building an engine that led to the mass production of motorcycles. The first North American production of a gas-fired engine was by the Metz Co in Massachusetts in 1898. Later on we saw the Indian Motorcycle Co formed, and then the company

that the honourable member made reference to earlier on, Harley-Davidson.

In 1903, 21-year-old William Harley and 20-year-old Arthur Davidson made available to the public their first production of a Harley-Davidson motorcycle. The factory was a 10-foot by 15-foot wooden shed, with the words "Harley-Davidson" inscribed on the door. The first dealer opened in 1903 as well. He sold one of the first three mass-produced Harley-Davidson vehicles that year. The Harley-Davidson vehicle is quite common on the roads; we see it in particular with police services across this province. In 1908 the first police motorcycle was sold to the Detroit police department.

Harley-Davidson has certainly been actively involved in trying to improve the motorcycle over the years, along with other companies. Just following through on a bit of chronology of the motorcycle, the first front-wheel brakes appeared on a motorcycle in 1928. In 1939 we saw the first flashing turn signals appear on a motorcycle. In 1940 the first sealed-beam headlights appeared on motorcycles. We started to see some evolution in the industry, and in 1949 Honda manufactured its first motorcycle. In 1952 the first hydraulic brakes appeared on motorcycles. In 1953—and this is in recognition of some of the safety issues, and many of the points I've made dealt with safety on motorcycles—the first patent for a protective helmet with an energy-absorbing liner was issued. Staying with the helmets, in 1957 the Snell Memorial Foundation was established to help create and improve the standards of motorcycle helmets.

Rear suspension was introduced on motorcycles in 1958. In 1959 the Japanese invasion into motorcycles began, with Yamaha first entering the market in that year. In 1967 Bell Helmets introduced the full facial cover. In 1980 there was the first motorcycle international safety conference. That's what we're dealing with with this bill here: safety.

We know that the motorbike or motorcycle has been on the road for well over 100 years, but we need to do more to understand and recognize, as was pointed out earlier, the two-way street that exists: not only do we need to ensure that the operators of motorcycles are fully trained but we need to ensure that drivers of other vehicles on the road, be they cars, trucks, or large transport trucks, understand the motorcycle as well. We need to understand and we need to ensure that when safety manuals are being developed for individuals, for young people going for their driver's licence, there is an inclusion of awareness of motorcycles.

I want to commend the Bikers Rights Organization of Ontario, otherwise known as BRO. The Bikers Rights Organization has worked hard over the years to try and raise the issues of safety education and awareness. Every year, in May, they hold a Motorcycle Awareness Week. I've been privileged, at least since 1992, to have been in St Thomas welcoming motorcycle riders from all over southwestern Ontario as they held their annual awareness rally. They use that rally as an opportunity to not only educate themselves but educate the general public, giving

them a better understanding of the motorcycles on the road. I want to commend them as well.

There's an individual in my riding, whose name is Steve Northey. Steve has worked very hard at trying to ensure that issues dealing with motorcycle safety and awareness have been brought to the forefront. But they've been involved in other areas as well. Every fall, they have their annual toy run, and this is always the prelude or the kick-off to the Christmas season. Every year, hundreds and hundreds of motorcyclists will converge on St Thomas. They begin their ride in London, and they each come packing a toy that becomes part of the local Christmas Care campaign that is operated through the Salvation Army. I commend them for that and their toy run.

The honourable member talked about motorcycles and of the sheer beauty and value of the motorcycles. One only needs to go look at the care and time that individuals have taken to customize some of their bikes and to create truly showcase vehicles. They are, in many cases, works of art, and they are also extremely valuable. They take pride in their vehicles.

It was interesting as well when the member talked about attending the Harley Owners Group, the HOG, group rally in Ottawa. There's something so distinctive about the Harley-Davidson motorcycle, the sound of that bike. My neighbour Murray has a Harley-Davidson and when he pulls home on the weekend and he fires that bike up, you know it's him. The sound travels around the community, and you can hear a Harley travelling down the street, and some of the sounds are distinctive. I can pick Murray's bike out as he's coming home.

I look at another friend of mine, Joe Olsen. Joe lives outside of Detroit, and Joe has been riding motorcycles since the 1940s and he takes great pride in his motorcycles. He has at least three in his own collection and he has done everything he possibly can to ensure that the heritage of early motorcycles has not been lost. Much like an individual takes pride in his car, Joe has taken pride in his motorcycle. Joe—I give him credit—this past summer, drove all the way from Detroit to Winnipeg on his motorcycle. That's quite a ride, and I commend him for that.

I really say thank you to the honourable member for bringing this bill forward, because we need, as legislators, to do everything that we can to increase awareness of motorbikes on the roads and do everything that we can to educate the public, because any death, one death, is one death too many. If this bill can work toward improving awareness and we can save one more life, then this bill has proved its worth. So I commend the member and I assure the member that he will have the full support of our caucus with this legislation.

1120

Mr Tony Martin (Sault Ste Marie): I want to confess right off the top that I don't ride a motorcycle, nor do I own one. So I don't have a conflict of interest here as I speak to this bill, whether to promote it or not.

I know there are folks out there who just love to ride motorcycles. We hope they do it safely and understand

the correctness of making sure that they have their helmets on, that they're dressed appropriately and that they take all the precautions necessary, without our having to focus on a Motorcycle Awareness Week. Although this particular proposal may have some merit, I'm here this morning to listen to the comments of others, such as the members who have spoken already and, I'm sure, the many others who will speak later this morning.

Motorcycling is one of those two-edged swords. As the member who introduced this motion this morning indicates in some of the material he has put out, motorcycles are not toys. They're very powerful machines. If they're not used properly, they can be very dangerous, and because of the lack of consideration, understanding and attention by other large vehicles on the highway, they can often be in jeopardy even though they themselves take all the safety precautions that are necessary.

I want to put a few thoughts on the record this morning by way of challenge to the member. He can respond to them in his closing remarks or perhaps others who are supportive of recognizing the first week in May as Motorcycle Awareness Week can respond, so that I might understand more fully how these issues are going to be considered in this. Then I can make up my mind whether I want to support it or not this morning.

One side is the fear that we may take this very powerful machine, this activity that can be very dangerous if one doesn't pay attention, and take all the safety precautions, understanding as well that other vehicles out there aren't always as conscious and aware of motorcycles on the road as they should be, and that by focusing on motorcycling and setting a week aside for awareness, although I recognize the member is talking primarily of awareness from a safety perspective, we may also go a distance to romanticizing in some way this activity of riding motorcycles.

For example, I'm thinking of my own kids here, so I may actually have a conflict of interest, in that one of my boys I know has talked about having a motorcycle and riding a motorcycle. I'll tell you, it scares me big time to think of him out there on the road on a motorcycle. I'd prefer he buy a car. I think a car is safer and that his chances, if he gets into an accident, are much greater of coming out with less damage to himself or others if he drives a car.

In setting aside a week, because there will be all kinds of celebration and focus, public relations and communication, particularly by the motorcycle industry itself promoting motorcycling, ultimately that will appeal to a younger set out there who may not yet have developed a full understanding of the challenges and difficulties and the fact, as I've said already, that this is a very dangerous machine they ride, not a toy.

I put that on the record, that I have a fear we may romanticize a way of transportation that isn't as safe as some of the alternatives that are out there that people could choose to participate in. I put that out for people's consideration. Will it do that? Will the obvious benefit of

an awareness week that will focus on safety compensate for the image that may be developed about motorcycling that may encourage young people in particular to participate in this activity without thinking about the consequences, no matter how attentive they might be to the safety side of their actual riding the machine, not understanding that even with that it can be very dangerous behaviour and activity to be involved in.

The other side of this that I think needs to be put on the record is the growing concern out there in communities about the unsavoury side of motorcycling, about people such as the Hells Angels and some of these other groups that ride motorcycles that have become a very real threat to communities and a very real concern to the police. How do you draw the line between the two? How do you separate those very well meaning and good citizens in all our communities who ride motorcycles for pleasure, for transportation or for recreation and who do it in as safe a fashion as possible, who use the motorcycle and the group they belong to to raise money for charity and do all those kinds of things that we know can be and are done by people who ride motorcycles, from the unsavoury side of motorcycling that so often is depicted in the movies that we and young people watch, and about which we become more and more anxious and concerned in this province as we see the incursion of these motorcycle gangs into the framework, the network and the fabric of Ontario?

I'm concerned about our ability, in setting aside a week to focus on motorcycling, to actually keep the two separate and deal with them in a way that helps people understand there is this very difficult, dangerous and unsavoury side of motorcycle activity that exists out there that is a real threat to society, to some of the things we count on to support the bringing up of our children and the behaviour of people in communities.

Those are two issues I want to present here this morning as needing, in my mind, to be thought about as we consider this piece of legislation before us. Are we setting ourselves up for something that is bigger and more unmanageable in the end by doing this, or as the member who has presented it suggests, will we simply be focusing on the positive side of motorcycling and emphasizing the issue of safety where that activity is concerned? I think they're very real. I think they're things we need to think about very carefully and I think they're things all of us need to consider as we choose which way to vote on this piece of private members' public business here this morning.

Mr Marcel Beaubien (Lambton-Kent-Middlesex): It's a pleasure for me to rise today in support of my colleague from Peterborough's introduction of the bill that deals with motorcycle safety and awareness. I, too, like the member from Sault Ste Marie, do not have a conflict, I guess, because I do not own and I am not licensed to drive a motorcycle, although I must admit, as the member from Elgin-Middlesex-London pointed out, there are some very fancy and interesting pieces of equipment on the market.

Motorcycles certainly play an important role in many people's lives, not only from a recreational point of view but from a transportation point of view, and the safety aspect of it should be first and foremost whenever we're debating this bill.

As my colleague from Peterborough pointed out, we have 95,000 licensed units and probably five times more that are off-road units. I would like to say, being a member from a rural community, that we have to stress the safety aspect for these off-road units also. They may not be licensed but it's important and imperative that we stress that the people who use them be well trained in using them, and stress the safety aspect of them, because today off-road vehicles, whether they're four-wheelers—there are not too many three-wheelers left—are used for hunting. They're used in the bush. Farmers are using four-wheelers today, for planting, for fertilizing and for spraying, so there is a multitude of uses with regard to motorcycles and certainly off-road units.

1130

The member from Sault Ste Marie talked about the danger involved with motorcycles and he's absolutely right. There's no doubt that there's a higher risk if you're driving a motorcycle rather than driving a car. That's very well exemplified under the auto policy, under the accident benefits, whereby if you're driving a motorcycle, they're substantially higher than if you're driving an automobile. But I found something interesting yesterday. It was in the standing committee on public accounts, and they're looking at the road user safety program. It's part of the 2001 annual report of the Provincial Auditor. The Minister of Transportation is over here talking about some of the issues I would like to put on the record: one is setting safety standards, policies and regulations for road users, vehicles and commercial carriers; two is inspecting, monitoring and enforcing compliance with safety standards; three is testing and licensing drivers and vehicles; and four, educating drivers in safe driving behaviour, and government policies and legislation for road user safety.

That's all well to say this, and I know it's a little more difficult to enforce it. However, I think as a government, as individuals, that under the present guidelines, when the motorcyclists go for testing, they're made well aware of the dangers of automobiles. But on the converse of that, I don't think that, when young people are taking their drivers' tests in driving an automobile, there is as much emphasis placed on the respect that they should have for motorcyclists.

We see that when people are in a hurry at a red light. The motorcyclist is the lane. A car will crowd that motorcyclist. As soon as the light turns green, away they go. They will not share, in some instances, the lane with a motorcycle. Consequently, I think we have to continue stressing the importance of safety and we do this through an education program, through driver education. I see these young students from school today, and they may be too young for testing and learning to drive, but I think we also do it through our educational program, that we start

with road safety at an early age. It's never too early to start.

I know my time is very short. I will be voting in favour of this bill because, as the member from Peterborough and the member from Elgin-Middlesex mentioned, if we save one life, if we prevent one injury, this bill is well worth it.

Mr Rick Bartolucci (Sudbury): I stand and support the member for introducing the bill, Bill 201, An Act to proclaim Motorcycle Awareness Week. There are some problems with this. The member from London-Fanshawe, Mr Mazzilli, who does nothing but constantly heckle in this House, should be reminded that the Motorcycle Awareness Week Act that the member from Peterborough wants to proclaim has an upside to it. There are certainly lots of recreational bikers out there who congregate at a particular doughnut shop in the west end, probably every Saturday night. Every once in a while when I'm around, going in for a coffee, I stop and talk to them. They're wonderful people. They're upstanding citizens. They deserve to be recognized for the valuable contributions they make to society and also for their passion when it comes to motorcycles and when it comes to safety with motorcycles. For that reason alone I'm going to support Bill 201.

There is a bill I have before the House. It's a private member's bill, Bill 136, an amendment of the Highway Traffic Act with regard to motorcycle helmets. The information for this bill came from the police officers of the province of Ontario, who are very concerned that the other element of motorcyclists, those gangs we have to deal with, in many instances the illegal gangs we have to deal with, are not using prescribed, approved safety helmets. They cause the police forces in the province of Ontario a great deal of anxiety, lots of time—

Interjection.

Mr Bartolucci: Again, the member from London-Fanshawe continues to babble in his usual way. We must remember and the people of Ontario should know that while he heckles Bill 136, he is a former police officer. I would suggest that he listen as opposed to babbling.

Mr Frank Mazzilli (London-Fanshawe): On a point of order: The components are right in the regulation. Certainly the member should know—

The Acting Speaker: I'm not hearing a point of order. Sit down.

Member for Sudbury.

Mr Bartolucci: Thank you very much, Speaker. I appreciate your ruling on his being out of order.

The reality with Bill 136 is that motorcyclists would be forced to surrender their helmet for inspection. In fact, the subsection says, "Every rider on or operator of a motorcycle, motor assisted bicycle ... shall, upon the demand of a police officer, surrender his or her helmet for reasonable inspection."

I don't think that's very intrusive. In fact, I think it would provide safety on the roads for people who drive motorcycles. So I would encourage the member from Peterborough to encourage his government to call Bill

136 for second reading and for quick passage, because it will enhance Bill 201.

The reality is that the member from Peterborough has every good intention in introducing this bill. It should be supported, because the people he's talking about in this bill are responsible people. They are people who appreciate the value of motorcycles, the excitement one has with motorcycles and the importance of being safe with regard to driving and handling a motorcycle. So there's no question that this bill is well-intentioned.

There is the other component of cycling we have to be concerned about, and that's ensuring that the laws are followed, that police officers aren't placed in undue hard situations where they have to give up their valuable time to appear in court to deal with bikers who choose to wear illegal helmets.

Bill 201 is a bill worth supporting. Bill 136, my private member's bill, which is the Highway Traffic Amendment Act—helping police officers do their job—is also a bill worth supporting.

Speaker, I thank you for your attention and the member for London-Fanshawe for his usual babbling.

Mr Michael Prue (Beaches-East York): I must say that I have not been, as you all know, in this House a long time, some 14 months now.

Mr George Smitherman (Toronto Centre-Rosedale): It seems longer.

Mr Prue: Yes, it seems longer some days. I've seen a great many bills come through, but I have to tell you that I am quite surprised at this; I'm quite surprised at what we're debating here this morning. There are many, many weighty issues in this province—everything from hydro deregulation to education to the lack of affordable housing. There are just enormous amounts of problems, enormous amounts of potential things that could be spoken of. I was quite puzzled, I have to admit, when I saw a bill proposing Motorcycle Awareness Week. I stopped for a minute to wonder what value this bill will have if it passes and what will be the significance if it does not.

I listened to the member earlier when he introduced his bill and when he spoke about it, and there were three key words that he talked about: safety, education and awareness. I'm wondering what in the bill will deal with these aspects in such a way that would promote me to support it and would promote the general public to think that having another awareness week, another in the hundreds of awareness weeks, awareness days, awareness months in this province is going to be worth the actual length of time that we've spent here debating.

1140

Motorcycles are not a safe form of transportation. I do not believe that they are safe, nor have I ever felt as safe on a motorcycle as I do inside of a car. I don't know of any person who feels as safe on a motorcycle. In fact it's a little bit of a thrill-ride. So if we're talking about the person riding the motorcycle: is this bill going to make them want to drive it in a more responsible manner? Is it going to make them want to not zip in and out of traffic as I see every day on the streets of Toronto? Is it going to

make them travel at the speed limit? When I travel on the 401 I will tell you that the motorcycles all pass me; every single motorcycle passes me and passes me flying and weaving in and out of traffic. Is it going to make these individuals more safe when they're driving?

I would doubt that having an awareness week is going to succeed in that. Is it going to educate these people who drive motorcycles? Is it going to educate them to be safer? I don't know. Is it going to educate? I doubt it because, again, this is a vehicle for those who like adventure. This is a vehicle for those who push the limits.

Is it going to educate the ordinary driver to look in the blind spots a little bit more carefully? Perhaps. It's very difficult to see people, to see smaller objects in mirrors.

Is it going to make us more aware? I don't know. I have to tell you, I don't know what the statistics are in this city, in this province and even the summer time. I would hazard a guess that there's probably 100 cars to every motorcyclist. Certainly in this city there are far more bicyclists than there are motorcyclists and we have to be constantly on the lookout for them.

I ask why the member would use his private member's bill for this, because this is not the first time. I am given to understand he attempted to do the same private member's bill a little over a year ago just prior to my arrival here, and it was not successful at that time.

So I tried to think, what would the member for Peterborough want to do? I looked at it again. His own riding is the wonderful riding of Peterborough. I often have a chance to go to that city. My parents live just north of Peterborough. I often go to Peterborough. It's a wonderful place, but it too has its problems. It has its problems with the lack of affordable housing. It has its problems with the declining industrial base. It has its good points too. I was wondering how this sort of fit into that and I really couldn't figure it out.

I thought that maybe in the crassness of politics people are making big donations from the motorcycle industry. We did a little research on that. It was actually kind of small. BMW gave \$708 to the Conservative Party in Vaughan, and Honda Canada gave \$404 in Whitby. That seems like such a small amount. I cannot possibly imagine that that would have influenced this bill.

Then I thought, what about the support groups? What support groups are out there looking for this? We looked down to the support groups and there's a whole bunch of them: the Blue Knights, the BMW Club, the Canadian Motorcycle Association, the Ontario Road Riders Association, the Red Knights, and a group, the Bikers Rights Organization of Ontario—this one did trouble me a little. The Bikers Rights Organization of Ontario exists, and their primary goal is the freedom of choice on helmets. I'm wondering what that purpose is going to be.

We have a whole problem in Ontario and in Canada and in the municipalities of problems with biker gangs. We have a whole problem where bikes are not safe on the roads. We have a whole problem that will not be addressed by this bill.

I am still puzzled. I think people who are watching are still puzzled as to why the member from Peterborough

has used valuable legislative time to debate a bill that will virtually do nothing. I think that this, with all respect to him, has been a waste of this legislative time here today. The bill is not going to resolve the key issues. It's not going to do anything for motorcyclists. It's not going to do anything for other drivers and we still will have the ongoing problems that other speakers have talked about: bike gangs and irresponsible driving. Quite frankly, I cannot support this bill.

Mr John O'Toole (Durham): I feel bad about this, but I have to do it. I want to put on the record that the member from Sudbury earlier—and I should be clear that I'm embarrassed. His constituents should be embarrassed as well because he should know that he was aggrandizing his own vision of the world while not paying much respect for the hard work the member from Peterborough has done on Bill 201. It's just part of a long list of the work the member has done to represent his constituents in the riding of Peterborough. I think back to how this fits into his overall legislative direction or the voyage he's on. First, his bill on the spirituality in schools speaks to the traditions and values he has. I think there was also truck driver training. So he's very fascinated by the motor vehicle industry.

So Bill 201, An Act to proclaim Motorcycle Awareness Week—it should be clear right from the beginning of the comments I will make that this really does talk all about driver safety, driver education and driver awareness. It's a very high-level discussion. The motorcycle awareness event is just to crystallize all the energies and activities around motorcycling in May—that's the week he's proclaiming—just as bikes are going on the road, so that driver education and driver awareness should be paramount and safety is at the centre of the whole debate.

If I want to make a little bit of lightheartedness on this, unlike the NDP comments just recently, I want to put on that this bill, as I said, is about safety, but it really is about the baby boomers to some extent, the emerging group of the well-off middle class, much like the member from Peterborough really, a middle-aged—I can just see it now, sort of like Peter Fonda in *Easy Rider* with Judy on the back, that sense of freedom, sense of power, the throttle between the legs, zooming down the highway. It does overglorify the point he's really trying to make, but I'm just trying to relate it to the personality with the white hair blowing in the wind. I don't know. It's an evocative kind of image I have here.

In my riding I have to pay respect to the importance that this isn't purely economic terms. The dealers I'm familiar with would be: Steve Hicks from Terminal Velocity, a Ducati motorcycle dealership in Port Perry; Floyd Asselstine from Asselstine Country, where they actually market the Yamaha and Suzuki in the Blackstock area; and Ab's Motorcycle Shop in Oshawa, a very widely known motorcycle shop. There are other motorcycle things that are widely known which I don't support, but they're more in Durham as well.

The member mentioned HOG ownership. These are the Harley Owners Group. The HOG group, chapter 9237 members include Linda Doucet, who's the editor; Colin

Baxter, public relations; David Joseph, public relations; and Rob Harvey, the second road captain.

On June 2, the Durham HOG group—that's the Harley owners—hosted the annual Battens Run; 164 registered bikes participated in the fundraiser, raising \$20,000 for Batten disease research, which is an inherited neurological degenerative disorder.

There was also the Cappy Ride. This is another group—probably a lot of Honda and other owners' groups. Motorcyclists get sponsorships and ride for child abuse awareness and prevention. The 10th annual Cappy Ride was held July 27. All the proceeds were donated to the Durham Children's Aid Society. Bob Brozina was the local organizer. Corporate sponsors this year included the Building Box, Caldwell Securities, Nature's Scene, Toronto Raptors, Bell Mobility, Concept Marketing & Promotions, and James Family Foods.

At the end of this, if we can talk about this issue and endorse this bill and keep it to a higher level—and the member from Sudbury really did work the conversation down right to the bottom, much like cars that feed on the bottom. But we need to make sure we put in front of the people of Ontario that this bill is about driver safety, education and awareness. I contend that it's the right thing to do. If those on the other side don't support it, it's clear they're against driver safety, education and awareness.

1150

Unlike the bill that was discussed, Bill 136—it's my understanding the member from London-Fanshawe has checked—is redundant. In the Highway Traffic Act today, it already exists that the validation of helmets is regulated under the Highway Traffic Act.

Interjection.

Mr O'Toole: Once again, the member from Sudbury goes on interrupting, being rude and intrusive, and spoiling the camaraderie that happens in private members'—

The Acting Speaker: The member for Sudbury will come to order. I apologize to the member for Durham.

Mr O'Toole: The member for Sudbury is out of order again. I'm not trying to pick the quarrel here because there are students here. I'm sure as a former teacher, he's probably embarrassed now, as he should be.

I'm supporting this bill, and I'm not trying to engage anyone, other than in the debate itself, to do the right thing and support Mr Stewart. I really kind of connect with the vision of him and Judy riding their motorcycle—probably a Honda Gold Wing—enjoying life and the freedom while, at the same time, being a safe driver of a motorcycle.

Mr Norm Miller (Parry Sound-Muskoka): I'm very pleased to join the debate today on Bill 201, the private member's bill put forward by the member for Peterborough, the Motorcycle Awareness Week Act, 2002. This would bring about an awareness week in the first week in May of each year. Certainly that is prime time for motorcycling, as people who are keen motorcyclists have seen their motorcycle in the garage the whole winter and they're pretty keen once May rolls around to get out and get driving that motorcycle.

The member for Sault Ste Marie was talking about the fact that he thought it was dangerous. It is dangerous to ride a motorcycle. I agree with him; it is dangerous. That's why this legislation is important. The motorcycle drivers need to be aware of the skills they need to drive a motorcycle, and also automobile, truck and bus drivers need to be aware of motorcycles on the road. That's probably just as important as the motorcyclists having the skills themselves.

I speak a bit from experience as, when I was 16, my first vehicle was a Honda 100. I certainly learned the hard way and survived my three or so years of driving that, with a few close calls, I might add. I learned that you don't hit the front brake on loose gravel because the bike goes down pretty quickly when you do that. I had the experience on a small two-lane highway of being run off the road by a car that didn't see me going down the road on my little Honda 100. In recent years, I guess I'm part of the trend, having not motorcycled for 20 years. This past year I purchased a new motorcycle and quite enjoyed the recreation, as many people do now, of getting out, when I had a bit of time, with some constituents and cruise the beautiful roads of Parry Sound-Muskoka.

Motorcycling is dangerous, so we need people to be aware of that. The member for Sault Ste Marie said he'd be nervous about his son driving a motorcycle. I must admit I share the same fears, partly from the experience of doing it at a young age myself. I want them to have all the tools necessary to be able to motorcycle, if either of my two sons choose to, in the safest way possible. This is why I'm very pleased to see that more and more people are taking motorcycle safety courses, like the one that's offered in the riding of Peterborough at Sir Sandford Fleming College, Gearing Up: Canada's Motorcycle Skills Course, which is known to be an excellent course. Last year, I believe, some 20,000 people took that course, which is very significant.

I think it's important to know that a lot of the accidents that happen on motorcycles happen at low speeds, often in a city. I know my friend Michael Billingham in the town of Gravenhurst, at a very slow speed—at something like under 50 kilometres an hour—was involved in a serious accident where a car pulled out from an intersection and he was hit. That's often where the accidents happen.

Motorcycling is gaining more and more popularity, and you just have to, in the spring and summer on a nice day—particularly a Saturday or Sunday—see all the people who are out enjoying the sport and the recreation part of it. We have to make it as safe as we can. Also, of course, in Parry Sound, every year in the first week of July there's a big sport bike rally, which is gaining popularity each year.

I'd like to support this bill. If it helps save one life, it's worthwhile.

The Acting Speaker: Response?

Mr Stewart: I would like to thank the members who spoke on this bill: Elgin-Middlesex-London, Sault Ste Marie, Sudbury, Durham, Parry Sound and Beaches-East

York. I didn't want this to become political, and I would suggest to the member from Beaches-East York—some of the comments that he made; make those comments to some widow whose husband has been killed on a bike, maybe forced off the road, whatever. If you're not sure about what safety education awareness is at this stage in your life, I'm not about to tell you what it is.

In the interest of safety, I want to emphasize that it is necessary to develop skills and awareness of proper driving habits to handle motorcycles on Ontario's highways. It is vital for the citizens of Ontario to be aware of motorcycles on the highways and the vulnerability of the motorcyclist, and to recognize the importance of sharing the highway.

I was actually passed a note that prior to 1995 an NDP member passed a motion in this House, that the House is in favour of motorcycles because they are "less of everything." I think if you look back, you will see that. Anyway, members of the Legislature, again I say this issue should not be political. I think this is a very important bill. I think it's important to the people of Ontario, I think it's important to the motorcyclist and to the motorist. As has been said, if we can save one life, the bill has done what we want. It was interesting that a comment made about the romantic part of it. The average age of riders of motorcycles these days is the late 30s. I would ask that you support this bill.

The Acting Speaker: This completes the time allotted for debate on this ballot item.

GRAFFITI AND ADVERTISING SIGNS CONTROL ACT, 2002

LOI DE 2002 SUR LE CONTRÔLE DES GRAFFITIS ET DES PANNEAUX PUBLICITAIRES

The Acting Speaker (Mr Michael A. Brown): I will now move to dealing with ballot item number 69. Mr Kells has moved second reading of Bill 205, An Act to control graffiti on public and private property and advertising signs on public property.

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

Mr Morley Kells (Etobicoke-Lakeshore): Mr Speaker, I would ask that the bill be sent to the standing committee on general government.

The Acting Speaker: Agreed? Agreed.

MOTORCYCLE AWARENESS WEEK ACT, 2002

LOI DE 2002 SUR LA SEMAINE DE SENSIBILISATION À LA MOTOCYCLETTE

The Acting Speaker (Mr Michael A. Brown): Now I'll deal with ballot item number 70. Mr Stewart has

moved second reading of Bill 201, An Act to proclaim Motorcycle Awareness Week.

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

Pursuant to standing orders of the House, this bill will be referred to the committee of the whole House—

Mr R. Gary Stewart (Peterborough): I would ask that it be ordered for third reading.

The Acting Speaker: Are you asking for unanimous consent?

Mr Stewart: Yes.

The Acting Speaker: Agreed? I heard a no.

The bill will be referred to committee of the whole House.

Mr Stewart: I'd like to have it referred to the standing committee on general government.

The Acting Speaker: Agreed? Agreed.

Mr Frank Mazzilli (London-Fanshawe): On a point of order, Mr Speaker: Earlier in the debate, there was some issue as to the regulations for helmets on motorcycles, and I am pleased to table those regulations—

The Acting Speaker: Order. That is not a point of order. You know that.

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

The House recessed from 1200 to 1330.

MEMBERS' STATEMENTS

GEOFFREY AND GERALD LOUGHEED

Mr Rick Bartolucci (Sudbury): Last Friday in Ottawa, through the authority of Queen Elizabeth and Her Excellency the Right Honourable Adrienne Clarkson, Governor General of Canada, one of our very active, proactive and involved citizens by the name of Geoffrey Lougheed was knighted to the Most Venerable Order of the Hospital of St John of Jerusalem. Indeed, this is a significant honour. There had only been one other Sudburian ever given knighthood, and that was his father, Gerry Lougheed Sr. At that same investiture, Sir Gerry Lougheed Sr was elevated to Knight of Justice.

I think it's pretty significant that these two individuals in our community would receive such a wonderful honour. Indeed it is well deserved, for this honour goes to those people who for a long period of time have performed outstanding service in educating Canadians to improve their health, safety and quality of life through training and community service. Certainly Sir Gerry Lougheed Sr and Sir Geoffrey Lougheed exemplify what this knighting is all about.

As a community, tonight we will be honouring Sir Geoffrey Lougheed at a night for a knight. We want to wish both of them a great deal of gratitude from our community and wish them much success in their new roles.

OSTEOPOROSIS

Mrs Julia Munro (York North): November is Osteoporosis Month, and this is the 20th anniversary of the Osteoporosis Society of Canada. We are working with the society to ensure better bone health for all Ontarians.

Of the 1.6 million women in Ontario, at least 620,000 are at risk of developing osteoporosis and over 330,000 already have the disease. As well, one in eight men over the age of 50 is at risk of developing osteoporosis. Often underdiagnosed and undertreated, osteoporosis can be a debilitating disease resulting in pain, disfigurement, lowered self-esteem, reduction or loss of mobility and decreased independence.

This month the Osteoporosis Society of Canada released the first evidence-based clinical practice guidelines on osteoporosis. These guidelines will improve patient care by giving physicians scientifically based recommendations on how best to diagnose and treat osteoporosis. For example, one of the key recommendations is that all Ontarians over the age of 65 should have a bone density test.

Our work with the Osteoporosis Society of Canada is especially important at this time; 2000 to 2010 is the Bone and Joint Decade, which was endorsed last month by the federal Minister of Health. Canada now proudly joins 45 other countries, the World Health Organization and more than 750 organizations and associations around the world in the global effort to raise awareness and take action on bone and joint disease and injury.

We applaud the Osteoporosis Society of Canada. This government will continue to work with the society to ensure that Ontarians have access to early diagnosis and optimal care and treatment for osteoporosis. Ontarians deserve the opportunity to make informed decisions about their bone health and lead active, independent and productive lives.

BOB WELCH

Mr James J. Bradley (St Catharines): The city of St Catharines will witness a very important and meaningful ceremony on Friday, November 22, 2002, as on this occasion, one of its most beloved and respected citizens will have the provincial courthouse in downtown St Catharines dedicated in his honour.

At the urging of a family friend, Dave McDonnell, a challenge was issued to find an appropriate way to honour Bob Welch for his many years of service and contribution to the province of Ontario.

It was a genuine privilege for me to be part of a committee which was formed to determine the best way to honour the former Deputy Premier, cabinet minister, MPP for Lincoln and Brock, and distinguished citizen—a committee which included individuals of all political persuasions and which had no other role.

As an admired member of the legal profession and a respected parliamentarian and provincial representative, Bob Welch made a major and positive difference in the

lives of Ontarians and in the community in which he resided.

The support for naming this public building the Robert S.K. Welch Courthouse will be unanimous, and will reflect the popularity of a man who was a good friend to all who knew him and who was admired by people of every political affiliation.

The Chair of Management Board and the Attorney General of Ontario are to be commended for agreeing to the request of the committee and the citizens of St Catharines and for participating in this important ceremony tomorrow in our community.

KIMBERLY ROGERS

Mr Tony Martin (Sault Ste Marie): I've just returned from Sudbury, where I attended the Kimberly Rogers inquest. Once again I noticed that the Ministry of Community, Family and Children's Services wasn't there.

Testimony at the inquest continues to show that the Conservative government's sweeping welfare reforms make it impossible for people to survive on social assistance, let alone better themselves and break out of the cycle of poverty.

Yesterday's testimony showed that after the cost of housing and food, there is no money left over for transportation, phone and clothing. A person needs a phone, transportation and decent clothes to look for a job.

The Conservative government has set up a system that forces people who need social assistance to become creative just to survive. But when these very desperate people do, this government turns them into criminals and cuts off all their support.

Do the Conservatives think that people should be left on the streets with nothing? If the ministry had been at the inquest, they would know that the community does not have the resources to help the victims of their welfare policies.

It is time the Conservative government understands the damage its policies are doing to people. It is time for them to stand up and take responsibility. Stop the lifetime ban. Stop the clawback of the national child benefit. Increase the shelter allowance. Stop the ban on student loans for people on social assistance.

ONTARIO MEDAL FOR GOOD CITIZENSHIP

Mrs Margaret Marland (Mississauga South): It is an honour to congratulate the two Mississauga residents who received the 2002 Ontario Medal for Good Citizenship in recognition of outstanding public contributions through exceptional long-term efforts.

Cathy Harvey is a distinguished advocate for people living in long-term and chronic care facilities. At age 25, with two young children and a nursing career, Cathy was diagnosed with multiple sclerosis, which left her a quadriplegic. Yet Cathy remained an active, devoted mother; indeed, her son Cam became a world-class

rower, winning two bronze medals in the 1986 world championships. I was fortunate enough to attend that particular event.

Cathy, who uses a chin-powered wheelchair, has mastered the art of mouth painting. Her beautiful Christmas cards have raised money for the Multiple Sclerosis Society and the Trillium Health Centre Foundation. Cathy's courage, creativity and compassion are an inspiration to us all.

Victor Deschenes is a strong supporter of children's causes. Working quietly, he started by buying hundreds of baseball jackets for disadvantaged children. Victor pays for as many as 5,000 children to attend Blue Jays games, and has purchased up to 500 bicycles at a time for youngsters who have none.

Victor has also provided financial aid to the Mississauga News Christmas Fund, Mississauga Waterfront Festival, Peel Partnership for a Drug-Free Community and other causes. His kindness and generosity have made a huge difference to many families.

Cathy and Victor, on behalf of everyone in our community, thank you for your exceptional contributions to life in our great city of Mississauga.

HERB GRAY

Mrs Sandra Papatello (Windsor West): My colleague the member from St Clair and I had the opportunity to introduce Herb Gray at the Herb Gray tribute in Windsor last night. Windsor is going through three days that have been properly titled Herb Gray Days, where our community is celebrating the tremendous career that Herb Gray has had in political life spanning practically four decades, serving under three Prime Ministers. He began his career in 1962, when many of us were still just thinking about politics.

What they did last night: funds that were raised at the banquet are going to the multicultural council, where they had a huge, colourful ribbon called the Harmony Ribbon, and they launched the Harmony Ribbon Award. That first recipient is very properly our own, the Right Honourable Herb Gray. That ribbon award is meant to be given to that one individual or family or business that promotes the notion of harmonious living in our community especially, which is so multicultural. We are so proud of Herb Gray receiving that distinguished honour last night.

I can tell you that with the memorial book that was passed out as part of the program, we find it of great interest to watch the tremendous career of Herb Gray. But having watched him close up for many, many years, all we can say on behalf of all Windsor residents to our own Herb, Right Honourable Herb Gray, is thank you.

1340

DRUG AWARENESS WEEK

Mr John O'Toole (Durham): I rise in the House to mention Drug Awareness Week in Ontario. I'd like to thank public health nurses Lynn Ryan and Heather

Tucker, who have kindly provided information on Drug Awareness Week in Durham region.

The Durham Region Health Department is marking Drug Awareness Week from November 17 to 23 with the introduction of the Parent Guide to Teen Parties. This is an informative booklet that helps parents understand the full legal liabilities they have for any alcohol that teens or their friends drink in their homes.

Also in support of Drug Awareness Week is the "ultimate mix" competition. It challenges students from local high schools to develop a recipe for the best non-alcoholic drink. Last year, Port Perry High School in my riding of Durham won the contest. This year, I understand 12 high schools are in competition, including St Stephen's Secondary School, Courtice Secondary School, Port Perry High School and Cartwright High School, each from my riding.

Janet McPherson is chair of the Durham Youth Drug Awareness Committee. I hasten to add that drug awareness is a year-round objective in Durham region. Public health programs on alcohol and drugs touch not only young people, but adults as well. Among the adult initiatives are the Health at Work program and the Safer Bars campaign.

In 2001, Ontario students surveyed by the Addiction Research Foundation revealed that 32% of the teens in grades 7 to 12 were passengers in a car with a driver who had been drinking. In view of alarming statistics like these, I am sure we are especially grateful for the Ontario Drug Awareness Partnership, which has organized Drug Awareness Week in 200 communities across Ontario. They are indeed making a difference for our young people and adults.

ROAD SAFETY

Mr Michael Gravelle (Thunder Bay-Superior North): It is certainly frustrating that as winter arrives in northwestern Ontario each year, our concerns about the quality of road maintenance in the region reappear with the same regularity. What is most difficult to understand, let alone justify, is why the standards vary so drastically throughout the region. I will always argue that we should be increasing the minimum standards that are presently in place, but regardless, is it too much for my constituents to expect that driving conditions will at least be the same for people driving all the way from Marathon to Thunder Bay, for example?

The most graphic example of varying standards is the section of Highway 11/17 east of the Steel River bridge near Terrace Bay. During a storm earlier this month, the pattern repeated itself. West of the Steel River, conditions were good. East of that point, maintenance crews were nowhere to be seen. Minister, your staff are responsible for that poorly maintained section of the highway. Clearly some action must be taken by you to see that this and other sections of the highway are properly maintained at all times.

Even more decisive action must be taken to improve safety on the Thunder Bay Expressway. Earlier this week, two people lost their lives in an accident that was eerily reminiscent of another tragic fatality two years ago. Minister, you must move quickly to install concrete barriers on those sections of the expressway that are not protected by a median. In southern Ontario, such a barrier is automatically installed on high-volume sections of the highway, such as the expressway. We should be treated no differently in our part of the province. People's lives are at risk every day when they drive down the expressway, particularly when winter driving conditions exist.

Regardless of whatever long-term plans you may have, Minister, we cannot afford to wait. We cannot bring back the people who have lost their lives, but surely we can take the action necessary to prevent any further tragic accidents.

COMMUNITY LEADERS IN NIPISSING

Mr AL McDonald (Nipissing): Today I'd like to talk about a special lady from my riding of Nipissing, Harriet Madigan. I have a tremendous amount of respect for her, as I believe she is a person who gives so much to her community. She is the ultimate volunteer.

Harriet Madigan has done so much for our community. She developed the concept of Community Waterfront Friends and is the driving force behind Heritage Gardeners and Communities in Bloom.

I am not the only one who has kind words to say about Harriet Madigan. Just listen to what Rod Johnston has to say: "Harriet, through her determination and vision, has very likely changed the quality of life for the people of North Bay forever, and for the better. She has always carried herself in a professional manner, never losing sight of the ultimate goal to bring something to North Bay that will benefit the whole community."

I'd also like to talk about a gentleman by the name of Donald Jacobs from North Bay. He's been an active community leader for many years now, and I'd like to commend him for all his hard work. Mr Jacobs was an elementary school teacher for 32 years. His involvement in extracurricular activity goes far beyond the school and into the community as a whole. Don has involvement in the Tolerance, Understanding, Compassion and Action organization, the Children's Assist Program, the Show Kids You Care project, the Child and Youth Support Network, the international project called Sleeping Children Around the World, and the Concordia Centre's Rap Around project. Mr Jacobs is a kind and gentle person and has always done good things for those in need without ever seeking personal recognition.

We are very lucky to have these individuals in my riding of Nipissing.

VISITORS

Mr Joseph Spina (Brampton Centre): On a point of order, Mr Speaker: I am pleased to welcome a group of

OAC students from Cardinal Leger high school who are visiting us here this afternoon in the gallery to learn about the government of Ontario, from the heart of Brampton Centre.

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

REPORTS BY COMMITTEES

STANDING COMMITTEE ON FINANCE AND ECONOMIC AFFAIRS

Mr Joseph Spina (Brampton Centre): I beg leave to present a report from the standing committee on finance and economic affairs and move its adoption.

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

Bill 186, An Act to further highway safety and establish consumer protection through the regulation of the collision repair industry, and to make a complementary amendment to the Insurance Act / Projet de loi 186, Loi visant à améliorer la sécurité sur les voies publiques et à protéger les consommateurs en réglementant le secteur de la réparation en cas de collision et à apporter une modification complémentaire à la Loi sur les assurances.

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

STANDING COMMITTEE ON ESTIMATES

Mr Alvin Curling (Scarborough-Rouge River): I beg leave to present a report from the standing committee on estimates.

Clerk at the Table (Mr Todd Decker): Mr Curling from the standing committee on estimates reports the following resolutions:

Resolved that supply in the following amounts and to defray the expenses—

Interjections: Dispense.

The Speaker (Hon Gary Carr): Dispense. No further action required.

ORAL QUESTIONS

HYDRO RATES

Mr Michael Bryant (St Paul's): My question is for the Minister of Energy. Minister, should large commercial and industrial consumers be able to get a fixed price for power of 4.3 cents per kilowatt hour?

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): The Premier has asked me to consult with the sector and to report back to him on that important issue.

Mr Bryant: Well, that's not what the government of Ontario said on November 11, when Premier Eves announced and stated in his press release, "Large commercial and industrial consumers could choose between their current arrangements and a fixed 4.3 cents per kilowatt hour price of power."

The government is now saying they are talking to the big commercial and industrial users because they found out that what they announced, they cannot do. They found out that this part of their price relief plan would make matters worse. They found out that if they did that, not a single new generator would come into the province of Ontario. I know you are doing your homework now, Minister, but why didn't you consult with the industry before you made your announcement on November 11?

Hon Mr Baird: I think if the member opposite checks the record, he would discover that the Premier announced on November 11 that I would do just that. We have the courage to listen, and we'll certainly listen to what we hear from large commercial and industrial customers.

Some would like to take advantage of the fact that they have put their peak hours perhaps in a different relationship to the rest of the economy. Some would like some information with respect to whether they could get two-cent power if they ran a plant in the evening and in the very off-peak hours. I think it's important that we listen and we take the opportunity to reflect on what we hear. The Premier did announce that on November 11. I agreed with it then and I certainly agree with it now.

I am disappointed that we now have day three with no Dalton McGuinty in the Legislature because he's afraid to show his face.

1350

Mr Bryant: I would say to the Minister of Energy, who excruciatingly parodied his own Premier as a serial waffler at Ernie's House of Waffles, we don't need to take any lectures from you, waffle boy.

Listen, on May 1, the government of Ontario opened up the electricity marketplace with reckless abandon, shipwrecking Ontario's electricity system. Then when you went to raise the Titanic, you bungled it again. You know that you can't do what you announced you would do with respect to the industrials on November 11. You didn't do your homework on May 1. The Premier didn't even pick up the phone and ask the one guy who would have told him, "Ernie, don't open up the electricity competition marketplace." You didn't do your homework before May 1, and you didn't do your homework before opening up the market, before bringing in the price relief plan on November 11. How on earth can the people of Ontario trust you with their electricity?

Hon Mr Baird: I refer you to the press release of November 11, which explicitly says what I just said. I say to the Liberal House leader to leggo my Eggo.

I find it interesting. Dalton McGuinty on Monday morning put out a fundraising letter saying, "I have the courage to stick to my plan." By Monday afternoon, he had changed it. He was now in favour of closing the market. He was in favour of abandoning regulation. On

Tuesday the Web site said, "Update coming soon." Well, I've got news for all my friends: the update has arrived. The man who said on Monday that private power was dead—they've made another mistake on the Web site. It says they want to produce an environment that produces a mix of electricity providers, public and private. The good news for deregulation is that Dalton McGuinty is back on board.

PENSION PLANS

Mr George Smitherman (Toronto Centre-Rosedale): My question is to the Minister of Finance. It concerns the pension provisions of Bill 198. All around Ontario, citizens are awakening to the realization that the provisions of Bill 198 retroactively rob pensioners of their rights, while encouraging Conrad Black-style surplus raiding. In an astonishing move yesterday, your government moved to clamp down on the debate by tabling a closure motion so that you can ram your bank-bonusing bill through this House. In acknowledgement of the building public concern around this issue, Madam Minister, will you agree to public hearings so Ontarians can let the government know just how offside it is on this matter?

Hon Janet Ecker (Minister of Finance): I would really encourage the honourable member across the way, before he goes around causing people with pensions to be concerned and afraid, to check his facts. There is nothing in this legislation that takes away or interferes in the rights of pensioners—absolutely nothing. There is everything in this legislation that ensures the viability of pension plans for workers is protected. You would expect any government to do the same, and we are indeed doing that. Thirdly, there has been public consultation on this bill. There has been a public discussion paper, meetings and submissions. There continue to be meetings with stakeholders as we look forward, if the bill should be passed, to developing the regulations. There is nothing in this legislation that interferes with the pension rights of workers in this province.

Mr Smitherman: Oh, if only it were true. I've sent to the minister, who apparently hasn't had the time to read her own piece of legislation, just one paragraph that I'll read into the record. Under the heading "Application for payment of surplus to an employer": "An employer or such other person as may be prescribed may apply under this section to the superintendent for the superintendent's consent to the payment of surplus to the employer or prescribed person out of a continuing pension plan or a pension plan being wound up in whole or in part."

With that section, Madam Minister, as you very well know, Ontario stands alone as the only jurisdiction in North America which gives legislative sanction to the robbing of surpluses for ongoing pension plans.

I ask you just one more time, Madam Minister, because apparently you need a little more time to deal with this: will you agree to public hearings so that Ontarians can put their record on the table?

Hon Mrs Ecker: Perhaps the honourable member should try reading the legislation himself. It says here that on an application to the superintendent, "the superintendent shall not consent to the payment of surplus unless the superintendent is satisfied that"—and it has a whole bunch of stuff here about the pension plan being correct and viable, but they cannot consent unless "the employer ... is entitled to the surplus." There are pension plans that are written today—it has nothing to do with the legislation—where employers are entitled to surplus under certain circumstances. In the majority of cases, it is because of an agreement with the workers that talks about how surplus will be dealt with in certain circumstances.

The legislation is very clear. We are continuing to do work with all of the stakeholders on the developing of the regulations because the bottom line here is, this does not put Ontario outside of the legislation—

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

Mr Smitherman: Madam Minister, I would like to just point out that if you took a little more time to read your entire piece of legislation, you would see that contained within it is the great trump card that eviscerates, destroys and eliminates all of those past agreed-upon rights in this plan. With respect to the consultation paper that you spoke of, on the most retrograde, negative impacts in this legislation, none of those were contemplated or discussed in the discussion paper that you like to hide behind.

I say to you just one more time: will you stand in your place and agree to public hearings so that Ontarians can let you know just how out of whack you are?

Hon Mrs Ecker: Since we're sitting here playing the game of paper and quoting, the consultation paper clearly had proposals that talked about how employers would be able to withdraw surplus based on clear entitlement in plan documents—so in other words, rights that already exist—or based on a surplus-sharing agreement with who? With the majority of the workers.

Maybe the honourable member doesn't think the workers should have a say in how their pension plans are treated, but this side of the House thinks there are two things that are very important: the rights of workers—in this case they are given additional rights to apply for surplus—and to protect the viability of pension plans. Maybe the Liberal Party doesn't care if a pension plan is viable, that it's not there for the workers, but on this side of the House, we think pension plans should be there so workers are protected. This legislation ensures that is the case.

The Speaker: New question?

Mr Gilles Bisson (Timmins-James Bay): My question is to the finance minister. Minister, it's clear that you're the only one who has that particular view when it comes to what you're doing to pension surpluses in this province and what you're allowing employers to do.

We have gone out and consulted with the Ontario Federation of Labour and legal experts in the field of

pension, and all of them agree with us: what you're doing is opening the door to allow employers not only to raid pension surpluses, but to take pension contribution holidays.

I want to just quote from one particular one: I'm going to send over a legal opinion from Koskie Minsky, one of the firms that happens to do a lot of work on the pension side. What they're saying is, under subsection 79.1, it does allow an employer to apply for a pension surplus, whether or not the employees want them to do it. They say under section 55 of the act, it does allow employers to have the virtually unfettered right to pension contribution holidays.

Minister, will you do the right thing and withdraw this offensive section out of Bill 198?

1400

Hon Mrs Ecker: Again, Mr Speaker, employers currently have significant obligations to keep pension plans funded, and I'm sure the honourable member would not wish that to change. That is not changing. Secondly, what is important here is that there are clear entitlements. Pension plans that already have entitlements for employers are respected. But where there are surplus-sharing agreements, those are also respected. As a matter of fact, they are required to talk to employees about having surplus-sharing agreements.

Nothing in this legislation entitles any employer to raid a pension plan. Nothing in this legislation entitles any employer to take money out of a pension plan so that the pension plan is not viable. Nothing in this legislation takes away any of the earned pension rights of any worker. The OFL had staff at the consultations. The OFL provided submissions on this. They've met with—

The Speaker: Order. The minister's time is up. Supplementary?

Mr Bisson: Minister, you're dead wrong. What you're doing by way of this legislation is changing the entitlement of who can get the pension surpluses. That's clear. Read section 79.1 of the bill; it couldn't be clearer. Not only that, but in regard to the regulations, you're the one who's going to come out with the regulations after, and quite frankly, nobody trusts you.

Minister, the question is simple: will you do the right thing and withdraw this from the bill, take it out of Bill 198, and leave the current rules in place that protect workers in the province of Ontario?

Hon Mrs Ecker: Mr Speaker, the right thing is to make very clear that employers cannot raid pension plans. This legislation does not allow that. The right thing is to ensure that pension plans in this province, pension plans that workers depend on, are protected, and this indeed can do that and will do that. There is nothing that we wish to do to interfere with the rights that pensioners have earned, that workers have earned in their pension plans, and this legislation does not do that.

I regret very sincerely that the honourable member continues to put forward a position that is causing pensioners to think that somehow or other there is a problem with their pension rights. There is not. They are

protected and they will continue to be protected, because we believe it is very, very important to protect the viability of pension plans that are there for workers.

Mr Bisson: Minister, let's be clear about something. Under the current rules, employers can't take surpluses out of the pension plan. If that's the case, why are you changing the legislation? It comes down to your trying to say to us, "Trust me. Trust the Conservative government. We have the best interests of workers at heart." Well, when we look at your record, you're the government that has kicked employees in the teeth every time you've had the opportunity. If it's changes to the Ontario Labour Relations Act, you allowed scabs to cross a picket line; you've restricted the ability of people to organize under a union; you've given it in the teeth to farm workers in this province just a couple of weeks ago with the Liberal Party when you voted to take that right away from workers. So the question is very simple: why should workers in this province trust you after the abysmal record of what you've done to workers up to now?

Hon Mrs Ecker: Maybe the honourable member thinks that employees should be spending all their time fighting employers in court to make sure their pension rights are clear. We don't think that is fair to employees; we don't think that is fair to employers. What this legislation does is clearly set out the rules to protect the benefits that workers and pensioners have. It will clearly set out the rights that employers have: they have to apply, the plan has to be viable, there has to be clear entitlement, there has to be respect where there are surplus-sharing agreements with employees. It actually gives employees an additional right that they don't have in other provinces in terms of being allowed to have surplus from a plan. So we've been very clear about the purpose of this legislation. It is there to ensure that those rights, those plans, are protected.

HYDRO REBATES

Ms Marilyn Churley (Toronto-Danforth): I have a question for the Minister of Energy. There are shocking suggestions that you are about to shower taxpayers' money on the very door-to-door power parasites who ripped people off in the first place. Agent energy advisers say you are about to give rebates not just to consumers but to electricity scam artists like Direct Energy. We're hearing the same thing from electricity insiders.

I'm sure that Ontarians will be very angry to hear that expensive rebates will go to bail out retailers who have misled, in some cases, Ontarians at the door, in some cases signing them to deals without their consent. Minister, will you confirm that you will absolutely not give rebates to rip-off artists like Direct Energy?

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): The member opposite raises some very specific allegations against a corporation in the province of Ontario. We believe in a number of things: we believe in honouring contracts and contract law. I can guarantee the honourable member that

we won't provide rebates to anyone where forgery or fraud was involved. There's no room for that in the province of Ontario. I challenge the member opposite to stand in her place and provide me with any specific evidence to back up the charges that she has made.

Ms Churley: You have not ruled out that you are going to be giving taxpayers' money to the private companies that went out there and in some cases ripped off consumers. That is absolutely shocking. Talk about de-regulation disaster. Agent energy advisers say that giving rebates to energy retailers will cost us over \$100 million. So you are now going to be offering a direct subsidy to scam artists. You will be rewarding some people who've signed consumers to contracts with the consumers having no idea what they were signing. Minister, I am going to ask you again: why are you giving \$100 million of taxpayers' money to rip-off artists? That's shocking.

Hon Mr Baird: In the province of Ontario we have contract law. Some retailers allowed their customers to have the rebate flow directly to them, and in those cases, they generally paid a higher amount for a fixed-price contract. Other contracts assigned it to the particular retailer.

The honourable member has made some very serious allegations, saying individuals were signed up to retail contracts without their consent. If you have any specific evidence of criminal activity, I'd welcome it. You give it to me, and we'll be on it, pronto.

It's incredibly important that we respect contract law in the province of Ontario, but what also is important is that if responsible members like the honourable member stand in their place and make scurrilous accusations—if she has specific allegations of fraud that has been committed in this area that have not been investigated, she has a responsibility to bring them to the Ontario Energy Board immediately, and I challenge her to do that.

PENSION PLANS

Mr George Smitherman (Toronto Centre-Rosedale): My question is to the Minister of Finance. It's again on Bill 198 and the pension implications.

I want to introduce you and all members of the House to a gentleman named Bob Smallhorn. He represents more than 3,600 former employees of National Trust, which is well known to have been purchased by Scotiabank. The pension fund, which National Trust has not contributed to since the mid-1980s, has a surplus of \$160 million. The 3,600 former employees have been involved in negotiations around this and were awaiting the Monsanto ruling, until a certain minister stood up and introduced a piece of legislation in this House which retroactively wiped out the rights of about 200 different groups trying to get money back from companies where pension funds had been wound up.

So will you stand in this House, Madam Minister, and say to that gentleman, whom you've refused to meet with, why it is appropriate to jam a piece of legislation through this House with next to no debate, with no Tory

member speaking about the pension issues? Will you stand up, look that man in the eye and tell him why you're afraid to send this legislation out to public hearings?

Hon Janet Ecker (Minister of Finance): My office has received a request for a meeting from these individuals. It came in several weeks ago. It is being responded to, as requests for meetings are and should be.

This legislation was based on consultation that was done. There has been a public consultation paper. There have been meetings with stakeholders. There have been submissions. It has been announced publicly that we were looking at these issues. The proposals were clearly out there, and the goal here is to make sure that pensioners' rights are protected, that the viability of pension plans is protected. Again, perhaps the Liberal Party thinks employees should be spending time in court to define what the rights are. We think there needs to be clarity. This bill does not interfere with court cases that are going on. We specifically are not retroactively changing court decisions. This legislation is clearly there to protect the rights of pensioners—

The Speaker (Hon Gary Carr): I'm afraid the member's time is up. Final supplementary.

1410

Mr Smitherman: To the same minister, it looks like I'm going to have to send her another piece of paper.

There's another clause in your bill. We like to call it the Ecker hammer and it reads like this, under the heading "Conflict": "Subsection (5) prevails over the pension plan, over the terms of any document governing the pension fund and over any statute or other rule of law."

Madam Minister, you suggested in your answer that this legislation had nothing to do with cases before the court, but you know well, or at least you should, that there is only one case and that some 200 groups of pensioners were awaiting the Monsanto hearing. They have made applications to the superintendent and in one fell swoop of legislation you eliminated their rights and said that the court of law was no longer going to be a place where they could seek satisfaction. So since you don't understand your own legislation, and since you haven't had time to meet with that man, why don't you agree to public hearings, because you've got a little learning to do?

Interjections.

Hon Mrs Ecker: Maybe they don't want to listen, but what this legislation is clearly doing is protecting the rights of pension—

Interjections.

The Speaker: Minister, take your seat, please. We'll allow you to start over. I just wanted to make sure they could hear you.

Hon Mrs Ecker: Thank you very much, Mr Speaker. Obviously the Liberals aren't interested in listening to the answer.

What is very clear here: they can go out and try to say to pensioners that somehow or other rights are being

taken away. They are not. Employers have to apply where they have clear entitlement as they currently do in some pension plans. There is allowance for employers to have surplus in certain circumstances, as has been the case. Employers continue to have the obligation to keep those plans solvent. It allows employees in circumstances to have additional rights to be able to apply for surplus. They didn't have that before. If this legislation passes they will have that. It makes sure the bottom-line decision is the viability of the pension plan and nothing—I know the honourable member is not listening—is taking away the rights of pensioners in this province.

FOREIGN-TRAINED DOCTORS

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): My question is to the Minister of Health and Long-Term Care. This morning a very important announcement was made at Toronto General Hospital by Premier Eves and yourself, Minister Clement. This announcement concerns a topic that is of great importance, not only to my constituents in Bramalea-Gore-Malton-Springdale but also to me personally.

I'm proud, like so many other Ontarians, to be an immigrant to this country. Canada was built by immigrants and will continue to grow because of their hard work. For some time now, one issue that has always been raised, not only by immigrants but also by Canadian-born citizens, is the topic of foreign-trained medical graduates and the problems they encounter in earning a living by plying their trade. Today's announcement on international medical graduates will open the door and allow these skilled and motivated professionals to do what they love doing best by helping others.

Would the Minister of Health please explain to this House the Eves government's plan to help international medical graduates work in their chosen profession?

Hon Tony Clement (Minister of Health and Long-Term Care): I'd be happy to explain, not only to my good friend the honourable member for Bramalea-Gore-Malton-Springdale but to this chamber, the latest health care initiative from the Ernie Eves government.

Today the Premier and I had the pleasure to unveil a new \$36.4-million, eight-point plan that will add more than 650 new physicians, mainly international medical graduates, to the health care system over the next five years.

Next year alone, we will see up to 150 IMGs provide medical service across Ontario, including underserved areas. This plan will make a real difference to the lives of the medical graduates themselves, long frustrated by a system that is keeping them from achieving their dream of stability and happiness for themselves and their families.

In the face of the worldwide shortage, we have found a way to create a plan that finds new and innovative ways to attract and retain the best and the brightest. This is a good day for Ontario health care.

Mr Gill: Thank you, Minister. I'm very happy about that response. As many members in this House might be aware, my riding of Bramalea-Gore-Malton-Springdale is made up of many hard-working constituents who will now be able to qualify for this program. On behalf of all of them, I wish to personally thank both Premier Eves and Minister Clement for all their hard work and dedication in introducing this great initiative.

Mr Speaker, as you know, my wife is among the many doctors currently practising in Ontario who are international medical graduates. Like all of those involved in the health care profession, she cares deeply about the health of her patients, and I'm sure she's very delighted by this announcement.

I'm also sure that all members of this House will be supportive of this latest announcement. Regardless of political affiliation, we all want to ensure that Ontario continues to possess the best publicly funded health care system in Canada. Could the Minister of Health please explain how this announcement was arrived at?

Hon Mr Clement: I would say to the honourable member and, through him, to his lovely wife, Dr Pamela Gill, that we have listened to a series of recommendations and, in fact, we created the format and the forum for these recommendations to have some fruition.

It's a rare moment in politics, perhaps too rare, where we can transcend the partisanship of the moment and support something that, in human terms, will make such a big difference to the people we serve and represent.

Today is one of those days, and I encourage members of the Liberal Party and the NDP to support this endeavour. It was indeed former Premier Bob Rae who admitted he had made a terrible mistake when he cut medical school enrolment. We are rectifying that mistake. In fact, we are going beyond that, to ensure that properly trained foreign physicians have an appropriate role in our health care system to increase accessibility, to increase service to ensure that health care works for Ontarians, and we are proud of that.

PENSION PLANS

Mr Monte Kwinter (York Centre): I have a question to the Minister of Finance. Madam Minister, I'm sure you know that I was Minister of Financial Institutions when I had to deal with the Conrad Black-Dominion situation. At that point, we were able to work out an accommodation that has stood in place for 18 years, has served both parties, the plan sponsors and the employees, well with a provision for some sort of negotiation.

Now we find—and this is really déjà vu all over again—you have suddenly turned all of that back. You have wiped out 18 years of a system that has been working. Not only that, you've made it retroactive to 1988. You have ignored the rule of law, and I really resent the fact that you are suggesting that we are fomenting this concern among those pensioners. It is just the opposite. I'm sure that all of your members have been getting inundated with e-mails, faxes and letters from

those people who are concerned about what is going to happen to their pensions.

Would you tell me why you would do it, why you would do it retroactively and why would you put these pensioners at risk?

Hon Janet Ecker (Minister of Finance): I take issue with the member's comment. We are not putting pensioners at risk.

Interjections.

1420

Mr Kwinter: Madam Minister, there are over 200 cases where an adjudication has to take place. You have decided in this legislation that, other than the Monsanto case, all others will be wiped out. How that works in a democracy I don't know. But how can you tell people, "You no longer have any rights. You no longer have any recourse to the courts, you no longer have recourse to your pension plans, because we have determined that the sole arbiter is the superintendent of pensions and he has the right to do what he sees fit"? As a result of that, you are putting a great many people in this province at risk. You have to know that and you have to know why this is such a concern. Can you tell me the motivation for what you're doing?

Hon Mrs Ecker: If it was so clear, if what the Liberals did was working so well, then why are there 200 applications waiting for adjudication?

Interjections.

Hon Mrs Ecker: Not before the courts—stop confusing the matter, to the honourable member. They are there looking for adjudication. What this proposes to do is make sure that the law, as it was understood, is very clear, so that pensioners' rights are protected, so that employers are not allowed to raid plans, so that employers continue to put into plans what they're supposed to put in, so that any decisions around surpluses—the bottom line is the viability of the pension plan. And nothing, despite what the honourable member is trying to portray, is taking away the rights of pensioners or interfering in any way with the earned rights of pensioners or workers in this province.

TOURISM

Mr Bart Maves (Niagara Falls): My question is for the Minister of Tourism and Recreation. As the member for Niagara Falls, I know first-hand the benefits of a strong tourism industry. Tourism is part of the Niagara region's diverse economy, creating countless jobs for the community and stimulating the local economy.

The tourism industry continues to recover after the terrorist attacks in the United States, due in part to this government's increased marketing efforts that totalled \$14 million. The partnerships we developed helped the industry during this difficult period, but the industry has not yet reached its full potential. Minister, as the new guy on the block, what are you doing to engage the industry to increase tourism in Ontario?

Hon Frank Klees (Minister of Tourism and Recreation): As the new guy on the block, I want to thank the member from Niagara Falls for his question. He is indeed a strong advocate for tourism, particularly in the Niagara region, and he's absolutely correct about the economic impact of tourism in the province of Ontario at large.

Tourism generates some \$20 billion in economic activity in this province and employs more than half a million people. It's also the world's fastest-growing industry and, by 2010, is expected to triple.

The member is right, we have to ensure that Ontario gets its fair share of that growth. Over the next number of weeks, we'll be conducting province-wide consultations, beginning tomorrow in Ottawa and Niagara Falls on Saturday. During the ensuing weeks, we will be visiting Toronto, Windsor, Peterborough, North Bay and Thunder Bay. The purpose of these consultations is to meet with stakeholders to get their input on how we can put Ontario in the forefront and develop a long-term tourism strategy for the province of Ontario.

Mr Maves: Thank you, Minister, for that response. I'm sure that the tourism stakeholders and businesses in my riding will be characteristically hospitable when you consult with them on Saturday. In fact, Niagara Falls is always a welcoming community.

The region's spectacular beauty will be showcased again this weekend at the 20th annual Niagara Festival of Lights. I am proud that the Ernie Eves government, through the Ministry of Tourism and Recreation, is investing again this year \$50,000 to enhance marketing for the event, which has welcomed over two million visitors and injects millions of dollars into the local economy. Anyone looking for something to do on Saturday should come on down to Niagara Falls and watch Mickey and Minnie and their gang as they help us kick off the Festival of Lights.

Minister, when you are consulting in the Niagara community this Saturday and in other communities across the province, what is it you are hoping to achieve?

Hon Mr Klees: I do look forward to joining the member at the Festival of Lights on Saturday evening.

As I indicated, the purpose of these consultations is to give an opportunity to the industry to provide input to our government on developing a long-term strategy for tourism in the province. We'll ask participants to explore issues such as, what do we need to do in the next five years to make Ontario the four-season, must-see destination for people considering travel? Some of the topics we'll discuss are: who is responsible for developing the new products, and what role can government play in assisting the industry in developing some of these new products. We'll look at ways to meet and surpass customer expectations of quality in the province and how we can remain competitive with other world-class destinations. We'll discuss ways to sustain the growth and development of Ontario's tourism industry, and to make sure we have the right priorities in place to build a stable

future for the industry—some 500 thousand people in the province depend on this industry for their jobs.

TORONTO TRANSIT COMMISSION

Mr Michael Prue (Beaches-East York): My question is to the Associate Minister of Municipal Affairs and Housing. Municipal transit systems in this province are hemorrhaging every day, and nowhere is this more apparent than in Toronto. The Toronto Transit Commission, Canada's largest, best and most efficient system, with 400 million riders a year, is starting to hemorrhage. Cuts have been costing about \$400 per rider over the last number of years.

The New Democratic Party is offering dedicated funding for transit and GO to keep rates down and cars off the road. To date, you have offered nothing. Is this your only solution: to do nothing and see fares go up as much as 40 cents a ride in this city?

Hon Tina R. Molinari (Associate Minister of Municipal Affairs and Housing): Certainly the member's concern with cities and the city of Toronto and all the issues around transportation are issues that we are very, very concerned about as well. In my consultation across the province of Ontario, there are various issues that come up, and they're different in every city I travel to.

We've invested numerous dollars in the transportation system, and our Minister of Transportation has made that very clear. We have asked the federal government to participate in a partnership with us and the municipalities to address some of these issues that come up on an ongoing basis, and we look forward to continuing that.

Mr Prue: There wasn't much substance in that answer. Transit riders pay \$240 million more in fares today than they did in 1995. Our once world-class city is spiralling down for a number of reasons: higher taxes, user fees, higher rents and transit fares that are out of control.

We in this party came up with a plan some 10 months ago to rejuvenate our cities, including transit. Yesterday the federal Liberals came up with their own plan to rejuvenate transit and stop gridlock. When are you going to fund transit and transportation to ensure that this city, the economic engine of our province, is maintained and gridlock is actually reduced?

Hon Mrs Molinari: I'd like to refer that question to the Minister of Transportation.

Hon Norman W. Sterling (Minister of Transportation): This government has provided the TTC with \$1.8 billion since 1995. Tomorrow, on the eve of the opening of the Sheppard subway line—we have put \$571 million into that project alone, over 60% of the cost of that particular line. We have given the city of Toronto \$126 million in this fiscal year alone. We have forgone asking the city of Toronto to pay \$50.8 million toward GO transit this year, which they can put into TTC.

If any government has put money into transit and has tried to improve public transit, it's this government right here.

PENSION PLANS

Mr James J. Bradley (St Catharines): I have a question for the Minister of Labour, who I hope can help us out with this problem. I have a letter from many constituents in my community, which reads as follows:

"I am a former employee of National Trust and I am writing to you about the pension law provisions proposed in Bill 198. I am one of over a thousand persons who have either lost their jobs or retired from National Trust, and I have an interest in the sizable surplus in the pension plan, which belongs to the plan members. Our case is currently before the superintendent of pensions in Ontario and we are expecting a positive outcome consistent with other cases that have required a distribution of pension plan surpluses.

"Bill 198 would wipe out our claim retroactively, wipe out any decisions or proceedings currently before the superintendent of financial institutions and would not allow us to take our case to the courts or elsewhere. We do not agree with the change in the law as it is contrary to the principles of any democracy" and wipes out "our rights after we have proceeded successfully to assert them under the law."

They ask the following, and I ask your help in persuading the minister with this: would you withdraw the pension provisions of Bill 198? Would you have a proper review conducted? Would you commit that your government will not support retroactive legislation which takes away people's rights? I appeal to the Minister of Labour for this.

1430

Hon Brad Clark (Minister of Labour): I was excited I had a question, but really it's for the Minister of Finance.

Hon Janet Ecker (Minister of Finance): Again, we took considerable time to consult before this legislation was drafted. We are taking, should it be passed, considerable time to work with stakeholders to make sure that the regulations are very clear about the criteria that govern in this case. As we have said, we are not taking away the rights of pensioners and we are not affecting their earned benefits. We are making it very clear that the viability of pension plans, to make sure those pension plans are safe and secure, is one of the very, very important tests that always has to be applied.

Mr Bradley: I've observed over the years all parties in government, and one of the mistakes they make, I think, is rushing important and complex legislation through the House without public hearings. This is a bill that actually lends itself to having some expertise. You can try to prove that you're right; the opposition will try to prove they're right. The public wants clarification.

Why wouldn't you simply have this, at the very least, go to a committee of the Ontario Legislature? Bring in those people who perhaps agree with you, those people who agree with what the opposition is saying, have this matter clarified and you can decide then whether you're going to withdraw the legislation, amend it or whether

you're going to proceed with it. That's a very reasonable request. Why wouldn't you do that instead of doing what you're doing today, and that is ramming the bill through the Legislature with no committee hearings and no further debate when it has some very important implications for people who are genuinely concerned about it? Why wouldn't you do that, and will you try to persuade your House leader of the wisdom of that particular suggestion?

Hon Mrs Ecker: I know the honourable member has a great respect for process, but this began in December of 2000. In December of 2000, the government announced publicly that we had a problem and we were going to consult to figure out how best to fix it. We put out a public discussion paper that was freely available. We said in the budget this spring that we were going to move forward with putting in place the results of the consultations we had done. We had another series of meetings. There have been many submissions from experts from the labour side, the employer side, pensioners; they've all been duly considered, as they should be. All of that input has gone into the drafting of this legislation. It is something that has taken considerable time and considerable reflection. The important priority here is protecting the viability of plans and protecting the benefits of pensioners. This legislation does not take that away.

TEACHERS' STRIKE

Mr Norm Miller (Parry Sound-Muskoka): I have a question for the Minister of Education. As you well know, secondary teachers in the Simcoe Muskoka district school board went on strike a few weeks ago, followed by the elementary teachers last week, affecting more than 7,000 students and their families. The future of these students should be this government's first priority, and they should not be held hostage by unions and the boards. The priority should be ensuring the education of students, and we should act before it is too late. Minister, can you tell us what the government is doing to protect the rights of students?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): It's always regrettable when there are disputes between boards and their employee associations. I would hope that both sides would keep in mind the students and, obviously, the need for the students to return to school as quickly as possible. However, it would be inappropriate for me as Minister of Education to interfere in the collective bargaining process. So I would urge both parties to get back to the bargaining table and I would urge them to continue to put the students first.

Mr Miller: Minister, my office has been inundated with phone calls from concerned parents and students affected by the strike. Many feel their school year will be in jeopardy, especially those students who are in the double cohort year. Can you tell me and my constituents

what actions can be taken to protect the school year and not jeopardize the students' chances for success?

Hon Mrs Witmer: This is a legal strike, but I think we also need to recognize that there is a point where students' right to receive a quality education starts to supersede everything else. So there is a process in place to ensure that the school year will continue to be a success. There is an independent body called the Education Relations Commission that does have the mandate to advise the Lieutenant Governor when the school year would be in jeopardy. I just want the member to know that if that committee, the ERC, were to make a decision, the government in the past—and I would stress “in the past”—has received that advice and they have received all-party consent for speedy back-to-work legislation.

PENSION PLANS

Mr George Smitherman (Toronto Centre-Rosedale): To the Minister of Finance: Madam Minister, I have here your consultation paper that you spent an awful lot of time hiding behind today. I read this paper. It has no mention of retroactivity, which is a central element of your legislation. It has no mention that regs will overrule documents, statutes and the rule of law—none whatsoever. It has no mention of removing the right of appeal to the courts.

You made reference to the 200 bodies waiting to have a ruling as a sign of how bad things were. That's because your superintendent, pending the outcome of the Monsanto case, has refused to deal with them. The much larger line is the one that will quickly form after your superintendent approves the first corporate raid. We can be sure that the corporate raiders will be tripping over themselves to rob these surplus funds. Madam Minister, instead of approaching this issue on a partisan basis, will you recognize that in Ontario, and even in Scarborough Centre, there are people with genuine concerns about the impact of this legislation? It's complex, it's detailed and it deserves public hearings. Will you agree to them now?

Hon Janet Ecker (Minister of Finance): This is an issue that has been under consideration since we first announced that we would be moving forward with a way to avoid lengthy court battles, to avoid having employees having to feel they had to go to court to establish rights in pension surplus. This has been ongoing. There has been consultation. There has been a public paper. We've had submissions. We are going to continue, as we have said, to work with stakeholders on the development of the regulations to make sure that the viability of pension plans is the uppermost priority here, that the rights of pensioners are protected, the earned rights of workers in their pension plan are protected, and we will do that.

Mr Smitherman: Minister, I find it interesting that you keep referring to the courts. I just wanted to let you in on a little secret. Some people go to the courts in search of justice, but in this bill you trample their rights and you say that that's no longer available to them.

The Canadian Association for the Fifty-Plus, in an open letter to the Ontario government released on November 12, called Bill 198 “a licence to steal.” This is not a group, I think, that spends all their time trying to find some new hyperbole to inflame a debate. It’s a group that represents hundreds of thousands of Ontarians who have legitimate concerns. You made reference earlier to your inability, due to time constraints, to meet with a man who represents almost 4,000 people who are influenced. You said that you’d get to it at some point.

Madam Minister, there’s plenty of evidence here today that you haven’t read your own legislation, that you don’t understand the implications of it, that you have not had a complete consultation with all the parties. Will you agree to slow it down just a little bit so that we can have public hearings and allow Ontarians to voice their opinion?

1440

Hon Mrs Ecker: There has been considerable consultation on this. There have been meetings with all of the stakeholders. There will continue to be meetings with the affected stakeholders, as there should be, in terms of the regulations that will apply should this legislation pass. We will continue to do that because protecting the pension rights of workers is very important. That is a pre-eminent goal here: making sure there are clear rules so people know what their entitlements are, making sure that employers are continuing to support those pension plans as we want them to do, making sure that surplus sharing agreements negotiated with workers are there.

Interjection: They’re gone. They’re gone.

Hon Mrs Ecker: The honourable member says they’re gone, and again, the honourable member is wrong.

FEDERAL-PROVINCIAL FISCAL POLICIES

Mr Wayne Wettlaufer (Kitchener Centre): I also have a question for the Minister of Finance. Every Ontarian knows that the federal government is not only able to accumulate but does accumulate massive budget surpluses. The federal finance minister continues to forecast that the trend of big federal fiscal surpluses is expected to continue for some years to come. As the federal government books these fiscal surpluses by collecting tax revenue from the provinces, we would all like to know if Ontario gets back anywhere near what it provides to the federal government in tax revenue. Furthermore, my constituents are in my office regularly, demanding to know what our government is doing to represent the interests of Ontario citizens and taxpayers. They want to know what Ontario’s contribution to the fiscal balance sheet of Confederation is.

Hon Janet Ecker (Minister of Finance): I know the Liberal Party here, the cousins of the Liberals in Ottawa, don’t think this is an important issue, but taxpayers in this province think it’s extremely important that in this fiscal year, Ontario citizens will contribute \$22.8 billion more in taxes and non-tax revenues to the federal govern-

ment than they receive in federal program spending and in paying their share of the federal government’s debt interest costs. This means that each Ontarian contributes almost \$2,000 more to the federal government than he or she receives back. We have 38% of the population; we only receive 30% of federal spending.

We in Ontario recognize that Ontario is a very well off, wealthy, prosperous province because of the economic policies of this government. We’re prepared to help with equalization payments with other provinces. But we do believe that the federal government needs to take a serious look at its revenues, at the province’s revenues, at its responsibilities and the province’s responsibilities to ensure taxpayers—

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

Mr Wettlaufer: Minister, thank you for explaining the gross fiscal imbalance between Ontario and the federal government, but there are some constituents in my riding who do have concerns about the amount of the equalization payments. They are constantly comparing Ontario to Quebec—the difference in imbalance. They compare, for instance, the amount that is taken out by the federal government in gas taxes, to the tune of \$1.3 billion every year, and they’re only putting back \$25 million in highway improvements in Ontario. They’re complaining about the federal government collecting GST on hydro debt paydown.

But I have a concern that directly relates to my constituents, and that is health care. I need a few clarifications for the many constituents who are complaining to me about health care—the increases in health care spending that we, as a government, in Ontario have made every year since 1995. But the provincial governments can no longer afford to pick up the slack of the federal government. The federal government taxes Ontarians, but it continues to hold back its share. Even Roy Romanow has criticized the federal government.

Minister, I need you to be very specific. How—

The Speaker: Order. I’m afraid the member’s time is up. Minister?

Hon Mrs Ecker: It is indeed, as my colleagues say, an excellent question. I’m glad he mentioned electricity bills, because we here in Ontario do not charge PST on electricity bills. The federal government charges GST on those bills. We don’t think that’s appropriate. We think they should change that.

But on to another equally important issue: health care. I know the Minister of Health would love us to make this message very, very clear so Ontario residents understand this. Since 1994-95, the payments to Ontario from Ottawa for important things like health care have only gone up \$172 million, where this province, because of the importance of health care to our citizens, has increased health funding by over \$8 billion in that same time frame. So clearly, the federal government must do its part. We’re prepared to do our part. Citizens demand no less of either government.

HEALTH PROFESSIONALS' COLLECTIVE BARGAINING

Mr Peter Kormos (Niagara Centre): I have a question to the Minister of Labour. Ontario's OPSEU health professionals have not had a contract for eight months. Negotiations, central bargaining broke down in June of this year. You will know that yesterday those same health professionals voted 91% in favour of whatever it takes to obtain a fair contract. This is a very volatile situation. Will you help restore confidence in the arbitration process that they will be subjected to by calling upon the parties to submit a joint list of arbitrators from which you will choose the arbitrator?

Hon Brad Clark (Minister of Labour): The member knows full well the process in terms of hospital labour dispute arbitration. From my perspective, if the two sides want to decide that they want to go into a mediation-arbitration process, they have that opportunity. They can do that. If they would like to jointly decide upon an arbitrator, they can do that also.

At this particular point in time, they really should be back at the table negotiating in a collective agreement. I am eager to see that they solve the problem, and we are awaiting final disposition. If they can't come to a decision, then we can appoint an arbitrator and our arbitrators are, I'd argue, sir, always impartial and unbiased.

Mr Kormos: I say to the Minister of Labour, please, this is a very volatile situation. You can demonstrate leadership. You can help influence the restoration of negotiations and, barring that, assure the parties that there will be thorough fairness in the arbitration process by standing and declaring today that you'll use a protocol of procedure that quite frankly is precedented. It was used to great success as part of the resolution of the Toronto inside and outside workers represented by CUPE. Both parties similarly agreed on a list of arbitrators from which this government chose the arbitrator.

Show leadership. Help defuse this situation, and please tell us that you will call upon those parties and prepare a joint list from which you will choose the arbitrator.

Hon Mr Clark: We have shown leadership. Our mediator has been working with the two parties. We've encouraged them to proceed with collective bargaining. That's how the process will resolve itself. It's important to note that 98% of all labour disputes in Ontario are settled through collective bargaining.

If the two parties, as you're suggesting, are keen on going through a mediation-arbitration process, then they should be making it known to me personally.

VISITORS

Ms Marilyn Mushinski (Scarborough Centre): On a point of order, Mr Speaker: I'd like to recognize Kelvin Chai Yung Ko, who is with us here today. Mr Ko has served as the director of the Cultural Centre of the Taipei Economic and Cultural Office since 1998, and he's leaving Ontario and Canada on Monday, November 25,

for a new appointment. He is here with a number of supporters this afternoon. I'd like him to be recognized.

1450

PETITIONS

LONG-TERM CARE

Mr James J. Bradley (St Catharines): My petition is addressed to the Legislative Assembly of Ontario. It reads as follows:

"Whereas the Eves government has increased the fees paid for by seniors and the most vulnerable living in long-term-care facilities by 15% over three years, or \$3.02 per diem in the first year and \$2 in the second year and \$2 in the third year, effective September 1, 2002; and

"Whereas this increase will cost seniors and our most vulnerable more than \$200 a month after three years; and

"Whereas this increase is above the rent increase guidelines for tenants in the province of Ontario for 2002; and

"Whereas, according to the government's own funded study, Ontario will still rank last among comparable jurisdictions in the amount of time provided to a resident for nursing and personal care;

"Whereas the long-term-care funding partnership has been based upon government accepting the responsibility to fund the care and services that residents need;

"Whereas the government needs to increase long-term-care operating funding by \$750 million over the next three years to raise the level of service for Ontario's long-term-care residents to those in Saskatchewan back in 1999; and

"Whereas this province has been built by seniors who should be able to live out their lives with dignity, respect and in comfort in this province;

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

"We demand that Premier Eves reduce the 15% increase over three years in accommodation costs to no more than the cost-of-living increase annually and that the provincial government provide adequate funding for nursing and personal care to a level that is at least at the average standard for nursing and personal care in those 10 jurisdictions included in the government's own study."

I affix my signature as I am in complete agreement with the sentiments expressed in this petition.

The Speaker (Hon Gary Carr): The Government House leader for the order for next week—

Hon Chris Stockwell (Minister of the Environment, Government House Leader): I'm sorry, it isn't, Mr Speaker. And, if I mislead you, it's a consent motion.

The Speaker: A consent motion? Yes.

Hon Mr Stockwell: Mr Speaker, I seek unanimous consent—and I'm searching for the people; there's one. Good. I seek unanimous consent to move a motion respecting consideration of Bill 177 without notice.

The Speaker: Is there consent? Agreed.

REFERRAL OF BILL 177

Hon Chris Stockwell (Minister of the Environment, Government House Leader): I move that the order 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, be discharged and the bill be referred to the committee of the whole House.

The Speaker (Hon Gary Carr): Do we need clarification? Is everybody clear? Everybody is clear on that? Agreed.

Back to petitions.

HYDRO RATES

Mrs Marie Bountrogianni (Hamilton Mountain): "To the Legislative Assembly of Ontario:

"Whereas Ernie Eves prematurely opened hydro distribution to the market without a mandate from the people of Ontario; and

"Whereas there are inadequate or no protection mechanisms for consumers;

"Whereas the price per kilowatt hour for electricity in the province of Ontario has nearly quadrupled since May 1;

"Whereas the Ernie Eves government has left Ontario citizens to be mercilessly gouged by the unregulated electricity market;

"We, the undersigned, petition the Legislative Assembly of Ontario to move immediately to protect citizens and our province's electricity, to strictly regulate hydro rates and to issue hydro rebates immediately."

There are over 7,000 signatures here, and I've signed this petition.

BUSINESS OF THE HOUSE

Hon Chris Stockwell (Minister of the Environment, Government House Leader): Pursuant to standing order 55, I have a statement of business of the House for next week. Orders of the day will be next.

On Monday afternoon, Bill 191, emergency vehicles, and on Monday evening, Bill 209, bereavement.

Business for Tuesday is still to be determined.

Wednesday afternoon will be a Liberal opposition day. In the evening we will continue with Bill 209.

Thursday morning, private members' business: we'll be debating ballot item 71, standing in the name of Mr Kennedy, and ballot item 72, standing in the name of Mr Sorbara. The rest of Thursday's business is still to be determined.

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 198, An Act to implement Budget measures and other initiatives of the Government, when Bill 198 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 64. Time for debate.

Mr Gerry Phillips (Scarborough-Agincourt): I want to begin by saying that what we're dealing with here, and the public should recognize it, is a closure bill: a bill to shut off the debate on what the government calls a budget bill. In reality it's not a budget bill; it is truly what's called an omnibus bill. For those who have been watching the question period session, we've seen the problem here today. The government has put into this "budget bill" amendments to 27 different acts. The public has a right to be outraged. It is an insult to democracy; it truly is.

The government has its majority. It can do whatever the heck it wants, and it will. But this budget bill, introduced a few days ago, as I say, amends 27 different acts in major ways. The securities changes are in here. Major changes to auto insurance are in here. The decision to abandon something called the Taxpayer Protection Act is in here. The government, by the way, got elected on the basis of saying, "We're going to enact something called the Taxpayer Protection Act that will guarantee you that we can't raise taxes." Well, this bill raises \$1.5 billion worth of taxes. It's all in this one bill and it's all designed to be rushed through this Legislature.

The public may say that it may or may not be concerned about that, but let me use an example today: there are enormous changes to the Pension Benefits Act in this bill. It has nothing to do with the budget. It was never mentioned in the budget. It is a clear attempt to ram through significant changes for pensioners hidden under a "budget bill." We're not here to do our business; we are truly here to do the public's business. The public have a right to know when major legislative changes are being

made that will have a profound impact on them, and they have a right to have an input into that, to discuss it. But no, this bill was introduced a mere few days ago, and as of six o'clock today, it will essentially be law. The debate will be over. There is no more opportunity for any debate on this bill. The motion we've heard will essentially say, "At six o'clock today, we'll vote and we will no longer ever debate this bill."

I would say to the public, and I will use the example of the changes in the Pension Benefits Act, that what this bill does—I'll focus on just one aspect of the bill that it hugely impacts. There are at least 200 major pension plans affected by this bill. It affects all those pensioners who may have been either laid off as a result of a company downsizing or as a result of a company winding up its pension.

There is a case in court called the Monsanto case that is being used by the pensioners of those 200 companies to make sure their pension rights will be looked after, to make sure they would have access to surplus funds, as has been the case since at least 1988. This bill will essentially say to all those pensioners, "You no longer have any rights. None of you will be able to go to court to be able to argue your case." Furthermore, this law is retroactive to 1988. What really, frankly, offends me is that the government, and this was true in the briefings we had with the government, essentially said, "It's just a minor little move. Don't you be worried about it." It has taken the pensioners who got into the detail of it, along with their advisers, to really alert us to the fact that this is a huge change.

1500

Today we hear the Minister of Finance essentially saying to us, by the way, "Well, you in the opposition are just fearmongering." Let me tell you, when you affect someone's basic pension, the thing that people are going to rely on for the rest of their lives for their very well-being, they have a right to be concerned and angry, and they are. I say to the government, believe me, you are making a huge mistake here in ramming this through. The public should recognize that the bill was introduced just a few days ago. We began debate on it—I remember it well—four sessional days ago. We have had this in the Legislature now for four sessional days, as they are called. Essentially, we've had probably in total about six hours of debate on this bill involving changes to 27 acts.

I just use this one example of the Pension Benefits Act, where you are taking away rights of employees represented by at least 200 companies. The minister today, in what I thought was quite an astonishing statement, said, "Well, we don't want to put pensioners through all this trouble of having to go to court to get their rights, so we'll take away their rights to that and we will allow the employer to go to the superintendent and apply unilaterally on how the employer wants to deal with the surplus." So if the public ever wanted to see a reason why we in the opposition get so angry when the government decides it is going to introduce a huge bill—as I say, it amends 27 different acts and, by the way, it

establishes two new acts. It's called a budget bill, but the majority of the material in here has nothing to do with the budget.

The classic case is the amendments to the Pension Benefits Act. My colleague from St Catharines, among others, today said, "Listen, surely the public are owed an opportunity to come before the Legislature, their elected officials, and to make their case." I will warn the government: when you are so arrogant that you think you can simply do whatever you want and not even give the public an opportunity for input, you are starting toward your own demise. There's no question of that.

The total bill I find offensive because I think it deserves substantially more debate and the public have a right to input, but I am particularly offended by the decision to rush through the changes to the Pension Benefits Act. The minister today said, "We have consulted." Well, they consulted with the industry, and then they made dramatic changes from even the basis on which they consulted the industry, and they are retroactively going back to 1988 and taking away rights of pensioners. They are giving the employers an opportunity to unilaterally apply to have access to those surpluses. Make no mistake about it: this is a huge win for Bay Street, but it's a huge loss for Main Street.

Those who watch the proceedings here will find that in less than three hours the debate will be over on this bill. There will be no further opportunity for pensioners to comment on it. Essentially it will be law, because we will have no more debate on it; it will simply be passed through this Legislature. I think that's tragic. The pension benefit changes are wrong, they take away fundamental rights, they will affect literally thousands of pensioners, and it's a huge bonus to the companies but a huge detriment to the pensioners.

Secondly, I think that the people of Ontario have a right to be outraged when they say, "Listen, we elect you, not to do your business, we elect you to do our business. You are there to represent us," and the pensioners can't even have an opportunity to be heard. As I say, this debate will be all over in a matter of three hours and this will be law, and I think it's a huge mistake.

The Speaker: Further debate?

Mr Tony Martin (Sault Ste Marie): I was just saying to my colleague from Niagara Centre a few minutes ago that I can't believe we're here only a day or so into debate on a huge budget bill, a budget bill that is going to have some significant impact on the people of this province but a budget bill that has missed an opportunity to do a complete review of the impact of the government's agenda and initiatives where the economy is concerned over the last six or seven years, that has hurt significantly major chunks of this province, geographic areas as well as sectors, and not allow people out there affected by these decisions and these programs or lack of programs to come forward and talk to us about that so that we might all together decide, then, what is in the best interests of the province and the people who live here.

I find it absolutely shocking that, day after day here now, since we came back in September, we're confronted with major pieces of legislation—huge pieces of legislation—omnibus bills, budget bills that include everything from nuts to doughnuts, with very limited opportunity for debate and, in particular, very limited opportunity to go out to the public for committee hearings so we might hear from people about these important matters and include their input and comment in the final version of what we approve here as the program of the government so that we are all confident that, at the end of the day, we can move forward.

But that's not happening. That is absolutely not happening. This government is in control of this whole process, it needs to be understood. The government sets the agenda, decides how much time is going to be allocated to what, decides when it is time to bring in time allocation, decides when it's time to cut off debate, decides when it's not helpful to them or politically expedient to them to take important pieces of public policy out to the communities across this province and then turns around in their comments in here—you'll hear it again and again—and attempts to blame that somehow on the opposition, that somehow we're dictating or driving the agenda, that we have some ability to decide or control or affect decisions where going out to the public or further debate is concerned. That's just got to be the furthest thing from the truth.

Time after time we see, as we come here day after day these days, time allocation motions that virtually tie the hands of members duly elected from constituencies that expect them to come here and speak out on their behalf and tell the government how policies are affecting them directly in their lives so they can feel confident that somebody is hearing what they have to say, somebody is perhaps understanding the impact and somebody is perhaps interested in the suggestion they might have to make some positive and constructive change.

But that, alas, doesn't happen and that, in my mind, is unfortunate. It's an insult to the democratic process, to the democratic tradition that has grown up in this province over a long period of time now. Different ilks of government—Tory, Liberal, New Democrats—who have recognized and respected the importance of due process, and the need for full and comprehensive public consultation and debate on issues of matter and significant impact on the lives of their community and their day-to-day lives. It just isn't happening and that's too bad.

1510

I know, for example, that when I go back to my constituency on Fridays, I sit down with groups. I do that all the time. I'm going back tonight and I'll be meeting with different groups over the course of tomorrow and the weekend, trying to do my little bit the best I can to hear from people and bring it back here and put it on the record. What they're saying to me is that they've never seen anything like this. Every day they wake up there's another edict coming down that affects the way they do business.

Whether it's ordinary citizens or somebody trying to deliver education or health care, they're struggling with a lack of resources, with new regulations they can't possibly live up to or pay for, with new guidelines that tie their hands in terms of trying to be flexible and creative in front of new challenges that present at their doors almost every day—no opportunity to talk to anybody; no opportunity to challenge or to confront; no opportunity to give advice or to give guidance as to how this is going to work out, or whether it's smart or not smart.

They also make the comment, and I take the criticism with some degree of pride here this afternoon, that when we were in government between 1990 and 1995, we consulted too much. I would prefer to be criticized for consulting too much, for trying to hear from people as much as is absolutely possible about those things that affect the common life and common good of this province, than to be accused of being a dictator, of simply unilaterally driving things through, of not being willing to listen, of not being willing to own up to the fact that perhaps it might be good to have consultation because we make mistakes from time to time, and it's better to catch them before than it is to catch them after and then have to do clean up and respond to the damage that has been done.

That probably presents no more obviously and tragically then in some of the circumstances we all, every day now, read in the newspapers and see in the media. Dudley George, for example: the drive to resolve that issue of not respecting the long-standing tradition of negotiation and debate and discussion about those issues that are so important to our First Nations people. The tragedy at Walkerton: this government decided that it needed less government, that it didn't need the inspectors and the oversight that had been put in place over years to make sure we're protected. There is the environment, the air, the eco-system, and in this particular instance in Walkerton, the water. We didn't think we needed the oversight that was put in place over years to protect the water. Alas, at the end of the day, because of that sort of knee-jerk, backroom, unilateral decision to cut inspectors and cut resources to communities to protect their water and to make sure it was tested properly, we ended up with some very serious tragedies. A significant number of people are dead and others were very sick.

I've been watching, just recently, the inquest that is being held in Sudbury around the case of Kimberly Rogers, where this government systematically, from almost the day they got elected, decided to attack the poor in this province. That goes to the heart of this budget, because there's absolutely nothing in here that indicates they've learned anything from the last seven or eight years, never mind from the very tragic circumstance surrounding the death of Kimberly Rogers.

The ministry that is central to this whole issue is not even at the inquest. The Ministry of Community, Family and Children's Services has chosen not to seek standing. So they're not there participating, asking questions, bringing forward witnesses and trying to get a handle on

how this could happen in Ontario, how a pregnant woman on Ontario Works in this province could die, and not to diminish in any way the circumstances that surround that and need to be looked at.

The government has chosen very clearly not to hold themselves out there as responsible, in any way, shape or form for the very tragic conditions that poor people find themselves having to live in in this province as we move into the 21st century now. The Kimberly Rogers example is one very obvious, public and tragic example where the government made changes that turned poor people into criminals. On one day you could collect family benefits and collect a student loan and go to school, and the next day, because of a change in regulation by this government, if you did that you're considered a criminal. You're hauled before the criminal court and, if you're found to be in contravention or to have done fraud—

Hon Jim Flaherty (Minister of Enterprise, Opportunity and Innovation): How much consultation did you do on the social contract?

Mr Martin: We did consultation on the social contract, Mr Flaherty, until after the long weekend in August that summer, if you want to talk about consultation. What consultation did you do on welfare? What consultation did you do on Kimberly Rogers? What consultation did you do around the tragic death of Dudley George? What consultation did you do around the tragic deaths that happened in Walkerton and the changes that you made in the Ministry of the Environment? What consultation did you do on those and what was the result of that, Minister? Talk about being responsible and accountable: what consultation have you done on this budget that we're time-allocating through here today? What consultation did you do with the workers of this province around the provisions in this act which will see employees lose any surplus that would arrive in their pension packages?

Those are the questions you need to ask the minister here today yapping across the way, Mr Right-Wing himself, Mr Alliance Ontario himself, as he tries to ram that kind of an agenda down the throats of the people of this province. Tell that to the family of Kimberly Rogers. Tell that to the family of Dudley George.

Hon Frank Klees (Minister of Tourism and Recreation): On a point of order, Speaker: As you so often stand up here and remind, whoever the Speaker is in the Chair, that the member opposite is far off topic, is saying nothing about the bill before him, I would ask you to bring him to order to get him back on track.

The Acting Speaker (Mr Raminder Gill): That is not a point of order. The member for Sault Ste Marie, please continue.

Mr Martin: The minister obviously has forgotten that this is a time allocation motion and we can say whatever we want here this afternoon. But I will focus on this bill and I have been focusing on this bill. I've been talking about the lack of consultation that is going to happen on this bill as we move forward in this place in this so-called democracy, as the Alliance Party across the way drives

its agenda down the throats of the people of this province, as economies across the province, in the north and rural Ontario, go down the toilet, as people lose their lives and their livelihood, and as none of us knows any more what we can count on from government by way of public service, whether it's education or health care or social services.

This government has missed opportunity after opportunity over the last seven years to make the kind of investments in this province that would serve us into the future. They have systematically and irresponsibly chosen, time after time, to ignore the fact that there was a good economy out there. When you have a good economy out there, you need to be taking some of that money and shoring up and investing in those things that you know you will need when the economy goes into a dip, as it has at the moment. It will be there then to serve you when you need to put money into and look after the services that we've all come to agree collectively are necessary if we're going to continue to lead in the way that we do the economic growth in this country and, I dare say, across North America.

1520

Alas, that's not the intention of this government; that's not their approach; that's not what they choose to do. So here we are this afternoon, yet one more time, debating an allocation motion on a budget bill, a bill that will have serious and significant impact on the people of this province, and yet there is nothing in it, absolutely nothing in it, to respond to or give answer to any of the major dilemmas that we see out there.

Before I was so rudely interrupted by the Minister of Innovation, if you can imagine, Mr Alliance himself, Mr Flaherty, I was going to talk about the very real impact of this government on the lives of the Kimberly Rogers family now, the lives of Dudley George's family now and the lives of all those people in Walkerton who are no longer with us, and what it is that they are going to do to make sure that that never happens again, and that in fact the communities out there that need the money to make sure that those tragedies don't happen are able to, in some way, generate it.

As we speak there are literally hundreds of people on the streets of this, the richest city in the country, sleeping on the sidewalks at night. As the winter comes at us and as the weather continues to get cold there will be significant numbers of them who will not be with us in the spring of next year because they will die, because they don't have the services and the support of this government.

The first thing this government did, the first missed opportunity this government participated in when they got to be government in 1995, was to cut by 21.6% the income of the very poorest of our citizens and to tell them that they should be satisfied with that, not recognizing that when you give money to poor people, that money is spent almost immediately in the cash registers of every small business in the communities in which they live—a tremendously direct and important and positive

economic stimulus to a local economy, particularly in a community where perhaps there are some difficulties and some adjustments that need to be made. This government didn't consider that. They wanted a victim.

When they came to power in 1995, they walked in like the bully does into the schoolyard. They looked around for the weakest and the smallest and the most vulnerable and then beat the crap out of them, just to set the tone. Believe me, it was a tone that took hold in this province—intimidation and bullying and direct action by this government that has affected the lives of literally millions of citizens and their families across the province. Did they take advantage—

Mr John Hastings (Etobicoke North): On a point of order, Mr Speaker: I refer to certain phraseology made by the member opposite in his discussion. The specific word, if you didn't hear it, was "crap." I'm just wondering if that word is OK in parliamentary language here. If it is, then let's start using it and a lot of other words associated with it.

The Acting Speaker (Mr David Christopherson): I didn't hear the phrase—

Interjections.

The Acting Speaker: Are we done? I do apologize for not hearing every word that was said, but if there was something unparliamentary said, I would offer the member an opportunity to withdraw it. Then we'll see where we are at that point.

Mr Martin: In my view there was nothing unparliamentary said and I have nothing to apologize for, Mr Speaker. Every word that I said of criticism of this government is well earned, and will be said over and over again in the little time that we have left here in this place before we go to election, probably in the spring of next year.

Now that I've covered that gamut and talked about the missed opportunity that this government has bestowed on us for the last seven years, seven years of missed opportunity—and that is nowhere more obvious than in northern Ontario, where this government has ridden the crest of a very exciting and positive economic upswing, as we said here, mostly driven by the good economy in the US and across the world. In doing that, in simply riding that wave and not understanding the underpinnings and the weakness in it which is now beginning to show as we see the Enrons and the WorldComs of the world begin to collapse and crumble in front of us, they turned their backs on that part of the economy that has served this province so well over so many years and is so central to anything positive and exciting happening in the part of the province that I live in and represent in this place, and that's northern Ontario.

Northern Ontario has not in any significant way benefited from any of the economic stimulus or good times that have happened in southern Ontario for two reasons: leaders of industry have chosen to focus on some of the more exciting and new sort of e-commerce and virtual economic opportunities that are out there in the technological world of computers, and have not been

interested in developing the resource-based economy, not been interested in adding value to and working with us who live in northern Ontario to restructure that economy so that it continues to serve us in the way we know it has to if we're going to have a solid and firmly based economy, a confident and stable economy moving forward into the next 10 and 20 years.

We've suffered. We've experienced a recession in the north—and, I would suggest, probably in good parts of rural Ontario as well—which has not kept up with some of the growth that has happened in some of the larger urban areas in the province. Not only that, we've had a government here that not only didn't pay attention to some of the things that were going on but contributed in a significant way to the negative turn of events in northern Ontario by decisions it made to reduce the size of government, downsize departments in different ministries and get rid of vehicles that were put in place over many years by governments of different stripes to make sure the very cyclical economy that happens out there in big parts of the province becomes less cyclical and more stable, so that more confidence could be generated in those who choose to invest in those parts of the province.

I did a little analysis of that reality over the last few months, so that I might understand it and then share that with the good folks out there. Just by way of example, so that people understand what I'm talking about in terms of negative growth, there isn't a community in northern Ontario that hasn't lost significant population since the census done in 1996, a year after these folks took office, until the year 2001. That's probably the clearest and most obvious evidence that there's something wrong in that part of the province and with the economy of that part of the province.

The other thing that indicates there's a problem up there is job stats. This government is more than happy to get up from time to time and take the latest stats that come out that indicate there have been more jobs created. They never factor in the fact that with those jobs created there were probably twice as many that went out of existence. Let me just tell you, here's a piece that came out in May 2002 that indicates that since March 2001 more than 14,700 jobs have been lost from the north-eastern Ontario labour force, a decrease of almost 6% according to Human Resources Development Canada. It says that March was the eighth consecutive month of job losses in the area. A total of about 3,400 of those jobs were full-time positions. So, contrary to the public relations spin you'll get from across the way in terms of the creation of new jobs and the increase in job opportunities, that is not the case. At least it's very clearly not the case in northern Ontario.

Let me talk a little bit about the northern Ontario economy and what I say has in fact happened and what's contributed to that decrease. It's assumed that the northern Ontario economy is reliant on resource and public sector activities. This can be confirmed by anybody who wants to do an analysis of the census—where people work and what they do for a living in the north. Using

Statistics Canada definitions, the resource sector is defined as fishing and trapping industries, logging and forestry industries, mining—which includes milling—quarrying and oil wells. Resource-related manufacturing is not included in this definition. Using Statistics Canada definitions, the public sector, which is the other sector that's so important—there are two engines that drive the economy of northern Ontario: the resource-based Industrial sector and the public sector. The public sector is defined as government service industries, educational service industries, and health and social service Industries—and it's noted that in this analysis, "public sector" is not broken down by level of government; we're not doing federal, provincial and municipal. There has been an overall decline or cutback in government services at whatever level you look at over the last six or seven years. It seems that governments at the different levels have caught a similar malady.

1530

The GDP associated with these sectors is measured in inflation-adjusted 1992 dollars. When I give you the figures I'm going to give you here, you also have to know that the tax breaks which have been given have been factored in as well, so they're not included. GDP associated with these sectors began at \$47,249,100,000 in 1984, peaking in 1995 at \$55,771,100,000. Since then, it has fallen to \$53,929,400,000. This represents a cumulative drop of 3.3% in the GDP in these sectors in northern Ontario. The average annual rate of growth between 1984 and 1991 was 2.1%. It fell to an average annual growth rate of 0.5% between 1992 and 1995.

Now, this is what's interesting, because this is when this government was in charge: between 1996 and 1999, the GDP fell by an average annual rate of 0.8%. So under the watch and management and economic guidance of this government, the GDP of northern Ontario and those two sectors fell by an average annual rate of 0.8%. The average annual rate of growth for the rest of the economy was 2.9% between 1984 and 1991, 3.1% between 1992 and 1995, and 5% between 1996 and 1999.

This government wasn't able to translate that growth in the economy of the urban centres of this province to an overall positive effect for the rest of the province, something that other governments were always able to accomplish by taking leadership, by developing vehicles to work with the people of those areas of northern Ontario to readjust, restructure or rebuild their economy and by providing resources to communities, individuals, businesses and groups to either keep themselves alive, develop new product lines or invest in new companies altogether.

So the message in all this is that the northern Ontario economy has been hit by a one-two economic punch since 1995. First, the resource sector of the economy has been in recession. Second, the public sector has undergone a major retraction. The result? While the rest of the economy has boomed with the US economy, increasing by an average of 5% per year, the sectors most important to the northern Ontario economy have undergone a

recession largely created by this government because of its lack of attention to the resource-based economic sector and its cutback in public or government resources to actually give leadership and affect the economic viability of those communities.

Let me just tell you briefly in the few minutes I have left, because I want to leave some time for my colleague from Niagara Centre to speak on this, that some of the vehicles this government actually removed or changed the mandate of, which were so central and important to stabilizing the northern economy, to creating some confidence in the northern economy that would attract investment, vehicles like the Ministry of Northern Development and Mines, which has become a shell of its former self—if you talk to anybody either working in it or working with it, they'll tell you that it has been gutted. Hundreds of people have gone out of that ministry, offices have been closed across the breadth of northern Ontario, and there with it has gone any ability or potential that ministry might have to give the kind of leadership that we came to expect and enjoy in the 1970s, 1980s and into the mid-1990s.

They have reduced the involvement of the Ministry of Natural Resources in northern Ontario so that it's not there any more to work with not only the natural resources industries, but the added-value companies that set up shop in the north over a period of time, so that a whole lot of them now are either struggling, in trouble or looking at moving on. I think we only have to look right now at this very point in time at what's happening in Sturgeon Falls and what's happening up in Kirkland Lake to understand what I'm talking about here.

They did away with the Northern Ontario Development Corp, a lending institution in the north that was close to the ground, knew the players in the communities of northern Ontario and could sit down with people and say, "OK, what makes sense here?" I have to tell you, the banks have choked off the north for quite some time now. They don't see it as a good place to put their money. They will invest some limited amounts but not the kind of money that we need to really fire up the economy and keep it going.

So the government, in its wisdom, put in place the Northern Ontario Development Corp, that was sort of the banking institution of last resort. You could sit down with those folks because you shopped with them on the weekend at the corner store or you met them in the mall or you went to church with them on Sunday and said, "Listen, I've got a really good idea here of how we might expand or change my business to take advantage of some new things that are coming," or "I know of a new opportunity over there that, if we only had a bit of money to invest in, would create some economic activity and develop some jobs for some people." And they would sit down with you and say, "OK, well, let's work on that," and they would help you through the good times and the bad times, cut you some slack on some of your loan commitment when you needed it and then go back to you when you were doing well to make up for that in the

good times. So there was a good relationship, there was good communication, there was good leadership and there was good resource there. But that's gone now. They've done away with that. It's a vehicle that no longer exists in northern Ontario to help the northern Ontario economy, and I suggest to you that's why we've experienced over the last seven or eight years in the north, contrary to what's been happening in some of the bigger urban centres, this very significant and important recession that has gone on.

The northern Ontario heritage fund is another fund that was set up to work with communities, non-profit and profit organizations in the north to help in times of difficulty, to take advantage of new opportunities that might present, to bring partnerships together, to work in a million different ways creatively to try to stabilize and create some confidence in the northern economy, to work with big tourist attraction destination opportunities, like Searchmont and Mount Antoine. Alas, Mount Antoine no longer exists in the north. You can advertise and market as much as you want to people to come to an area for tourism, but if you're not supporting and keeping healthy those things that people will do and come to see, then you ask yourself, "Why bother?" because they'll come and they'll be disappointed and they'll go home again.

We almost lost Searchmont, but through the efforts of myself and municipal council and some other volunteer interests in Sault Ste Marie, we were able to keep that enterprise alive long enough such that now a very exciting and new entrepreneur has come in from Chicago and bought it and has hired very, very good staff and a new manager to run the place and we're looking forward to a very exciting winter this year. But no thanks to this government; no thanks to any leadership or resource from this government. If it was up to this government, it wouldn't be running; it would be out of business. There would be no ski hill. That's the kind of thing I think we have to take a serious look at. I think this government has reneged on its responsibility, has not been accountable or done the right thing on behalf of the people it was elected to serve.

1540

I suggest to you that if the recession that is happening in the north isn't nipped in the bud, if there isn't some leadership given or some turn of events—maybe a new government that all of a sudden finds they have interest in the north to go up there and invest some resources, bring back some of those vehicles and work with the north again—the sickness that has taken hold out there will work its way into the heart and core of the province.

We know this province has, for a long time, grown its economy and enjoyed a good economy because we had those resources; because we had people who were willing to work in northern Ontario and harvest, manage and be good stewards of those resources. If we turn our backs on that, I believe we do everybody a disservice in this province and we diminish our capacity to be a world player in the economy that now has become global out there.

Any of the trade agreements you've seen happen, however supportive or not of them any of us have been in this place, indicate very clearly what other people see and want out of this part of the continent. They're our resources. We have to find ways to manage them that are sustainable, understand the interaction between the various sectors of our ecosystem, add value and provide opportunity for all of us, whether it's in northern or southern Ontario, to have jobs that speak of an ability to look after ourselves and our families, that speak of quality of life, dignity and all of those things.

It's when we do that, when we see the community of Ontario in its fullness and we recognize the contribution government can make to be sure all parts of the province are clicking on all cylinders, that we will then have the money required to make sure institutions that will be so important in all of that as well—the underpinning to all of that, such as education, health care, social services, hydroelectricity, as we've seen debated here in the House over the last few weeks—and most importantly, because I believe it's the heart and soul of any good and civil community, we will have an ability to look after those amongst us who are vulnerable and at risk. Government has no more fundamental responsibility than that. There is absolutely nothing here in this bill that we debate tonight by way of time allocation that speaks to any of that whatsoever.

Mr Ted Chudleigh (Halton): I rise to speak today on the merits of this bill, and to express some concern and sadness at the need to time-allocate it. This is a significant bill. It affects a number of different acts, I think 27, by someone's comment across the floor. It would be very nice if we had seven, eight or nine days to debate this bill. That could have been done. It could have easily been done.

You know, we had bills like Bill 148, an emergency preparedness act, something that we all agreed to and easily could have made comment on, spoken on and passed in one day. We could have sent it to a committee, taken it around the province and talked to it in committee. We could have done lots of things, but it only required one day of House time. That would have left three days on that bill that could have been applied to Bill 198 very easily.

Again, there was Bill 149, the extended red light camera pilot project bill, a bill to extend the testing process for red lights. Again, that act is going to take four days: three days of debate and one day of time allocation. It's something that everybody in this House is going to vote in favour of; in fact, when it comes up for a vote, probably there will not be a division on it. It will just be a voice vote. It will be passed. So on 149 there are four days, three extra days that we could have used for debating significant pieces of legislation like Bill 198 that we're time-allocating today.

It could have been used to debate Bill 180, which is the consumers' act, another fairly significant piece of legislation.

There is Bill 131, the Interjurisdictional Support Orders Act, a very simple piece of legislation. Again, it could have been discussed for a day. It could have had a number of days of committee time. But no; it was chewed up in the House and it was used for three days of debate, and again it will need a day of time allocation before it receives second reading.

Finally, there was Bill 191, An Act to amend the Highway Traffic Act; again, a bill that we all agree to and that we could have done in one day. We could have had a number of days in committee to discuss it, to see whether or not it could have been made a better bill. But no. Again, it requires four days of House because there is no co-operation whatsoever from the opposition on any of these bills.

That's too bad, because bills like 198 could have used that extra time.

Mr Dominic Agostino (Hamilton East): We'll try to be more co-operative from now on.

Mr Chudleigh: Of course, the member from Brampton or Hamilton Mountain or someplace out there is yapping away. He thinks they're doing exactly the right thing by obstructing the House in moving this thing through.

Mr Agostino: Hamilton East.

Mr Chudleigh: Hamilton East; I'm sorry. However, it's a sad day, I think, when the co-operation in this House doesn't allow for debate on significant pieces of legislation as opposed to wasting the time of this House on the four bills I have mentioned that could have easily been passed in one day as opposed to taking three days and an extra day for time allocation.

This proposed legislation on which we are considering time allocation today has a large part of it that will provide consumer protection, and it involves measures that will benefit every investor and every taxpayer in the province. Our government remains committed to putting sound policies in place that ensure the protection of consumers in Ontario.

Mr George Smitherman (Toronto Centre-Rosedale): Talk about the pensions.

Mr Chudleigh: I will talk about pensioners a little later in my speech.

This fall, we are continuing to move forward with important measures to protect consumers, particularly consumers who are investing in stocks and bonds in Ontario: measures to promote public confidence and to protect the province's auto insurance system as well as measures that will address the pension funds and pension fund surpluses in Ontario. I want to take a few minutes to talk to each of these measures in more detail, starting with those measures that will protect Ontario's investors.

While Ontario has sound fundamentals in place, there is apprehension out there. Events like September 11 last year and, more recently, accounting scandals in the US are taking a toll on investor confidence. People have real concerns about the future, about the state of the economy, about their retirement savings plans and money, and in many cases about their jobs in the future. We recognize

those concerns and we are acting to waylay as many of those fears as it is possible to do.

In order to have a strong economy that can produce growth and prosperity, we need strong capital markets. Strong capital markets need investors who have sound information so that they can make informed investment decisions. The markets are just about to close, but a lot of those people are making sound investment decisions today, as the markets have some very, very solid gains. I understand that over 1.2 billion shares traded today on the New York Stock Exchange. That's getting very close to a record, and the exchange is up significantly. I think that's good news for North America. To put in perspective 1.2 billion shares traded in a day, on Black Monday in October 1929, I believe there were 29 million shares traded. So it's a far broader cross-section in today's economy that are trading in shares in our society, and it's incumbent on any government that has the responsibility to ensure that people who are trading in those markets have confidence that those markets are being run properly and openly and in ways that people can understand.

1550

Investors put their trust in markets where ethical corporate governance is the rule, not the exception, and where there are meaningful penalties for those who violate security laws. We are moving forward with measures that address these issues. Our measures recognize that Ontario investors already have certain advantages because of our regulatory environment. Other stock markets don't have the same kind of regulatory environment that the Toronto Stock Exchange has, and that's a very powerful thing for a province to have—a stock market that we look out for, that we're responsible for and that has the confidence of consumers to invest in.

For example, our public companies are required to tell their investors right away about material changes in their affairs. But just because we have not had an Enron happen here doesn't mean we should pat ourselves on the back and relax. That's what this piece of legislation is all about. There is more to do. When the people of Ontario put their hard-earned money into a mutual fund or stock, they're going to build a better future for their families. They need to know that the government has set and will enforce high standards so that we can make informed choices and invest with that confidence we all need. They need to know that they can trust that corporations and government will ensure transparency and accountability. "Transparency" and "accountability" are two very important words.

Recently, we introduced measures to ensure the system is fair and more transparent. If this bill is passed, our measures will include new powers for the Ontario Securities Commission to impose fines for security violations and order that offenders give up the profits they attained from those violations. So not only are we going to increase the fines up into the millions of dollars, but we're also going to force those people to give up the ill-gotten profits that they made through those transactions.

Increased court fines and prison terms for security offences will make Ontario's system the toughest in Canada. Maximum court fines would increase to \$5 million from \$1 million currently. Maximum prison terms would go up to five years less a day from the current two years, where it is today. We will provide clearer definitions of offences such as securities fraud and market manipulation and making false and misleading statements. We will also be introducing broader rights for investors to sue if companies make misleading or false statements or fail to give full and timely information. The Ontario Securities Commission will also get new rule-making powers to hold CEOs and their chief financial officers accountable for the accuracy of their financial statements and to mandate the functions and responsibilities of audited committees of public companies.

We're also proposing reforms to Ontario's public accounting regulation to ensure tough standards that are internationally respected and reflect the high expectation of the business community, investors and our trading partners. This is an ongoing process. Our commitment is to implement a made-in-Ontario solution that works best for our province.

Another commitment announced by our government in the 2002 Ontario budget to protect consumers is the effort to improve the automobile insurance system. Throughout North America, and indeed throughout the world, for that matter, insurance premiums are rising due to factors such as rising health care costs. Since our election in 1995, we have moved forward with important reforms to improve the automobile insurance industry. Numerous consultations have been held with health care professionals, the auto insurance industry, lawyers, designated assessment centres etc. These consultations have gone well and were completed in October 2002, although we continue to meet with individuals in this area. In fact, I met yesterday with a few of those individuals.

We're now ready to implement reforms based on input from both consumers and the automobile insurance industry. With the measures included in Bill 198, we are now implementing an action plan that focuses on three key areas: first, more support for innocent victims in automobile accidents—we will improve the delivery of treatment and people's rights to sue for those benefits; second, consumer protection—we want to ensure that consumers get credible information and their interests are protected; third, keeping the industry competitive—we are taking steps to ensure the industry is competitive so that consumers have real choices available to them when they opt for automobile insurance.

I'm sure you all agree that these are important objectives. We have received sound advice and we must move forward with measures to keep insurance premiums competitive while providing support for consumers.

The measures we proposed and which must be approved by this Legislature will include measures to expand the rights of injured people to sue at-fault drivers for health care expenses in excess of no-fault insurance benefits. This might apply to people who have unfor-

tunately lost a leg or an arm, particularly if they're of a young age. Quite often when they're of a young age and they grow rapidly, the prosthesis they get, the false leg they get, doesn't fit for a long period time. These are very expensive appendages and when they have to be replaced, quite often they run through their insurance money very quickly.

This legislation will allow them to sue so that they can obtain those kinds of things they need for the rest of their life, as opposed to just a few short years after the tragic accident.

It will also improve service to accident victims by ensuring speedier access to medical treatment through the introduction of treatment guidelines in the regulation for specific injuries without the need for prior approval. Quite often, when soft-tissue injuries occur, people need to have that treatment start very soon, as it cuts down on the time that treatments will have to continue to be applied.

There will be other steps as well, including measures to increase consumer awareness by requiring insurance agents to disclose which companies they represent. This matches the current requirement for insurance brokers.

We're also moving forward with measures to ensure the auto industry remains competitive by controlling costs through the elimination of double-dipping. Double-dipping happens when injured victims who win court awards for loss of income also receive money from other sources for that same disability. Situations like this add costs to the system for everyone who pays premiums or taxes.

Our aim is to further protect the consumer. We are presenting a balanced package of reforms that address many of the concerns we heard throughout our consultations.

Another issue we are addressing right now to further protect consumers is pension surplus reforms. The pension community of pension administrators, plan members, pensioners and employers has expressed concern about the lack of certainty in the rules governing the distribution of surpluses.

They were reacting to recent court cases that questioned the effectiveness of the current surplus distribution system and have made it difficult for many employers to negotiate surplus sharing agreements with their employee members and pensioners, and also the legal uncertainty regarding the rule governing partial pension plan windups pending resolution of the Monsanto case. We are moving to protect the pension benefits of all current and former employees by protecting the long-term viability of pension plans and their surpluses.

Nothing in this legislation affects the earned benefits of pension plan members or retirees. The purpose of this legislation is to provide more flexibility on how employees, employers and plan members negotiate surplus sharing agreements, which have been severely restricted by recent court cases.

On partial windups, the purpose of the legislation is to provide clarity. Until 1998, when the Monsanto case

started, employers were not required to pay out surplus on a partial plan windup. The amendments will restore the law to what was understood prior to 1998 and clarify the continuing rights of members affected by partial plan windups.

1600

In most cases of surplus withdrawals, surplus will be shared by employers, plan members and pensioners. That sharing agreement will be voted on by the current retirees, of whom you need a two-thirds majority to accept the plan. It will be voted on by the current employees of the company, and you'll need a two-thirds majority of those people before you could agree to a plan. When two thirds of the employees and two thirds of the retired people agree to the process of a surplus windup, I've got to believe that the system isn't going to be hurting them very much. I think they're going to benefit from it, because no one would vote in favour of it if they weren't going to be benefiting from it.

In limited cases, employees will be allowed to make application for all the surplus when their employer is clearly entitled to the surplus based on existing plan agreements and other documents. The amendments add the right to employees to make similar applications for a full plan windup.

A consultation paper was released on June 18, 2001. Almost 80 submissions were received from unions, members, pensioners, employers, lawyers and actuaries. The submissions served as the basis for discussion in August 2002. Representative stakeholders such as pensioners, plan members and employers participated in the informal discussions we announced in the budget last spring. They expressed positive feedback on the modified proposals. Reforms to the Pension Benefits Act will remove uncertainty and clarify the rules that apply, enhancing security for remaining plan members. They will make Ontario law consistent with that of many of the other provinces.

I urge all members of this House to support Bill 198. It is our made-in-Ontario approach to protecting the people who live, work and raise their families in this great province. Bill 198 represents our commitment to those who have invested their future in our province to protect investors, to protect automobile owners and to protect pension plan contributors and retirees.

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

Interjections.

Mr Smitherman: It's from Jim Flaherty.

I want to start by saying, especially to people who are watching from home, if only it were so. If only it were so that the laudatory things the previous member said about the pension stuff in particular were accurate, that would be great. But it isn't.

Today in the Legislature we did a fairly effective job of highlighting the extent to which an admittedly complex subject is just a little too complex for our Minister of Finance.

Mr Chudleigh: On a point of order, Mr Speaker: The member said I wasn't accurate in my remarks, and he accused me of reading my speech—I was very careful. It's interesting that when you're on this side of the House, you have the responsibility to be accurate; therefore, you have to refer to notes. When you're in opposition, you don't have that same responsibility. I take exception to the fact that he referred to me as being inaccurate.

Interjections.

The Acting Speaker: Order. Your own member made a point of order. I'd like to rule on it.

I gave him a little latitude to make his point, because actually I think it was a point of personal privilege as opposed to a point of order. I don't think it's one I can uphold to the point where I will order the member who has the floor to do anything, but I wanted to give you a chance to make that point, and I've done that. Now I'm going to ask the government benches to please come to order and allow the member to resume his debate.

You now have the floor, sir.

Mr Smitherman: I'll withdraw, because I could have chosen a better word. My point was that a debate on this matter is interpretive, and his interpretation doesn't jibe with mine. I hope that's clear.

In the scrums that occurred—

Interjection.

Mr Smitherman: Well, nothing could be clear to the member for London, because he doesn't get much around here.

After question period, the Minister of Finance snuck outside the door and admitted in the scum that she found the whole matter confusing. I think that was an honest statement. But I wonder, in the instance where a piece of legislation—this is not some modest little piece of legislation. This is 146 pages, dealing with I think 25 different statutes. This could be 10 pieces of significant legislation.

I found it a little bit astonishing that the previous speaker used most of his time to comment on the fact that it sure was sad, disappointing really, that we couldn't just all get along a little better and move forward in a way that would allow us to have more time to debate this bill.

I have seen some pretty lame excuses for the need to push a piece of legislation forward, but the real truth of the matter is that the members on that side of the House, and the government in particular, feel the need to seize the moment by using closure to ram through this bill because there is a storm brewing in Ontario, and the storm that's brewing in Ontario is from the hundreds of thousands of pensioners who are having their future pensions put at risk.

The minister did a job today to underscore that her bottom line was the viability of pensions; meaning that any money that was to be paid out would be paid out when the requirement was there. Of course we all agree; that's apple pie. But the issue she doesn't want to discuss, that none of them on that side of the House wants to

discuss, is that employees, not just employers, make significant contributions to surpluses.

We had a case today with National Trust. We had a guy here today who is the chair of an organization called AFTER, which is something like between 3,600 and 4,000 former employees of National Trust who no longer work there, so they're part of a partial windup of a pension. That pension plan at the moment has a surplus of \$160 million. But here's an interesting fact: the company, National Trust, now owned by Scotiabank, or the Bank of Nova Scotia, has not contributed to the pension plan in almost 20 years.

When I heard that, to me, that was a pretty startling thing. The piece of legislation that this government is jamming through the House—unprecedented, I think for a budget bill—builds on the premise that all surpluses are employer surpluses, that they're the creators of those things. And the bill does some other pretty sad stuff too.

I am joined here today by the member from York Centre, who in 1988 served as the Minister of Financial Institutions in this province. At that time, as some people would be aware, Conrad Black, a noted supporter of that party, tried to rob about 40 million bucks out of a pension plan at Dominion. There are people out there who look for opportunities to buy companies for the asset base, which is the pension plan, and Conrad Black is that kind of rapacious character who wouldn't let the circumstances of a few people get in his way. The government acted in such a way so as to ensure that in the future that wouldn't happen.

1610

What we have before us is a piece of legislation that makes Ontario the only jurisdiction in North America that encourages or allows a company to stake a claim on a surplus in an ongoing pension fund. That's not for a company that's gone bankrupt or where employees have been laid off; that's an ongoing pension fund. If the pension funds of our hydro companies, the various successor corporations of the old Ontario Hydro, are in surplus, the government can now make application to the superintendent to scoop that money—the only jurisdiction in North America that allows that. How can the government rationalize this while in the next breath they say, “Our responsibilities are being fulfilled because we're working hard to restore investor confidence”? How can you be restoring investor confidence when you're sending out a legislative incentive or inducement to corporations, when they have in their hot little hand an actuarial study—and that's no fine science—that says, “This pension fund is in surplus.” We now have corporate raiders who will be lined up at the gates of the superintendent of financial institutions seeking to take the surplus off the top.

This happens in the same paragraph where they talk about the volatility of the markets in the post-Enron environment, where we're seeing these massive ups and even more massive downs on certain stocks which have impacted the investment income of pension funds. So at the very same time that we're dealing with that, the government is sending an incentive to corporations to

take this money away from those who contributed to it. I think that's reprehensible, the reason that we're forced to be here today instead of continuing to hear from more members about this issue, instead dealing with a time allocation motion, closure, a device by the way that in the Peterson and Rae governments was used sparingly and is second nature for these guys.

They talk about how hard they work and stuff, but you know, if the choice were ever put to the opposition parties, “Would you prefer to sit a little more and have an opportunity for meaningful public participation and debate?” on matters as significant as this one that deals with pensions, on the Ontario Securities Commission, auto insurance, all kinds—oh, and of course the government's backtracking on its tax cuts, which they don't want to mention—but instead we're forced to have reduced to just a few hours, something like six hours of debate in the Ontario Legislature on the government's budget bill, which amends 25 statutes in a very significant way. This is astonishing.

It shouldn't surprise us, though, because the pension portion of this bill demonstrates the extent to which these guys—the ultimate power, using their majority to hammer home because government bills are perfect bills—in their legislation have moved forward in a way so as to say to pensioners and to employee groups, “You can't go to the courts any more. We rescinded that right.” Today they heckled in the Legislature and they said, “Well, this is all about the amount of money that lawyers spend, blah, blah, blah.” Do you know what? I know a lot of people who spend money on lawyers in search of justice, but these guys have eliminated that path because it's not expedient enough for them.

I got a letter faxed to me the other day from CARP, Canada's association for the fifty-plus, an open letter to the Ontario government:

“Re: Bill 198—A Licence to Steal” Strong language.

“The Ontario government's Bill 198 gives corporations a licence to steal from pensioners.... Buried in this omnibus bill is the right for corporations to take over the full surplus of partially wound up pension plans,” and, unfortunately, of ongoing pension plans as well, to make it even more problematic.

This is a clause under the heading “Conflict” that I want to read into the record. I call this the Ecker hammer; she brings that down with quite considerable force: “Subsection (5) prevails over the pension plan, over the terms of any document governing the pension fund and over any statute or other rule of law.” It is that the government reserves for itself and the cabinet in the making of regulations to determine exactly what happens in these instances; no more transparency and no avenues in the courts to seek justice where you feel that you have not been given a just decision. If this bill passes, I hope that some of the groups that are affected by this will challenge the constitutionality of this in the courts. They won't like it over there because that's the courts, and lawyers cost money and all that, but in search of justice, it's an appropriate way to go forward.

The minister today spent an awful lot of time hiding behind this document, Surplus Distribution from Defined Benefit Pension Plans, a consultation paper. She talked about that consultation paper. She must have mentioned it 15 times. Then in the scrum she mentioned it about 15 more times. She didn't tell you one thing, though. She didn't tell you that the consultation paper didn't include any suggestion, reference, hint, glimpse whatsoever of the true intentions of the government's bill—not one mention of retroactivity that says, "We're going back to 1988—the ghost of Conrad Black." No mention that regulations passed in the secrecy of cabinet can overrule documents, statutes, or rule of law. That's not in this discussion paper, nor is there any mention of removing the right of appeal to the courts. That's not in this discussion paper.

Then she said, "We had more than 80 different people present to us," but when the man who represents 4,000 impacted former employees of National Trust sought to have a minute of her time, she high-tailed it. She got out of there. I didn't know she could move so fast. She wanted nothing to do with that gentleman; suggested that maybe she could arrange a meeting a little bit later. Well, this afternoon the House is given the last few minutes, the last few precious minutes of opportunity to highlight just how awful this bill is. She'll meet with him after she has passed the legislation that takes away his rights. She'll meet with him after. After what, I wonder?

We talk a lot about Conrad Black. I, for one, celebrate the fact that he has found a place where he's more content, but I never thought that after the public outcry in 1988 when this man sought to grab surplus pension funds, the government of today would decide that now is the right time to bring in the Conrad Black clause, an incentive to rob the surplus pension funds from ongoing pensions.

On that note, I will sit down and I will say only that when I vote against this time allocation measure, this closure measure, and when I vote against this bill, it will come to pass as one of the most memorable things that's happened to me in my three and a half years here. This is a bad bill. It hasn't had proper input. The government's manner in dealing with this is a real example to Ontarians of the way that they operate, fundamentally undemocratic and arrogant to such an extraordinary fault that I look forward to the day when we can restore in this chamber, and to democracy in Ontario, meaningful debate and public hearings which they are afraid to have.

Mr Gilles Bisson (Timmins-James Bay): I want to use the opportunity to put on the record a couple of issues that my colleague just before Mr Smitherman raised. I think what to me is one of the biggest issues in this bill is what this government is doing by way of trying to give employers a gift. That gift is that they are going to be able to take pension holidays and they are going to be able to take surpluses out of pension plans unilaterally, without the approval of people who have worked hard in order to earn the contributions of those plans.

1620

Tonight I was supposed to be in Kapuskasing. I was going to attend a event that's in my riding, an event that happens all over Ontario, where workers get together in order to celebrate the successes of their endeavours in the plant when it comes to health and safety measures. Today we were going to be giving an award, as we did last night in Timmins. Tonight in Kapuskasing some lucky worker was going to get an award and I was going to be there to present.

Unfortunately, I am not there tonight, and the reason I'm not there is very simple: I think this debate is far too important to allow to go by—when a government has come in, by way of closure—the stripping of people's pension plans. So no, I won't be in Kapuskasing tonight, but I'm going to be here this afternoon. Why? Because what this government is attempting to do, by and large, I think, is tantamount to basically the bad old days of Conrad Black. We got into this situation why? Because Conrad Black, back in 1988, said, "I'm going to go in and I'm going to strip those pension surpluses out of the pension of the Dominion store employees." As a result, workers who had worked hard and long for that employer in order to build up some pension protection were stripped away of some of their pension protection because Conrad Black said, "I want to go in and take the surplus out of the pension plan."

Let's explain to people in this assembly, if they don't know exactly what we're talking about: employees in this province, for a number of years, have negotiated with their employers the ability to have a pension plan in their workplace. Now, it is the view of the New Democratic Party of Ontario that if it's the employer that pays 100% of the contributions in the pension plan, or they only pay 50% of the contributions in the pension plan, that is money that does not belong to employers. It's money that belongs to employees. Why? Because, quite simply put, those negotiated dollars in the pension plan are dollars that are basically in lieu of wages they would have gotten in negotiations.

I sat with the United Steelworkers of America at a number of bargaining tables, and we always got into this debate. We said, "OK, the employer, we figure, is probably good, for a period of two years, for an increase of maybe 3% one year and 2% the next." And we would go to our bargaining units and we would say, "Hey, rather than going 3 and 2, why don't we go 2 and 2 and use that 1% in order to build a better pension plan?"

So we would negotiate, yes, the contributions for the employer into the pension plan, and as a result we built better pensions for workers across the province of Ontario. And whenever we had surpluses in the pension plan, such as what happened with Inco in Sudbury, the union, in my case the United Steelworkers—of which I'm proud to say I'm a member—would go to the bargaining table and try to negotiate a better pension arrangement for workers by way of the surplus inside the pension plan.

Unfortunately, in the case of Sudbury, it took almost a 10-month strike, as you well remember, in the 1970s, for workers in the Inco plant in Sudbury to negotiate what to do with those pension surpluses and how to add more money from the employer into the pension plan, because they knew, as Steelworkers, that the mine was down-sizing and that we had to protect older workers and new workers coming in so that the work cycle could be short and we could protect more displaced workers by way of putting them on a pension plan. Because we had surpluses in that pension plan, those workers in Inco, as in other plants around the province, were able to negotiate for themselves a better pension.

What happened since the 1970s is, employers would, from time to time—those unscrupulous employers—go in and they would scoop out of the pension plan any surpluses that existed, or they would take a pension contribution holiday. We thought that was wrong. I give credit to the Peterson Liberals; they moved an amendment that made some changes in the pension regime that stopped the Conrad Black filtering of pensions. When we were elected under Bob Rae's government, through the NDP, we strengthened those provisions that were put in place by the Peterson Liberals and we made a very simple rule. We said, "If there are any surpluses in a plan, what the provision will be is that an employer can only apply to make a withdrawal of that pension surplus with the approval of plan members." That's what we put in place, and as a result there hasn't been any major raiding, or any raiding for that matter, of pensions in the province of Ontario since the Peterson amendment and the amendment by the Rae government.

This government comes to the House and says, "We need to, by way of Bill 198, make amendments in order to 'strengthen' pension plans for the workers of Ontario." Well, I ask a very simple question: if we haven't had a problem since 1988 or 1991, since the amendments of both the Peterson and the Rae governments, and we haven't had pilfering of pension plans by employers by way of making applications because they needed the support of plan members, because of our amendments, why in heck is the government doing this? If there isn't a problem, why are we trying to fix it? We have to ask ourselves that very simple question, and the answer to that is a very simple one. Number one: we know, as far back as a year ago—because we were lobbied by people in the pension industry—rumours were that there were people in the employer sector who were saying—what they wanted, the employers who approached Flaherty, then Minister of Finance, and said, "We want to change the scheme so that we can get our hands on pension surpluses," and they wanted the government not to renew the amendment that we had put in place when we were government, because every 10 years it comes again and they had to renew it. They were lobbying the government to stop the renewal. We did some lobbying, along with people in the pension industry. There was a leadership race going on, so the government smartly decided to renew it for one more year because they didn't want to

deal with this in the middle of their selecting a new leader.

So now here we are down the road—

Mr Chudleigh: On a point of order, Mr Speaker: Mr Smitherman, speaking earlier, was incorrect in his assertion that the Minister of Finance did not meet with representatives of National Trust. In fact, the minister did meet with them—

The Acting Speaker (Mr Spina): I'm sorry, that's not a point of order.

Mr Bisson: I want to thank you for that clarification, but it wasn't a point of order, as you well know.

We know that the government had been lobbied by employers in order to get rid of that. The government didn't do it at the time because they were in the middle of selecting a new leader and they didn't want to be embarrassed, so they put it off for one year. A very simple question that we ask ourselves is, "Why is the government doing this?" We think the answer is simple: they are doing this as a sop to employers in Ontario. What's clear is that at every opportunity this government had since 1995 to sock it to workers, they did. When it came to taking away the protection for workers from scabs, this government allowed scabs across picket lines. When the government made changes to the Employment Standards Act, they basically made changes that were negative to employees in the province of Ontario. When they, along with the Liberals, refused the ability for farm workers to organize under a union, they took away that right as well. This government, at every opportunity, when they've had a chance to sock it to employees, have done so.

Now we say, should we trust the government? I think the answer is, quite frankly, no; you should not trust the government.

If people are watching this debate tonight, I urge you to do one thing. We are now on time allocation today. It's Thursday. We've had a mere three days to debate this bill, and this government's going to give the employer the opportunity to strip surpluses from pension plans and to take pension contribution holidays by way of their own decision, by making application to the pension board. There's nothing the employees will be able to do about it. If there's a decision that affects employees negatively, we employees are going to lose the ability to even go to court.

So I'm saying to people watching today, pick up your phone today, on Friday and all of next week, contact all of your MPPs, especially if they're Conservatives, give them a call and tell them, "Gilles Bisson and the NDP and others in this Legislature are saying you are not to put your hands on the pension surpluses. We want you to pull out of Bill 198 the provisions that are inside."

If the government wants to get into the idea of building a better pension regime in the province of Ontario, we, the New Democratic Party, are prepared to do that, but not in the way that you're doing it here. We believe that pensions should be totally portable. We would propose that we vest employees on day one. In this new, modern economy that we have today, where nobody

works in one place long enough to build up 30 or 35 years of seniority with one employer, we should have totally portable pensions. You bring your pension with you, no matter where you work. It's our proposal that the minute you walk into the plant, there shall be automatic vesting. There should be indexing to pension plans legislated into the legislation, as was recommended back in the 1960s when we put in place pension legislation.

We believe that you should give employees the ability to control what happens on pension boards by giving them an equal number of seats on the pension boards themselves. We believe that you should create multiple employer plans, otherwise known as MEPs, so that small employers in the province could be encouraged to ensure that their employees have pension plans they can contribute to. We believe that now is the time to deal with how you build better pension legislation in this province.

So I'm saying, if the government wants to get into a debate about the pensions, we're prepared to do so. We have some very constructive ideas on how to build pensions for workers in the province of Ontario. But what is clear is, you must stop this attack on pension plans.

I know my good colleague Mr Kormos would like to say a few words on this as well, and I'll leave the rest of the time for him.

1630

The Acting Speaker (Mr David Christopherson): Further debate?

Mr Joseph Spina (Brampton Centre): I'm pleased to have this opportunity to say a few final words in favour of the time allocation for Bill 198, the Keeping the Promise for a Strong Economy Act. These are budget measures for 2002.

In reviewing this legislation, it became clear to me that this act is quite simply, we think, the best way to ensure the continued growth and prosperity of this province; and I'd like to take a few moments to explain that. It is an act with the potential to improve the lives of Ontarians in all income brackets, in all business sectors, in all regions of this province. We've already heard about some of the key initiatives included in this act, such as reducing the pressures on auto insurance rates for Ontario drivers; providing better, faster treatment for auto accident victims, including children; introducing tough new rules and penalties for malfeasance in our capital markets; providing some new financing tools for municipalities; and supporting increased investment and job creation. On top of these important initiatives, this act would help to ensure continued economic growth. As we well know, a strong and growing provincial government and economy is the key to our prosperity.

I'd like to start by talking about the current state of Ontario's economy. This economy is in much better shape than many would have predicted at this time last year, particularly in the wake of the September 11 attacks on North America. There remain some grounds for cautious optimism, however, over the next 12 months, but I think it's important that we continue to exercise

prudence and frugality, because we know all too well that challenges also lie ahead.

Our government's record of reducing taxes and red tape has contributed to an environment in which business has invested, spurring economic growth and creating jobs. Of course, we know that jobs are the big story. In July 2000, the government met the Common Sense Revolution's five-year goal of creating 725,000 new jobs. The government's Blueprint promised it would help fuel the creation of 825,000 more new jobs over five more years. Well, this government is keeping its promises: employment rose by 32,300 in September alone; October saw the creation of another 20,300 net new jobs in this province; and since reaching the first target in July 2000, Ontario has created another 283,000 net new jobs.

More significantly, earlier this month we were proud to announce that job creation in Ontario since 1995 has topped the one-million mark. Since our government's first throne speech in September 1995, our province has surpassed the one-million mark, with 1,008,000 net new jobs. Ontario employment has grown by 19.6% during that time period, compared with 13.9% for the rest of Canada and 7.8% in the United States. Approximately 80% of the one million net new jobs are full-time positions. You know the old saying, "This country, Canada, goes, as does Ontario." So not only has this job growth spurred our province, but in fact it has accounted for that significant amount of job growth in this country as a whole.

Job growth has been fastest for natural and applied science occupations. They've risen by 55% or 162,000 new jobs. Likewise, jobs in business, finance and administrative occupations have grown by more than 12%, and that translates into about 123,000 new jobs.

The best news is that new jobs have not been limited to one or two sectors. Over the past seven years, job creation has been spread across most industries in Ontario. Employment in the construction industry alone has increased by 32%. Employment in the manufacturing sector has increased by 30%. Jobs in the professional, scientific and management service industries have grown by over 40%.

The demographics of job growth are equally impressive. Since 1995, women have gained 508,000 new jobs, or 51.4% of all job gains, while men have gained 479,700 of those new jobs, or 48.6%. Ontario's spectacular record of job growth since the September 1995 throne speech includes 144,400 net new jobs for young people aged 15 to 24. That makes up 15% of all jobs created in this province alone. Youth employment gains in this province have accounted also for an impressive 45% of the youth job growth in Canada. This is very significant, considering Ontario accounts for a 38% share of Canada's youth population.

Ontario's one million net new jobs account for 46.5% of the national job gain since 1995. As I said, that has driven the Canadian economy, because that is almost half the new jobs in this entire country.

Those are absolutely impressive numbers. They represent more than jobs, however. They represent new hope and new opportunities for many people. They represent growth, both personal growth for individuals who are employed and growth for those individuals' families. They represent prosperity, so that people can take a better vacation—a vacation in some cases—or even have a much happier Christmas holiday.

It's clearer now than ever before that our government has put sound fundamentals in place in Ontario and positioned our province well for the future. At the same time, we are aware that economic prosperity cannot and must not be taken for granted. Our families and our communities understand the importance of having a job.

Our government understands the importance of a strong, resilient and dynamic economy, one that can remain competitive in a changing global economy. I think we've demonstrated a very important point over this past year. We were able to create a very strong and stable economy from 1995 through 1999-2000 and into this new millennium, but when September 11 hit in 2001, it presented this province, this country and North America with a significant challenge, in fact a global economic slowdown.

This province's economy is open and trade-oriented, and therefore we were affected by the international slowdown. For the 2001 calendar year, Ontario's real GDP—gross domestic product—rose 1.5%, down from 4.6% growth in 2000. But it's important that when we are faced with a challenging year, the government continues to focus on prudent fiscal management to promote new growth and new jobs. If we did not have the stable fundamental structure that had been implemented from 1995 on through the five or six years afterwards, we would not have been able to withstand the downturn and the slowdown that occurred in the past 12 months. We would have had what some economic jurisdictions experienced, and that was net negative growth. We did not experience negative growth. Granted, we dropped from 4.6% growth to 1.5%. That clearly was less than half of what we had wanted and projected, notwithstanding the fact we could not predict an event such as happened last year.

1640

Despite being a challenging year, this government continues to focus on this prudent fiscal management. Our government continues to focus on measures to ensure that this province can weather other challenges ahead of us. While global economic forces will always have some effect on the provincial economy, our government will continue to ensure that sound fundamentals are in place to promote growth and prosperity.

I remind the public that if the government should change in the next election, we run the risk of jeopardizing this strong economic base. You run the risk of destroying the context for the measures that we have in this bill we are debating and that we have created over the past seven years.

We have sound reason to believe that the fundamentals there were put into place by this government. They are supported by the measures contained in this proposed Keeping the Promise for a Strong Economy Act.

One of the measures included in this act is the proposal to delay certain tax cuts for a year. As you know, this proposal was first announced in the 2002 Ontario budget. Since that time we've heard a lot said, particularly by the member from Windsor—

Mr Dwight Duncan (Windsor-St Clair): West.

Mr Spina: Windsor West. I wasn't sure because Windsor is one of those upside down municipalities. In every other place in this province the river is always south of the town, and Windsor is the only place in Ontario where the river is north of the town. I remember that when I went to the University of Windsor, it took me a few months to get reoriented from Sault Ste Marie to Windsor because the river was on the wrong side of town, just like perhaps some of the members from there. But that's not a criticism; they're honourable members who represent the residents of Windsor.

Since that time we've heard a lot said, particularly by some of the members, like the member from Windsor West, about our government's supposed lack of commitment to reducing taxes. It's all hot air. We believe, we have believed and continue to believe in cutting taxes. Tax cuts have always been and always will be an integral part of our comprehensive economic policy, and that policy includes the elimination of red tape, deficit reduction on a continued basis, and greater efficiency in this government.

We have shown that our economic policy, including tax cuts, helps create jobs. Numerous studies from around the world have found that tax rates are one of the most important factors that determine economic growth and productivity.

People used to think it was only when government ploughed money into the economy in various ways that we ended up with economic growth and productivity. If the truth be known, when governments ploughed money into the economy, they had to get that money from somewhere, and where did they get it from? Increased taxes. Why should government just be a conduit to funnel money out of the pockets of the consumer and back into the pockets of business?

That's not what we believe in. We believe that the government should be the promoter of economic growth, and economic growth comes from the consumers themselves having fewer taxes and therefore greater discretionary money to be able to put it where they choose: in the bank, into a new snow blower, into a new lawn mower.

Mr Smitherman: Like user fees, Highway 407?

Mr Spina: When the member from Toronto-Centre Rosedale says user fees, I don't have a problem with that. Do you know why? If someone is a user of a service, they should pay for it. I don't agree that all the taxpayers should be subsidizing something an individual uses.

Mr Smitherman: Health services?

Mr Spina: You cannot touch health services, because health services are mandated under the Canada Health Act. You won't get user fees in health services. It has been and will continue to be funded by the provincial government.

Numerous studies from around the world, as I said, show that tax rates are one of the most important factors determining economic growth. Since 1995 our net exports have accounted for only 23% of the real GDP. The main source of growth, the other 77%, has been the domestic economy stimulated, in part, by tax cuts.

Tax cuts have boosted retail sales, increased new investments in auto plants and improved the housing market by increasing consumer confidence. Corporations are unwilling to invest in places where their workers and executives will face an exorbitant tax burden. This is unacceptable because investment is vital to creating new jobs.

We remain committed to reducing the tax burden on the people and the businesses of Ontario. That is why we are not cancelling the tax cuts, as some members from across the way have suggested. The delay proposed is in response to a temporary fiscal challenge resulting from last year's downturn. It's common sense: if you are involved in prudent fiscal management of the economy, then you must be able to make decisions to respond to the challenges that the economy presents to the government.

The delay that would be implemented by this bill affects only scheduled cuts to personal and corporate income taxes for a maximum of one year. The planned reductions to personal and corporate income taxes and the phase-in of the equity in education tax credit would recommence January 1, 2004, a tax credit that, by the way, I fully endorse, 120%. I know that's a little exaggeration, but I'm trying to drive the point home that I think the education tax credit is an excellent initiative on the part of this government.

By 2004, the additional 20% personal income tax cut committed from before will be delivered. Once fully in place, that marginal tax rate in Ontario would be the lowest among provinces for individuals who earn less than \$60,000 a year. What was considered at one time a high-income bracket at \$60,000, we know is no longer the case. People earning \$60,000 or less are considered barely middle class and in fact are probably at the lower end of the middle-class income earning schedule. When the majority of people are earning less than \$60,000, we know they are the ones who would maximize the benefit of a tax reduction, because what becomes a 20% or 30% tax break for a higher-income earner multiplies to the lower-income earner to a 30% or 40% tax reduction.

By 2006, the corporate income tax rate cuts will be fully implemented. As a result of these cuts, Ontario will have the lowest general combined corporate income tax rate of any province or US state.

Clearly, tax cuts continue to be on the province's agenda. The delay we propose is a short delay because of the short-term fiscal situation. Long-term goals remain the same. The pressure on the system is paramount in

health care and in education. That is why it is important to do the trade-off in the short term. Our long-term goal remains the same. The proposed one-year delay will not impair the Ontario tax cut plan. We continue to abide by the notion that cutting personal income and business taxes leads to significant long-term productivity and growth.

We pursue the development of a new multi-year tax reduction plan, which would include the next steps toward eliminating the capital tax and Ontario's income tax surtax. We're laying the groundwork for continued tax cuts for next year and beyond.

I would caution the public that a change of government will only result in an increase in your tax rate, because they have no other way of trying to figure out how to manage the economy but to raise taxes instead of utilizing good, prudent fiscal management of the existing dollars, ensuring that the taxpayers have the excess funds for their own personal use.

I will cede the rest of the time to my colleague when he gets his turn in rotation.

1650

Mr Duncan: In the short time I have allocated to me I want to address first of all the motion before us and the legislation that that motion affects. This is a time allocation motion on a budget bill that effects some 20 or so statutes. Significantly, this represents—let me see how many times this government has used time allocation—for the Ernie Eves government 19 bills before the House; 13 of them have had time allocation. The remaining six are still on the order paper. In fact, my colleague and friend the NDP House leader may know that we just had another time allocation motion given to us today, on Bill 191. I believe—am I right?—your party supports that bill—

Mr Peter Kormos (Niagara Centre): And we want some modest amendments.

Mr Duncan:—and our party supports the bill, and the government supports the bill. We'd like some modest hearings. I think this is the fifth or sixth time this government has used time allocation on a bill that all three parties support. It's crazy.

Now, on this bill there are significant differences of opinion. This government disagrees with itself. It's undoing its Taxpayer Protection Act. The member opposite talks a good game, but that was the centrepiece of the Harris government. The first time they get into a minor problem, they throw it out, just like they threw out their plans on hydro. Flip-flop; that's what it's all about. We have here in this House a government that can't manage its own agenda. How can they be counted on or trusted to manage the affairs of the province? We say they can't be.

They like to talk about tax cuts and how important they are. I listened to my colleague opposite talk about that, but he failed to remind the electors of this province that they are undoing their own legislation with this bill. What was the term they used? It's a short-term problem, a \$1.8-billion short-term problem. One of the things they are going to do to deal with this short-term problem is

sell off Hydro One to raise the cash to pay for that short-term problem—at fire sale prices, prices that this government, through its incompetence, forced. Whether you sell 1%, 49% or 100%, it's wrong to sell any of it. What you sell and when you sell it will not result in any benefit to the taxpayers, let alone electricity consumers in this province. It will simply fund your own mismanagement.

So, 19 bills, 13 time-allocated; four or five of them all three parties agreed to. They wouldn't have hearings, even on minor stuff. Of those time allocation motions prohibiting any debate at third reading—84% of them. The government House leader laughs. He has again today, just now, tabled time allocation on a bill that all three parties in this Legislature support. Why? They don't want hearings. They don't want any minor amendments. They don't want an opportunity to discuss it. We in this party have a number of members who will not have a chance to speak on the bill being closed on debate tonight. We're stopping debate.

It's a government that can't manage. It can't even manage its own House schedule. Even previous Conservative House leaders have not had to time-allocate bills where there is support from all three parties. Truly unbelievable.

I want to take the remaining time I have, however brief it is, to talk about why the government is time-allocating and about the part of Bill 198 that is most offensive, certainly to the official opposition and I know to the third party: the pension theft clauses in this bill. That's a good term, "pension theft," or the Conrad Black clause, section 79.1. Let me read it: "An employer or such other person as may be prescribed may apply under this section to the superintendent for the superintendent's consent to the payment of surplus to the employer or prescribed person out of a continuing pension plan or a pension plan being wound up in whole or in part."

That clause allows an employer to apply for a surplus without the consent of the employees or the pensioners in receipt of the pension. That represents, in our view, an opportunity for theft. That represents, in our view, this government abandoning working people in favour of their friends. What it means, make no mistake, is that employers can unilaterally access those funds in surplus in pension plans.

Today, as she has done over the last few days, the Minister of Finance disagreed with that. Fair enough; we all have differing points of view. We all have issues that should be debated. I challenge that minister and this government, if you disagree with this, send it to committee, call in experts, let us disagree, let us call our witnesses and put our cases. Did the government do that? No. Instead we are here tonight and in one hour's time the debate on this legislation will be terminated, cut off, closed, finished; no more debate, no more discussion. That is most unfortunate.

As I said, moments ago I was handed another time allocation motion that will likely be debated on Monday of next week, again on a bill that all three parties in the Legislature support. It's just absolutely crazy. We offered

and negotiated to try and get some hearings on this bill tonight, Bill 198. The government wanted some trade-offs. We were prepared to talk, but instead of bringing forward another motion that would have allowed even a day's hearings on Bill 198, the budget bill, to allow the government to call its expert witnesses on its legislation about pensions, we were given time allocation with no committee hearings and no third reading votes. In one hour's time, employers in this province will have the ability to unilaterally apply for the surplus funds in a pension that we believe at the very least belong equally to employees. That is just wrong.

1700

It's sad that we are again faced with a major piece of legislation that I think you could legitimately call an omnibus bill, because it affects major legislation across a number of ministries with significant public policy consequences that we have had virtually no opportunity to debate. We're managing an agenda with, I think, 19 pieces of legislation in total since September, many of them relatively easy pieces of legislation, and we're time-allocating everything. They're using time allocation not only to stifle debate in this House, but to prevent in-depth discussion in committee where witnesses from outside can be called, where individuals with an interest admittedly in some instances can have an opportunity to have their say.

Interjection.

Mr Duncan: Yes, as my colleague from Eglinton-Lawrence says, to shut out the public, to shut out those pensioners from London Life who have been e-mailing every one of us—I've had dozens from them—to shut out the folks who were here in the gallery earlier today that have not been heard in the government's alleged discussion process.

I'll remind you that the discussion process leading up to the introduction of a bill is far different from a committee hearing, where both the government and the opposition—and the public—can have an opportunity to look at specific wording around complicated legislation that has obvious consequence. Regardless of your opinion, whether you support what the government is doing or you oppose it, or you differ as to interpretation, we will not have the opportunity, we will not be afforded the right to seek counsel outside, which we regret and which I know that at the end of the day this government will regret.

Hon Mr Stockwell: You must regret this.

Mr Duncan: I don't regret the opportunity for you to run for mayor of Toronto or the Speaker to run for the mayor of Hamilton. I don't regret that at all. We'll see what happens with those amendments tonight. I have the utmost regard for those individuals personally and I wish them well in all their endeavours, but I do not wish this government well in its endeavour with the pension legislation—not of this magnitude, not of this import to working people throughout Ontario. So I say to my colleagues in the government, you are going to pay a heavy political price for this one.

You saw earlier today but an example of the anger that is percolating out there, and from a substantive perspective, if you had any respect for this Legislature, if you had any respect for this institution on a matter of such import, you would allow the opportunity to call witnesses; you would allow the opportunity to have your witnesses put your side and let ours put our side. And at the end of the day you vote. But no, you want to jam this through, you want to manage it; you don't want this to be discussed. Rest assured, this will be discussed. Rest assured that this issue will not die.

This issue has raised its head on a number of occasions over the years. In 1988, as my colleague from Wilson Heights, Mr Kwinter, pointed out, the existing provisions were passed by the Peterson government, provisions which in our view have served the province and both employers and employees reasonably well over that period of time. To tip the scales the way you have in this case is just wrong.

So we are faced again tonight with bill 14 out of 20 in terms of time allocation, many of which, like the one for which the new time allocation motion was put before me a few moments ago, have been supported by all three parties. It bespeaks volumes of this government's inability to manage something as simple as the House calendar. How it can possibly manage the affairs of the province? I say to the government, it is unfortunate that they've had so many bills because they've wreaked so much damage on so many aspects of this province. It is a shame, and perhaps had the government listened more carefully they wouldn't be undoing their own Taxpayer Protection Act tonight.

That's at the essence of this bill. My colleague the government House leader was eloquent in the leadership campaign when he spoke about not proceeding with tax cuts. He was eloquent.

Interjection.

Mr Duncan: Well, I guess that's a subjective comment, but I have to be nice to him. We pretend to negotiate things sometimes.

The fact is that this bill, in addition to the important and unfair thing it's doing to working people, is undoing the centrepiece of the government's own being, the Taxpayer Protection Act. My colleague from Durham, Mr Flaherty, must just be absolutely apoplectic about this bill. He's visibly upset about this bill. It's betrayed the very fundamentals which he admittedly has always steadfastly stood for. He's been consistent; he's been clear. Tony Clement, a member opposite with whom I differ dramatically on many issues, has been consistent over time. I remember in the leadership he was very concerned that any candidate for their party's leadership would advocate not proceeding with tax cuts. Well, here we have it, and it's in this bill. Yes, and he even promises cabinet posts to his friends throughout the province of Ontario, not that it'll do any of them any good at all.

On the serious matter before us, time allocation is used yet again by a government that has not been able to manage its meagre legislative agenda, on a substantive

issue that ought to have the benefit of hearings so that experts on both sides can be called, so that members can have an informed debate on the specifics contained in the bill. That's sad. That's wrong.

We will oppose this time allocation motion, as we've opposed every other one. I say to the government once again, stop ripping off pensioners. Stop using time allocation the way you've used it to force closure of debate to stop the democratic process in its tracks. Let's try to work together to make this institution function the way it's intended to.

Mr John O'Toole (Durham): It's my pleasure to rise today and respond to this motion before us on Bill 198. In many respects, I'm going to try and put some information on the record on this bill. For those listening, it's 146 pages. It really is a budget bill, with some other amendments, and of that it's half French, half English, so we know it's some 70 pages long in one language or the other.

I feel some responsibility to put on the record that as the former parliamentary assistant to the Minister of Finance, Mr Flaherty, I acted as the person who was charged with the consultation paper that has been referred to today. The paper is called Surplus Distribution from Defined Benefit Pension Plans, and it was issued on July 18, 2001. I think it's important to put some of this information on the record.

The information here is that it was introduced on December 21, 2000. The Minister of Finance announced that a consultation would take place with "stakeholders on possible amendments to the ... Pension Benefits Act (PBA) and regulation 909 under that act (the regulation). At the same time, cabinet extended section 8 of the regulation (the surplus regulation) under the PBA for a further year"—that's been mentioned as well—"to maintain the existing surplus withdrawal provisions until the consultation...."

"Recent court decisions have limited the ability of the pension regulator, the Financial Services Commission of Ontario (FSCO) (formerly the Pension Commission of Ontario or PCO) to approve surplus applications by members on windup where the surplus regulation has been satisfied by the agreement of two thirds" of the benefit plan holders. "The government does not believe that it is feasible or appropriate to continue to extend the existing regulation as has been done in the past."

It should be clear that the member from York Centre, who spoke earlier today, was part of that decision to fail to meet a decision and make a regulation that was clear in the eyes of the pension benefit entitlement people as well as the courts.

There's no doubt that this issue is controversial to the extent that—I think this clause may help people understand why it's an adversarial situation: "Entitlement to pension surplus has historically been a difficult and complex issue. Some suggest that, as employers generally bear the risk of defined benefit pension plans becoming underfunded and must make special payments in that event, they alone should be entitled to the benefit of any

surplus.” The point being made here is that the employer ultimately underwrites the risk and so the employers feel they own any surplus in the event there is a surplus, because they own the liability. “Thus, it has been argued that plan members are entitled to receive only the benefits provided under” the defined benefit “plan documents.” So that’s the essence of why this is very adversarial.

“Others see contributions to pension plans as deferred compensation,”—this is the perspective of the employee—“paid as a consequence of actual or implied employment contract negotiations that would otherwise have been paid in another form.” In other words, they’ve got it in their paycheque. “Pension funds are often seen by the courts as ‘trusts’ held solely for the benefit of plan members and former members rather than pre-funding mechanisms for benefit security, required by statute. Still others suggest that pension issues are much more complex than suggested by these positions, and surplus entitlement depends very much on the particular circumstances in each individual case.” It’s an actuarial nightmare.

1710

“Prior to the enactment of the surplus regulation, entitlement to pension surplus was determined mainly by the courts”—this is really what this legislation is trying to do: remove it from the courts, where everyone spends all the money on legal consultations and the recipients, the pension beneficiaries, are left holding their empty wallets—“in numerous high-profile, ‘winner take all’ legal actions.” This has been the case. “Most of the affected parties found this process costly, lengthy and acrimonious. “In the 1990s”—as has been mentioned earlier—“subsequent to the enactment of the surplus regulation, negotiated surplus sharing agreements between employers, plan members and former members reduced disputes over surplus distribution. While some employers and employees disagreed with a number of specific details of the surplus distribution rules, there appears to have been general acceptance that negotiated surplus sharing agreements were an improvement over the previous regime.” This government clearly tried to take steps to improve and clarify the existing infrastructure of this whole very complex area.

“Indeed, since the introduction of the surplus regulation, several other Canadian jurisdictions, including the federal government, have legislated surplus sharing” agreements “as an alternative to (or in place of) providing entitlements under pension plan documents. FSCO,” the Financial Services Commission of Ontario, “has experienced a significant increase in the number of surplus applications compared to the period before the surplus regulation was enacted” by the Liberal government.

“However, the existing surplus distribution provisions lack clarity and are in some ways impractical. In addition, a lack of certainty with respect to surplus entitlement may encourage minimum funding by plan sponsors” so that they won’t have a surplus. A number of plans today are in fact in arrears or deficit. “The govern-

ment proposes to amend the” Pension Benefits Act “so that surplus distribution can be carried out in a fair, equitable and predictable manner. The proposals in this discussion paper are designed to balance the interests of the affected parties and to address a number of concerns about the current surplus regime. They would amend the” Pension Benefits Act “with respect to winding up and continuing plans, in particular to provide legal certainty.

“The discussion set out in this paper provides a possible direction for reform. The government is interested in the views of all stakeholders and will carefully consider all submissions before deciding on a course of action. Several questions have been included to facilitate the consultation and to solicit submissions from interested stakeholders in the pension community.”

This clearly is the preamble to the document that has been before the public, and I can assure you, as the parliamentary assistant at that time, that I did meet with many, many stakeholders. I want to put on the record that it has been stated in the past that no one met with the National Trust stakeholder group. This is simply not true. I met with Stuart Galbraith. I met with other members of a group which was referred to as AFTER, which is the Association for the Equitable Recovery of the National Trust pension plan. I also met with others, including the former professors’ association at the University of Toronto, as well as the Society of Engineering Professionals, which represents many of the people working for OPG today.

I want to put on the record that I have met with a number of people in my riding on this issue, including Al Davidson, who is the Ontario Power Generation civil engineer and is a member of the Society of Engineering Professionals. I met with Earl Cooper. I’ve had correspondence from other people, as well as Tim Calhoun from the firefighters’ association, Brian Gooder of the Society of Professional Engineers, Doug Cooper from National Trust, Ken Lavine, Robert Moreau from National Trust, Nancy Dares from National Trust, Ian Jones from the power workers, Carol and Calvin Yake, Stella Leclair, Robert Richard, and the list goes on. All I’m trying to set out here is that there has been access and indeed I did report to the minister with respect to our observations.

I believe it’s important to also put on the record other background on this very, very important issue. Before I go any further into providing some of the document in the debate that was held, it’s my understanding that our Minister of Finance, in her statement of today and indeed last week—that no employee or former employee should be disadvantaged by this legislation nor, for that matter, any employer. We will respect existing contracts. Indeed, this is a mechanism to make sure that surplus considerations, either by employer, employer groups or former employees, will be given every fair consideration. The different plans and contracts between employers and employees represent a very unique contract relationship between employer and employee. In many cases, if they’re represented by a union, they clearly are always

trying to receive more entitlements; in fact, some would say earlier entitlements.

When introduced in 1991, the surplus regulation was intended as a temporary measure, as I said before. They also suggest that the surplus rules in the Pension Benefits Act were inconsistent. In my view, this is why we are still dealing with this today, ever since 1988.

The recent decision of the Ontario Divisional Court in *Kent et al v Tecsyn*, a decision released on May 26, 2000, concluded that employers may only withdraw surplus from pension plans in circumstances where both the withdrawal is expressly provided in the plan documents and the requisite consent of plan members and former members is obtained. This is a very important part of what's in this legislation. Since many plans do not contain text clearly entitling employers to withdraw surplus, the *Tecsyn* decision is likely to prevent both surplus withdrawals by employers and surplus-sharing arrangements, as we've seen in many sectors—in OMERS, the Ontario municipal employees retirement savings plan; HOOP, which is the hospital plan; as well as the other plans that have had what I consider contribution holidays. Contribution holidays really meant that the employer, whether it's public sector, and employee, which would be the employees of the public sector organization, were exempt from contribution. Meanwhile, they were drawing down on the attributed surplus, when it really could be argued that some part of it, at least, belonged to those who were retired or were referred to as the former employees of those organizations. They may not have been consulted in this arrangement where they've been exempt from a contribution plan.

Surplus distribution from continuing plans has always presented problems, given that surplus is notional until windup. That's when you get into the actuarial nightmare part of this, because you have to figure out the number of employees, their average age, where they were on the pay scale, what their percentage of contribution was, if there was a contribution—a very complex actuarial challenge.

I'm going to raise a couple of the questions that were in the discussion document which I believe are important. These proposals are available in this document. I'm clear that I'm still listening to the input on this. A couple of the questions that I think need to be before us on the record here: when a surplus is distributed to plan beneficiaries in the form of cash, should the Pension Benefits Act be amended to require employers to apportion surpluses amongst the beneficiaries in proportion to the liabilities associated with the beneficiaries? There are a number of questions that are raised in here, and these questions are substantively responded to in Bill 198, which we're discussing.

Bill 198, under part XXV—and it really starts on page 83 of the bill—deals with many sections and many variations on the theme. I was surprised earlier to hear one of the members from the other side whom I have some respect for, the member from Scarborough-Agincourt—add nothing to the debate, I think, clarifying this long-standing, complex arrangement of surpluses

within pensions. For the record, it's anyone's guess from one day to the next what the market will do; ie, the surplus is predicated on how well the market will perform. No one, to my knowledge, knows with certainty what the market will do. So I come back to the initial premise that the person with the risk or the liability, in most cases the employer, has a responsibility to manage the fund and the liability of the fund. The employees should, in the defined benefit plan—and there is a difference between plans—be entitled to the benefit. Former employees, when they sign their retirement papers, recognize that there are entitlements which they worked there many years to provide.

1720

In conclusion, I think that it's important to put on the record the important sections of this bill that I refer to as paramount to be understood. It's in section 79: "Application for payment of surplus to affected individuals, on a full windup." Subsection 79(1) reads, "This section applies if a pension plan is being wound up, but not if the pension plan is being wound up only in part." There are several conditions that must be met, one of which is, "On an application under this section, the superintendent shall not consent to the payment of the surplus unless the superintendent is satisfied that the following circumstances exist"; that is,

"1. The pension plan has a surplus, as determined in accordance with the prescribed criteria.

"2. The affected individuals are entitled to the surplus, as their entitlement is determined with reference to the prescribed documents"; that's the pension plan agreement.

That section I believe is absolutely paramount. We clarify for those listening today. I am on the record as saying there is no risk to those members, current or former, in a pension plan in the language in this bill. The other sides are clearly misguided and clearly misinstructing the people of Ontario. I can tell you that our Minister of Finance stands behind employers and employees and the future security of pensions in this province.

Mr Gerard Kennedy (Parkdale-High Park): It is my pleasure to be one of the few members of this Legislature, thanks to this fraidy-cat government, that gets to actually speak to this bill. Incredible—we have a group of people over there afraid to govern, afraid to talk about their initiatives. They want to bundle them in a big pile in an omnibus bill like this and they are afraid to have open debate and discussion. If they're not afraid, break the bill up; let's have the hearings people are asking for, if you're so confident of what you're crafting today. This is embarrassing for this government: slinking around, having no guts to put this stuff forward in a way that the public of Ontario can actually see what they're up to.

It is a pleasure, a limited pleasure, to be able to speak to this bill, one this government would deny to most members of this House because they're afraid. And they have good reason to be afraid, because this is another one

of those sloppy exercises by this government, another ticking in of some of the messes that they are creating.

Interjection.

Mr Kennedy: We have a member across making noise, picked up probably by the microphone of the member from Durham. This is the member, in fact, who's getting his hand slapped today, slightly—very slightly. The member opposite brought in a tax credit, people will remember, for private schools. Today, in this bill, the government that thought they were confident about this—Mr Speaker, you may be aware that 32 US states put this on the ballot. They voted—

Interjections.

The Acting Speaker: Sorry to interrupt. Take your seat, please. Order. Members of the House, please allow the member the opportunity to speak. All afternoon speakers have been given their chance. I'm asking you to respect his opportunity and his right to speak. The member will continue.

Mr Kennedy: Thank you, Mr Speaker. I treasure it even more because it's the few minutes we get to discuss this bill and to look at what this government is doing. They have this initiative and it's about granting tax—it's paying people to take their kids out of public school and into private school. This was put on the ballot by more courageous governments, right-wing and left-wing, in the United States than this one. It's afraid to have public debate on it. In those states, every one of 32 states, it was defeated. That's what happens to many of the measures this government puts forward in this cowardly fashion, such as the bill we have in front of us. When the people know about it, when the light of day shines on it, it disappears. But that's not what this government is doing.

Interjections.

The Acting Speaker: Take your seat, please. I don't want to have to get up again. Every one of you on the government side has taken turns, after I have asked you to come to order, one after another. I realize you don't like what's being said, but he has a right to say it. I appreciate the apology, but if it continues, I will have people removed. The member may continue.

Mr Kennedy: Even as that rumble of discontent over there occurs, it makes the point: they don't want this to be heard. They don't want people to acknowledge and recognize—what is this government really doing with this bill? One of the things they are doing is they're readying themselves to pretend at the time of the election that they actually listen to or have any regard for the interests of the people of this province. One of those slick ways that is in this bill is that they're going to postpone one instalment of the private school tax credit. That's what they're going to do. So you had the member opposite propose this—and it's the only place in North America that actually pays people to leave public school, go into private school, and get public dollars to do it, tax dollars. Each of these members opposite is proud of that fact. For high-end private schools—they try to hide behind schools that aren't, but they know that 60% of the beneficiaries of that are actually secular people in

schools. They like to hide behind it and say it's some of the religious groups that in fact already have something of a tax credit. But here they are, with their tail between their legs, actually putting this aside, trying to tidy up a little bit ahead of an election.

What's really happening out there is that next year people will fill in their income tax forms and claim \$70 million or \$100 million of this eventual \$500-million diversion of public dollars into private schools. That's what this government really stands for.

It's an interesting thing to watch the members opposite when they don't have the guts, when they've lost their determination, when they've lost any conviction whatsoever for what they particularly think they stood for. That's what we're seeing instead, this weaseling kind of motion that this bill represents to us today—postpone that tax credit, don't have it in front of people who might want to debate it, might want to discuss it at the time of the election; pretend it's not happening. Well, it is happening and it's having a deleterious effect: a 54% increase in private school enrolment under this government. That's their legacy—200 private schools opened under this government; 440 public schools closed under this government. The member is still clapping because 440 public schools being shut down is something that they want.

This pause in the constitution of the Conservative party, as they lose their nerve, is nowhere near sufficient to protect the public interest. So just as we see the members today, in their splendid timidity, here to support the closure motion of this particular discussion, so too the bill lacks that backbone.

Also, there are these champions of private enterprise opposite saying they don't have to be accountable any more for their decision. They made choices. They decided that instead of adequately funding the schools of this province, they'd give some of that money away.

They decided also that they would lower corporate taxes, large corporate taxes in this province, from a position where we're competitive. In fact we are significantly below, five basis points, 12% below the 10 US states we compete with right now, today, in fact before this was implemented, before the first instalment of this happened. Does this mean they've rethought it, that the \$2.2 billion they want to hand out to large corporations is something that they're giving pause to, that they're giving sober consideration to? No, it doesn't. It is pure, unadulterated political expediency that in the year of the election they'll postpone the second instalment. They will still take that money away from the things that are necessary, in the public interest in this province. That \$2.2 billion is needed in education. It's needed in health care.

I'll tell you that this party, given the opportunity, will cancel that tax credit and cancel that tax reduction because we have made choices as well. We have made ones that are consistent with the public interest.

1730

A number of speakers today have brought up what is on the concern list of a lot of people in this province, people in my constituency, people like Lori Bremner, for example, on Brookside Avenue, who is an employee and member of the pension plan of the Power Workers' Union. As our member for Toronto Centre-Rosedale, George Smitherman, has very effectively pointed out, this bill has some other less than stalwart initiatives by this government not having the guts to put it forward for what it really is. What have we heard from the government in response to the concerns of people like Ms Bremner? Have we heard: "We'll look at that. We'll carve out this bill. We'll put it into hearings," as my colleague has asked? If they would actually not be afraid of that, they would not be inflicting a bill that very good analysis shows will change the pension rights in this province and will give employers access to pensions that were earned properly by workers. In fact, you will have heard earlier that in the case of National Trust, we understand there's \$160 million at stake, 3,600 former employees, and the company hasn't contributed to this plan since 1980. Yet this bill would enable them some access to that.

There is a simple way for this government to proceed if it has integrity. I mean "integrity" in the sense of a government that sees itself carrying out the public interest, short of ideological detours and beholden to private interests. This government could elect that route. Instead we're here today in this desultory remaining time that we have to discuss a bill of importance that touches on pensions, on private school tax credits, on corporate taxes; in fact, it probably touches, in one way or another, everyone who lives in this province.

When a government loses its nerve, loses its resolve, loses its contact with the public interest, it does these kinds of things, and we see that here today. They've bundled together in a fairly cowardly fashion a huge bunch of measures, none of which they have the courage to debate on their merits independently, and certainly none of which they have the courage to take out to the public and actually listen to the people who are affected.

I don't know what happens to these gentlemen on Friday. This Legislature, this House sits four days of the week. I know most members are in their constituency offices. I assume that they bar the doors, because that's the only way they can conduct themselves in the face of bills like this. When people reasonably ask them, as their elected officials, "What are you doing about my part of the public interest? What about my pension? Will you at least sit down and talk to me? Will you at least sit down and hold hearings?" the members opposite must be out for coffee an awfully long time because I can't imagine they have any good answers to the people who are there.

As our member for Toronto Centre-Rosedale has very strongly pointed out, they hide behind a consultation paper that talks about surplus distribution with defined pension benefit plans. There is no mention in that consultation about retroactivity. There is nothing about regu-

lations overruling documents, statutes or rule of law and no mention about removing the right to appeal to the courts. None of that is in there.

With those substantive differences—

Interjections.

The Acting Speaker: Stop the clock. Please take your seat. The Minister of Enterprise and the member for Durham, there are two minutes and 48 seconds remaining in this speech. If either of you says one word, you're leaving.

The member will please continue.

Mr Kennedy: The member for Whitby-Ajax and the member for Durham are pleased with this bill. It makes them happy that they can trammel the rights of their constituents and of people around the province, because the majority in this House, despite outward appearances, rests on their enthusiastic co-operation.

As we mentioned before, the member for Whitby-Ajax engineered a number of the measures that are now being pushed back in this bill, and so did the Premier. The Premier, if I understand correctly, initiated the corporate tax cut. Again, the public of Ontario may hear about this bill in the flash that it goes through House and believe that maybe there was some second thought on the part of the government, but there isn't. There is just this obvious cleverness, this obvious slickness that the government is putting forward in this particular bill to try and set itself up for the election, to present itself for something that it patently is not. The various measures of this bill all speak to a certain lack of basic care for the public interest.

When we heard from this government before, even those who disagreed with it would at one time have said that when you heard something from this government, it may have had some conviction behind it. They wrapped that up in a bill called the Taxpayer Protection Act at one point and said, "No matter what happens, you can depend on the member from Brampton to deal with taxes. They won't be increased under his watch." The members here have said, these courageous ministers on the front bench, the member for Whitby-Ajax said, "I will take a pay cut before I go against this act to balance the budget," and so did a number of the other people here. We saw them beat their breasts around the province. But at the first sign of trouble, the first sign of something that would require real governance, real custody of the public interest, they ran for the hills. And that's what this bill is. This is the abandonment bill. This is a government meekly, tiredly, cowardly trying to run away from some of the things—at least far enough, it hopes, that they won't be held against them at the time of the election.

The Taxpayer Protection Act I think is something that a lot of people out there haven't looked into in a lot of detail, but they thought they knew one thing about this government: that they would deal with some of the financial and deficit issues. Instead, they do whatever is politically expedient for them.

There was an incarnation of this particular government that used to name bills. Certainly the name for this bill is Political Expediency Squared. This is not the salvation,

it's the salvaging of the electoral chances of the Tory party. I hate to disabuse the members opposite of their hopes and wishes for this bill, but even if their majority gets to pass it, it's not in the interests of the public of Ontario and it's not going to stand when we're in government.

Mr Kormos: Thank you kindly. As it is, I'll be the last and final speaker on this bill, bar none. There won't be any third reading debate of the bill. There won't be any committee hearings around the bill. Part of me is surprised, but then part of me, of course, can't be surprised because this government has abolished third reading.

This government has abolished third reading as a process that bills historically—and I'm not talking about 10, 20, 30 years—over the course of centuries have gone through in terms of passage, and for good reason.

This government has abolished committee hearings. When we do have committee hearings they're 30 minutes long, they're shut down at 4 pm by virtue of the time allocation motion that's passed, and the committee hearings that are offered up by this government are designed solely by virtue of being merely 30 minutes long so that the government can present amendments to fix up mistakes that it made during the course of drafting its own legislation.

It's even during the debate around this time allocation motion that the government serves yet another notice of motion, this time relating to Bill 191—it's already been referenced by speakers in this chamber—a bill that all three parties support and all three parties have spoken on enthusiastically. New Democrats, when they spoke to it, supporting it in principle, expressed a strong interest in making Bill 191 a far more effective bill than what it is as written.

It's been the suggestion around the debate on Bill 191 that committee hearings—and they needn't be lengthy with respect to Bill 191—would be useful in terms of doing some amendments to make that bill—Bill 191 is the bill that's designed to protect police officers and, we would hope, other emergency and security personnel who have their lights flashing on the side of highways.

This government seems not to understand, and perhaps never did, and if it did it's long forgotten, that the government, especially majority government, has some responsibility to the Parliament and surely to the people of Ontario to ensure that a bill is proceeded with in a way that's proper, in a way that's fair, and in a way that's just.

Make no mistake about it: this government has complete control over whether or not a bill goes to committee. By virtue of its time allocation motion, the one we are addressing today, the one that's in the order book, time allocation motion 64, this government specifically chose not only to eliminate any further debate on second reading—and it did that at the first possible opportunity pursuant to the standing orders—but to deny this bill any consideration in public hearings. Again, let's make it quite clear that by virtue of the time allocation motion the government could have made those public hearings as

long or as brief as they wanted. Never mind half an hour, not one minute.

This government knows full well that there is incredible concern out there by workers throughout this province about the impact of the amendments to the Pension Benefits Act. Those amendments have been addressed in this House, albeit briefly, during the course of question period and the modest amount of time allocated—because the minimum amount of time has been permitted for debate around this bill—the barest of minimums.

1740

This bill has some dire and serious consequences for workers in every corner of this province, working women and men who work hard and, yes, who make significant contributions to their pension plans. As you know, we are of the strong, firm view that every penny in a workers' pension plan belongs to those workers—every penny. Yet this bill, so typical of this government, bowing to their corporate bosses, following the marching orders from the corporate capos, will open the door wide open to pension surplus raiding. Don't suggest for the briefest of moments that corporations wouldn't try it, because they've done it when they could, and now they can again. Workers are being ripped off, robbed, and this government, in Bill 198, has legalized that thievery.

Clearly, this government has many good reasons not to want this bill to go to committee. There are any number of readers and analysts of this legislation, lawyers—competent and capable ones included—who indicate that there is no doubt about the amendments to the Pension Benefits Act contained in Bill 198. Never mind the crimes this bill will enable to be committed by virtue of the theft of workers' pension funds, this bill is a crime in and of itself. I shouldn't be overly surprised, because I recall over the course of the last several weeks having conversations with insiders in the auto insurance industry, because the bill of course contains yet another package of reductions in injured persons' benefits in the context of automobile insurance. What I recall now and found uncanny when they told it to me is that those same insiders, the ones who claimed to have been a part of the process of consultation with the government, because Lord knows the government consulted the auto insurance industry—another industry giving its marching orders, reflected in this bill, the amendments to the Insurance Act.

They told me there would be no public hearings. As recently as three or three and a half weeks ago, those same insiders were telling me not to worry, the bill was going to become law before Christmas, and not to get myself geared up for public hearings, as I might have been inclined to in the past, because there won't be public hearings. They knew. This time allocation motion isn't an accident, it isn't a gesture of frustration on the part of the government; it has been part of the plan from day one.

Somebody from this government gave assurances to the auto insurance industry that they weren't going to have to worry about defending the new reduced no-fault,

especially medical, rehab benefits for injured persons. They weren't going to have to worry about preparing for committee hearings, because this bill wasn't going to go to committee. They received that assurance.

That's beyond repugnant; it's shameful. This government will seek to blame the opposition every step of the way, but at the end of the day, let's make no mistake about it: it's the government that decides whether or not bills get debated properly, because they have access to time allocation motions after but three mere afternoons, usually no more than six hours of debate. That means that no more than a handful of opposition party members get to speak to the bill. Government members tend not to speak to it, most of them because they haven't read the legislation; the rest who have read it, because they can't justify it or defend it and they're embarrassed by it. They don't want to speak to it. But I tell you, opposition members in this chamber know what their responsibilities are and tend to fulfill those responsibilities. This government is doing its best to show its disdain and contempt for the opposition and for this Parliament.

The Acting Speaker: The time for debate has expired. I am now going to put the question.

Mr Stockwell has moved government notice of motion number 64. Is it the pleasure of the House that the motion carry?

All those in favour will please indicate by saying "aye."

All those opposed will please indicate by saying "nay."

In my opinion, the ayes have it.

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

The division bells rang from 1745 to 1755.

The Acting Speaker: Will the members please take their seats. Order, please. How long is this going to take? We'll wait until you're done.

Those members in favour of the motion will please indicate by rising one at a time and be recognized by the Clerk.

Ayes

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

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	Martel, Shelley
Bisson, Gilles	Dombrowsky, Leona	Martin, Tony
Bountrogianni, Marie	Duncan, Dwight	Phillips, Gerry
Bradley, James J.	Kennedy, Gerard	Prue, Michael
Bryant, Michael	Kormos, Peter	Ramsay, David
Caplan, David	Kwinter, Monte	Smitherman, George
Churley, Marilyn	Marchese, Rosario	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 50; the nays are 20.

The Acting Speaker: I declare the motion carried.

We have a late show this evening. I'm going to ask all members who aren't staying to please quickly leave the chamber so we can have that. Let's go, in or out.

1800

ADJOURNMENT DEBATE

The Acting Speaker (Mr David Christopherson): Pursuant to standing order 37, the question that this House do now adjourn is deemed to have been made. The member for York-South Weston has given his dissatisfaction with the answer to a question given yesterday on adult education by the Premier. The member for York-South Weston now has up to five minutes to debate this matter.

EDUCATION FUNDING

Mr Joseph Cordiano (York South-Weston): I'm happy to speak to this, but I'm disappointed that the Premier isn't here to respond because I challenged him personally to respond to the question I put to him in the House. This is a very important issue we raised and I think it deserves serious attention.

The fact is, the supervisor appointed by the Premier, this government, to deal with the Toronto school board budget has decided to make cuts in the order of \$90 million. As a result, adult day schools in the city of Toronto will be cut. They'll be consolidating seven schools to five schools. That means York Adult Day School in my riding is going to be shut down. It's slated to close in June 2003, and the Maplewood school in Scarborough as well. These closures will result in the loss of 2,800 adult day school spaces.

The fact of the matter is, there are currently waiting lists for the other adult education centres. These people have nowhere to go. It's inconceivable to me that this government would cut these programs at a time when we're dealing with a knowledge-based economy where people need to acquire additional skills to succeed in the workplace. They need to do that. They need basic high school diplomas. By the way, these adult learners usually get their diplomas within one year, so they do this rather quickly. This is the best investment we could make.

But you know what's interesting is that this government has cut the amount of funding to enrolment in adult day schools. In 1994-95, it used to be that 102,000 adult day spaces were operational. Guess what the number was

in the year 1999-2000? It went down to 39,000 spaces right across the province. That's a reduction of 61%—enormous. We're not talking about small amounts here. We're talking about a huge cut in adult learning, and we cannot afford to have that in Ontario. Our economy depends on people having the highest level of skill and the greatest amount of education. If we're going to compete with other jurisdictions, we need these people to be better educated.

What has happened in Toronto? In 1994-96, total enrolment was 16,000 in the city of Toronto. Enrolment has decreased as of 1999 to 3,300 spaces—a huge drop again.

What's interesting as well is that the funding level has decreased. Pre-1996 per adult funding was \$7,000; currently it is \$2,200. Obviously school boards are having a hard time creating these spaces and so they've cut back. They're being forced to cut back as a result of the per-student funding. It's been reduced drastically.

This is directly as a result of this government's failure to fund grants properly. There's no other way to put it, because it's very clear that this government does not believe in adult education and ongoing education. It doesn't believe it's an integral part of a knowledge-based economy. It doesn't believe these students should have an opportunity to complete their education as adults. It has not properly funded, and what it's doing to the city of Toronto is cutting more than it ever has.

Frankly, the Premier denied that \$2 billion has been cut from education. When you take per capita student funding in 1995 compared to the year 2002, per capita spending has gone down. The amount is \$2 billion. It's per student spending we're talking about. In terms of taking the entire enrolment and the amount of funding that was there for education, it's gone down. There's no denying it. It's a \$2-billion loss and we're seeing the effects of that in adult education, and this government ought to be ashamed of that.

The Acting Speaker (Mr David Christopherson): The Premier's parliamentary assistant now also has up to five minutes to respond.

Mr Garfield Dunlop (Simcoe North): It's my pleasure to respond to the late show request by the member for York South-Weston.

Our government recognizes the importance of lifelong learning, including the upgrading of work-related skills. That is why the student-focused funding provides support to a broad range of services for adult learners, including adult literacy and English-as-a-second-language programs.

Under student-focused funding, adult education is funded through the continuing education and other programs grant. Of course, if you're used to the pie chart or how we detail the student-focused funding formula, that's one of the key pieces of that pie. This grant supports the provision of adult day school programs and continuing education programs such as adult English as a second language, adult French as a second language, an

adult native language, an adult credit for diploma, and a correspondence and self-study diploma as well.

For the 2002-03 school year, the continuing education and other programs grant is projected at \$141 million. According to the student-focused funding models, the Toronto District School Board is projected to receive roughly \$33 million of this amount. So when all of the provincial money is spent on that, of the \$141 million, the Toronto board gets \$33 million. That's consistent with almost all the programs operated by the government.

Funding for adult and continuing education students is at the rate of \$2,294 per average daily enrolment. This figure reflects the board's cost to offer an education program to an adult learner. Again, that is consistent with the percentage across the province with other boards.

To help boards manage their budgets for the 2002-03 year, the government is allocating almost \$490 million in flexible funding, which can be used to address local priorities such as adult education programs. Of course, that is at the discretion of the local board, and the Toronto board had the opportunity to do that as well. The Toronto District School Board's flexible funding amount is almost \$55 million.

With regard to possible program closures, it is important to note that the school boards develop and implement policies that reflect local priorities and focus on student needs. It is the responsibility of the school boards to allocate resources to each program and in each school according to their local priorities. Once a board's budget is set, it becomes the duty of the principal to set the schools' budgets and to organize the schools according to the board's policies and the schools' priorities.

Our government is increasing funding for Ontario's public schools by almost \$400 million for the 2002-03 school year. That's more than a \$360-million increase that we announced last year. With this increased investment in Ontario's students, our government's total spending on public education climbs from \$13.86 billion in the 2001-02 year to \$14.26 billion for 2002-03. Funding will increase by 2.9% over last year, while enrolment is projected to increase by only 0.4%. In fact, while more than half of our school boards may see a drop in the number of students, almost all boards will receive an increase in funding.

The Toronto District School Board's funding for 2002-03 is projected at—get this—\$1.98 billion, an increase of 2.68%, while enrolment at the board is increasing by only 0.56%.

Our education recognizes that simply increasing funding does not guarantee our students will receive a quality education. Increases in funding should be directed in a way that gives students the maximum benefit, and that's money in the classroom. That is why we created the Education Equality Task Force to help us identify how to allocate the funding where it will do the most good for our students, and of course we all know that is right in the classroom. Once the government has reviewed the recommendations of the task force, we will be in a better position to set future directions for student-

focused funding. I think we all agree it has to be tweaked and massaged a little bit to make it perfect for different boards across the province.

I appreciate this opportunity and I appreciate speaking on behalf of the Premier tonight.

Mr Cordiano: On a point of order, Mr Speaker: Can I register my dissatisfaction with that answer?

The Acting Speaker: No, you can't. There is no point of order. Sit down.

As a matter of fact, there being no further matters to debate, I deem the motion to adjourn to have been carried. Therefore, this House stands adjourned until 6:45 this evening.

The House adjourned at 1811.

Evening meeting reported in volume B.

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

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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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Raminder Gill, Pat Hoy, Morley Kells, Rosario Marchese, Ted
McMeekin, Bill Murdoch, Wayne Wettlaufer
Clerk / Greffier: Katch Koch

CONTENTS

Thursday 21 November 2002

PRIVATE MEMBERS' PUBLIC BUSINESS

Graffiti and Advertising Signs Control Act, 2002, Bill 205, Mr Kells	
Mr Kells	3119, 3126
Mr Phillips	3120
Mr Prue	3122
Ms Mushinski	3124
Mr O'Toole	3125
Agreed to	3133
Motorcycle Awareness Week Act, 2002, Bill 201, Mr Stewart	
Mr Stewart	3126, 3133
Mr Peters	3127
Mr Martin	3128
Mr Beaubien	3129
Mr Bartolucci	3130
Mr Prue	3131
Mr O'Toole	3132
Mr Miller	3132
Agreed to	3134

MEMBERS' STATEMENTS

Geoffrey and Gerald Loughheed	
Mr Bartolucci	3134
Osteoporosis	
Mrs Munro	3134
Bob Welch	
Mr Bradley	3134
Kimberly Rogers	
Mr Martin	3135
Ontario Medal for Good Citizenship	
Mrs Marland	3135
Herb Gray	
Mrs Pupatello	3135
Drug Awareness Week	
Mr O'Toole	3135
Road safety	
Mr Gravelle	3136
Community leaders in Nipissing	
Mr McDonald	3136

REPORTS BY COMMITTEES

Standing committee on finance and economic affairs	
Mr Spina	3137
Report adopted	3137
Standing committee on estimates	
Mr Curling	3137
Report presented	3137

ORAL QUESTIONS

Hydro rates	
Mr Bryant	3137
Mr Baird	3137
Pension plans	
Mr Smitherman	3138, 3140, 3144
Mrs Ecker	3138, 3139, 3140, 3142 3143, 3144
Mr Bisson	3138
Mr Kwinter	3141
Mr Bradley	3143
Hydro rebates	
Ms Churley	3139
Mr Baird	3139
Foreign-trained doctors	
Mr Gill	3141
Mr Clement	3141
Tourism	
Mr Maves	3142
Mr Klees	3142
Toronto Transit Commission	
Mr Prue	3143
Mrs Molinari	3143
Mr Sterling	3143
Teachers' strike	
Mr Miller	3144
Mrs Witmer	3144
Federal-provincial fiscal policies	
Mr Wettlaufer	3145
Mrs Ecker	3145
Health professionals' collective bargaining	
Mr Kormos	3146
Mr Clark	3146

PETITIONS

Long-term care	
Mr Bradley	3146
Hydro rates	
Mrs Bountrogianni	3147

OTHER BUSINESS

Visitors	
Mr Spina	3136
Ms Mushinski	3146
Referral of Bill 177	
Mr Stockwell	3147
Business of the House	
Mr Stockwell	3147

GOVERNMENT MOTIONS

Time allocation, government notice of motion number 64, Mr Stockwell	
Mr Stockwell	3147
Mr Phillips	3147
Mr Martin	3148
Mr Chudleigh	3153
Mr Smitherman	3156
Mr Bisson	3158
Mr Spina	3160
Mr Duncan	3162
Mr O'Toole	3164
Mr Kennedy	3166
Mr Kormos	3169
Agreed to	3170

ADJOURNMENT DEBATE

Education funding	
Mr Cordiano	3170
Mr Dunlop	3171

TABLE DES MATIÈRES

Jeudi 21 novembre 2002

AFFAIRES D'INTÉRÊT PUBLIC ÉMANANT DES DÉPUTÉS

Loi de 2002 sur le contrôle des graffitis et des panneaux publicitaires, projet de loi 205, M. Kells	
Adoptée	3133
Loi de 2002 sur la Semaine de sensibilisation à la motocyclette, projet de loi 201, M. Stewart	
Adoptée	3134