



Legislative Assembly
of Ontario

Fourth Session, 37th Parliament

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de l'Ontario

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**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Thursday 1 May 2003

Jeudi 1^{er} mai 2003

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
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LEGISLATIVE ASSEMBLY
OF ONTARIO

Thursday 1 May 2003

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Jeudi 1^{er} mai 2003

*The House met at 1000.
Prayers.*

**PRIVATE MEMBERS'
PUBLIC BUSINESS**

HIGHWAY TRAFFIC AMENDMENT ACT
(NO CONVEYING OF PASSENGERS FOR
COMPENSATION), 2003
LOI DE 2003 MODIFIANT
LE CODE DE LA ROUTE
(AUCUN TRANSPORT DE PASSAGERS
MOYENNANT RÉMUNÉRATION)

Mr Gill moved second reading of the following bill:

Bill 2, An Act to amend the Highway Traffic Act to restrict the conveyance of passengers for compensation /
Projet de loi 2, Loi modifiant le Code de la route pour restreindre le transport de passagers moyennant rémunération.

The Acting Speaker (Mr Michael A. Brown): The member for Bramalea-Gore-Malton-Springdale has up to 10 minutes for his presentation.

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): It is my pleasure this morning, as the fourth session of this Parliament starts, to present the first bill. It's an honour for me and I do want to thank my colleagues who have given up their time to make sure that I'm able to present this bill. I'm delighted to have an opportunity to present this bill before this esteemed chamber.

Yesterday's speech from the throne laid the foundation for a continuation of the sound economic and job-friendly policy of Premier Mike Harris. This bill is a continuation of the common sense traditions of Premier Mike Harris and Premier Ernie Eves

Before I commence with the details of this bill, I would like to acknowledge the work of the members of this chamber in passing my private member's bill in 2001. I know you were a part of the meeting that day, Mr Speaker, proclaiming the month of May as South Asian Heritage Month. I would like to thank all my colleagues for their support in recognizing the contribution of South Asians in Ontario. This is an auspicious day, because today is May 1. I want to thank all the members, because they unanimously passed this bill. I'm looking forward to similar agreement on this bill as well.

The bill before the House this morning is about protecting Ontarians. It is very important for me to point out to my constituents and supporters that my presentation today could not have been possible without the support of my colleague from the PC caucus, the very honourable member for Bruce-Grey-Owen Sound, Mr Bill Murdoch. Thank you, Bill, for offering me your ballot item so that I could bring this bill forward today.

Mr Speaker, before I get into the details of this bill I would like to inform you that I will be sharing my time with my colleagues from this side of the House, the hard-working MPP for Niagara Falls, Bart Maves, and the equally dedicated member for the proud riding Barrie-Simcoe-Bradford, Joe Tascona. I'm sure many of the members would be very happy to share my time, and I'm sure the opposition will be very happy to speak on this bill, because I know they all agree on how important this bill is.

This type of legislation is long overdue. When I was elected to this parliament on June 3, 1999, members of the taxi and limo association—many of them are my family members or friends—came to me and said, "We've been having this problem for the last 15 or 20 years." They've gone to the federal government, to the provincial government and to the municipal government and they've gone to the police services board, and nobody has done anything. I certainly took the lead, and I talked to the ministers and members at every level—I talked to the federal members as well—and I found out that it was a typical case of, "It's not my problem."

Mr Rob Sampson (Mississauga Centre): Passing the buck.

Mr Gill: Passing the buck, as Mr Sampson is saying. Nobody was willing to take on this task. People in my constituency and people who are affected by this problem on a day-in-and-day-out basis felt that not enough was being done. They certainly were looking forward to their member doing something for them. I was hoping this was going to be a government bill, but since it was not to happen, I was very happy to lead the charge and make this a private member's bill. I've had discussions with the opposition, with the third party and with federal members, and they all agree that they must pass this bill, and must pass it expediently.

I know the member opposite for St Catharines is saying it's this government. It's not this government. This problem has been going on for the last 15 to 20 years.

I'm pleased this morning that my esteemed, honourable friend the member from Owen Sound, Mr Bill

Murdoch, has given me the opportunity to take his time. As you know I've already had my time in terms of other bills, so he gave me his time to speak on this bill and bring this forward.

I'm happy to say that some of the people affected by this problem are in the members' gallery today, as well as in the visitors' gallery, and I want to welcome them.

1010

This bill, an amendment to the Highway Traffic Act, makes it a provincial offence to convey passengers anywhere in Ontario in a motor vehicle for compensation or to pick up passengers anywhere in Ontario for the purpose of conveying them somewhere in a motor vehicle for compensation unless the driver of the motor vehicle and its owner or lessee are licensed under a municipal bylaw passed under a section of the Municipal Act to convey passengers for compensation and the licences are displayed in or on the motor vehicle. The new offence does not apply to public vehicles operated under an operating licence issued under the Public Vehicles Act.

Mr Sampson: That's important.

Mr Gill: That's right; it's an important bill. Thank you, Mr Sampson.

If a person who is convicted of the new offence fails to pay the fine imposed on conviction, section 46 of the Highway Traffic Act provides that a direction may be made under section 69 of the Provincial Offences Act suspending the driver's licence of the person and directing that no driver's licence be issued to the person until the fine is paid. As you will agree, Mr Speaker, it's a very important bill, so we want to have heavy penalties.

In addition, if a person who is convicted of the new offence fails to pay the fine imposed on conviction, a direction may be made under section 69 of the Provincial Offences Act, refusing validation of the person's vehicle permit or issuance of a vehicle permit to the person until the fine is paid. The refusal to validate applies only to the permit for the vehicle involved in the commission of the offence by virtue of section 7.12 of the Highway Traffic Act and subsection 69(4) of the Provincial Offences Act.

Whenever a member introduces a private member's bill, many people seek to know what purpose it will serve. I'm sure that similar questions will come up today from the opposition. They should have brought this bill as well, since this affects everybody.

They wonder what the public good is. Is it a continuation of some old law, or will it make a difference? Well, let me be clear to those listening in the gallery and those watching at home: this bill is about safety; this bill is about security; this bill is about the enforcement of the law and the protection of the law-abiding citizens and visitors to our great province.

This bill makes scooping illegal. It prohibits unlicensed and uninsured taxi drivers from picking up passengers at airports or bus shelters in Ontario. In addition, this bill will end price gouging by the illegal taxi drivers, who are only too anxious to rip off innocent

passengers and visitors when they are visiting our fine province.

In terms of the SARS situation, which we have so eloquently handled—we had a standing ovation for Minister of Health Mr Tony Clement after he came back from Geneva, after opening up this province to visitors. It is even more important, in light of the SARS situation today, that we open up this province, that we have a great province to showcase to visitors to keep the economy going.

My bill is unique in Ontario. It gives teeth to the laws of our province. It takes leadership where the federal Liberals have been abandoning the people of Ontario.

Mr Sampson: Again?

Mr Gill: Again—over and over and over.

It also addresses an important demand from a list of stakeholders who have the best interests of Ontarians at heart. This includes stakeholders like the Peel Regional Police—they agree with this bill, and I have their endorsements—the Greater Toronto Airport Authority; the Commissionaires Great Lakes; the Airport Taxicab Association; the municipality of Toronto; the municipality of St Catharines; the town of Wainfleet; the municipality of Niagara Falls; and the municipality of Niagara-on-the-Lake.

Mr Speaker, as you will agree and the members on the opposite side will agree, this is a great bill. I'm very happy that this is being discussed as the first item of the fourth session of this Parliament, and I want to thank you for giving me the opportunity to present this bill as the first in this session.

The Acting Speaker: Further debate?

Mr Gerry Phillips (Scarborough-Agincourt): I am very anxious that we support our legitimate, licensed limousine and taxi owners and operators. They have a right to expect that when they go through all the process to become duly, legally entitled to run that business, they are not subject to people operating illegally, taking business that legitimately be theirs and essentially operating illegally.

I'm going to support this bill. I would say to the people in the audience that this is a government that's been elected for eight years. We are days, maybe a few weeks, away from an election, and the government has not brought forward legislation to deal with it. It is a private member's bill that I'm going to support. I hope the government has endorsed the bill and put their stamp of approval on the bill. In my opinion, if the government felt it was so important—and I think it's important—it should have been introduced as government legislation years ago. But here we have it today. As I say, I'm going to support the bill. I hope it will work. I hope that it doesn't penalize people who may be in car pools, who may be sharing gas money with people who drive them to and from work or school. I hope it's designed in a way that solves the legitimate problem of our legitimate business operators who have gone through all of the insurance, all of the licensing, all of the process to operate business legally. I hope this bill solves their problem,

because that's what I want. So I am going to support the bill.

The industry should recognize that we saw this bill this morning. With something this crucial, this important, frankly I would have expected the government to have dealt with it long ago, and in a more comprehensive fashion. But I'm going to support the bill.

I think one of the challenges we have here in the Legislature is that, as our enforcement agencies have less and less resources, we have to find ways to continue to uphold the laws using new approaches.

I'll give you an example. I always was hesitant about red light cameras because I felt they ran the risk of intrusion into private matters. But our police services simply do not have the resources to deal with red light runners on a regular basis. They have other, higher priorities. So I've come to support red light cameras.

I supported a piece of legislation in here from Mr Kells recently dealing with people who put up illegal signs on lawns and whatnot because we don't have the human resources to enforce it, and we do need to strengthen our laws.

Similarly, in this matter, as I said when I began my remarks, the people who are here in our gallery today and all of the people they represent have a right to expect that if they're going to follow the law and if they're going to do all that's required—licensing, making sure their transportation vehicles are safe, paying the very substantial insurance that I know they pay, the cost of licences, all of those things—they shouldn't be subject to somebody at an airport or elsewhere taking business from them, perhaps at a lower rate, because they're not paying the charges that these people face.

So I hope this piece of legislation solves the problem. I would feel far better if, rather than it being a private member's bill, the government had seen fit to put the priority on this that it should have and had included in government legislation something that had the stamp of approval from the ministry, that had been out for consultation with the public, and that we were confident would solve the legitimate problems, and solve them in a way that was legally enforceable.

As I say, I'm going to be voting in favour of this, and I hope it works. I think it's unfortunate it was not done in a different way.

1020

Mr Gilles Bisson (Timmins-James Bay): We're back. We were gone for 138 days, and we're back. Finally the Legislature's here. I know that people back home missed having us here. They wondered where their legislators were since Christmastime. They tuned into the parliamentary channel quite often, looked and said, "Where is the Legislature? Where is everybody?" I think most people are happy to see us back here. I just want to say to the government that I'm glad you finally got the courage to call the Legislature back so that there is some public scrutiny on public business. I look forward to, hopefully, your calling an election this spring so we can hold you up to a little bit more public scrutiny when it comes to your policies.

But we're here today to debate this particular bill, An Act to amend the Highway Traffic Act. I just want to say upfront that we, as the New Democratic caucus of Ontario, support the bill. We think it's obviously something that makes some sense. But I find it a little bit passing strange that a Conservative backbencher in a Conservative government that has a mantra of having said, "We are the government of anti-government, and we are the government that wants to do away with regulation," is here trying to regulate yet another industry. I find the conversion that we've seen of the faith of the Tory caucus from 1995 to today somewhat interesting, and I think most Ontarians find it somewhat confusing, because most people understand, back in 1995—remember Mike Harris, the guy that used to be the leader of the Tory caucus; Mike Harris, the former Premier, who won an election in 1995, who came out of third place with his Common Sense Revolution and really had a hard edge to him? He said, "We are the government that's going there to fix government and dismantle government in many ways." He talked about how regulation was a bad thing and really had a big mantra about doing away with this interventionist approach of the Legislature when it comes to business and that we have to allow private sector individuals to find their own way in this economy. After all, you can't have business being bothered by pesky legislators, their pesky legislation and their pesky regulations. I find it somewhat interesting that we see these government backbench Tories coming into the House and saying, "We've got to regulate yet another industry." I think that's sort of like—well, I can't use the word because it would be unparliamentary, but certainly I can say it's passing strange.

I say to the member from Bramalea-Gore-Malton-Springdale that maybe that explains what his political history was. We know originally he was a Liberal and didn't get the nomination. He ran for the Tories and finally got the nomination. Maybe he's going back to his old roots. I don't know. But finally somebody has come to their senses over there in the Tory caucus and recognized that there is a role for government and that government, yes, is about laws and regulation, not about onerous laws and onerous regulation but making sure that there are rules about how we conduct ourselves in our society when it comes to many of the activities that we do within a civilized society. This particular member says he understands that having unregulated taxis going out there and scooping fares from the licensed cab industry is a problem. It's a problem not only for the livelihood of honest, hard-working cab drivers in the province of Ontario but also could potentially be a safety problem when it comes to the unknowing public who may get scooped as a fare by one of these particular cab drivers.

I'm one who travels to Queen's Park. I take the TTC called Air Canada every week. My good friend Mr Bartolucci and other people out there such as Ms Martel and others who live away from Toronto fly into Terminal 1 at Pearson on a weekly basis when the House is sitting. You see it all the time, right? You walk through the

airport terminal and you see these scoopers standing there, willing to pick up fares and basically usher them away somewhere in the city of Toronto. I have always resisted because, first of all, I say to myself, "Is this person insured?" If something should happen and there's an accident, there's a large possibility that that scooper could be uninsured. If that was the case and an accident was happening, I'm really putting my future in that person's hands. I may have no recourse if there should be an accident or a fatality, namely mine. I wouldn't want that to happen, but what would my family do in regard to being able to go back when it comes to liability? At least we know that if we take one of the airport cabs in the city of Timmins, the city of Toronto or anywhere else, or we flag down a cab somewhere in the province of Ontario, if it has a bona fide cab licence in it, we know they're licensed and insured. That is an important thing for the consumer to know.

I find it interesting that at Terminal 1, however, scooping is allowed to happen. I've just got to say something on this for a couple of seconds. I often go to the commissionaires at the airport and say, "There are three scoopers inside, trying to steal the fares from these cabs out front which you haven't called." Do you ever notice that with members who come into Terminal 1 on a frequent basis, what you end up having—and my good friend M. Lalonde would know this coming from Ottawa into Terminal 2; you probably have the same thing—you'll go to get a cab, and the concierges, the security people, haven't called the cab into the queue so that you can come out the terminal and jump in right away? You'll say to yourself that there's a pound full of cabs, hundreds of them waiting for fares, waiting to get out there and service the public and make a few dollars for themselves and they haven't been called to the queue. Yet I see three scoopers at the airport, standing there, willing to take me and usher me away to the parking lot to get into their car. I have to ask myself the question, "Are the commissionaires in on it?"

We know in the city of Toronto, for example, it is a long-standing practice that doormen at large hotels like the Royal York have their preferred cab drivers. They basically call them and give them the better fares, and there's a little bit of payola that goes on within that arrangement.

Mr James J. Bradley (St Catharines): No.

Mr Bisson: Oh, we all know it happens. I've been told that some door people at the poshest hotels in Toronto can make \$200 to \$300 a day by referring business to a certain cab driver. I wonder if that practice happens with scoopers at the Toronto airport. I've raised it with the commissionaires and they assure me, of course, that it doesn't happen. I've also raised it with the RCMP when I'm there and they say, "Oh, don't worry, that doesn't happen." But I still ask myself the question, "Why are there no cabs in the queue at the airport when scoopers are available?"

I support the member's bill on the basis that it will hopefully deter people from trying to scoop fares from

legitimate cab companies and give some enforcement provisions to municipalities that choose to do something about it.

This is the other part: the enforcement. The unfortunate part about where we find ourselves with this bill, if it's passed, is who is going to be prepared to enforce it. Some municipalities don't take this issue very seriously and, even though they have enforcement provisions in this legislation, may not choose to enforce this particular provision. I hope that's not the case, because it is certainly an issue.

The other thing I want to come back to is this whole notion of where the member is going with regard to regulation. I've got to say again that it's very passing strange to have a Conservative member come to this House and introduce yet more regulation. You had a government under Mike Harris that said, "You know, I believe in less government; I believe in less red tape, less intervention in people's lives," and here you've got basically Tory backbenchers coming in and trying to regulate everything under the sun. So I think it's interesting. You have to ask the question, "Why is it that there's been this transition? Why is it that all of a sudden Tories have been coming forward in the last number of years, taking a different view?"

It's probably for a couple of reasons. I think one is because some of them have started to understand that there is a role for government, that we do need laws and regulations to regulate many aspects of our lives and it is not a bad thing. In fact, it's a necessary thing. But I think it also shows a change, a shift in direction on the part of the Ernie Eves government. I think under Mike Harris this type of bill was less likely to happen. Under Ernie Eves it's more likely to happen because Mr Eves is really trying to give distance between himself and the Mike Harris government, and I think—

Interjection.

Mr Bisson: God, help; he's not just a Liberal. There are enough of you guys around as it is. We wouldn't want to have more. My, that would be a scary idea.

The point is—clearly, when you look at the throne speech from yesterday and you look at initiatives such as this, you say to yourself that here's a government that figures, finally, that they're in trouble in the polls and are going to have a difficult time trying to seek a third mandate, whenever they do go out to seek that particular mandate, and they're trying to paint themselves in a different image. It's rather interesting, because it seems that no matter what they try, the public ain't buying it. I think it's a little bit like a bad marriage. When people just don't love each other and people just don't get along, they can try to stay together as long as they will, but at the end of the day it ain't going to work. I think that's where the public is at when it comes to this government. It doesn't matter what they try at this point; yesterday in the throne speech there were a couple of items that I think were positive things, such as the increase in disability pensions, and free tuition for people trying to practise nursing in underserved communities. There

were a couple of good things in that throne speech, marked with a number of bad things, I would say. But it doesn't matter what this government does, because I think people have made up their minds and that's about all.

1030

L'autre affaire qui est intéressante, c'est qu'on se trouve ici aujourd'hui dans la première journée de débat dans l'Assemblée après le discours du trône. Ça fait 138 jours que l'Assemblée n'a pas siégé et j'ai ici devant moi le Feuilleton et Avis de motions du gouvernement. Ce qui est vraiment intéressant, c'est ce qu'il n'y a pas dans ce feuilleton. C'est un gouvernement qui dit, « Écoute. » M. Eves était très clair depuis qu'il était parti en vacances au mois de décembre : « On va prendre une petite pause, on va aller s'organiser, on va essayer de trouver une nouvelle direction pour notre gouvernement. On va essayer de se réorganiser, de repenser, de changer de direction jusqu'à un certain point, et quand on reviendra au mois d'avril, on aura un grand plan pour la province de l'Ontario. Vous allez voir que nous, les Conservateurs, on a le boulot et on va être capable de s'organiser avec de bonnes initiatives pour la province. » C'était le discours de M. Eves. Intéressant.

Regardez ce qu'on a ici : l'avis des motions du gouvernement. Il y a un projet de loi, qui était passé hier par consentement unanime, par mon collègue M. Kormos sur la question du SRAS. Il n'y a pas d'autre projet de loi du gouvernement, aucun projet de loi du gouvernement sur le feuilleton. On a des avis qu'on va avoir des débats sur le discours du trône, sur la question du budget qui n'a pas eu lieu, que le gouvernement a fait chez Magna International. Mais il n'y a rien comme projet de loi sur le feuilleton. Je me dis, intéressant qu'un gouvernement qui nous dit au mois de décembre, au mois de janvier, de février, de mars, d'avril, quand on n'était pas ici à l'Assemblée, qu'ils étaient préparés à retourner au travail à la fin du mois d'avril et qu'ils avaient un gros agenda pour l'Ontario et qu'ils avaient de nouvelles solutions pratiques à proposer à la population qu'on s'organise, ne dit rien sur le feuilleton.

I know my colleague Mr Christopherson would want to say a few words on this particular bill. I'm looking for a nod.

Mr David Christopherson (Hamilton West): Sure.

Mr Bisson: He does, and at this point, now that he is here, I will cede the floor to my good colleague Mr Christopherson.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I am very pleased to join in the debate in support of the member Raminder Gill, from Mississauga. I know that this is also supported by the other members from Mississauga, with respect to ensuring that the licensing requirements are respected with people who do business in the airport area and also in the transit terminals.

The bill has been brought forth by the member. The process—it's obviously private members', so he's got a right to bring the bill forth—the process is it is going to be debated here in the Legislature; it will be voted on in

the Legislature. The member at that particular point in time, in terms of the normal process, would ask that this be put to a standing committee for fuller discussion with respect to public input. That's the process that is envisioned. I am not disappointed, like the member from Scarborough-Agincourt, with respect to this process. This is why we have private members'. This an issue that is important to Raminder Gill and what he thinks is important for his area.

I was looking at an article that was in the paper with respect to the MPP vowing action on taxi scoopers. That is the title of the article and that is what we are dealing with today. It is a bill that is targeting individuals who are not doing business in a licensed capacity. The amendment to the Highway Traffic Act would make it an offence to transport passengers for compensation without being licensed in the municipality. If you are going to do business in a municipality, you should be licensed like any other business operator. You shouldn't be able to have an unfair advantage where other people who are doing business are licensed. They're paying their dues with respect to being able to do that business. If you want to be in that business, you should also be paying the licence fees to make it a level playing field.

Currently taxi operators, known as scoopers, face a maximum \$70 trespassing fine for snatching fares from licensed vehicles that pay up to \$4,800 a year to work the lucrative airport beat—that's the Pearson International. The scoopers often overcharge and double fares. According to this article in the Toronto Star dated August 21, 2001.

The proposal—

Interjection.

Mr Tascona: The Toronto Star does get it factually correct at times. Obviously with Mr Gill's bill, they are certainly being factual.

Under the proposed bill, if fines go unpaid, authorities would be able to suspend the driver's licence until they are paid, and repeat offenders could have their taxi permits suspended. To date, the proposed amendment has the support of the Greater Toronto Airport Authority, taxi and limousine drivers' associations and several Peel-area MPPs. I notice Minister DeFaria has entered the chamber and I know that he's very supportive of this piece of legislation.

I would say that there are avenues and areas of the bill that are bringing stiffer penalties. For example, offences and penalties: it has on first conviction a fine of not less than \$305 and not more than \$500, and on each subsequent conviction a fine of not less than \$500 and not more than \$5,000.

The intent here is to put individuals on notice that they need to be licensed. That's all we're talking about here: be licensed, respect the rights of the owner of the premises with respect to who is going to pick up passengers and drop off passengers. If they're going to do that for compensation, then obviously they should be licensed and respect the laws of the municipality.

I think the member has worked very hard on this bill. He should be commended for the hard work that he's

done, a lot of work to get stakeholder support, which is to be commended. So obviously the public is aware of this and he is aware of their concerns in putting together the bill.

I'm very pleased to have spoken on the bill and I support it.

Mr Bradley: I'm simply pleased that the Ontario Legislature is back in session. The people at home were turning on the channel looking for the Ontario Legislature. They saw that the federal House was in session since January. When I explained to people in St Catharines and Niagara that the Ontario Legislature had not sat since December 12, 2002, and that the first question period would be May 1, 2003, they were astounded and appalled at the thumbing of the nose at democracy by the Ernie Eves government. I'm sure they are pleased that the Legislative Assembly is back in session now so that legislation of this kind can come forward.

I thought perhaps there would be a bill banning government advertising. I know you can't use props but I thought I would just hold this up. Every day there is a pamphlet showing up at the house which is clearly partisan; you turn on your television set and there are partisan ads being paid for by the taxpayers of Ontario; you turn on your radio and there are partisan ads; you open the newspaper and there are partisan ads—all paid for by the grateful taxpayers and extolling the virtues of the Conservative government.

I think that Ernie Eves—and he has the money—should, on behalf of the Conservative Party, sign a cheque paying for all these ads that are clearly partisan, that are clearly in violation of even the weak Management Board guidelines that we have here. I know that this is very concerning to many people in this province and I thought the bill might be on that, but it's not.

I want to say to the member that I happen to agree with this bill. I think it has to go to committee because, as some people have mentioned, there's a problem if you have a carpool and people are sharing in the costs of the carpool.

We want to ensure, first of all, that we have qualified drivers who have a good driving record; second, that there is proper insurance; third, that the vehicles are in proper, safe condition—I think those are very important—and that those who are in the taxi business or the limousine business meet all of the qualifications, stipulations, regulations and legislation that is imposed upon those who are a legitimate business. Sure you can give a ride for a much lower price if you're prepared to not meet all those obligations, but the legitimate businesses out there have to meet those obligations. That's why I think it's important that this legislation, in a modified form perhaps, pass the Legislature at third reading.

1040

I'm glad I heard in the speech from the throne that now the votes on private members' bills are going to be free votes. For all my years in the Legislature I thought they were all free votes. I found out that the government, through the whip on the government side, was making

government members vote in a certain way. Now I see in the speech from the throne that's not going to be the case, and that there will be twice as many opportunities to present these bills, which means of course twice as many opportunities for the government to deep-six these bills, to make sure they get nowhere if they don't want the bill to proceed.

This bill is one that I am certainly prepared to support. I think that for the safety of passengers out there, it's important. For fairness to those who are under regulations and legislation and policy obligations, the bill should pass. I'm glad to see that the member who presents the bill, Mr Gill, who once ran for the federal Liberal nomination in his riding and was not successful in that case, has finally been able to get this issue before the House, because his government certainly wouldn't bring it before the House.

Mr John O'Toole (Durham): It's indeed my pleasure, as usual, to support my colleague Mr Gill. He is always working to recognize important issues to his constituents and, in a broader sense, to the people of Ontario. It's his reasonableness and fair-mindedness that I've always strongly supported.

I would say that I was first impressed with Mr Gill when he quite respectfully asked me to speak on South Asian Heritage Day. Now he's giving me a note that he actually doesn't want me to speak on this. But I do support it and I'm just going to be on the record as supporting it. Thank you, Mr Gill. I think Mr Galt wanted to speak, but he isn't here.

Mr George Smitherman (Toronto Centre-Rosedale): I stand in support of this legislation and compliment my friend from Bramalea-Gore-Malton-Springdale for bringing it forward.

I don't often get the chance in this place to talk about the fact that I'm the son of a truck driver. I take a lot of taxis—fewer airline limousines than taxis—but in my downtown riding I take advantage of taxis, and I'm of the opinion that taxi drivers and truck drivers are among the hardest-working people I know. Many of the people who have joined today to show their support for this legislation are among those workers in our society who, in order to eke out a living, are asked to work a lot of hours. So I support this legislation.

The issue of scooping is a practice that I've seen occur too many times. When I'm at Pearson, usually to pick friends up at the airport and the like, I go out of my way to instigate a debate with those people I see doing it. I think it's a repugnant tactic that needs to be cracked down upon, and that's why I'll be supporting this legislation.

It doesn't only occur, as many people will know, at Pearson. Union Station is in my riding, and Union Station is another place where these kinds of devils work to scoop off the legitimate fares that would otherwise go to people who are paying pretty extensive licensing fees and pretty extensive insurance fees as well to operate their small businesses on wheels in our fair cities and jurisdictions. It's for these reasons that I'm inclined to offer support for this legislation.

At the same time, I think it would be appropriate to point out that legislation like this has been passed before but not brought forward to the point where the government saw it move forward as a piece of legislation. I would say to members who are here to offer support to Mr Gill that they might want to press him just a little bit harder to get his government not only to allow him the prominent position of having this bill debated as the first bill after we returned from our rather extensive Christmas holiday, but that they might actually move forward with it and give delivery to their good symbolism associated with the first order of business.

I think for people who have had a chance to take a look at the bill as it's currently worded, there are some challenges with it, some challenges, as an example, that might limit the ability of people trying to arrange car pools to receive some compensation for the expense associated with being the primary vehicle operator. I don't think it was the intention to scoop up people in that kind of circumstance. I think of a place like York University. We know it's a university that's highly dependent upon 905-area students, and parking on site at York University is brutal. Public transit access, although minorly enhanced by GO Transit in recent years, is still very poor. We need to be able to encourage solutions like car pooling to make it more accessible. This bill does provide some constraint around that. It's the kind of thing we can deal with in committee—members working together in good faith—but the bill as currently written does pose some difficulties that way.

The last point I would want to put on record is that I do think we have an issue with respect to licence holders versus operators. I'm a little more familiar with the circumstance as it relates to taxis in the city of Toronto than I am with the circumstance related to airport limousines. One of the great frustrations I've seen is that over time in our city of Toronto, we've done a much better job of enriching the licence owner than we have the person who puts in more hours than we care to imagine behind the wheels of vehicles providing services.

I'm one of those who is always going to be on the side of supporting the right and the capacity of people who are behind the wheel to make a better living, because truck drivers and taxi drivers, people who, as I said at the beginning, are amongst my heroes and the hardest working—

The Acting Speaker: Thank you. Further debate?

Mr Christopherson: I appreciate the opportunity to take a couple of minutes, literally, to comment on Bill 2, tabled by my friend from Bramalea-Gore-Malton-Springdale. Like my colleague from Timmins-James Bay, I also will be supporting this bill. I think it's an important measure.

I spent some time when I was on Hamilton city council as chair of the Hamilton licensing committee, and regulating the taxicab industry is an important part of what a municipal licensing committee does. I want to say to anybody who thinks that unless you're in the industry, you understand it, you're kidding yourself. It's a very

complex industry with many different factors that can affect, quite frankly, the ability of a community to provide transportation infrastructure, as well as for people to earn a decent living, and it's tough work.

The reason we need to do this, in my opinion, is—the first thing is to identify: does something need to be regulated? Is it in the public interest? Is there a safety issue? If you determine that, yes, it's in the best interest of the public or the participants of an industry to be regulated, then the next step is to make sure that there's adequate enforcement, for the simple reason that if you don't, then you get into the situation where—and members of this House will know—there is construction taking place in Ontario that's practically regulating itself. Unless we're in there forcing them to follow the rules—and often, yes, those rules mean you've got to spend a few bucks. But unless we're in there enforcing those rules, what it means is those who break the law and don't follow the rules make more money because they don't have these expenses and they're able to undercut legitimate members of that particular aspect of our economy. This is the same thing. If we have determined as a society in Ontario that we want to give municipalities the power to regulate, then we need to make sure there's enough provincial teeth in the enforcement that violating the rules doesn't just become a licence to do business: pay the fine and call it a cost of doing business. It's got to be tough enough to deter. It's also got to be broad enough to make sure that everybody is involved, so that no one is taking advantage of the system and, quite frankly, ripping off legitimate participants in the taxicab industry.

So I'm very pleased that the honourable member has brought this forward, and I will be equally pleased to lend my support and vote to his Bill 2.

1050

Hon Doug Galt (Minister without Portfolio):

Thanks very much for the opportunity to respond to one of the earlier bills brought before the House and to compliment Mr Gill, the member for Bramalea-Gore-Malton-Springdale, for looking out for his constituents and being aware of the issue in his riding. Certainly only a very small number of us get to have big airports in their riding. As a matter of fact, after the next boundary change, I'll have an airport every bit as big, being that the one in Trenton, or now Quinte West, will actually become a part of my riding. As a matter of fact, I'm very enthused to be able to welcome the member from Prince Edward-Hastings, Ernie Parsons, into my riding with these new boundary changes as one of my constituents. I certainly look forward to that.

Getting around to speaking specifically on the bill that the member for Bramalea-Gore-Malton-Springdale has brought in, I see this as an issue of safety. I also see it as an issue of being attractive to visitors to our country, particularly when it comes to tourism.

I've travelled in many other countries where the culture is very different, and as I have been picking up my bags, there has been somebody at my elbow who for X number of pesos or lire or whatever the money hap-

pened to be in that country would take you to the hotel, and meanwhile the official ones are outside. They are there to “scoop,” to take advantage of someone new in their country, where you don’t really understand the rules and regulations, you don’t really know what the cost is, you have no idea of how far it is from the airport to the city.

As a matter of fact, I landed in one country and it turned out that we landed on an island and we had to go by ferry. When I asked about a taxi, they just sort of laughed. I looked out the door and could see, obviously, what the problem was. It was actually a fair distance on a ferry.

So it’s this kind of thing, when you land in a foreign country and you may be taken advantage of because people are there trying to scoop up, trying to make a buck on the side, so to speak.

There is also the safety issue. These people who may be giving this so-called cut-rate fare, who are trying to get a fare from you, may not have proper insurance. If anything should happen, of course, you as an occupant, as a visitor to this country or even returning home and not quite understanding what’s going on, might not have a fair amount of coverage.

We might talk about price gouging going on here. I’m sure many of the members in this House have been on a trip someplace and have been offered a side trip which is so much, and then you start finding out that they have things to add on. There are tolls on bridges or there’s so much for gas or so much because the car is a different vintage or so much because it’s an extra few minutes over what was originally negotiated. They have these add-ons, and you feel that you’re really caught. I can see that happening in this situation, that they make an agreement at the airport, so much to go downtown, but then they say, “Well, downtown started over here and you’re going to have to pay the extra to get all the way.” I see that kind of thing as an issue, as a problem. With the present industry, the rate is set and you know where you’re at, that when you get into that licensed vehicle it’s going to be X number of dollars. You may disagree with the amount. It may be more than you think it’s really worth or really should be charged, but you know exactly where you are at when the rate has been set.

I see it combined here, having some assurance and insurance for the person who’s at the airport, whether they be a Canadian or a visitor to our country, and I think it’s important that we provide that.

The current tourism industry is having a real struggle. First the Americans weren’t too happy with Canadians because our federal government wouldn’t stand behind our American friends; some 40 other countries would, but not so our federal government. They’ve stood behind us in thick and thin and have been very, very supportive of us, particularly on the security of our nation. Then, after we sort of get the Americans upset with us and get a lot of contracts cancelled—and a lot of people who were wanting to come to my area on vacation this summer have cancelled for that reason—we have the SARS outbreak and the difficulties with that. That’s affecting

tourism. And it’s not only affecting tourists coming here and people who might be using these vehicles. For example, Trinity College in my riding has just been told by people in Switzerland not to come over because of SARS here in Ontario. I think that’s extremely unfortunate, and I believe our medical officer of health will be able to get that sorted out.

These are some of the things our tourism industry is struggling with right now, and they don’t need to have this problem at the airport that has been brought to our attention by the member for Bramalea-Gore-Malton-Springdale.

Often when you arrive in a country, the very first exposure you have to that culture, to that society and to those people is your ride from the airport. If that’s a bad message, if that’s a bad image, you’re left with a very bad taste in your mouth as to everything about that country. You only have one opportunity for a first impression. You do not have a second opportunity to make a good first impression, and this is the individual, the person who’s driving that vehicle that may be unsafe, or it may be a situation of price gouging that is occurring.

So I certainly support the member in bringing forward this particular bill, because with the position we’re in with tourism right now I think anything we can do to promote and enhance the image of the province of Ontario, and in particular Toronto because of the SARS incident—it’s well under control, and my compliments to Dr Colin D’Cunha and to Dr James Young. They are two people who are exhausted, who have worked extremely hard over the last two months. Because of them and with their leadership, working with the Honourable Tony Clement, our Minister of Health and Long-Term Care, this SARS incident has come under control, no thanks to our federal government, which has taken some two months to get around to photocopying a form that people could fill out prior to getting on an airplane coming to this country. You would have thought the least they could do would have been to photocopy a few sheets of paper and have proper screening of people coming to this country. But no, they sat back and waited. I find that extremely unfortunate. Maybe in June they’ll get these machines, heat-imaging systems that can screen people as they get off airplanes to see if they’re running a temperature. I think that’s unfortunate.

Also, the federal government should have been in Geneva this week, should have been over there getting the World Health Organization to lift the sanction on Ontario, on Canada. But they were missing. The light was out; they just weren’t at home. Who had to go? We had to send the Honourable Tony Clement, Minister of Health and Long-Term Care, to do a job that the federal government should have been doing.

This is all about tourism. It’s all about people being properly looked after when they arrive in our country, when they’re on our doorstep, and giving a very positive, upbeat message to them. As long as this kind of situation that our member has brought before us is going on, we’re not going to enhance the image of tourism. So I really

compliment the member for Bramalea-Gore-Malton-Springdale for bringing this forward, for recognizing the difficulties that he is having at the airport in his riding and supporting the people from his community.

The Acting Speaker: In response, the member for Bramalea-Gore-Malton-Springdale.

1100

Mr Gill: I do want to thank all the members who spoke so eloquently, especially members from my caucus, in support of this bill. Everybody has recognized that it's an important bill. It's long overdue. In fact, as I mentioned in my preamble, ever since I came on the scene on June 3, 1999, people in my constituency who are affected by this problem of scoopers have come to me and said they've talked to every other level of government, including the provincial governments before, the NDP and the Liberal, and the federal government for the last umpteen years. By umpteen, I mean at least 10 to 15 years. They came to me and I said, "You know, if the government is not willing to do it, then as a private member I'm going to bring it forward. I'm going to make sure that the voices of the people who are my friends, who are my family, who are the great, hard workers of this province"—these are the people, along with many of us and many other people, who are making this province the best place in the world to live, work and raise our families, which is Ontario.

I'm very, very pleased that today is the South Asian Heritage Month. Many members opposite, even right now while they should be here debating this bill, are out there, not even recognizing that I brought forward the South Asian Heritage Month, talking about how wonderful the South Asian community is, and that is true. But I hope they give some credit to me, because I brought forward that bill.

I'm very happy to acknowledge some of the members who are here today who are affected by this bill, and they're looking forward to the resolution: Mr Gursharan Singh Puar, Swarn Singh Karron, Mann Singh Aulakh, Bhupinder Singh Gill, Bhupinder Singh Dhillon, Gurmej Singh Dhillon, Daljinder Singh Puar, Gurmeet Singh, Karam Singh Punia, Tehal Singh Thabal, Jaswinder Brar, Khushwinder Gill and Nick Dhaliwal.

The Acting Speaker: This completes the time allocated for this ballot item. I will place the question to dispose of this matter at 12 o'clock noon.

HIGHWAY TRAFFIC AMENDMENT ACT
(CELLULAR PHONES), 2003

LOI DE 2003 MODIFIANT
LE CODE DE LA ROUTE
(TÉLÉPHONES CELLULAIRES)

Mr O'Toole moved second reading of the following bill:

Bill 3, An Act to amend the Highway Traffic Act to prohibit the use of phones and other equipment while a person is driving on a highway / Projet de loi 3, Loi modifiant le Code de la route pour interdire l'utilisation

de téléphones et d'autres équipements pendant qu'une personne conduit sur une voie publique.

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

Mr John O'Toole (Durham): It is indeed my pleasure. In fact, I've been waiting for a number of days before the House once again. For those viewing and listening today, I'd like to remark at the beginning that our Minister of Transportation, the Honourable Frank Klees, is here, and he is listening. I know he is interested in this important issue, because it's about the broader issue of road safety on our provincial highways, which is a top priority with Minister Klees.

I'm also impressed with the list of people who have sought me out to speak on this bill, including Joe Tascona, the member from Barrie-Simcoe-Bradford. He seldom speaks on private members' business. He is a person whose voice I want on the record; also Toby Barrett of Haldimand-Norfolk-Brant. He is from southwestern Ontario, as you know, and drives a lot. He's also a person who has taken some interest in the statistics part of the issue of accidents on our public roadways. And of course the member from Parry Sound-Muskoka, Mr Miller, who has actually doggedly been after me to speak on this bill because he takes a great interest in road safety, as he also commutes from northern Ontario, or the near north, if we'd call it that.

In the interest of those viewing, this bill was discussed in the House, as you might know, and passed second reading. When the House was prorogued, the bill was dropped from the order paper, obviously. But that bill had passed under some scrutiny at that time. We worked with staff in the Ministry of Transportation as well as with legislative counsel staff to improve the bill. I want to bring to the attention of those who have been following this that the bill has been strengthened. The bill has been strengthened in the following ways since the second reading in the last session.

It now bans all novice drivers from using cellphones at any time while operating a motor vehicle—these are the GIs, the progressive driver licensing system we have in Ontario—whether they use hands-free devices or not. So persons without experience would be prohibited from using electronic devices while driving. I think it's the driver distraction issue that you will hear repeated throughout the debate this morning.

The second improvement allows the Minister of Transportation, Mr Klees, to add visual devices.

Interruption.

Mr O'Toole: Pardon me. I have to turn this off. They are very distracting, as you can see—the Sergeant at Arms here is going to come and take the phone—but it was for demonstration purposes only. I commit to you that it won't happen again, but it does demonstrate how it does intrude into our space. As long as he doesn't take it—

Interjection.

Mr O'Toole: No, you're not getting it, Wayne. Give it to me afterwards. That's a very important thing: you

can't disagree with the Sergeant at Arms here. You can actually be arrested. You'll be charged with failing to yield your cellphone.

Actually, one of the persons who has been watching this phoned me. Probably the cellphone companies were calling me to say, "Stop. Stop now."

I will demonstrate the number of electronic devices. This device here, Mr Speaker, you'd know, is not on and Wayne won't take this one. It is actually a personal data device, and that device allows you to—this is interesting. I'd like everyone to pay attention a little more closely. I could actually e-mail Europe and Australia from here. I would never do that, because that isn't allowed in the House. But, for instance, I could receive an e-mail from my daughter in England right now. In fact, I think I did get one this morning. This is growing. In fact, this device is now available in your car. So really, I'm talking about electronic devices, and what I'm suggesting is that the Minister of Transportation, through regulation, would be able to add and delete devices that would keep our roads safer. That's all technology.

We all know, if we're paying attention, about OnStar systems within cars—very convenient. They're hands-free; they're voice-activated. They're very much a safety aid in the car—someone who's lost, someone who's in need of aid, an accident. These devices are the leading edge of safety in the vehicle. There are other technologies, but OnStar is the preferred one at the moment.

Mr Garry J. Guzzo (Ottawa West-Nepean): General Motors.

Mr O'Toole: General Motors happens to be a leader in the auto industry, and I respect them for that.

I would say the last amendment that we made is to address recommendations that I heard throughout the extensive consultations I've had on this bill—consultations with the Ontario Safety League as well as with the police chiefs and the police associations. I know some of the other speakers will be putting some of that information on the record.

But the broader issue with which I'm challenging the members here today, specifically the Minister of Transportation, is that in driver tests we address the issue of driver distraction. Driver distraction is the multi-tasking that I see every day as I drive to Queen's Park from my riding in Durham, which, by the way, is a terrific riding. During that drive, I see people having toast and coffee, doing their hair, reading the paper, reading a book. In fact, I was speaking yesterday after the throne speech with Chief Fantino of the Toronto police and he said to me the worst case—Mr Smitherman, you should pay attention. Chief Fantino is watching and he supports this bill. He said to me the worst case he has seen is a person driving a Land Rover down Bay Street with two cellphones. I wouldn't misquote Chief Fantino.

I was also speaking yesterday with the commissioner of the OPP, Gwen Boniface, and I asked her views on this bill. So I have consulted from the top to the bottom, and that would include Mr Smitherman. But I would say that the quotes I'm most enthralled with are working with

my own constituents, and in that case I must put on the record Chief Kevin McAlpine from the Durham Regional Police. This is his quote: "Driving is a full-time responsibility that requires total concentration. We certainly support any move that enhances a driver's ability to concentrate by reducing the number of distractions inside the vehicle." It is a driver's decision when, where and how to use any of these devices, whether it's a radio or, indeed, interacting with people in the vehicle.

The second person is Frank Murphy, the executive director of the Head Injury Association of Durham Region. Frank says, "... we strongly oppose the use of cellphones while driving; and, subsequently, we support legislation that means to control cellphone use in cars."

Clearly, I would say that we've had support across the region. In fact, I would say we've had support across the sectors.

Udo Rauk, of Ontario Association of Chiefs of Police, says, "We congratulate you on your effort to focus on driver distractions and to identify preventative measures for safety and security for drivers/passengers of motor vehicles."

1110

I'd have to say that I'm interested in the debate this morning and in clearly asking for your support, because I hear on a daily basis from the drivers in the province of Ontario. I can tell you they overwhelmingly support measures that will improve road safety. At the very top of their list they put the use of cellphones while driving as generally inappropriate. They also quickly acknowledge that having a cellphone in the vehicle while travelling alone—perhaps younger people needing to access instructions on how to get to a destination or to access safety support on the road. There is appropriate time for their use, and I guess my advice to the people is to reduce the distractions in the driver's space. That would include all distractions: road signs, multi-tasking, coffee, arguing with someone else in the car, trying to correct the dog that's barking in the back seat—any of these distractions you have to respond to.

I believe the current tools that are available to the police are too restrictive, and I would say there has been no evidence that the courts have upheld the careless driving charge, which carries with it a significant fine as well as six points. I'm asking for your support this morning. I believe it's the right thing to do to keep our roads safer in the province of Ontario.

I know there was a very serious incident in the riding of Durham the last time I introduced this bill in the House. A young man and his young daughter were tragically killed, and from that there was an inquest. Officer Stone, it was reported at the inquest, said he would like to support the reduced use of cellphones while operating a vehicle. Out of respect for that family, and for all families that are affected by this, this is the right thing to do.

The Acting Speaker: Further debate?

Mr Michael Bryant (St Paul's): I'm going to be sharing my time with the members for Toronto Centre-Rosedale, St Catharines and Hamilton East.

I'd like to say, off the top, our condolences to the family who suffered this tragedy. But I just don't think this legislative response is the way to go.

I find it passing strange that this bill is being introduced by a Conservative member. This is the kind of regulation that Conservatives ordinarily have great trouble with. If you look at the distractions that are out there causing accidents, cellphones are way down the list. I say to the member opposite, what's next? A ban on Big Macs in the driver's seat? Obviously not. The major distractions in the car—you can get a television in your vehicle now—are radios, Walkmans, somebody else in the car. The statistics show us that those are the distractions in the car, and the major distractions are outside the car. It's not the interior distractions but the exterior distractions. Everybody who drives down the Gardiner Expressway and sees some of those advertisements knows exactly what I'm talking about.

Cellphones are very much a safety device, a way in which we can assist police and emergency workers—to tip them off as to accidents that are out there in the streets—and are very much of enormous assistance to working families leading just-in-time lives. At the end of the day, I don't think this will make our streets safer. Moreover, I'm concerned that once we head down this path, what other particular activity is going to be targeted by this government?

Again, I'm convinced that the Conservatives' answer to gun control is cellphone control. Conservatives tell me that guns don't kill people; people kill people. Well, it's people who cause accidents, and it requires education and incentives and assistance from government and industry to reduce these accidents. This industry in particular has bent over backwards to assist governments and the public in educating the public and encouraging safe cellphone use.

Conservatives also say, "Don't punish law-abiding gun owners by restricting their use." In this case, Conservatives are not only punishing responsible users of cellphones; they are just outright eliminating the use and eliminating all those opportunities for the safe and positive use of cellphones.

I can't support this. I think this government has to work better with the industry to educate people, to ensure that cellphones continue to be a safety device on the streets. If we're going to tackle the distractions, let's tackle the distractions outside the car and the real distractions in the car and not get bogged down with this particular effort.

The Acting Speaker: The member for Timmins-James Bay.

Mr Gilles Bisson (Timmins-James Bay): Our caucus is growing, Mr Speaker. Do you see that? It's growing right before my eyes. Oh, it's leaving. Thanks for the visit.

Hon David Turnbull (Associate Minister of Enterprise, Opportunity and Innovation): Easy come, easy go.

Mr Bisson: Who says you can't have fun in the Legislature of Ontario? It's a wonderful place. We're very

privileged individuals, being elected by our constituents to be here to represent them and do all the fine work we all do in the name of our constituents. Sometimes there actually are some funny moments in this House, and we just saw one.

Anyway, we had this debate last fall. Do you remember what happened? We debated this, we supported it, the House voted on it, we all said yes. I don't think anybody voted against it last time. Am I correct in saying it was unanimous? I'm just looking for the member across the way. It was unanimous last time, wasn't it? There were some people who voted against it? OK. I was a bit surprised.

Anyway, the point is, the majority of people in the House voted in favour of this bill and the bill was referred to committee, which is something we don't see too often around here. The bill actually got referred to the general government committee. It was sent there on October 17 last year. Guess what happened? Nothing.

Mr Bryant: What? They killed it?

Mr Bisson: Nothing happened. The government never even called it for debate in the committee. It was referred to committee on October 17. We had an opportunity to deal with this bill at committee level, but the government never chose to call the bill before the committee. So you've got to ask yourself: what's this exercise all about? I thought we debated this last year, and when we voted at second reading and this thing got passed, I expected that the government was going to deal with the bill because it's an important issue. I think it doesn't go as far as it needs to, as my good friend pointed out earlier, but it is a step in the right direction. It was sponsored, I think, by the esteemed Mr O'Toole as well. He's supposedly a heavyweight in his caucus, I'm told.

Mr Bryant: You can see that.

Mr Bisson: You can see by the people who are here now. The government didn't call it forward. So you've got to ask yourself: how heavy is that weight across the way? Not very heavy, because they never—

Mr Guzzo: You guys blocked it. Who blocked those committees?

Mr Bisson: Oh, we blocked the committees. Give me a break. You guys changed the rules in this House. We couldn't block a committee if we tried. My God. I go to House leaders' meetings every week. What are you talking about? My Lord. We're reverting over here to voting—never mind; I'm not even going to go there.

I believe this is a good initiative, but I have to ask myself: how sincere is the government in dealing with this issue? We voted on this at second reading last fall. Members in good faith engaged in debate and brought forward their ideas about how the bill could be made better. We all concede the point that every bill that comes before this House is never perfect, but at least this bill was a step in the right direction. We supported, by majority of the House, the bill that was put forward last fall by Mr O'Toole. We voted. We even voted to refer it to committee, and the government chose to do nothing with it.

You have to ask yourself what happened. Was Mike Harris then the Premier of Ontario? Maybe Mike didn't want it to happen? No. Last time I checked it was EE, Ernie Eves, who was the guy in charge last fall. Why is it that it wasn't called forward? Why was nothing dealt with?

We know that the province of Newfoundland has dealt with this particular issue. I think they're the first jurisdiction in Canada to bring forward such legislation. I would hope that Ontario, being the largest province with the most motorists and probably the heaviest proliferation of cellphones in Canada, would want to do something similar. But the government chose not to call the bill forward before the committee, and by not doing that, allowed the bill to be passed.

1120

So I say to the member across the way, I'll go through the exercise again. I'll support your bill. But I want to know how sincere your government is in wanting to make this thing happen. I'll just say I'm a little bit pessimistic because they had the chance last fall to pass this bill. In all likelihood, we're here for about two weeks. If you get a little bump in the polls, we'll probably be out in the election. I suppose this is an attempt on the part of Mr O'Toole—and God rest his soul, we all have to advocate for the issues that we think are important to us, and I know he's doing this for all the right reasons—but this is an attempt for him to say, "I'm back at it again, and I'm the guy who's going to basically run my whole campaign this spring on banning cellphones out of those cars in Oshawa."

So I say to the member across the way, I'll support it, but I'm not very confident that the government ain't going to sit here long enough for it to pass. There will be a change of regime. As we liked to say this winter, change of regime has been a very big line used by other people around the world, so maybe we should use it here. We're going to have a regime change in Ontario in the next election and in all likelihood this government, or should I say this regime, is not going to have an opportunity to deal with this particular bill.

Or maybe—maybe—the government ain't going to call an election. Now that brings me to the second part of my debate. What happens if they don't call an election this spring and decide to go till this fall or next spring? What gives me the confidence—and I ask Mr O'Toole this question directly—to believe that the government is going to deal with this bill any more seriously than it dealt with it last fall?

I need to have an answer to that question. It's not a vote-getter for me, Mr O'Toole. I'm going to support it no matter what you say because I think it's a step in the right direction. But I want you to answer that question. I think we in the Legislature and, more importantly, the public of Ontario, have to have an answer to that question. If you got this passed last spring, and the government chose not to make it law, what makes you think you have any confidence that your government will do so, should they not call an election within the next two weeks?

Now, on to the bill—

Mr Guzzo: Didn't you hear the throne speech?

Mr Bisson: What throne speech? I sat here for 45 minutes yesterday. I read the lines as the Lieutenant Governor was reading them. I was looking for new initiatives. Ernie Eves said, "I need a big long break because we have to go back and regroup. We're going to come back with this big agenda, and we're going to have all these new ideas for the people of Ontario."

I thought I'd fallen and gone to sleep a year ago and listened to the budget statement of last year, because most of what was in that throne speech was stuff that was talked about last year. Seventy percent of it was old stuff, so there wasn't a throne speech in the way that I understand them in this place. This was a pre-election document; that's the way I saw it.

Anyway, to the cellphone issue. I have to agree with the member: this is an issue. It really is. We're all guilty, I think, in this Legislature. At least I'll speak for myself; I won't say to other members that they've done it. But I've done it. I've got my cellphone. It's turned off. It's a PalmPilot, Wayne. But I've brought this in just to show it. It's turned off. I promise it's not going to ring.

Mr James J. Bradley (St Catharines): Is that legal in here?

Mr Bisson: It's only a prop. Can I have unanimous consent just to use this as a prop?

The Acting Speaker: Mr Bisson has asked for unanimous consent to use the PalmPilot as a prop. Agreed? Agreed.

Mr Bisson: How often have we done this? We don't need to talk on our cellphones as we're driving down the road. We've got it sitting in our car or inside our pocket, and all of a sudden you're turning a corner and the thing goes, "Ring," and it's just like a reflex. It's like Pavlov's dog. The phone rings, you grab it and you go, "Hello?" and before you know it, you're driving off the road or trying to run somebody off the sidewalk because you're not where you should be with your car because you're not paying attention. I think there should be a deterrent for people like me and others not to use these cellphones, quite frankly, when we're driving.

I have really done an extraordinary job of not using it, because I used to be the worst offender. I've got to admit, I say it in this Legislature, I was one of the worst offenders of using cellphones while driving. I've had a couple of incidents that have shown me that, man, am I ever lucky I didn't run somebody over. There was one incident where I almost ran into somebody because my cellphone rang as I was at a stop sign at the corner of Commercial and Cameron, out by my place. I stepped on the gas in the time that the phone was ringing, I picked it up, and somebody came running out in front of my car. I just happened to catch him out of the corner of my eye. It was a truck, actually, a 1995 green Ford truck. I can't afford a big car on my wages, lowly little MPP that I am. So basically, I was very, very lucky.

Interjections.

Mr Bisson: Never mind the airplane, the boat, the motorcycle, the trips around the world; I can't afford the truck. Now you know why.

But I have to say, I almost ran this person over, and that taught me a very valuable lesson: that these things should not be allowed in vehicles, and I have sworn off these things. Turn them off. Don't use them while you're in the car. They're very dangerous things. I support your initiative.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I am very pleased to join in the debate on a very serious issue that is brought forth by the member for Durham. I would say that the member for Durham has been working on this issue very hard and he's had tremendous stakeholder input with respect to this particular piece of legislation.

I think what is fundamentally important here and where the members opposite have missed the point, which is not surprising, is that the purpose of the bill is "to help reduce the number of accidents on Ontario roads by banning the use of hand-held cellphones and other devices while driving."

Interjections.

The Acting Speaker: Order.

Mr Tascona: I woke them up, so I'm going to repeat where I was. The purpose of the bill, if you want to read it, is "to help reduce the number of accidents on Ontario roads by banning the use of hand-held cellphones and other devices while driving." The purpose of the bill in terms of driver safety and also in terms of dealing with driver education is obviously intended to deal with making the roads safer.

Everybody knows that cars can kill people and that cars are operated by people. The number of people who are killed on our roads is significant enough; we don't need any more distractions in terms of the type of devices that Mr O'Toole is trying to deal with.

The bill will also collect accident data when investigation cites the use of technology as the cause of the accident. This is similar to the current practice when alcohol or the failure to use seat belts are a factor in an accident. This is very important information that is going to be collected.

This bill is a different version from the previous bill. There have been some changes that have been made when it was passed for second reading in the last session, and they include the following: banning all novice drivers from using cellphones, whether they use a hands-free device or not; allowing the Minister of Transportation to add additional devices to the banned list through regulation—this will help the legislation keep pace with changing technologies, and we've seen a number of the members today show to the public devices that are being used: PalmPilots, BlackBerries, cellphones, to name a few; and also mandating that the Ontario driver licence tests include portions on driver distractions. So there are some very fundamental objectives here with respect to making sure that we make the roads safer. That's what it's all about.

There are some quotes I'd like to refer to from an editorial in the Canadian Medical Association Journal, May 29, 2001: "We need to regulate the use of cell phones and other driver-distracting devices. This is a no-brainer." You can tell that to the member from St Paul, based on his comments.

Lyne Fortin, Canadian Automobile Association, on CBC.ca, February 24, 2002: "It's as simple as that: don't talk and drive."

Also, the Honourable Heather Forsyth, Solicitor General from Alberta: "It's ridiculous for anyone in this House to believe they are in complete control of their vehicle while talking on a hand-held cell phone ... Simply talking on a hand-held cell phone has become a dangerous distraction." That's from the province of Alberta.

I just want to say that this is a serious issue. The member has done extensive consultations. I think he's done a very thorough job with respect to working with the Ministry of Transportation and dealing with the issue.

This is an issue that is very serious because of the volume we have on our roads. There is no room for error with respect to distractions, whether it's the radio or whether it's a cellphone. How can you drive the vehicle when you've got one hand on a cellphone and the other hand on the steering wheel when you're dealing with a tremendous amount of traffic volume?

1130

The member from St Paul's missed the purpose of the bill. He also says, "Don't penalize safe cellphone users." Where have we heard that argument? He cites the gun registry. The arguments on the gun registry were, "Don't penalize people who are responsible gun owners." But he twists it around to his own context with respect to cellphone use because he is obviously in favour of having cellphone use out there at any time.

There's no doubt that cellphones are used as a safety device in terms of notifying the public and the police with respect to accidents out there, obviously to tell people or your loved ones where you are if you get into car problems. But the bottom line is, cars kill and guns kill.

What we're dealing with here is a purposeful piece of legislation with respect to safety in dealing with distractions. We're not trying to penalize safe cellphone use. What we're trying to do is make sure that our roads are safer, making sure that drivers are educated, making sure that drivers know what the rules are and deal with the technology.

Mr Bradley: My first question to my friend Mr O'Toole is, what on earth happened to the bill? I thought his bill had passed the House originally. I see in the throne speech it says that all votes are now going to be free in private members' hour. Here, all these years, I was under the impression, listening to government members speak, that they were all free votes. Now I find out that the government whip was controlling these votes. The fact that they would deep-six his bill is of great concern to me.

I can see why he wants to be persistent about it. I wish him better luck now than before. He knows you have to

get it past the whiz kids, the people who told the caucus 15 minutes before it happened that you were going to have a budget at the Magna Corp. I call it the "Magna Carta." Those people are probably the ones who killed this bill before. I'm glad to see that the member's persistent enough to sharpen his elbows for that crowd in the Premier's office, who are unelected, highly paid and have much more power than people such as Mr O'Toole.

I thought he might mention in his bill the fact that there's a need for road improvements through St Catharines on the QEW. We're having some at the Henley Bridge now, but the access and egress portions of the road are very unsafe. There is a need for those improvements. Now that the federal government is there pulling the province along, I suspect we might have an announcement from the provincial government because, just as with GO Transit, the federal government said, "Look, we're prepared to have public transit move out into these other communities." That puts the pressure on the provincial government. Now there will be pressure to improve the road through St Catharines. I know the member would be very supportive of that. He's the kind of member who would be.

I'm wondering as well if he has checked this with my good friend Frank Sheehan, the head of the Red Tape Commission. I heard your government said that virtually all regulations are terrible things to have out there, that the opposition parties are too regulatory. I see today now that two bills have come in that call for regulations. I support both of them, but I wonder where the ideologues in the government are going to stand on this, the people who have the real control and how you're going to go to the folks who send so much money to you and come to those big fundraisers. What is it going to cost to golf at Kettle Creek?

Mr Gerard Kennedy (Parkdale-High Park): Ten thousand.

Mr Bradley: Ten thousand, \$12,000, something like that at Kettle Creek. I worry about that.

Look, there are distractions for drivers. Those distractions should be removed.

The member has not imposed a total ban. He says that the headsets are available. You can't have both ears covered, you're not dialling and so on. His bill is a compromise. Even those who are concerned should have those concerns at least met by the provisions of this bill.

It's like seat belts. A lot people to this day would not wear seat belts if it was not the law of the province. It is the law of the province, so people wear them. I know they'll say it's difficult. A lot of people use cellphones today. Probably all of us in the House have used a cellphone while driving some time or other. If it's the law that you can't, people won't do it.

So I intend to vote in favour of the legislation that's being proposed. I simply worry that the Red Tape Commission will get hold of this and put another block on it, as it did last time. But maybe with the so-called free votes we're going to have, things will change.

Mr David Christopherson (Hamilton West): Like my friend from St Catharines, I also will be supporting the bill standing in the name of Mr O'Toole, Bill 3.

I would also echo the comments that it is curious that for a government that says public safety is job one, the number one top priority is safety—I don't think there are many who would argue the point—that on an issue from their own backbencher that has been through the process here, been to committee, it's still not the law. So what gives?

I suspect it is exactly what the member for St Catharines has talked about in his final moments and that was the fact that you're worried about the potential conflict or the inconsistency of saying, "Regulation bad; Mr O'Toole's bill good." But that's the essence of governing and hopefully getting beyond blind ideology. That has been your argument. You have said all along that any kind of regulation is red tape and red tape is to be cut and therefore any regulation that disappears is a good thing.

We've sat on this side of the House for eight years now—

Mr O'Toole: And you'll sit there for another eight.

Mr Christopherson: I won't be sitting here for another eight. That's a given. That's an absolute. How much longer I sit here, in fact, is more in your hands than mine at this point, so I don't have a particular political axe to grind here. I just point out the fact that it seems to me, John, that your biggest problem is your own colleagues. You've got us on side, you've got the process on side, I suspect you've got the public on side. You've got all the people who care about highway safety on side. Everybody is on side except your cabinet, the de facto government of Ontario. So it does give one pause to wonder how much real commitment there is.

John, they could make you a hero in one fell swoop. You've got to be just drooling at the prospect of being so close to getting this bill passed, where you're out there saving lives. Innocent people will live a long healthy life because of you and your bill and your initiative. It would be a good thing too. I'm not mocking you; it would be a good thing.

But what I can't understand is, when you line all those things up behind—most of us would give our political right arm to have that much political horsepower behind any bill or initiative we brought before this House. So you've got all that going for you and here we are, private members struggling again to help John let his bill see the light of day. And we're going to do that for you, John. We're going to do that for you for one important reason: you've got a good bill in front of the House.

I don't think there's one of us who hasn't already shared or could share stories about why this makes a lot of sense. The only reason one wouldn't do it is if you take libertarianism to its extreme, where you just don't believe in any kind of government regulation or any kind of government control. If that's where you're at, then you're probably an individual who hates with a great deal of passion virtually all the laws that are on the books, save and except maybe a few fundamental ones. Other

than that, you've got everybody on side, and you should. I can only hope that we give enough support in this House that we can help you embarrass the government to get past the fact that they don't want to be seen to be regulating.

But there's a bigger issue here and in the last minute that I have I want to be very serious and say I was not kidding when I talked about saving lives. This will. If there are people who feel that their rights are being violated, I think we need to take that very seriously. Government needs to start from the premise that rights that individuals have are theirs under the Constitution, and that government only steps in and starts to curtail those rights when they have a justifiable reason within a democratic society. The best examples, of course, and the most recent, are seat belts, motorcycle helmets and, not that long ago, helmets for kids riding bikes. These are cases where we've said, "No. We, as a society, are going to remove your individual right to choose." That's a big thing. We ought only to do that when we think the severity of the issue warrants it. This does. Innocent people die and get hurt every day because the use of cellphones is distracting and it's causing drivers to create accidents.

So I say to my honourable friend that you have a good bill, you have a good issue, you've got all the political horsepower you could hope for, and all we need now is—once again, the opposition finds itself trying to shake the cabinet to open its eyes and see the reality of what needs to be done.

1140

Mr Toby Barrett (Haldimand-Norfolk-Brant): As we've heard today and in previous cellphone debates, the purpose of this legislation is to help reduce accidents; to do that by banning the use of handheld cellphones while driving. I also wish to speak in favour of this legislation introduced by John O'Toole, our member for Durham. I commend the member for Durham for his perseverance, and I wish to commend him for his tenacity and his dedication to this issue. He has done the work. He may well be too modest to acknowledge that, but he has done the work. He has the knowledge and the experience from his work on this, the kind of experience that will serve this cause well on the road ahead.

Cellphones are very important for someone like myself, a rural MPP. But I have also seen the evidence of distraction and have noticed fellow motorists who have lost sight of the goal when they're moving from one destination to another in their mobile office.

During the initial debate on this bill, I related to the Legislature some of the tribulations of shuttling between several offices and operating out of several vehicles. Very clearly, hand-held cellphones and driving don't mix. It's a bad mix when you throw in other things such as changing channels on the radio, people who have tape decks or CD players, CB radios; oftentimes you'll see a pen and a notepad on the front seat.

Mr Christopherson: Cigarettes.

Mr Barrett: Cigarettes and cigars. Some people, perhaps, read novels or newspapers when they drive. Again,

the cumulative effect really gives new meaning to that old expression "driven to distraction." It was the difficulty in this kind of distraction that drove me to incorporate a hands-free system in my vehicle. I merely screwed a cradle into the floor of my vehicle, and immediately noticed the improvement: the fact that I could talk on the phone and have both hands on the wheel.

We do recognize that cellphones are key to doing business in Ontario; they're key to doing business on farms and in small towns in my riding. This legislation cannot be considered a barrier to doing business. It does not ban cellphones. It bans the hand-held cellphones when driving and favours the hands-free system that I have adopted.

Business and a strong economy underpin the success of Ontario over the past seven years, and this bill is business friendly. This legislation will contribute, in part, to the continued growth of our strong economy, just as tax cuts and the attendant job creation have contributed to our strong economy. Only a strong economy, unfettered by any modicum of red tape, permits investment in health, education, environmental initiatives and safe communities—all the good things we value in the province of Ontario. Only a strong economy bankrolls the services that we need for a better quality of life. Only a strong economy has created well over one million jobs in this province. Only a strong economy has enabled us to assist well over 600,000 people get off welfare.

This cellphone legislation is a compromise. It does create a balance. It is cognizant of the demands of business and our ever-growing economy and balances that with road safety.

There have been a number of studies conducted to demonstrate the dangers of using hand-held cellphones: in 1997, the University of Toronto indicated that a person using a cellphone is four times more likely to be in a collision than a non-user; and the New England Journal of Medicine in 1997 stated that cellphone users are four times more likely to be in a collision than non-users. This is roughly the same accident rate as drivers who are legally impaired. There is a plethora of other resource papers but time does not permit to go through them.

I feel that this legislation is based on research evidence and will go a long way to better enable drivers to understand the dangers of using this equipment. I encourage all members to support this important piece of legislation.

Mr George Smitherman (Toronto Centre-Rosedale): I am pleased to stand and have an opportunity to participate in the debate. I say off the top, as I did when this bill was before the House some time ago, that I will be voting against it. I will be voting against it not because I disagree with the argument that there are distractions for people operating motor vehicles in our province. In fact, the distraction piece I think is the fundamental issue at stake here, but the bill that is proposed deals with something like issue number six, the scientific distraction list. This is that cellular phone use is the sixth most-noted distraction in the causes of motor vehicle accidents. The

last time there were derisive comments because I dared to suggest in the debate that I would move the veal parmigiano sandwich amendment.

Interjection.

Mr Smitherman: There he goes again. Mr O'Toole has been rattled by the suggestion in this debate that maybe there is something to be considered here about other distractions that cause accidents when people are operating motor vehicles in our province: dealing with things like the radio, kids in the back seat, food, the application of makeup. There are other concerns. What do we have to do to deal with those things?

Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): Where do you put your makeup on?

Mr Smitherman: He just puts a bag over his head.

If we look at the issues, perhaps the way to deal with this is the way the law does now, which is to give our police officers the opportunity to issue other Highway Traffic Act summonses for dangerous or careless driving. If there is evidence that a distraction that is occurring behind the wheel is contributing to an unsafe driving situation, our police officers already have an array of tools at their disposal.

This member comes from a GTA riding and he will know that the issue of gridlock in the greater Toronto area, which has been made much worse under the hands of this so-called government, means that countless thousands and thousands of people spend hours and hours a day behind the wheel—otherwise less productive time—often hardly moving at all. I think that this bill seeks to limit their capacity to be efficient, to stay in touch with their family, to let them know that they are coming home late again.

One of the other members raised the issue of CB radios. It is interesting to me—my father was a trucker—that CB radios weren't outlawed, that there wasn't a prohibition on the use of CB radios over time, because the evidence was so clear that the distraction was causing motor vehicle accidents. We didn't see that because we weren't at that time having an Ontario Legislature, I guess, that sought to find little populist wedge issues. But I think at the end of the day there is a fundamental hypocrisy: that the government on the one hand that likes to say that all red tape is bad, seeks to pile it on, when already in legislation and available to police officers are serious tools to deal with the distractions that may occur behind the wheel.

1150

Mr Norm Miller (Parry Sound-Muskoka): It's my pleasure to join in this debate today and support the member from Durham. John O'Toole has been working so hard on this private member's bill. So I'd like to support Bill 3, An Act to amend the Highway Traffic Act to prohibit the use of phones and other equipment while a person is driving on a highway.

It's certainly worth noting what the purpose of this bill is, and the purpose "is to help reduce the number of accidents on Ontario roads by banning the use of hand-held cellphones while driving." I think that's a very

worthy purpose, and it's certainly backed up by recent studies, as is the case with the recent study done by the Harvard Center for Risk Analysis, which suggests that cellphone use contributes to 2,600 deaths and 330,000 injuries a year on US roads. If we can do anything to reduce needless injuries and deaths on the roads of Ontario, I think we should be doing that.

It is also worth noting, of course, that Ontario has made great success in reducing injuries on the highways. In fact, we have the safest highways in North America. I certainly do a lot of driving as an MPP and involved with Northern Development and Mines, and in fact, 50,000 kilometres a year, getting around the beautiful riding of Parry Sound-Muskoka. This week, I was up to Pointe au Baril, to Restoule, and also in parts of northern Ontario, up to Elk Lake, to Elliot Lake, to Thessalon, Sault Ste Marie, Garden River First Nation.

Mr O'Toole: Do cellphones work up there?

Mr Miller: Actually, yes, we're getting more and more coverage across the province. Pretty much that whole route, with the exception of Restoule, had cellphone coverage.

The fact is that a lot of people use cellphones and there's a lot of good that comes from cellphones, particularly in remote areas where you can get help when your car breaks down, when you have an accident. There certainly are a lot of positives.

I think the key part of this bill is that it's not banning cellphone use completely. There are exemptions, and one of the exemptions is that you'll be able to use a hands-free-type technology to be able to use a cellphone. Certainly my experience with using hands-free technology is that you are much less distracted, you're able to keep two hands on the wheel and still make use of a cellphone. It's much less distracting than using a cellphone in the normal way. As well, as technology improves, I'm sure there are going to be systems built right into automobiles so that they'll be voice-activated and you won't have to dial numbers.

Certainly my own personal experience of using a cellphone prior to using hands-free is that you are distracted and you find—I know my own experience is I tried to dial a number and ended up in the next lane while on the highway, which is not what you should be doing.

Recently we see cellphone service expanding all across the province. Recently in North Bay, there was the NOHFC, the Ontario government announced funding to assist getting cellphone coverage across Algonquin Park so there now will be cellphone use available in Algonquin Park.

I think this is a very worthwhile bill. If it saves one life, that will be worth it, without question. I know that Mr O'Toole has worked very hard on bringing this bill forward. He made improvements to it when it went to committee last year, and I look forward to fully supporting this bill. I'm sure it's going to be a benefit to all the people of the province of Ontario.

Mr Dominic Agostino (Hamilton East): I rise for a few minutes to speak to this bill. I opposed this bill last

time, and certainly have heard absolutely nothing today that would change my view on this.

I guess this is the third time this member has brought this bill forward. I do commend his commitment to the cause, but I guess I question his caucus's commitment and his cabinet's commitment to this, how they keep hanging it out to dry. They allow the member to bring this bill forward, they string him along and then they cut it off. Every opportunity that this government across the floor has had to bring this forward, unfortunately, they've shafted their own member.

I don't understand why the member's colleagues don't like this idea. It certainly seems to have a lot of support when we're here in private members' hour, but then he can't get it through the cabinet. So I certainly think if you're serious about this bill, you're probably going to have to spend a lot more time convincing your caucus, your Minister of Transportation and your cabinet rather than convincing the opposition. Certainly the lack of support you're receiving in your caucus is embarrassing and probably insulting to the cause you're trying to fight and bring forward.

This is, to me, a simplistic solution to a complicated problem.

You talk about distractions. Well, there are hundreds and hundreds of drive-through Tim Hortons doughnuts, a great Hamilton company, in this province. How many of us stop, go through a drive-through, pick up the coffee, put it in the car and off we go? I would argue with you that the distraction of having a hot coffee in your hand is probably as much as having a cellphone when you're driving.

When you drive through a McDonalds or Wendy's—now, I don't do that, because I don't eat that kind of food—but if you do and you've got a hamburger and sauce dripping all over the place and you're trying to eat as you're driving, let me suggest to you that that distraction is probably greater than it would be with a cellphone. Are you now going to ban drive-throughs? Are we now going to say drive-throughs are not allowed because if the driver, whether it's a coffee or a hamburger or fries, is going to be distracted and possibly it's going to be illegal here in Ontario?

You've got billboards across the province, down the highway, and you've got these flashing billboards, these television screens that now act as billboards. Is that a distraction? I would argue it is. Are we going to take that step now and ban that?

There's very little evidence to suggest that an increase in cellphones in this province has led to an increase in accidents. In the last 10 years across Canada, cellphone use has gone from about a million cellphones to approximately 10 million. Accidents have dropped by 10% across this country. So there's very little evidence that suggests a correlation here.

What we need to do is ensure that the police officers have the tools to enforce the current laws that are in place when it comes to careless driving, because the argument is that the distraction is not speaking or concentrating on

what you're saying, but holding the phone. So the argument my colleagues would like to put forward is that if you have the hands-free device, you're not distracted. I don't think that the distraction is having the phone in your hand. I think if you follow your argument, the distraction is concentrating on the conversation you're having, rather than this phone in your hand. So if your argument was that generally talking on the phone is a distraction, you'd ban it outright, not simply a hand-held compared to a hands-free cellphone.

I think there needs to be better driver education here and better enforcement of current laws. There has to be a commitment across this province that we're going to give police officers the resources and the tools, and ensure we have enough police officers on the roads, which this government has cut, to enforce the laws that are there. The laws are in place to enforce careless driving distractions that now occur, but I would say that this is a very simplistic, hot-button, topic-of-the-day approach.

Again, I say to my colleague across the floor, you don't have to convince us. You've got a job to do to convince your colleagues. They're the ones that keep shooting you down every time you bring this forward.

The Acting Speaker: This completes the time allocated for debate. The response? The member for Durham.

Mr O'Toole: I am very pleased to be sitting beside the Honourable Brad Clark, who was the Minister of Transportation, who's been listening to this debate this morning, as well as, in front of me, Mr Turnbull, a former Minister of Transportation, and Mr Klees.

This is an important issue. In fact, all members come to this House to make a difference and to make a contribution. If you by coincidence save a life, then we've made a contribution.

I also want to take a moment to thank Mr Murdoch, the member from Bruce-Grey-Owen Sound, for allowing me this opportunity by trading his time with me.

But I have to respond. I was happy there were four members from the Liberal Party who spoke. It appears that this time they're evenly split, which is usual. But I commend Mr Bradley's insight for asking the right questions. He did put to us a very important question: why did not the caucus or the government move forward? Clearly, we prorogued the House and that's the reason it didn't go forward in the general government committee.

Many members have had the opportunity to speak on this issue, but the member from Hamilton West, Mr Christopherson, I think put it best. Out of respect, he said that this is a good bill that's before the House. This will save lives. That's what this is about. When you come to vote, think about the fact that you have an opportunity to save lives.

1200

Of course, the members from Barrie-Simcoe-Bradford, Haldimand-Norfolk-Brant and Parry Sound-Muskoka all made very worthy contributions.

I put to you this question today to have an opportunity to vote to do the right thing: to put road safety first. My

commitment to you is to continue to work with the Honourable Frank Klees to do this bill, to get it right, to continue the consultations. It's my intention to send it to the general government committee. I'm confident that our Premier will allow this to go as a free vote. I'm confident that the members from Hamilton East and St Paul's and George Smitherman will come to their senses and do the right thing.

With that, thank you for the time.

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

HIGHWAY TRAFFIC AMENDMENT ACT
(NO CONVEYING OF PASSENGERS
FOR COMPENSATION), 2003

LOI DE 2003 MODIFIANT
LE CODE DE LA ROUTE
(AUCUN TRANSPORT DE PASSAGERS
MOYENNANT RÉMUNÉRATION)

The Acting Speaker (Mr Michael A. Brown): We'll now deal with ballot item number 1.

Mr Gill has moved second reading of Bill 2, An Act to amend the Highway Traffic Act to restrict the conveyance of passengers for compensation.

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

Pursuant to standing order 96, this bill will be referred to the committee of the whole House.

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): I request unanimous consent to move this bill to the committee on finance, please, if I may.

The Acting Speaker: Mr Gill has asked that the bill be referred to the standing committee on finance. Agreed? No.

All those in favour of referral to the standing committee on finance will please stand and be counted.

All those opposed will please stand.

A majority being in favour, this bill is referred to the standing committee on finance.

HIGHWAY TRAFFIC AMENDMENT ACT
(CELLULAR PHONES), 2003

LOI DE 2003 MODIFIANT
LE CODE DE LA ROUTE
(TÉLÉPHONES CELLULAIRES)

The Acting Speaker (Mr Michael A. Brown): We'll now deal with ballot item number 2.

Mr O'Toole has moved second reading of Bill 3, An Act to amend the Highway Traffic Act to prohibit the use of phones and other equipment while a person is driving on a highway.

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

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it. Carried.

Pursuant to standing order 96, this bill will be referred to the committee of the whole House.

All business relating to private members' public business now—

Mr John O'Toole (Durham): I would move that this be referred to the general government committee.

The Acting Speaker: You're just in time.

Mr O'Toole has asked that this bill be referred to the standing committee on general government. Agreed? Agreed. This bill will be referred to the standing committee on general government.

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 1204 to 1330.

CONTEMPT OF PARLIAMENT

The Speaker (Hon Gary Carr): The member for Renfrew on a point of privilege.

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): On a point of privilege, Mr Speaker: I'm rising this afternoon pursuant to standing order 21 on a point of privilege regarding what I believe to have been, and to be, a serious contempt of this Legislative Assembly. I beg your indulgence to take a few moments this afternoon to make my submission to you. In saying that, I want to say to you, Speaker, and to my colleagues that I am very mindful that this is the first day back and important public business awaits us all this afternoon in question period and beyond. I speak this afternoon as a member of the Legislature to other members of the Legislature about what I really do believe to be a matter of very serious importance to each and every one of us as members of the Legislature.

Let me begin by arguing that the so-called budgetary process that was engaged in by the Eves government in the month of March 2003 is, in my view, at its core the contempt about which I will now complain.

Let me begin my submission this afternoon by referring to the second edition of Joseph Maingot's Parliamentary Privilege in Canada very quickly to establish what we understand or at least what the authorities have told us represents contempt in the Canadian parliamentary tradition. Quoting from page 225 of the second edition of Maingot's Parliamentary Privilege in Canada, I read, "Contempt is more aptly described as an offence against the authority and the dignity of the House."

He goes on to observe something that was highlighted in a ruling by Madam Speaker Sauvé in the Canadian Parliament in 1980, the following: "While"—he, Maingot, says—"privilege may be codified, contempt may not, because new forms of obstruction are constantly being devised and Parliament must be able to invoke its penal jurisdiction to protect itself against these new forms; there is no closed list of classes of offences punishable as contempts of Parliament."

I just simply want to make the point again. At its core, contempt, we are told—I think rightly so—is, I repeat, an

offence against the authority and the dignity of Parliament.

In making that observation, I'm also mindful and would like to quickly reference a judgment made in this House in 1997 by Speaker Stockwell. In the judgment of January 22, 1997, where Speaker Stockwell found a prima facie contempt at the time against the government, he said—and time does really not permit this afternoon for me to go through chapter and verse of quite an interesting judgment four, five, six years ago by Speaker Stockwell, but he basically said the government of the day, I think particularly the Minister of Municipal Affairs and Housing, was in contempt, at least to a prima facie degree, by virtue of an action they had undertaken by issuing advertising around a matter of legislative activity that was still before the House.

As important as Speaker Stockwell's decision of that day, where he found a prima facie case of contempt on the basis of government advertising around a matter then before the Legislature, he, I think, wisely observed in that judgement that he, in 1997, was able to make that finding of contempt on a prima facie basis mindful of what Speaker Warner had said here in 1994 and what Speaker Fraser had said in Ottawa in 1989 in judging similar issues.

I think the point of Mr Speaker Stockwell's opinion that day that I want to highlight, not to diminish his finding of a prima facie case of contempt, was his drawing our attention to what Mr Speaker Fraser said in Ottawa in 1989, when Mr Speaker Fraser made it very clear to the Parliament and the public service of Canada that in Canada we have a parliamentary democracy, not an executive democracy and not an administrative democracy.

I think it is a very important point. It was very clear in Mr Speaker Stockwell's judgment that he recognized the growing impatience of Speakers—the Warner case here in 1994, the Fraser case in Ottawa in 1989—that there was a clear pattern of encroachment upon the authority of Parliament. In most of those cases the question that was before the House—this Legislature or the federal Parliament—was government advertising around matters then before the Parliament of Canada or the Legislative Assembly of Ontario.

With that in mind, the question has to be asked: how is it that what Conway alleges about March 2003 represents a contempt? Let me very quickly deal with the events of March 12 through March 27, 2003.

On March 12, 2003, the operative assumption of all members of this assembly was clearly that the Legislature, according to the timetable, would reconvene and meet on March 17. On March 12, five days before the expected reconvening of the Legislature, the cabinet recommended to the Lieutenant Governor that the session be prorogued, which it was that day, March 12.

Almost at the same time, the Minister of Finance for Ontario, our colleague Ms Ecker, announced that there would be a presentation of the Ontario provincial budget, 2003, outside the Legislature. Let me read very briefly

from her remarks—these remarks were made, as far I can tell, just moments after the Premier recommended to the Lieutenant Governor the prorogation of the legislative session. The Minister of Finance said moments later, “We have completed our pre-budget consultations, we have listened to the people and we intend to deliver our budget at a yet-to-be-disclosed location outside the Legislature and while the Legislature is not in session.” We found out a few days later that in fact the budget, so-called, would be presented at Brampton at the Magna training centre on the afternoon of Thursday, March 27.

I want to say to all honourable members on both sides of the aisle that this was a clear, deliberative choice made by the leader of the government and his colleagues in cabinet. It is not as though there was a very significant happening—an act of God, a flood, a fire or something unexpected—that intervened; not at all. This was a clear, conscious choice to recommend to His Honour the prorogation of the session on March 12, five days before it was to reconvene, and moments after that recommendation from cabinet to His Honour for prorogation, the announcement by the Minister of Finance that there would be a provincial budget, so-called, presented outside the Legislature, outside the legislative session, at a place to be decided sometime in the future, which as I indicated we found out not long afterwards would be the Brampton training centre of Magna International.

My invitation, like I expect all of your invitations, came by fax from the Minister of Finance to my Queen's Park office on the afternoon of March 24. I was invited—I was invited—as the duly elected member of the Legislature for Renfrew-Nipissing-Pembroke to join others from the assembly and outside to be part of this novel presentation of the provincial budget for 2003.

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I want to say to you that there was no question about what the government planned to do. All the language in the literature and the statements of the Minister of Finance, and later the Premier and other members of the cabinet, made plain that this would be the provincial budget, complete with a lock-up and budgetary papers. That is what happened between March 12 and March 27, 2003. I repeat, it was not accidental. It was not driven by circumstances that were well beyond the control of mere mortals, including the First Minister and the Minister of Finance; it was a clear, deliberate, conscious choice to do this, for no good reason that I can see, other than advancing the partisan position of the current government. That is the chronology of March 12 to March 27, 2003, about which I want to complain most seriously.

I want to say this—dare I say it as a senior member of the Legislature?—to all of my colleagues, and I'm going to proceed now as quickly as I can in a serious and fair-minded way, which has not always been the way I have behaved in this place. I want to say as well that while I've spent a long time here in opposition, I spent some memorable time as a busy senior minister of the provincial government. I understand the pressures that my friends on the government bench, particularly the cabinet,

face on a daily basis. But what happened in March, in my view, is a very serious matter and it is in my view a very serious contempt. Why? Because it goes to the core of who we are as members of Parliament and what it is we do in Parliament.

What do I mean by that? Speaker Fraser rightly observed in a very almost angry way 15 years ago, "We are not an executive democracy. We are not an administrative democracy. We are a parliamentary democracy that pivots on the doctrine of responsible government."

I'm not going to bore you with all of the authorities but I'm going to cite a couple. I can't think of one more relevant and more eminent than the late, great Eugene A. Forsey. He has written much on our system of parliamentary government, some of it from a highly traditional and classical point of view, I will admit. Let me just cite a couple of references from Dr Forsey's submission to the federal parliamentary committee reviewing these matters in Ottawa in the fall of 1985. What does Dr Forsey tell us, as practitioners in this ancient and important business, that is at the core of our business, our responsible parliamentary government? Let me just quote briefly from a couple of his references.

On page 9 of his document: "Responsible government is but an application of the English system of parliamentary control over the crown's finances and of the principle of redress of grievance before supply....

"In a sense"—he goes on to say—"the English crown from medieval times onwards was always forced to carry on government in such a way as to enjoy the confidence of the Commons." That's us. "Without the confidence or support of the Commons, taxes and aids could not be raised to supplement the prerogative and casual revenues of the crown, revenues which were wholly inadequate in themselves to sustain government. The continuing poverty of our kings ensured the growth of the popular element of our Constitution."

Later on: "'Responsible government' is the term we use to describe the harmony between the executive and the Legislature that we have already achieved. It is the essential and the distinctive feature of the British parliamentary system. In essence, it is simple. The executive is accountable to and owes its continuing existence to Parliament. The executive is accountable and answerable not only for its budget, its money measures and its legislative proposals but also for the whole of its range of activities. The servants of the sovereign can continue in office only so long as they retain the confidence of the Legislature, which means only so long as they can secure the grant of supply, the making of appropriations from the consolidated revenue fund necessary to carry on the important business of government."

Finally, I think perhaps most tellingly, he says the following: "The House of Commons"—that's us—"owes its origins, its growth in power, its pre-eminence and its ultimate authority over government to money."

He goes on finally to observe, "The parliamentary guardianship of taxation and expenditure is the pivot of our Constitution and the keystone of the arch of our personal liberty."

That is coming from one of the great authorities of our system. I don't want to sound too professorial or pedantic, but it is important, I say to my friend Jim Flaherty, that we understand today, perhaps more importantly than on other days, the essence of our system.

What did we see yesterday? We saw the pomp and the circumstance, the mystery and the magic of our system—our system, not the American system. Was there anyone, is there anyone in this place that would have suggested to His Honour, on recommendation from the First Minister, that the Queen's speech that we heard yesterday be read in a bowling alley in Orangeville? I think not.

Interjection.

Mr Conway: Well, maybe. But I tell you, it certainly wouldn't be my view. I simply want to point out to my friends, particularly on the treasury bench, yesterday we were all happy not only to embrace but to stand in the reflective glow and glory of that part of our system that reminds us of who we are and where we came from, and who we are not.

Our system, as Dr Forsey has observed, is the British system of responsible parliamentary government. It is not what many of us in government over the decades—and here I want to be ecumenical and fair-minded, because there's not one of us, myself included, in government who didn't want as much of the presidential power of that American congressional system as we could get. Today I want to say to my colleagues on both sides of the aisle, there is a creeping congressionalization that is becoming not just creeping, and to some degree, I say to my colleagues on both sides of the aisle, it is something for which we are responsible in varying degrees, and it is something about which each and every one of us as members of Parliament, this Parliament, must be and should be concerned.

The old doctrine of our system was and is "no grant of supply without a redress of grievance." I don't mean this to be as partisan and it's probably going to sound, but the idea that in our system of government the King's minister would take a budget someplace other than Parliament is unbelievable.

Norman Ward, in his classic account of a study in Canadian democracy, *The Public Purse*, published by the University of Toronto Press 40 years ago, makes the following observations.

Very briefly, underlying our system are the fundamental core values. "(1) The executive"—the cabinet—"shall have no income which is not granted to it or otherwise sanctioned by Parliament," and secondly, "the cabinet shall make no expenditure except those approved by Parliament in ways determined by Parliament."

The notion that you could take a budget, a real budget, away from the only place where it becomes legitimate is simply unacceptable and it is contemptible. Only this place can grant this government the aids and supplies that make it work.

1350

Ned Franks, the distinguished professor down at Queen's University, likes to tell his students, "Parliament

has four functions: (1) to make a government.” We were reminded of that, weren’t we, in 1985? Second, he says, “Parliament makes the government work. It gives it supply. It gives it the air to breathe, and only Parliament can do that. Parliament makes the government behave”; and finally and hopefully, “Parliament produces an alternate government.”

But at the core of our system of responsible parliamentary government is the notion that only Parliament can grant supply, can vote money, and for only those purposes that Parliament decides, in its wisdom or lack thereof, should attract that money.

Look, my friends, at our standing orders. Look at standing orders 56 through 58. What do they tell us? I’m not going to bore you with a reading. It’s not just the language; it’s the constitutional principle that undergirds that. What does it say? It says a budget motion—and by the way, a budget in our system is essentially that motion, the language of which has changed over the decades. But essentially, the only thing that legitimizes the budget is when the Minister of Finance stands in her place or his place here and says, “That this House approves in general the budgetary policy of the government.” With that motion begins the sacred process that defines us at our core, and the standing orders make that plain: “The budget motion, upon proper notice, shall be moved by the Minister of Finance,” and only after the throne debate is concluded, complete with any votes that arise from any motions. Why? For the very basic reason that Her Majesty needs to know there is a government here that can carry the House. So you don’t get, according to our standing orders, to put your budget motion until you’ve tested the confidence of the House. It’s very clearly set out in standing order 57.

After the throne speech is completed, the budget process begins in ways that are set out. It couldn’t be clearer, and it has to be that way for the reasons given. That is our system.

Some have said, “Where is it written down?” Well, a good point, and there was a flurry of legal opinions in the province through the second, third and fourth weeks of March last. I don’t want to spend too much time except to make this point: there are rules that are clearly set out in our standing orders, but there are usages, there are practices which of course guide the way we do business in our British system of parliamentary government.

It was the great Nova Scotian Tory Robert Borden who said one day in discussing matters like this, “Of course you can’t write all of this down. We Canadians, as practical people, must leave much of this to that commonplace quality known as common sense.”

What are the precedents that produced—

Interjections.

Mr Conway: I say to my friends opposite, and I’m not going to be much longer, this is a defining moment for us—more importantly, for you—in ways that I will talk about very shortly.

The question of convention arises, because it has been argued by some, “Show me where it is absolutely

required that you do this.” I’m one of those who happen to agree with Neil Finkelstein in his opinion to Mr Speaker Carr that there is a very clear convention at work here. Mr Finkelstein, in making the test for convention, takes us back to the patriation case of about 20 years ago when the Supreme Court of Canada said that in testing conventions there are really three tests: what are the precedents; did the actors in those precedents feel they were governed by a rule; and finally, is there a reason for the rule? I think Finkelstein, on this point, is compelling and conclusive.

I have a little test. I have made it my business and I am not here to embarrass people. In talking to Ministers of Finance for Canada and for Ontario, on both side of the political aisle, some of them said it publicly, and some of them, for obvious and understandable reasons, said it privately: “It’s unthinkable that I would have taken my budget someplace other than Parliament.”

I want to take a moment to congratulate the Kingston Whig-Standard and young Arthur Milnes. In an article that he wrote on March 19, 2003, he contacted Baroness Boothroyd of Sandwell, the very distinguished, long-time Speaker of the British House of Commons. He asked Madame Speaker Boothroyd what her thought and opinion was about this novel way of presenting a budget in the British system of responsible parliamentary government. What did she say? “That’s a very strange way of doing things. There would be an uproar in the British Parliament.” She added, “[The budget speech] could only be done through the House of Commons and there would be great demands of recall of Parliament [if it wasn’t].”

In the article, Boothroyd went on to say opposition members are key to the functioning of Parliamentary democracy, especially, she observed, in matters of oversight of government spending. Quoting her again: “It is the questioning of that [budget] statement that is so central to our democracy. The elected representatives [of the people] get the right to question. I’m very adamant about the way Parliament works.”

She’s not alone. I had another friend of mine and I said, “You know what you should do? Phone Darcy McKeough, one of the great Treasurers in my time here, and ask him two questions: ‘Darcy, did Bill Davis ever ask you to do this, and would you have ever done it?’” The answer was a belly laugh that I could hear 600 kilometres away. Of course Mr Davis wouldn’t have asked, and more importantly, Mr McKeough would not have offered it.

I want to say to my friend the current Treasurer, who I have known, worked with and liked for a long time, I am disappointed in a way about her involvement, and especially her leader, Mr Eves, because they’ve been in a place where most of us have not been. They have been at treasury. I know from my limited experience how those people at treasury view this. They must have been aghast, because they know what we should know: the presentation of a budget is fundamental to our system. It is about as important a part of the Parliamentary liturgy as I can imagine. The idea that you would take that

liturgy someplace other than to Parliament is unthinkable. But the conventions are clear.

I can't find a Minister of Finance who thinks this is a good idea. Some might say, "Conway, you will remember that day in 1988 when your good friend Mr Nixon did a variation on the theme." You're right, and I'll never forget it. I had a bruise for weeks because Nixon was just appalled that he could not get the attention and the agreement of the House that day to allow him to read the budget. At four o'clock he came in here—I can remember because I was sitting not far from him—and he was hell-bent for leather that that budget would be tabled in this place at four o'clock, first and foremost. And the reason it was being done that peculiar way, he would want me to say today, had nothing to do with his inability to understand or his willingness to accept a very important convention of the system.

1400

I think Finkelstein's argument around convention is absolutely conclusive. I want to conclude my remarks today with a couple of observations. It's not just Finkelstein. The distinguished, now retired, former Clerk of the Canadian Parliament, Robert Marleau, wrote all of us a letter in mid-March. I'm sure you've got it. Marleau is one of the authorities that I would stand up and quote at greater length today. I'm not going to do that. But he took the time to write us a letter, did this authority, and what did he say in his letter to members of the Ontario Legislature on or about March 15, 2003? He said that this decision to take the budget outside of Parliament, outside of the Legislature, if allowed to proceed unchallenged, is—quoting Mr Marleau now—"a gross affront to parliamentary democracy." Marleau, an authority, calls it "a gross affront to parliamentary democracy." He goes on to observe, "Budgets are about levying taxes and spending the proceeds. Over the centuries, we, the people, have acquired rights from the crown to scrutinize government policies, especially spending policies, through well-established and time-honoured parliamentary processes." That is Marleau.

Here is Ned Franks again, commenting on this particular business in the Kingston Whig-Standard on March 14, 2003: "Grievance before supply," says Franks. "The crown has to listen to the grievances of the people before Parliament does the crown's business. There isn't much left of parliamentary democracy if you get rid of that. Grievance before supply." He makes the point later on that this manoeuvre to take the budget outside of the Legislature, outside of Parliament, is an end run around one of the keystones of our parliamentary democracy. That's Ned Franks.

I'll be really careful, because I'm not here to give people indigestion. I don't know how many of you read the March 17 piece in the National Post by Michael Bliss. I'm going to be very judicious in how I quote Professor Bliss's observations. Let me just quote a couple. This manoeuvre, he said, quoting him now, "is a contempt for our political heritage and our elected institutions" and is a "nearly mindless disregard for the Legislature." He goes

on to comment, I think really interestingly, that it "is a contempt for the people of Ontario."

I want to now to move to a conclusion. I'm asking you, sir, to find on a prima facie basis, as you will or will not, that there is a contempt here. I hope I've established that there is. The question is: what's to be done? We will deal with that perhaps at another time.

I just want to say something to my friends on both sides of the aisle. I observed the other day that, I think at last report, 96 of you intend to seek renomination or re-election. That's a good thing. I won't be with you. So my concluding observations are to those of you who are going to work really hard to come back here. I know how hard you're going to work. It's one hell of a sacrifice. I've got to say, after nearly 30 years, it's a great job. I don't ever expect to have one this good again. But I think to the 96 of you, representing 95% of this Legislature, that's a remarkably high percentage of incumbents who want to come back. That's a good thing. Whether or not the general electorate or the local electorate obliges is yet to be seen, but good for you. I guess I just have a question, why? Why do you want to come back? Because what we debate today and what we will decide on this matter—and just so you know, if there is a finding, all I want this House to do is to affirm with me a motion that says, "This Legislative Assembly has the undisputed right, in Parliament assembled, to be the first recipient of the budget of Ontario." If we can't affirm that, then my question to myself as I leave is, what is it all about?

Every day for nearly 30 years I've walked through those doors. I don't know whether you've stopped to look at the portraits out there. The Queen and her consort flank the doors of the chamber. Beside Her Majesty and Prince Philip are the great portraits of Macdonald and Brown. But there are two other portraits you've probably not noticed. They are sentinels looking at us every day: Baldwin and LaFontaine. Who are they? What did they do? Theirs was the great fight of the 19th century. They were the champions and the ultimate victors around responsible government, a fight so fierce that 154 years ago this spring the Parliament Buildings in Montreal were burned to the ground by a raging mob so angry at what this doctrine was going to mean.

We are the trustees of that tradition. There's a lot in our job. Yes, we are grievance officers, we are—depending on where you are in the aisle—postmen and postwomen. My old friend Lorne Henderson: "Me and the Premier bring you this cheque." I say, quite ecumenically, regardless of who is in government, that temptation seems irresistible for Tory, Liberal or New Democrat. I can say that honestly after nearly 30 years of observation, and I've done my share of it as well.

But I hope at the end of the day we are more than grievance officers, postmen and postwomen, plaque deliverers, not to diminish the sometimes important aspects of those responsibilities. Remember Burke's great call: once elected, you, we, I am a member of Parliament—not a member of Congress but a member of Parliament. That has responsibilities that the public out

there I think understands but I sometimes think in the pressure of the moment we don't understand. I will say parenthetically to my friend the First Minister, as I would say to many of his predecessors here and elsewhere in the last 30, 40 or 50 years—and I think I understand what happened that day in early March of 2003. There was a temptation that in this case proved irresistible to be presidential. I can tell you, from being close to it, there is an allure in that regardless of your politics.

Unfortunately, I say to my friend Ernie or Bob or Bill or David, you're not a President in Parliament; you're a Premier in Parliament. And if you, we, they outside want a President, then you, we, they are going to have to live with a Congress. I don't want to go there. I don't want to go there. I think our system has, as Borden suggested, all the wonderful flexibility of British-born practicality and adjustment. But I think this last move that we saw in March, and there are others elsewhere, although this is about as flagrant and noteworthy as I have seen—then we are going to have to confront not a creeping but a rampant congressionalization of our system. That's for you to decide. I hope that as you go out to meet your electors you think about that.

That's why what we do here today—and I know the business has to proceed and I will conclude my remarks with this. It is a very important thing that happened six weeks ago. I'll wager a bit of a bet. I don't think it's going to happen again. I don't think it's going to happen again because it's going to be one of those customs, one of those practices, one of those usages that we will all remember for a long time. But I think we have a duty to stand in our places today or next week and affirm why it was so serious. I hope and I expect that you good, hard-working men and women who will be here after the next writ is returned—when some of us, Mr Speaker and Mr Conway and Mr Christopherson, won't be—will think this through as you go knocking on doors to get back here, hopefully to be something more than grievance arbitrators, plaque deliverers and busy constituency assistants. I hope you will remember those serious faces outside—Mr Baldwin and Mr LaFontaine—who went a long way to make that principle a reality. Because if we do not do that, if you as trustees in that ancient and important tradition don't do that, my friends on both sides of the aisle, ask not for whom the bell tolls. It will toll for you, it will toll for us, and more importantly, it will toll for this system, which will come to be a nullity and seen to be such.

That is my case, Mr Speaker. I thank you and my colleagues for your indulgence.

1410

VISITOR

The Speaker (Hon Gary Carr): Just before we begin with the member for Niagara Centre, we have an honoured guest in the Speaker's gallery who hopefully will be able to stay for question period. But in case she doesn't, we have with us today in the Speaker's gallery

Ms Marwitz, the Consul General of the United States of America to Canada. We welcome our friend and honoured guest.

CONTEMPT OF PARLIAMENT

Mr Peter Kormos (Niagara Centre): Mr Speaker, you of course will know that I too filed notice with you indicating that I sought the opportunity in my own right and on behalf of the NDP caucus to speak to the point of privilege. Quite frankly we join with the very thorough, capable, potent and persuasive argument made by Mr Conway. This is a very serious matter.

Interjection.

Mr Kormos: Well, we should be very cautious, quite frankly, about treating it with disregard, and there seems to be some of that—and that's an aside—being displayed in the Legislature this afternoon.

You know I gave you written submissions that are rather lengthy; I did that in the interest of time. I will simply outline the points Mr Conway may not have addressed specifically that we wish to, in addition to having joined with his comments. I also do want to thank Chris Charlton for her very capable assistance in preparing the submission that was filed with you. The government House leader received a copy of it as well.

Of course, we rely on the opinion provided by Mr Finkelstein. We're well aware, as you are, that other legal opinions were offered up. We've seen not all of those but most of those. It's my submission to you, Speaker, that the Finkelstein opinion is a very thorough and exhaustive one. Its clear reliance upon the patriation reference—that reference has been made already—and being guided by that, makes it in and of itself authoritative.

It really condenses the issues, because the facts are notorious at this point—there's no need to recite them again. We are indeed submitting to you that you ought to find that there was a breach of constitutional convention. I'll not make any extensive reference at all, but I do want to read from page 2 of the Finkelstein opinion: "It should be noted at the outset that a constitutional 'convention' is different from a constitutional 'law.' As explained in detail below, the courts can enforce constitutional laws by way of injunctions or mandatory orders, but cannot enforce constitutional conventions except to declare that they exist. Constitutional conventions are nonetheless binding on the Lieutenant Governor, the government and all members of provincial Parliament."

Why do I choose that excerpt? I'll tell you clearly. The court cannot enforce constitutional convention, but the court can identify one. I put to you that the circumstances surrounding the so-called budget presentation in March warrant looking at. One, this wasn't an inadvertent breach of convention. This was clear from the onset, and even when the government was confronted with criticism, it persisted in identifying this document as a budget. It didn't move itself or shift itself and re-identify the document as an economic statement or even a mini-budget. It persisted in identifying the document as a

budget, persisted in insisting that it had every right to do what it was about to do, and then, once it did it, insisted that it had the right to do it, having done it. That, quite frankly, aggravates the contempt here, because it moves it, far from an inadvertent breach, to a conscious, knowing, contemptuous breach of convention.

Let's take a look at what in fact happened up at Magna Corp. Again, the contents of that broadcast are notorious by now. It was clearly an effort on the part of the government to obtain a very controlled environment with invited guests. When you saw the broadcast itself, you saw what purported to be a budget speech interrupted by what were nothing less than infomercials. The only thing lacking was a 1-800 number to order your Ginsu knives, although one expected it at any point during that broadcast. The motive behind the interjections, the infomercials, was to add a flourish and spin to the budget that, quite frankly, wouldn't have been possible with a budget properly presented in the legislative chamber.

I think the only inference that can be drawn is that the government—and again, let's understand that every indication to date is that this event was funded with taxpayer dollars; this was not a private, Conservative Party partisan event in terms of being funded in a partisan way. I submit to you that's something, again, that aggravates the conduct of the government in this regard.

Not only is the motive for the breach important, and the eagerness of the government to pursue that breach even when being admonished, but the impact of the breach is important. You've heard reference already to a number of comments from editorials across the province. I submit to you that the impact of that breach of convention was to bring the House into odium, contempt and ridicule across the province, and I submit to you that that once again aggravates the contempt. It not only helps confirm the contempt but aggravates it.

Look very briefly at the sorts of things that were said. Again, there's much reference to commentary from the Kingston Whig-Standard, but on March 14: "Why a TV studio? Why not deliver the Ontario budget from Cancun, where it's warm? Or maybe one of Saddam Hussein's palaces, where there is also disregard for the concepts of democracy? ... Let's just crown Eves 'King Ernie the First'—and burn the Magna Carta while we're at it...."

"This out-of-Legislature budget experience is truly an affront to democracy. It is nefarious. It is wrong."

The Globe and Mail, March 14: "Mr Eves is insulting the elected MPPs and, through them, the people of Ontario. He is treating the provincial Parliament, the body that sets the province's laws, as a trifle to be ignored when it suits his purposes. He has forgotten that the government consists of MPPs who are part of the Legislature, not above it."

The Toronto Star, March 13, 2003: "Maybe we should start renting out Queen's Park for weddings, for all the use the government makes of our provincial Legislature...."

"This is a sham—and makes a total mockery of a budget. This 'budget' will be nothing more than a callous election 'event.'"

It goes on and on. I've obtained those numerous references and quotes from numerous newspapers and sources across the province, and I put to you that that confirms the observation that this government, with its conduct, with its breach of this convention, has brought the House into odium, contempt and ridicule.

1420

There is no doubt, I submit, that constitutional convention requires that the budget be presented in the Legislature. You've heard extensive submissions with respect to the authorities that substantiate that, as well as contemporary observers who have fulfilled the role of Minister of Finance and other roles of authority, be it Speakers of the federal Parliament who are authorities in their own right who have stated that.

At the same time, accountability to the assembly, to the Legislature, is a cornerstone of responsible and representative government. Also the budget, as we've all noted, is not just any item of House business. It's not a passing ministerial comment or ministerial pronouncement regarding, let's say, policy, although the Speaker has been critical of ministers who have used out-of-Legislature venues to even express policy. But the budget is a confidence matter whose special status is dealt with separately and very clearly in the standing orders. Again, you've heard reference to those standing orders.

You're being called upon to find if there has been a prima facie contempt. I submit to you that the finding of a prima facie contempt requires meeting a far lower standard than the finding of contempt. I would suggest—and I'm relying upon numerous pronouncements by any number of authorities who are called upon to make a prima facie finding—that a prima facie contempt requires but some evidence of contempt that would reasonably permit someone to conclude that indeed there has been a contempt, some evidence that would permit that conclusion.

You've got more evidence, in my submission, than ever has been presented to this Legislature, and quite frankly more than would ever have to be, to make not only a prima facie finding of contempt, but I submit to you that at this point, although it's not your duty to find it, the contempt here is so clear, so complete, so thorough—(1) with its motivation, (2) with the very manner in which the contempt was performed, (3) with its impact, and (4) with the government's refusal to acknowledge having made any errors whatsoever; with the government's refusal to make any effort to purge that contempt; the government's refusal to apologize; the government's refusal to call upon, for instance, the Conservative Party to pick up the tab for the cost of that; the government's refusal to indicate that it indeed had made an error.

One further point in that regard: I referred earlier to the Finkelstein opinion. Finkelstein notes and the case law is clear that although a court cannot enforce parliamentary constitutional convention, the courts can advise as to when there is a contravention.

In this instance, the government had available to it the opportunity, especially when the alarm bells started ring-

ing, to quite frankly refer the matter to a court for an opinion as to whether it constituted a contravention. Had the court ruled otherwise—and I don't believe for a minute that it would have—the government then could proceed, acting in good faith. But the government, notwithstanding that it had the time and had received gratuitous advice to that effect, declined to do that.

I submit to you that this is very much a *prima facie* contempt. I submit to you that the Speaker should find that. I submit to you that when we can't go to the court for a ruling, and when the law is clear that the court cannot enforce a contravention of constitutional convention, the inference to be drawn is that it's the Speaker who then must be called upon, as you are in this very instance, not only to find that there is a contravention of that constitutional convention, but finally to initiate a process that constitutes a remedy. The courts don't have that power, for good reason. It's you, the Speaker, who has that power. I'm submitting to you that you are well within your jurisdiction and it is not inappropriate. Indeed, in this instance it cries out for the Speaker to intervene.

The Speaker: The government House leader.

Hon Chris Stockwell (Minister of the Environment, Government House Leader): I want to first thank the House leader for the third party for submitting his submission to me; it was very helpful. I will say that I found the submission by the member from Renfrew both very interesting and very enlightening.

I won't spend a tremendous amount of time dealing with the pro forma arguments that have been placed before the newspapers and media in the past, but I will take just a brief moment to outline the process of the members being invited to the presentation; the budget lock-up; the budget papers were tabled with the Clerk at the time of the speech; at the same time, copies were distributed to every member; the opposition leaders and members were given every opportunity to respond to the budget; there were precedents for delivery; and so on and so forth.

What we are talking about is the budget speech.

Let me say first and foremost, on a technical approach to how this House works, that we have three avenues to pursue when determining if something is in contempt or in fact out of order, and they're not the same. It's hierarchical; it's gradation. The primary place we go to determine if something is in order or out of order is the standing orders. If the standing orders speak to whether something is in order or out of order, it's clear, defined and finished. Why? Because we as the members of the Legislative Assembly have adopted and passed those standing orders and practices on how we will govern this House. We govern this House.

So if the standing orders speak to a specific issue, there is not any debate; there is no discussion. The standing order is clear. We adopted it; we passed it. That's how this business is run. That's how this House is ordering its business.

The second stage, if there is silence or ambiguity in the standing orders, is practices and precedents. They're

not the same. Standing orders have a higher priority than practices and precedents. We seek practices and precedents to have you, Mr Speaker, determine how this House should govern its business if there is silence or ambiguity in the standing orders—tier one, standing orders; tier two, practice and precedents.

If the practices and precedents are silent or ambiguous, we are left to go to the experts: Erskine May and Beauchesne. Much of that debate is voluminous. It's very interesting and it's sometimes long-winded, but if the standing orders are silent or ambiguous, if our practices and precedents are silent or ambiguous, we go to the experts.

Let me submit this to you, Mr Speaker: on the Finkelstein submission, he concluded there could be some constitutional convention. There are many others who would argue otherwise. I submit, Mr Speaker, that you have no authority to rule on constitutional arguments. Although some would want to give you that power, you don't have it. So the constitutional argument is moot. It's interesting, it's grist for the mill in a lot of cases, but it is moot.

We then go to the standing orders. What do the standing orders say? They do not say, "You must deliver the budget speech in the Legislative Assembly." They also do not say, "You must deliver the budget speech outside the Legislative Assembly." So, we don't have a clear position in the standing orders about how the budget speech should or shall be delivered. So now we have to go to practice and precedents.

The learned member for Renfrew, for whom I have a great deal of respect and with whom I have worked for a long time, has a very difficult time here. Did you notice how the debate kind of glossed over practice and precedents? Why?

We have a practice. We have a precedent.

In 1988 the then-Treasurer, Robert Nixon, under the leadership of Premier David Peterson, and with the treasury bench loaded with talented and articulate people such as Mr Conway, Mr Bradley, Mr Kwinter, Mr Phillips and Mr Sorbara—they were the treasury bench members who set the practice and the precedent. The argument would be that it was not an act of God; an act of God may change this. I heard it from your own lips.

What happened in 1988, with Mr Nixon as a treasury bench member, was this: the NDP, as is their fashion, were using dilatory tactics unusual by their nature. As a passing interest, it was kind of curious, because the dilatory tactic they were implementing was petitions. They were reading petitions ad nauseam opposing Sunday shopping, not knowing that three years later they'd be the government implementing Sunday shopping. That is just passing strange.

1430

Mr Nixon, whom I have a great deal of respect for and whom I sat in this Legislature with, was unable to introduce his budget speech in the Legislative Assembly—unable to. It was not an act of God, from God's lips to Bob Rae's ears. I'm certain that wasn't the situation.

There was no fire, no famine, no pestilence. It was simply a case that Mr Rae, through the rulings and procedures in the Legislative Assembly, had made it impossible for the Liberal treasury bench to introduce their budget.

Here's the rub: Mr Conway suggests that there were no options. I suggest parliamentary tradition, parliamentary democracy and the British process that we've adopted—there were options. There were many, many options, Mr Conway. You could have gone and negotiated with the NDP, satisfied whatever concerns they had—

Interjections.

Hon Mr Stockwell: Let me finish—or dealt with them in a different fashion, reaching a compromise with the third party. At the time, historically, that was how problems, issues and impasses in this Legislative Assembly were resolved. You chose not to. You chose not to because what they were asking you to do, properly and by the rules of this Legislature, you didn't want to do, and maybe you shouldn't have had to do it. It had to do with Sunday shopping. But they had this House in a tangle legitimately, properly and by the standing orders, practices, precedents and, experts would agree, legally. So, by fiat, by decision, by presidential decision-making, the Liberal Party decided that they would go downstairs, outside of this chamber, and deliver the budget speech of 1988. Practice, precedent: both tests met in 1988 with respect to the Liberal budget.

I do appreciate that the Liberals don't want to hear this, but—

Mr Dwight Duncan (Windsor-St Clair): We spoke about it.

Hon Mr Stockwell: Well, I think you spoke about it. I'm not sure you offered up these points.

Practice and precedents were determined in 1988 with respect to the Liberal budget speech in this chamber. Certainly, yes, the circumstances were different; I don't deny it. But the results, my friend, were the same, exactly the same: a budget speech was delivered outside of the Legislative Assembly. So, standing orders being silent or ambiguous, tier two, practices and precedents: in 1988 the practice was adopted; the precedent was set; the decision was taken.

I have no doubt the arguments will be made that the circumstances and issues surrounding the two decisions were in fact different. They were; I don't deny it. They were. But when you examine practice and precedents, the fact of the matter is, the result is the argument. So to square the circle of 1988 would make the arguments of the timeliness of your submission about 15 years too late, because 15 years ago, if there was contempt, if we were out of order, the argument should have been made at the time. I understand why Mr Conway didn't make the argument, because it was him, as part of the treasury bench, that took the decision to have the budget speech read in the chamber downstairs.

There will be much made of Beauchesne and Erskine May and many other of the experts, which is interesting

and informative. But that's the third test, and you don't go to the third test unless the first two aren't met. Standing order, test one; practice and precedent, step two. It was met in practice and precedent at step two.

Again with respect to the constitutional arguments, the legal opinions and the briefs that have been submitted to you by, I suppose, all kinds of experts, I submit to you that there are many who would argue what Mr Finkelstein has argued and there are many, many more who would argue otherwise. Your job as Speaker of the House, then, is to rule on the facts and issues put before you. I will say to you that there have been many times when I was Speaker where I had to rule on the facts and issues that were put before me. Mr Conway cited the example of the contempt motion with respect to the Minister of Municipal Affairs and the publishing of an advertisement in the Ottawa newspaper. I'm not certain how that fits with respect to the example we talk about today, other than it happened to be me who made the ruling, but the fact of the matter remains that that contempt motion was presuming the passing of a bill in this House before the Legislative Assembly had in fact passed that bill. The comparisons, I think, are not there.

Furthermore, I recall making a decision in this Legislative Assembly that probably would mirror a decision taken in 1988 with respect to the budget submission of the government of the Liberal Party. I don't know if you remember, but at that time—unusual, again, as it was—the NDP were offering dilatory tactics with respect to passing a piece of legislation: the amalgamation of the city of Toronto. They submitted some 15,000 amendments to a bill. The decision of the Speaker at the time was as to whether or not those particular amendments were in order. I determined at that time that they were in order, and this House sat for 12 days before the regular business of the Legislative Assembly could continue. What had happened in 1988 was the NDP were offering petitions that were forcing the House to sit and not allowing the government to read the budget. They seem to be very similar. The government of the day under Premier Mike Harris said, "Fine, we will sit 12 days around the clock to have all the petitions heard. Then we will go back and deal with the business of the House." The government of the day under Mr Peterson chose to deliver his budget speech outside of the House and not allow the House to continue in its normal process. I think if you look at comparisons that are similar, that comparison is very, very similar.

In conclusion, we all know how this House works. We adopt standing orders. If the standing orders are silent, we go to practice and precedents, and no matter how you deal with the practice and precedents of 1988, you cannot square that circle. You went outside the House and delivered a budget speech not in the Legislative Assembly, and you had a choice.

Mr Speaker, I submit to you there is nothing out of order. If this assembly chooses to put in a standing order in future years that budget speeches shall and should be delivered in the Legislative Assembly, then it would be

out of order. But at this point in time, I submit, as eloquent as those submissions were and as interesting as those submissions were, they may have been long on conversation and long on research but were very short on depth and very short on meaning.

1440

Mr Speaker, I submit to you that the budget speech as delivered by the Treasurer, Janet Ecker, was not out of order and I would suggest to you that there is no contempt motion and there is no process by which this government should be penalized.

Mr Kormos: In response, it is interesting the utilization of concepts like practice and precedent. Precedent, I put to you, Speaker, is formal precedent. Precedent is rulings of the Speaker that can be relied upon and where a certain conduct or a certain course of activity falls within the definitions of the framework of that ruling. Mr Stockwell does not suggest that there is a precedent of that course. Practice, of course, indicates ongoing practice. One event does not make a practice, notwithstanding that the event he refers to 1988 is so thoroughly distinguishable from the circumstances surrounding this scenario.

The Speaker: I thank all three members for their very thorough presentations today. I will reserve my opinion and go over all the facts they have presented. I thank all of them for their presentations today and I will reserve my ruling on this issue.

It is now time for members' statements.

MEMBERS' STATEMENTS

CONSTITUTION DAY

Mr Gerard Kennedy (Parkdale-High Park): It is my honour to rise in this House, I believe on behalf of all members but certainly members in our caucus, to commemorate the May 3 Constitution Day, which is an important day not just for Polish Canadians but for the entire people of Canada.

In 1791, the Polish Constitution was only the second in the world, and the first in Europe, enacted for equal rights, universal education, and the state care of orphans and the elderly. The struggle of the Polish people for those kinds of rights over the last few centuries has been an inspiration all around the world. Today, many of us sit in Legislatures like we do here in Ontario owing precedents to the Polish Constitution and to the struggles of the people. My generation in particular remembers and owes tributes to the struggles faced as recently as Gdansk.

I'd like to recognize for all of us here today the contribution that has been made toward freedom, toward a stronger Canadian society and a stronger country in Poland by the people who have been part of this strong and very proud Canadian Polish community. Today we have with us in the gallery Bernard Wisniewski, secretary general of the Head Executive Board of the Canadian

Polish Congress; Jan Cytowski, president of the Canadian Polish Congress—Toronto Branch; and Krzysztof Szydowski, vice-president of the Canadian Polish Congress—Toronto Branch.

Polish Canadians celebrate May 3 with concerts and festivals. I would invite the people in this chamber to join us on Saturday for a flag-raising that would appropriately mark the auspicious implications of May 3 Constitution Day in Poland for freedom-loving people all around the world.

Mr Peter Kormos (Niagara Centre): On a point of order, Mr Speaker: I apologize bringing up a point of order during members' statements, but because of the nature of the request I don't think it is inappropriate. I am seeking unanimous consent that because of the exceptional circumstances surrounding the debate that the afternoon began with, notwithstanding that question period will commence after 1500, it nonetheless be for one full hour.

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

TRANSPORTATION

Mr Ted Arnott (Waterloo-Wellington): I've been looking forward to getting back into the Legislature so that I could inform the House about the Waterloo-Wellington transportation action plan. In January, I asked each municipality in Waterloo-Wellington to provide me with their top transportation priorities for the next five years and beyond. From their council chambers, municipal offices and roads departments all 11 municipalities in my riding responded, and their recommendations form our action plan.

Along with over 40 recommendations, some key items of the plan include implementing the corridor study of Highway 7/8 between Kitchener and Stratford; a new four-lane Highway 7 between Kitchener and Guelph; funding to help Wellington county rebuild Highway 24 from Guelph to Cambridge; a repaired and upgraded Highway 6 from Fergus to Mount Forest; Waterloo region's light rail transit initiative; OSTAR funding for transportation-related projects; and other projects which we have identified.

On April 10, I arranged a meeting for our municipal representatives and the Minister of Transportation. We appreciated the minister's time, interest and insightful questions. Strong representation from across the riding had a positive impact on the minister and underlined our needs.

To follow up this meeting, I am introducing a petition in my riding asking for support for the Waterloo-Wellington transportation action plan and I plan to present it in the Ontario Legislature at the appropriate time.

The petition will allow concerned citizens a chance to support actions that are needed to ensure the safe and efficient movement of people, goods and services for the future and give us the transportation system we need for the 21st century.

SARS

Mr Alvin Curling (Scarborough-Rouge River): The SARS crisis has impacted our communities in many ways. It has adversely challenged our already strained public health system and, unfortunately, created fear among the people of Ontario, especially the city of Toronto.

The heroes amidst all of this are our front-line public health workers, who have uniquely and compassionately applied their medical and social craft in helping patients and families. We salute and laud their exhaustive efforts.

While this has had a negative economic and business impact on our city, we need to recognize and understand the social and community impact. Scarborough has been the hardest hit by the entire SARS situation.

In my own riding of Scarborough-Rouge River there's a condominium complex of three large buildings. There were two cases of SARS-like symptoms, yet this entire residential area, in a very busy and bustling part of Scarborough, has been unfairly tarnished and negatively painted as a place under quarantine, which was not true. The residents of this complex have been shunned. Mail, takeout food and newspapers were not delivered. Worse, repairs in the buildings were not done. Essentially they became victims of this. There is a social price.

In the bigger picture, as we begin to learn about the impact of SARS and as we begin to inquire about what happened, why it happened and how it could have been prevented, let us not forget the people. We must remember those who have died and their families, the community impact and the consequences on our society and, most importantly, our attitudes. We need to learn from this and revive our sense of decency and spirit.

PENSION REFORM

Mr Gilles Bisson (Timmins-James Bay): Yesterday, the government tabled in the House, and actually read in the House, contrary to what they did in the budget, their throne speech. In there was an item that I think is quite interesting in itself, and that is the whole concept of allowing changes to the rules so that people aren't forced to retire at age 65.

I want to say to the government directly today by way of this statement that quite frankly you're going in completely the opposite direction. As we talk to people across this province, people are quite clear. What they're talking about and what they want is not to have the ability to work longer and harder for less. What they want is good pension legislation that says people can build up pensions by way of portability, that you're able to index your pension so that you're able to retire at an earlier age and not a later age.

I purport through this statement to say that the government could get it right. They could decide to take a look at what's inside our public power platform that talks about pension reform and says quite categorically that what we need to develop in this province is a pension scheme that allows people to retire earlier by providing

for portability and indexing of pensions on a yearly basis so that workers across this province, no matter what they do, are able to retire early.

This government is taking the concept of Freedom 55 to the concept of Freedom 75, and I'm telling you that's not where the seniors in this province want to go.

QUEEN'S GOLDEN JUBILEE MEDAL

Mrs Margaret Marland (Mississauga South): On March 2, 2003, it was my great privilege to award the Queen's Golden Jubilee Medal to 17 outstanding residents of Mississauga at a ceremony held here at the Ontario Legislature.

My honourees for this prestigious recognition were Dave Baker, Patti Janetta Baker, Angela Bozzo, John Bozzo, Mary Cline, Doreen Cooper, Jean Gallinger, Lynda Ginn, Edward Gittings, Silvia Gualtieri, John Keyser, Joan Phillips, Gordon Stewart, Gordon Williams, Gwen Wilson, Patricia Wise and Peggy Wittman.

Queen Elizabeth personally chose the theme for her Golden Jubilee year: giving thanks for and celebrating service to our community through voluntary efforts. All of my 17 nominees have made extraordinary contributions as volunteers over an extended period. Indeed, if we add up their length of voluntary service, the total comes to more than 500 years. Whether they are driving cancer patients, donating food and clothing to families in need, coaching amateur sports, leading Guides and Scouts, protecting our environment or serving on community boards, these exceptional people have made our great province a better place. I invite all members of this Legislature to join me in expressing our heartfelt appreciation to these outstanding citizens, for there can be no greater public service than the gift of personal time to a worthy cause.

1450

SCARBOROUGH GRACE HOSPITAL

Mr Gerry Phillips (Scarborough-Agincourt): I want to tell all the wonderful people who work at Scarborough Grace Hospital how much I and the community appreciate all they have been doing for us during these troubling times.

It was at Scarborough Grace Hospital where the SARS issue first arose. The hospital, as usual, was simply doing its best to serve the community when it was hit with the disease. We can all only imagine the enormous stress and anxiety that it has caused throughout the hospital. The strain on everyone has been immense. Through it all, the staff and medical professionals have served us splendidly.

I hope everyone at the hospital knows how much they are appreciated. In our time of need, our community turns often to our outstanding Grace Hospital. Two of our grandchildren were born there, and virtually all of our family at one time or another has received first-class service at the hospital.

Once again, our community recognizes how fortunate we are to have the brave, caring and dedicated people to look after us at the Grace Hospital. While these may seem like dark days at the hospital, the storm is beginning to pass and the rays of sunshine are coming through, and the Grace Hospital is beginning to return to its normal servicing of our community.

On behalf of all of us, we thank those dedicated staff very much for all they've been doing over these past few weeks.

FRANK DREA

Mr Steve Gilchrist (Scarborough East): I rise today with the sad honour of recognizing the passing of a colleague and a good friend to many people in this chamber, the Honourable Frank Drea. On January 15, Frank passed away at the age of 69, leaving behind his loving wife Jeanne and three grown children: Catherine, Denise and Kevin.

Frank Drea was, of course, a legendary journalist for the Toronto Telegram, a labour activist and an MPP for 14 years. He was a crusading journalist during the 1961 strike of Italian workers in the building trades, one of Canada's biggest strikes. He won the Heywood Broun Crusading Journalist Award in the US and a National Newspaper Award as a result of that coverage. He went on to work for the Steelworkers as a public relations director and won them many victories.

He was first elected to Queen's Park in 1971, for the riding of Scarborough Centre. Thereafter, he served in no fewer than three different ministries, with distinction. After his retirement from politics, he was appointed to chairman of the Ontario Racing Commission in 1985, a post he held for nine years—something I know he enjoyed immensely, given his love of horse racing.

His political accomplishments included groundbreaking legislation to protect workers and tradespeople, modernizing the insurance industry, reforming Ontario's prison system and improving rights and access for persons with disabilities.

He was a self-described hard-nosed SOB. He was a friend, a mentor and a great role model, someone who has left an indelible mark on this province and who truly earned the reputation of being "the people's minister." He will be missed.

CHINESE COMMUNITY

Mr Tony Ruprecht (Davenport): We, the people of Toronto, just came through a terrible nightmare. The World Health Organization had just indicated, as all of us know, that Toronto had a travel ban. That was designed to cripple the city and to shut us down. But we also know that the nations of the world began to shun Toronto and even quarantine us when we arrived at their shores.

But out of this nightmare, something great and positive arrived: 28 national organizations in Ontario got together and decided that an attack on one of their organ-

izations is an attack on them all. When one organization is in pain, they all feel the pain. So together they decided to help one another; together they decided to help the Chinese-Canadian community; and together they decided to ensure that help is on the way.

So today I'm delighted to introduce some people, but before I do, I'd like to say that the Chinese community also responded to that generous offer of help. Here is what they said: "We will never forget what you"—the communities—"did. Your social and economic support makes us really proud to be Canadians. We will continue to protect this country"—and to protect the city of Toronto. "Your support will motivate us to participate even more in building a better future."

I am therefore delighted to introduce these people who have become the keystones to a successful policy of non-governmental organizations helping the Chinese-Canadian community. They are Bernie Farber, representing the Canadian Jewish Congress; Mr Dill Mohamed, representing the South Asian communities; and Mr Tony Luk, representing the Chinese communities.

Congratulations, and thank you. You deserve a great deal of applause for you. You deserve a great deal of congratulation.

UNITED ACHIEVERS CLUB

Mr Joseph Spina (Brampton Centre): I want to draw the attention of this Legislature to an extremely successful organization representing the black and the Caribbean community from mostly Brampton but also the broader reaches of Peel. They are known as the United Achievers Club. We're extremely proud of this organization because they will soon be celebrating their 20th anniversary.

I'd like also to acknowledge that last Saturday night they had one of their most successful fundraising events, called the Celebrity Chef's Evening, with over 300 guests. But the most important part was the number of chefs that participated in this event. The celebrity chefs that were there were members of all communities.

There were 42 chefs in categories such as appetizers, soup, main courses and desserts. I'm very pleased to say that I was a bronze medal winner in the appetizer category. MPP Raminder Gill, while he didn't win a prize, was very competitive with his tandoori chicken. The gold medal winner in the dessert category was no less than the Honourable Tony Clement.

We want to congratulate the United Achievers for another very successful event. Also, congratulations go to Judge Marv Morton because he won the soup category. Of course, he was the only one who made soup.

REPORTS, INTEGRITY COMMISSIONER

The Speaker (Hon Gary Carr): I beg to inform the House that on January 31, 2003, the report of the Integrity Commissioner concerning the review under the

cabinet ministers' and opposition leaders' expense review and accountability act, 2002, was tabled.

I also beg to inform the House that on February 17, 2003, the report of the Integrity Commissioner regarding the Honourable John Baird with respect to a request from the member for Don Valley East for an opinion concerning a matter before the Ontario Municipal Board was tabled.

REPORTS BY COMMITTEES

STANDING COMMITTEE ON PUBLIC ACCOUNTS

Mr John Gerretsen (Kingston and the Islands): Pursuant to the order of the House of December 11, 2002, I beg leave to present the report on the community reinvestment fund from the standing committee on public accounts, and move the adoption of its recommendations.

The Speaker (Hon Gary Carr): Does the member wish to make a brief statement?

Mr Gerretsen: Yes, Speaker. The committee came up with seven recommendations, and I'll just very briefly highlight four of them.

The Ministry of Finance should implement performance indicators to measure the achievement of revenue neutrality for each municipality under the CRF initiative.

The ministry should evaluate the financial impact of the local service realignment initiative on provincial and municipal finances from the start-up to the end of the fiscal year 2001-02.

It should assess changes in service delivery requirements and tax the capacity annually for each municipality for the purpose of establishing funding assistance under the CRF.

Finally, it should report to the standing committee on public accounts on the impact of cost-efficiency measures taken to deliver municipal services and changes in municipal taxes for each municipality. Jurisdictions in which cost efficiencies were not achieved and taxes were increased should be reviewed by the ministry.

We hope that the ministry will follow these recommendations.

We were very busy in the intersession, Speaker.

Pursuant to the order of the House of December 11, 2002, I beg leave to present a report on the violence against women program from the standing committee on public accounts and move the adoption of its recommendations.

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

Does the member wish to make a statement?

Mr Gerretsen: There are 11 recommendations in this report. It starts off by saying that the ministry should define the core services that all shelters must provide and ensure that they're adequately funded. The ministry should develop a policy to clarify the services a shelter does and does not offer in consultation with the Ontario

Association of Interval and Transition Houses; it should also report on the initiatives that it undertook back in August 2001 on waiting times for shelter accommodation and counselling. The final recommendation I'd like to draw to your attention is that the ministry should ensure that its regional offices employ a consistent and appropriate methodology to develop the amount of funding to be provided to the shelter. Again, we hope the ministry will take these recommendations and implement them.

1500

STANDING COMMITTEE ON FINANCE AND ECONOMIC AFFAIRS

Mr Joseph Spina (Brampton Centre): I beg leave to present a report on pre-budget consultations 2003 from the standing committee on finance and economic affairs.

The Speaker (Hon Gary Carr): Does the member wish to make a brief statement?

Mr Spina: The standing committee on finance and economic affairs conducted pre-budget consultations in Toronto, London, Sudbury, Thunder Bay and Ottawa this past winter. I take this opportunity to acknowledge and recognize the members of the committee: Vice-Chair Ted Arnott, Marcel Beaubien, David Christopherson, Monte Kwinter, John O'Toole, Gerry Phillips, Rob Sampson, and myself as the Chair.

I also want to acknowledge and thank the presenters to the committee and thank them for their co-operation. I want to particularly thank the clerk's office and the support staff for their continued assistance during our travels throughout the province.

STANDING COMMITTEE ON GOVERNMENT AGENCIES

The Speaker (Hon Gary Carr): I beg to inform the House that during the recess, the Clerk received the 14th, 15th, 16th, 17th and 18th reports of the standing committee on government agencies. Pursuant to standing order 106(e)(9), the reports are deemed to be adopted by the House.

INTRODUCTION OF BILLS

GENOCIDE MEMORIAL WEEK ACT, 2003

LOI DE 2003 SUR LA SEMAINE COMMÉMORATIVE DES GÉNOCIDES

Mr Wood moved first reading of the following bill:

Bill 4, An Act to proclaim Genocide Memorial Week in Ontario / Projet de loi 4, Loi proclamant la Semaine commémorative des génocides en Ontario.

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

The member for a short statement?

Mr Bob Wood (London West): This bill proclaims the week beginning on the fourth Monday in March of each year as Genocide Memorial Week. It includes the United Nations definition of “genocide” in the preamble. It is similar to other bills I’ve introduced in previous sessions.

I will be asking the House soon to give second reading to the bill and refer it to committee for consideration, including public input.

AMERICA DAY ACT, 2003

LOI DE 2003 SUR LE JOUR DE L'AMÉRIQUE

Mr Hastings moved first reading of the following bill:

Bill 5, An Act to amend the Retail Business Holidays Act to make September 11 a holiday known as America Day / Projet de loi 5, Loi modifiant la Loi sur les jours fériés dans le commerce de détail pour faire du 11 septembre un jour férié appelé Jour de l'Amérique.

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

The member for a short statement?

Mr John Hastings (Etobicoke North): This bill amends the Retail Business Holidays Act to proclaim September 11 each year America Day and to make it a holiday for the purpose of this act. It also commemorates the tragic events of September 11, 2001, and commemorates our close ties with the United States of America and our recognition of the US as a key partner on the North American continent.

AUDIT STATUTE LAW AMENDMENT ACT, 2003

LOI DE 2003 MODIFIANT DES LOIS EN CE QUI A TRAIT À LA VÉRIFICATION DES COMPTES PUBLICS

Mr Gerretsen moved first reading of the following bill:

Bill 6, An Act to amend the Audit Act to provide for greater accountability of hospitals, universities, colleges and other organizations that receive grants or other transfer payments from the government or Crown agencies / Projet de loi 6, Loi modifiant la Loi sur la vérification des comptes publics afin de prévoir une responsabilité accrue de la part des hôpitaux, des universités, des collèges et des autres organisations qui reçoivent des subventions ou d'autres paiements de transfert du gouvernement ou d'organismes de la Couronne.

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

The member for a short statement?

Mr John Gerretsen (Kingston and the Islands): This is exactly the same bill that was given second reading unanimously by this House and was also unanimously approved by committee. It basically gives the Auditor General the authorization to carry out audits of grant recipients and to have access to all information and records of ministries, crown agencies, grant recipients and crown-controlled corporations in order to carry out his or her functions under the Audit Act.

Other amendments to the act make it an offence to obstruct the auditor in the performance of his or her duties, allow the auditor to examine people under oath and require information to be kept confidential.

I urge the government to pass this as quickly as possible since it once again was contained in yesterday's throne speech.

ONTARIO ENERGY BOARD AMENDMENT ACT (GREAT LAKES POWER EXCEPTION), 2003

LOI DE 2003 MODIFIANT LA LOI SUR LA COMMISSION DE L'ÉNERGIE DE L'ONTARIO (EXCEPTION VISANT LA GREAT LAKES POWER)

Mr Brown moved first reading of the following bill:

Bill 7, An Act to amend the Ontario Energy Board Act, 1998 / Projet de loi 7, Loi modifiant la Loi de 1998 sur la Commission de l'énergie de l'Ontario.

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

The member for a short statement?

Mr Michael A. Brown (Algoma-Manitoulin): This bill provides that consumers of electricity delivered by Great Lakes Power Ltd are eligible for the rate protection referred to in section 79 of the Ontario Energy Board Act, 1998. The consumers of electricity in the Algoma region are paying 40% to 50% more for electricity than anyone else in the province, and this just rectifies that situation.

GREATER JUDICIAL APPOINTMENTS ACCOUNTABILITY ACT, 2003

LOI DE 2003 SUR UNE OBLIGATION ACCRUE DE RENDRE COMPTE EN CE QUI CONCERNE LES NOMINATIONS À LA MAGISTRATURE

Mr Wood moved first reading of the following bill:

Bill 8, An Act to provide for greater accountability in judicial appointments / Projet de loi 8, Loi visant à

accroître l'obligation de rendre compte en ce qui concerne les nominations à la magistrature.

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

The member for a short statement?

Mr Bob Wood (London West): This bill is intended to provide greater public accountability for judicial appointments. It proposes to do that by making the appointment process for justices of the peace the same as that for judges; having the Judicial Appointments Advisory Committee publish the criteria used in assessing candidates; permitting the Legislature by resolution to set or change these criteria; having the names of all the people found qualified and suitable for appointment submitted to the Attorney General for consideration; and requiring approval by the Legislature of all proposed appointments before they become effective.

For the first time in the history of the province, the Legislature would set the criteria for judicial appointments, and the Attorney General would be responsible to the Legislature for following them in each and every appointment. Surely it is time to take this process out of the backrooms and put it fully in the hands of all the elected representatives. Transparency and democracy do work.

This bill is substantially similar to one which I introduced in the second session of the Legislature.

REDEEMER UNIVERSITY COLLEGE
ACT, 2003

Mr Jackson moved first reading of the following bill:

Bill Pr14, An Act respecting Redeemer University College.

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

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

1510

AUTISM AWARENESS MONTH ACT, 2003
LOI DE 2003 SUR LE MOIS
DE SENSIBILISATION À L'AUTISME

Mr Wood moved first reading of the following bill:

Bill 9, An Act to proclaim Autism Awareness Month /
Projet de loi 9, Loi proclamant le Mois de sensibilisation à l'autisme.

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

The member for a short statement?

Mr Bob Wood (London West): The bill proclaims October in each year as Autism Awareness Month. The passage of this bill will help those interested in autism issues to work with the government of Ontario, school boards and other entities to promote better understanding

and treatment of autism. This bill is similar to one that I introduced in the last session of the Legislature.

FIRE PREVENTION WEEK
AND FIREFIGHTER
RECOGNITION ACT, 2003

LOI DE 2003 SUR LA SEMAINE
DE PRÉVENTION DES INCENDIES
ET LA RECONNAISSANCE DES POMPIERS

Mr Wood moved first reading of the following bill:

Bill 10, An Act to proclaim Fire Prevention Week, Firefighter Recognition Day and Firefighter Memorial Day /
Projet de loi 10, Loi proclamant la Semaine de prévention des incendies, le Jour de reconnaissance des pompiers et le Jour de commémoration des pompiers.

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

The member for a short statement?

Mr Bob Wood (London West): This bill proclaims the week in each year that begins on a Sunday and in which October 9 falls as Fire Prevention Week. It also proclaims the Saturday that is the last day in that week as Firefighter Recognition Day. These provisions reflect current practice. The bill also incorporates into it the existing provisions of the Firefighters' Memorial Day Act, 2000, so that all relevant provisions would be in one law. This is a modification of legislation that I introduced in the last session of the Legislature.

DEMOCRACY IN ONTARIO
DAY ACT, 2003

LOI DE 2003 SUR LA JOURNÉE
DE LA DÉMOCRATIE EN ONTARIO

Mr Wood moved first reading of the following bill:

Bill 11, An Act to proclaim Democracy in Ontario Day /
Projet de loi 11, Loi proclamant la Journée de la démocratie en Ontario.

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

The member for a short statement?

Mr Bob Wood (London West): Prior to 1792, the French and British had successively governed Ontario with no elected Legislature. On September 17, 1792, the first elected Legislature of the province met. It was a truly fateful day in the history of our province. Ever since that day, an elected Legislature has met regularly to do the people's business.

This bill proposes to proclaim September 17 of each year as Democracy in Ontario Day. This will give our schools, Ministry of Citizenship and others the opportunity to recognize the importance of that day and that method of government. This bill is similar to one that I introduced in the second session of the Legislature.

PEOPLE'S ACCESS TO
THE FACTS ACT, 2003

LOI DE 2003
SUR L'ACCÈS DU PUBLIC AUX FAITS

Mr Wood moved first reading of the following bill:

Bill 12, An Act to amend the Public Inquiries Act /
Projet de loi 12, Loi modifiant la Loi sur les enquêtes
publiques.

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

The member for a short statement?

Mr Bob Wood (London West): The short title of this
bill is People's Access to the Facts Act. It amends the
Public Inquiries Act to allow any member of the Legis-
lative Assembly to propose a resolution to set up an
inquiry into any matter that the act allows. The resolution
either designates one or more persons who are to conduct
the inquiry or requires the Speaker of the assembly or the
Lieutenant Governor in Council to appoint them. The
assembly is required to vote on the resolution within 60
sessional days after it is proposed.

This in effect gives the Legislature itself the same
power to call inquiries as the cabinet now has. Surely this
power should rest in the hands of all the elected repre-
sentatives of the people. Democracy and transparency do
work.

This bill is substantially similar to one which I
introduced in the second session of the Legislature.

PROTECTION OF MINORS
FROM SEXUALLY EXPLICIT
GOODS AND SERVICES ACT, 2003

LOI DE 2003 SUR LA PROTECTION
DES MINEURS CONTRE LES BIENS
ET SERVICES SEXUELLEMENT
EXPLICITES

Mr Wood moved first reading of the following bill:

Bill 13, An Act to protect minors from exposure to
sexually explicit goods and services / Projet de loi 13,
Loi visant à protéger les mineurs contre les biens et
services sexuellement explicites.

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

The member for a short statement?

Mr Bob Wood (London West): The purpose of this
bill is to prevent those under 18 from being exposed to
sexually explicit goods and services. It mandates the
good practices already followed by most businesses in
Ontario. If enacted, it would give a reasonable assurance
to Ontario parents that their children will not be exposed
to inappropriate influences of this nature. It is sub-
stantially the same as a bill I introduced in the second
session of the Legislature.

REMEMBRANCE DAY OBSERVANCE
AMENDMENT ACT, 2003

LOI DE 2003 MODIFIANT
LA LOI SUR L'OBSERVATION
DU JOUR DU SOUVENIR

Mr Wood moved first reading of the following bill:

Bill 14, An Act to amend the Remembrance Day
Observance Act, 1997 / Projet de loi 14, Loi modifiant la
Loi de 1997 sur l'observation du jour du Souvenir.

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

The member for a short statement?

Mr Bob Wood (London West): This bill grants
employees the right to take a leave of absence from work
without pay of three hours between 10 am and 1 pm on
each Remembrance Day so that they may participate in
observances for those who died serving their country in
wars and in peacekeeping efforts.

This bill, if passed, will give almost everyone the
chance to observe Remembrance Day in the way he or
she feels is most appropriate. This bill is substantially
similar to one I introduced in the second session of the
Legislature.

STATEMENTS BY THE MINISTRY
AND RESPONSES

ONTARIO BUDGET

Hon Janet Ecker (Minister of Finance): On March
27, I had the privilege of presenting the 2003 Ontario
budget directly to the people of Ontario. It was another
positive way for the government to involve Ontarians in
what is a very, very important process. Of course, all the
appropriate documentation has been filed with the Clerk
and will be there for the consideration, the debate and
eventually the vote for the Legislative Assembly. I look
forward to support from the members opposite on the tax
relief proposals that we've put forward to benefit the
citizens in Ontario.

1520

We listened to what people told us during the ex-
tensive pre-budget consultations that we undertook, and
we responded to what people told us was important to
them. We responded with a balanced budget, our fifth
straight balanced budget, something we haven't seen
happen here in Ontario for years. We responded with
more tax relief to help create more jobs in Ontario,
another important priority for families, more invest-
ments—

Applause.

Hon Mrs Ecker: —yes, you can applaud that too—in
health, in education, in supporting Ontario's seniors, and
more money to pay down Ontario's debt.

The other significant thing about this budget is, as the
Premier committed, we did it before the end of the fiscal

year, something I know the members opposite may not agree with, but something that our funding partners, our schools, our hospitals and our municipal partners said was extremely important. When we presented the budget, the people across the province had a further opportunity to respond directly. Democracy expects—demands—that we all participate, that citizens have the opportunity to participate. By launching the most extensive pre-budget consultations, we were able to encourage people and have people participate. I travelled to over 17 different communities. I talked to over 1,300 individuals who represented our school boards, our hospitals, our municipalities, our social agencies, members of the business community. We received over 450 written submissions with their advice and input.

That process of listening has continued with the most recent speech from the throne, which reflected the input from over 10,000 individuals who responded to us. It certainly reflects how the government intends to build on those priorities in setting its legislative agenda. But it is the budget that will provide the legislative framework for that agenda.

MPPs of course will hear it, will have the opportunity to debate, to discuss it, perhaps even to vote for some of the tax measures—I look forward to hearing where the Liberals are going to come from on this. But to listen to what the members of the House have to say about these initiatives—that is exactly what we are doing.

The 2003 Ontario budget reflects the priorities we heard from the people of Ontario. These priorities include: continuing tax relief to create jobs; to increase government accountability for the dollars we spend on behalf of taxpayers; to maintain our focus on priorities, such as health care, education, our seniors and strong, secure and safe communities; and to preserve prudent fiscal management of the province's finances, something we had not seen before we assumed power in 1995.

Again, the budget that we presented is our fifth consecutive balanced budget.

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): It's the first time since 1908.

Hon Mrs Ecker: That's right. As the Premier has just said, no other government has balanced five straight budgets in Ontario since 1908.

Just as importantly, we have achieved our target. We've met the commitment we made to the people of Ontario to pay down \$5 billion on the debt. That is very, very important for Ontario taxpayers because every dollar that does not have to go into debt repayment is another dollar we can invest in meeting the priorities of Ontario's families.

Balancing a budget is a difficult task. It requires the government to consider the important priorities; to set key priorities that reflect the priorities of the people we are elected to represent; to make prudent forecasts about what we expect to occur during the fiscal year; to make the tough but necessary decisions to implement those priorities to balance the budget.

As we've witnessed recently, the uncertainty we've seen in the Middle East may well have eased, but we're certainly seeing the significant impact that the SARS outbreak has had here in Toronto and other parts of Canada. I would like to extend my thanks and congratulations to all of our public health workers, our health professionals and our Minister of Health.

We must be prepared for economic uncertainties to happen sometimes, as they have, and we have put in place with this budget the right fundamentals to help protect the provincial economy from such events.

While it is still too early to fully assess the impact of SARS on our economy, we are confident that with the resiliency, with the strength of Ontario's economy, with the SARS recovery package that we brought forward this week, our economic plan remains the right one for Ontario and will continue to promote growth, jobs and prosperity in this province.

We have put in place fundamentals like lower taxes to keep our economy strong, and with this budget we've shown that we're listening, that we care about what people want, what they need, what they expect from governments.

For example, people told us that they want us to honour, respect and thank our seniors for the contribution they have made to the success of this province, and in this budget we are certainly responding to what we heard. We have proposed a new \$450-million Ontario home property tax relief program for our seniors. We estimate that this program would provide an average net saving of \$475 annually for over 940,000 senior households.

People have told us they want us also to focus on health care, and again in this budget we responded. We are responding with a \$27.6-billion investment in health care. We've doubled the amount of health capital that we have been spending in the last two years to finish the job of expanding, modernizing and replacing our hospital system.

People have told us that they want us also to focus on education, and again in the budget we responded to help implement the recommendations from Dr Rozanski. This year we will invest \$15.3 billion in our public education system—the highest level of investment in Ontario's history and an investment that will help our students succeed.

People told us as well that they want us to continue focusing on tax cuts to create jobs, and again we're responding. We are confirming our commitment on personal income tax to complete the 20% tax reduction, as we promised, for January 1, 2004. This will provide about \$900 million in additional tax relief for our citizens. We are also proposing to eliminate the surtax for people earning less than \$75,000 per year. To reduce the job-killing tax rate, we're starting with a 10% reduction on January 1, 2004.

Interjection.

Hon Mrs Ecker: Capital tax rates, yes.

People have told us they want us to continue managing the province's finances in a fiscally prudent

manner, and again we've responded. We have said that we will identify and eliminate \$500 million in government waste and inefficiency and continue the task that we started when we were elected in 1995.

1530

When we first came to office in 1995, this province was in serious trouble. The government was spending over \$1 million more an hour than it was taking in. Jobs and investments were fleeing Ontario. We had one of the highest welfare rates—people trapped on welfare in Ontario. We faced a potential deficit of over \$11 billion.

I am pleased to say that those days are gone. We have consistently demonstrated our commitment to balancing the budget, investing in key priorities like health, education, safe and secure communities and managing the province's books responsibly. Our plan is working. It's producing results. Over 1.1 million net new jobs have been created in this province since 1995. There has been record debt repayment and five consecutive balanced budgets.

Yet we recognize on this side of the House that there is still much more to do. We will continue to focus on the priorities of the people of Ontario. We will continue investing in those priorities. Above all, we will continue to listen to the people of Ontario to ensure that our economic plan is addressing those priorities.

In the coming weeks, I will be introducing legislation implementing the budget initiatives, and I look forward to debating these measures with members of the House.

Leadership is about making choices, and this government has consistently shown leadership in making choices for the benefit of the people of Ontario; the right choices.

The Speaker: Responses?

Mr Dalton McGuinty (Leader of the Opposition):

Well, after listening to that, it is apparent that Comical Ali is alive and well and writing statements for this minister.

Apparently nobody in Ontario got it right when there was universal condemnation of this government's decision to present a budget in an auto parts factory.

Apparently Ontarians also got it wrong when they thought that it was important that in a parliamentary democracy, you deliver the budget inside the Parliament.

I want to tell you that we released our plan recently, Government That Works For You, and we had to include something in there which I never imagined would be necessary in this province. We had to include a specific commitment that said that when we deliver our budgets, we will deliver them inside this Legislature.

This government and this Premier and this Minister of Finance thought they could pull a fast one on the people of Ontario. They said the only people who are going to be interested in this kind of an issue as to where we deliver the budget would be pundits and columnists and people who pay only some distant, esoteric attention to these kinds of things. But I can tell you, the people of Ontario rose up and there was a visceral reaction to this government's abuse of their privileges.

I notice that the minister left out the second sentence in her statement. I'll recite it so that it's on the record. It says "This was a positive way for the government to involve Ontarians in this important process—it built on our democratic traditions." I can understand why the minister had some trouble delivering that one, and so left it out.

There is something positively Kafkaesque about what is happening here today, Minister. You don't understand what has been happening. You must have been on an extended tea break and not understood how angry Ontarians were when you decided to abuse not our privileges, although you did that, but abused their right to have their budget delivered inside this Legislature.

Let's speak for a moment about the substance of this infomercial budget. This is a government that, notwithstanding where we find ourselves at this point in our history, is intent on bringing a plan they brought to us in 1995, and they're now going to use the same plan in 2003. We can debate the merits of an aggressive tax-cut plan in 1995, but we need a plan for the future now, Premier. We don't need a plan from the past, because our world has changed. You may not have noticed, but our world has changed.

Let me just tell you how: 9/11 happened; the US economy is in a virtual stall; the dot-com bubble burst; Ontarians have lost literally billions of dollars in their retirement income; and SARS has affected this economy. If there is anything that prevails in the global economy today it is uncertainty, so you need an approach that is prudent and responsible, and we intend to bring that approach.

So instead of giving away \$3.2 billion in additional tax breaks to corporations, instead of putting half a billion dollars into private schools, instead of wasting \$250 million on partisan political self-promotional advertising, instead of putting \$600 million into private sector consultants, instead of refusing to follow up on corporations that have yet to pay their corporate taxes, we will invest in a plan that will support health care and education, protect our environment and invest in jobs and growth. We understand that in the knowledge economy, the jurisdiction with the best workers wins. So we're going to invest in Ontarians and give them the skills they need to compete and succeed in our Ontario.

Mr Howard Hampton (Kenora-Rainy River): I suspect that most of the people of Ontario—all the people of Ontario—wanted to see a budget presented to the Legislature and to the people of Ontario according to democratic fashion. But in the new world of Conservative government, this is all you get: a six-minute diatribe by the Minister of Finance; otherwise, she wants to do it by television infomercial. I say to the Minister of Finance, by that single act you have made one of the biggest political mistakes of your government's life and you will pay for it.

There were some things that jumped out of this television infomercial, and I believe the people of Ontario need to know what's really happening. The Minister

of Finance talks about property tax relief for seniors. Well, we already have a seniors' property tax credit in this province, and it's a seniors' property tax credit that is aimed at modest and lower-income people who are trying to pay their property taxes. What the Conservatives are talking about here is a property tax credit for Frank Stronach, Steve Stavro and all the rest of their wealthy pals. Imagine, people across Ontario: Frank Stronach, who has an income of \$53 million a year, who lives in a \$10-million mansion, needs financial help from this government to pay his property taxes. And guess what? He's going to get a \$42,000 cheque from this government to help him pay the property taxes on his \$10-million mansion.

1540

Here is the contrast. The lowest-paid workers in this province, people who work for minimum wage, have had their wages frozen for eight years by this government. For eight years you've frozen the minimum wage. Do you do anything about that? No. But you believe that Frank Stronach and the rest of his wealthy pals need government help to pay their property taxes. How ludicrous. How absurd. How unjust. And how unfair to people across this province.

The Minister of Finance wants to boast that the government has had five years of balanced budgets. Well, the people of Ontario deserve to know the truth. Last year, in order to give the appearance of a balanced budget, this government took over \$1 billion of federal money designed to provide for health care, federal money that was supposed to pay for health care next year and the year after, and they booked it all last year in order to cover up what was a deficit. This is exactly what Canadians complain about, that when this government gets money for health care from the federal government, they don't use it for health care; they use it to cover up their own financial mess.

Then there's this budget for 2003-04. They claim that it is balanced, but when you read the fine print, what does it say? It says that they're going to have to sell off over \$2 billion in public assets in order to give the appearance of having a balanced budget. This is like the farmer who sells off a piece of his farm every year in order to give the right impression to his friends and neighbours. But we all know what happens. Two or three years of that and you don't have a farm any more.

Last year, what you proposed to do to balance the budget was sell off Hydro One for \$2 billion. So what did we see in this year's budget? Oh, another \$2 billion in asset sales. The people of Ontario deserve to know that if this government gets re-elected, Hydro One is up for sale again. Hydro privatization hasn't ended under this government, and it won't under Liberals either, but it's very clear: if this government gets re-elected, Hydro One is up for sale again. I say to the Premier, you said yesterday in your throne speech that you wanted to consult the people. Call an election and consult them on whether or not they want Hydro One sold.

Hon Mr Eves: On a point of order, Mr Speaker: I believe we have unanimous consent to have a moment of

silence for the victims of SARS in the province of Ontario.

The Speaker (Hon Gary Carr): Is there unanimous consent? Agreed.

Would all the members please rise, and our friends in the gallery as well, for a moment of silence.

The House observed a moment's silence.

The Speaker: I thank all members and our friends in the gallery.

ORAL QUESTIONS

GOVERNMENT'S RECORD

Mr Dalton McGuinty (Leader of the Opposition): I have a question today for the Premier. Premier, yesterday Ontarians learned that the real reason this Legislature has not sat for 138 days is because you don't have a plan for the future.

For eight years, your government has weakened our hospitals, attacked our schools, ignored the serious needs of our communities and turned its back on the environment. It's clear that you simply do not know how it is that you're going to undo all the damage that you and your government have done. We do.

Premier, while you have dithered, we have carefully worked, and worked very hard, to develop good plans for the people of Ontario, and our plans represent real, positive change. In our plans, we're talking about cleaner air, better public schools, better health care and good jobs for our children.

Premier, Ontarians want real, positive change. You have been failing to deliver that kind of change. When are going to start to deliver the kind of change that Ontarians really want?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): Obviously the leader of the official opposition wasn't listening very carefully yesterday. Our throne speech indeed did lay out a plan and a vision for the people of Ontario, not just for this session but for many years to come.

He talks about health care. This government's commitment to health care is far in excess of any Liberal government in the history of Ontario—most recently the one of David Peterson. We are spending \$28.1 billion on health care this year in Ontario, far in excess of the Honourable Lyn McLeod's commitment to spend \$17.6 billion a year on health care in Ontario in the 1995 election campaign, and in spite of the fact that his country cousins in Ottawa, after their grandiose, well-advertised increase in their share, have still got it up to just under 17 cents for every dollar spent in Ontario. We know you agree with everything the Prime Minister does. Would you tell me, Mr Leader of the Opposition, sir, whether you agree with your country cousins' commitment?

Mr McGuinty: That highlights an important difference between you and me, Premier. You want to point

the finger of blame; I want to improve health care for the people of Ontario. If it's true that you are in fact spending more on health care, as you say, then you're giving Ontarians the worst of both worlds, because you're telling us you're spending more money and they're getting a poorer-quality health care.

You raised the matter of health care, Premier. Here is the truth: we are second from the bottom in Canada when it comes to our health care. On a per capita basis, we have the second-fewest nurses, the second-fewest doctors, the second-fewest hospital beds and, on a percentage of GDP, we have the second-lowest investment in health care in Canada. That's the truth. Those are the results of the choices that you have made. You continue to believe that putting \$3.2 billion into tax breaks for corporations and half a billion dollars into private schools is more important than health care. Our plan calls for not going ahead with those kinds of tax cuts and investing in health care, because that's a priority for us.

Hon Mr Eves: I hope the leader of the official opposition didn't spend four months dreaming up that question. The reality is that during Roy Romanow's commission on health care in this country, I had an opportunity to meet with Mr Romanow on three separate occasions, each of which was at least two hours in duration. On every single one of those occasions, he indicated to me that Ontario, by far, has the best health care system in Canada, bar none.

He talks about us not delivering on health care in Ontario. We are more committed to health care on this side of the House than any government in Ontario's history. We are spending close to 50% of the entire Ontario budget on health care, and the reason why we have \$10.5 billion more a year to spend on health care is because our \$16 billion worth of tax cuts has resulted in \$16 billion more a year in revenue to the province of Ontario.

Mr McGuinty: I'm glad, Premier, that you're paying some limited attention to what Commissioner Romanow had to say, but if you're truly attached to his recommendations and if you believe them, why is it you're going ahead with private MRIs and private CTs? Why are you going ahead with private hospitals in the province of Ontario? Mr Romanow came out against those things.

1550

As to the impact, then read the document, Premier, as I have done. Read the document.

Here is the other point with respect to your tax cuts. If you are so committed to health care, Premier, then why did you fire nurses by the thousands? Why did we have to pay \$375 million in severances for our nurses? Why is it that nurses today are very reluctant to come back to Ontario? Because you referred to them as Hula Hoop workers. Because you disrespected our nurses.

If you want our nurses to come back, Premier, then you know what you have to do. You have to give them full-time work and you have to give them respect. When

are you going to start to do that in the province of Ontario?

Hon Mr Eves: First of all, the leader of the official opposition might want to have the common decency to rise in the House later, stand up and say that I have never, not only in this House but anywhere, ever referred to nurses as Hula Hoop workers.

I want to say to the that we have created 12,000 nursing spaces in the province of Ontario. We are committed to creating another 8,000 over the next three years. We have created 350 nurse practitioner positions. We are paying tuition for people to go and take up nursing as a profession. We will create another 1,000 nurse practitioners in the next five years in the province of Ontario.

And by the way, for his information, Mr Romanow indicated to me on several occasions that privately owned and operated MRIs or any diagnostic procedure, or any treatment procedure such as kidney dialysis, as long as it is universally accessible, administered through the publicly funded OHIP plan in Ontario, falls perfectly within his criteria. I know that the leader of the official opposition would like to believe something else, but that in fact is what Mr Romanow believes.

HEALTH CARE FUNDING

Mr Dalton McGuinty (Leader of the Opposition): My second question is also to the Premier. Premier, our doctors, our nurses and our health care professionals have been nothing less than heroic in their efforts to contain the SARS outbreak and they deserve our thanks. But they are going to need more than that; they are going to need our support.

Before SARS hit, some of our hospitals in the Toronto area were operating at a 95% to 100% occupancy level. We've been long telling you that there was no flexibility in the system to deal with a disaster or other kind of health care crisis.

Thanks to the professionalism and dedication of our front-line health care workers we managed, but we only just managed, Premier. Do you now understand that your cuts to hospitals went too deep? Do you now understand that you have closed too many beds and fired too many nurses? Will you admit that your cuts to health care are compromising our ability to properly manage a health care crisis?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): I cannot believe that the leader of the official opposition would sink so low as to try to make political hay on the back of a situation like SARS. First of all, the health care professionals, starting with our public health officials, Dr Colin D'Cunha and Dr Young, the thousands upon thousands of front-line nurses, lab technicians, doctors, paramedics, police officers, researchers, scientists have worked tirelessly, night and day for weeks, to bring the crisis under control in the province of Ontario.

We have undertaken to support hospitals with any support they need. We have not attached a price tag to it,

and that is on top of the \$1 billion we raised hospital budgets by last year alone in this province. This government remains committed to doing whatever it takes to have plans for not only SARS, but an emergency plan for any viral infection or disease that might occur in the future. It's incumbent upon us to act responsibly. That's exactly what we've done here in Ontario.

Mr McGuinty: You might want to pay attention to what Dr Sheela Basrur has to say about this kind of thing. I'll quote from her: "It's called surge capacity, and that is something that has been systematically stripped from the system ... so the ability of public health, of hospitals, of governments in general to respond to an unforeseen crisis of large proportions is dramatically reduced when we have already cut ourselves to the bone."

This is not politics; it's the result of you having made cuts to health care, the broader health care system. What we're talking about, and these are the words used by Dr Sheela Basrur, is "we have already cut ourselves to the bone." Will you now admit that what has happened in Ontario on your watch and during the past eight years is that you have placed our public health system, in particular, in a position where it simply cannot properly manage in the face of a health care crisis?

Hon Mr Eves: I don't know where the leader of the official opposition invents his numbers, but I can tell you that in the fiscal year 1995-96, when we assumed government, hospital spending by the province was \$7.3 billion a year, and this year it is exactly \$3 billion a year higher, at \$10.3 billion a year. Only a Liberal who doesn't understand anything about numbers, who doesn't understand that you can't spend \$15 billion a year more than you take in, who ran up the provincial debt when they were in office, could make such a ridiculous statement.

Mr McGuinty: How is it that you forget you closed thousands of hospital beds? That's what capacity is all about. How is it that you forgot you fired nurses by the thousands? That's also an aspect of capacity. How is it that you forgot you shut down hospitals and shut down emergency rooms? That's all about capacity. It's about the ability of our health care system to manage in the face of a health care crisis.

We've got a plan, and you should take a look at our plan. We would reopen 1,600 hospital beds. We would hire nurses. We would recruit nurses by giving them what they need: respect and full-time, permanent employment. Instead of just promising to hire nurse practitioners, we would actually hire nurse practitioners. We've got a real plan to improve health care. Why don't you take a good look at our plan? Why don't you adopt our plan? That's what the people of Ontario happen to be looking for.

Hon Mr Eves: Virtually every hospital in this province has seen significant capital infrastructure improved, or indeed the entire hospital rebuilt, in virtually every region of this province in the last few years. This year alone we are spending over \$500 million on capital improvements to hospitals alone.

I might listen to the leader of the official opposition if he actually made some sense and had the decency and forthrightness to quote actual facts instead of rhyming off numbers he makes up. Speaking of numbers, he has a 29-page document on the future of the economy of Ontario—his election platform—and not one, single number in it. You won't have to worry about budget day; there will be no numbers in your budget.

Hon Chris Stockwell (Minister of the Environment, Government House Leader): On a point of order, Speaker: Considering the length of time it took during that period, I would seek unanimous consent to give the leader of the third party two questions.

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

Mr James J. Bradley (St Catharines): On a point of order, Mr Speaker: I seek the consent of the House to have the full question period today.

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

Pursuant to standing order 30(b), I'm now required to move to orders of the day.

1600

ROYAL ASSENT

SANCTION ROYALE

The Speaker (Hon Gary Carr): Just before the government House leader calls orders of the day, I'm also required to announce royal assent.

I beg to inform the House that on December 13, 2002, in the name of Her Majesty the Queen, His Honour the Lieutenant Governor was pleased to assent to the following bills of the previous session in his office.

Clerk at the Table (Ms Lisa Freedman): The following are the titles of the bills to which His Honour did assent:

Bill 74, An Act to amend the Marriage Act / *Projet de loi 74, Loi modifiant la Loi sur le mariage;*

Bill 128, An Act to permit the naming of highway bridges and other structures on the King's Highway in memory of police officers who have died in the line of duty / *Projet de loi 128, Loi permettant de nommer des ponts et d'autres constructions situées sur la route principale à la mémoire des agents de police décédés dans l'exercice de leurs fonctions;*

Bill 129, An Act to amend the Ontario Society for the Prevention of Cruelty to Animals Act / *Projet de loi 129, Loi modifiant la Loi sur la Société de protection des animaux de l'Ontario;*

Bill 151, An Act respecting the Toronto Waterfront Revitalization Corporation / *Projet de loi 151, Loi concernant la Société de revitalisation du secteur riverain de Toronto;*

Bill 175, An Act respecting the cost of water and waste water services / *Projet de loi 175, Loi concernant le coût des services d'approvisionnement en eau et des services relatifs aux eaux usées;*

Bill 180, An Act to enact, amend or revise various Acts related to consumer protection / Projet de loi 180, Loi édictant, modifiant ou révisant diverses lois portant sur la protection du consommateur;

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;

Bill 195, An Act respecting safe drinking water / Projet de loi 195, Loi ayant trait à la salubrité de l'eau potable;

Bill 209, An Act respecting funerals, burials, cremations and related services and providing for the amendment of other statutes / Projet de loi 209, Loi traitant des funérailles, des enterrements, des crémations et des services connexes et prévoyant la modification d'autres lois;

Bill 216, An Act respecting access to information, the review of expenses and the accountability of Cabinet ministers, Opposition leaders and certain other persons / Projet de loi 216, Loi concernant l'accès à l'information ainsi que l'examen des dépenses et l'obligation de rendre compte des ministres, des chefs d'un parti de l'opposition et de certaines autres personnes;

Bill 229, An Act to authorize the payment of certain amounts for the public service for the fiscal year ending on March 31, 2003 / Projet de loi 229, Loi autorisant le paiement de certaines sommes destinées à la fonction publique pour l'exercice se terminant le 31 mars 2003;

Bill 231, An Act to amend the repeal date of the Edible Oil Products Act / Projet de loi 231, Loi modifiant la date d'abrogation de la Loi sur les produits oléagineux comestibles;

Bill Pr1, An Act respecting the Tilbury Area Public School and the William J. Miller Trust;

Bill Pr9, An Act respecting The Elliott;

Bill Pr11, An Act respecting the Town of Erin;

Bill Pr17, An Act respecting the Reena Foundation.

BUSINESS OF THE HOUSE

Hon Chris Stockwell (Minister of the Environment, Government House Leader): I have the business of the House for next week before I call the order.

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

Tuesday afternoon will be the Liberal opposition day. Thursday morning, during private members' public business, we will discuss ballot item 3, standing in the name of Mr Tascona, and ballot item 4, standing in the name of Mr Sorbara. The rest of the sittings will be occupied by throne speech debate.

ORDERS OF THE DAY

THRONE SPEECH DEBATE

Consideration of the speech of His Honour the Lieutenant Governor at the opening of the session.

Mr Garfield Dunlop (Simcoe North): I move, seconded by Mr Gill, that an humble address be presented to His Honour the Lieutenant Governor as follows:

To the Honourable James K. Bartleman, Lieutenant Governor of Ontario,

We, Her Majesty's most dutiful and loyal subjects, the Legislative Assembly of the province of Ontario, beg leave to thank Your Honour for the gracious speech from the throne Your Honour presented to us yesterday.

The Speaker (Hon Gary Carr): Mr Dunlop moves, seconded by Mr Gill, that an humble address be presented to His Honour the Lieutenant Governor as follows:

"To the Honourable James K. Bartleman:

"We, Her Majesty's most dutiful and loyal subjects, the Legislative Assembly of the province of Ontario, now assembled, beg leave to thank Your Honour for the gracious speech Your Honour has addressed to us."

Debate?

Mr Dunlop: Today I will be sharing my time and my remarks with the member for Bramalea-Gore-Malton-Springdale, Mr Raminder Gill.

It is indeed a privilege and an honour to move the adoption of the speech from the throne on behalf of the people I represent in the great riding of Simcoe North.

I would like to say a few words about His Honour James K. Bartleman. The fact of the matter is Mr Bartleman is a former resident of the riding of Simcoe North and, as many people here know, His Honour is also the first aboriginal Lieutenant Governor in the history of the province of Ontario. I was pleased, as a member of this assembly, to see Mr Bartleman appointed to this position and I'm also pleased that he has taken such an active role in his concerns with the aboriginal communities across our great province. I was pleased that he was appointed to this position and I thank him for his comments in the speech from the throne yesterday.

I was also pleased that I was joined, as my guest in the House yesterday, by Mr Tony Belcourt, the president of the Métis Nation of Ontario. With Mr Belcourt, I had an opportunity to have lunch yesterday with one of our pages who is here today, Ms Natalie King of the town Victoria Harbour, and her mother, Cyndi. They are both members of Métis Nation of Ontario.

I was very pleased to take part in the throne speech consultations. In fact, as was mentioned in the speech and was mentioned yesterday in our correspondence, over 10,000 people took an active role in giving consultation advice to the Premier on the speech from the throne. I was particularly pleased to be part of the Premier's consultation process that led to the development of yesterday's throne speech. In my role of parliamentary

assistant to the Premier, I actually visited seven communities in rural Ontario to seek advice and input for the throne speech. People in small communities like Picton, Selby, Faraday, Cornwall, Winchester, Paris and Oakwood will be happy to know that the Eves government is acting on their comments.

An example was a gentleman I met from Picton. I was so pleased that Mr William Conley, who happens to be deaf, came to the throne speech consultations and had a series of notes that he asked me to read into the record. One of the concerns that Mr Conley had was that he asked if we could increase the Ontario disability support program. That, as you know, was part of our consultations and part of the throne speech plan that we introduced yesterday. We listened and we were acting on his suggestion.

I am particularly pleased that our government in the coming weeks will unveil a comprehensive rural strategy aimed at addressing the concerns of people in rural Ontario communities, just like the ones I visited in the first three weeks of April. With this strategy, we will strengthen the rural economy, protect services, and preserve the way of life that is so important to rural Ontario.

I listened to a lot of concerns in my consultations in my own riding. I met with agricultural stakeholders, a very, very important part of the riding of Simcoe North and of most of the province of Ontario. I met with school councils. I met with building associations and I listened to their concerns. Of course, we all listen to the people from the chambers of commerce and the business community as we look to strengthen this great province of ours.

1610

A number of points were raised in the throne speech, and I'd like to dwell on a few of those for a couple of minutes.

First of all, providing an additional 17 tax cuts for seniors, businesses and wage earners: I was so pleased to hear of the education portion of the property tax being removed for seniors. It's something that in my years in municipal politics I heard over and over again. So many seniors have paid tax all of their lives on their farms, their businesses and of course on their homes, and I think this is a great opportunity, as a result of our budget, for our seniors to finally get a break. I believe \$450 million will be given back to the seniors of our great province.

The throne speech also commented on introducing legislation to allow seniors to retire at a time of their choosing. I think we are all so familiar with people who are put in that position. Many people like to take an early retirement, retiring at 52 or 54 or 57 years of age, some up to 65, but other people I know like to continue to work. I met a gentleman just this week who is 75 years old. He sells lighting equipment across our province and he just does not want to retire. I think there are many people in that position across our province who have a lot of energy and a lot to offer when you think that at the same time, with a strong economy, in a lot of cases we

need those people. We need them badly for the jobs that are out there. You can walk into many of our department stores today, companies like Wal-Mart, and see the people who are taking advantage of some of these jobs. They like to be there, they like to be an active part of their community, and they like to get up every morning and go to work and have a job.

The throne speech is also providing a special benefit to meet the unique needs of children who require helping hands and, as I said earlier, increasing the Ontario disability support program payments to help people with disabilities lead happier, more productive and dignified lives. I mentioned earlier about Mr William Conley, who came to our throne speech consultations, and some other constituents of mine who have come forward and also made comments on the need for some additional funding to be put into the disability support program.

The throne speech is also introducing a comprehensive approach to Ontario's energy sector, including increasing supply, creating an integrated conservation plan and ensuring that pricing is stable. We've made that commitment.

As I mentioned earlier, we are announcing a comprehensive rural strategy aimed at addressing the concerns raised by people in our rural communities. I think something we have to spend a lot of time on, as Ontarians, as citizens of our country, is the need to strengthen the rural economy of our provinces, and of course we're mostly concerned here about the province of Ontario. We heard over and over again about the need for keeping young people in their communities, about the need for continuing with programs down the road—like the rural economic development program—programs that have helped many of our ridings across this province. We heard that in Quinte West. That was one of the concerns that the chamber of commerce brought forward down there. They needed to see some type of economic stimulus in the future, very similar to what we have in programs like the rural economic development program.

The throne speech also dealt with things like quality health care, pledging to help hospitals deal with SARS-related backlogs, compensate workers and protect and promote our economy.

First of all, on the quality health care issue, I'd like to talk a little bit about the quality of the health care workers we have here in Ontario. During the SARS outbreak, I think they have really come to the top of their pinnacle. I can hardly imagine how well they have performed. Even in my riding of Simcoe North, where we were originally identified as one of the areas, very similar to the GTA, our emergency plans immediately went to work. Our medical officers of health, our fire chiefs, our mayors, the CAOs of our municipalities, along with our hospital administrators—these people did a phenomenal job. I think they were a spinoff of people like Dr D'Cunha and Dr Young, who, by the way, is a Simcoe county resident.

I think that we in this Legislature and we in the province of Ontario owe a great deal of thanks to these

people. They've performed above their call of duty. I know we've had a number of thank yous in the House today and over the last couple of days, but I just wanted to put my personal thank you to the people, not only here in the province but particularly to the people in my own riding of Simcoe North.

The throne speech also called for the province to be engaging with Ontario's health care professionals in developing guaranteed wait times for such things as general surgery, cataract procedures, cancer treatments and MRIs. As the government, we are also launching an aggressive nurse recruitment and retention program, as well as breaking down barriers faced by nurse practitioners to expand their numbers and the range of services that they are able to provide. We're improving access to doctors by increasing the number of international medical graduates training to practise here in Ontario by an amazing amount of 20%. We are also providing free tuition for current and future medical school students who agree to practise in underserved areas or join family health networks. As part of our budget and as part of the throne speech, we are investing nearly \$6.5 million to support the Electronic Child Health Network North.

I think one of the things that's most important is that we are investing \$1 billion in a new cancer research institute here in the province of Ontario. I think this is an area that is very important to everyone in this assembly and probably every family in the province of Ontario. There are very few people who have not been touched by the loss of someone to cancer, whether it's a family member or a friend.

I had the opportunity last Saturday to take part in the media launch for the Relay for Life for the Canadian Cancer Society up in Orillia. It's a relay that will be taking place in January. Many people were there promoting the fact that we need to get as many people as possible actively involved in this Relay for Life, primarily for two reasons: one, it brings awareness to the fact that we need to do fundraising and it brings so many people together with a common interest. As well, I think it's important to note that we in the county of Simcoe are looking forward to, at some point, having a cancer care centre at the Royal Victoria Hospital in Barrie. It's a program that Mr Wilson, Mr Tascona and myself are all working toward, along with the network hospitals in Simcoe county. We hope that someday in the near future we'll have that announcement and we'll be able to work toward having a cancer care centre right in the city of Barrie.

We're committing, in our throne speech, in our budget and in some announcements last year, to an additional 20 MRIs and five new CT scanners. I am very pleased to hear this announcement. I know that previous to the Harris government being elected, in the 10 years before that, there was a total of 12 MRIs in all of the province of Ontario, six under the Peterson government and six under the Rae government. I believe we now have 41 under our government, and the plan for 20 new MRIs and five new CT scanners is an addition to the services that we have

here in the province of Ontario. I can tell you again, on a personal note, in my riding of Simcoe North we have a lot of interest in having an MRI machine. One of my top priorities in the next five to 10 years is to make sure one of these is installed, either a private or a hospital MRI, somewhere in my riding. I'm more than happy to work with the Ministry of Health in getting all the criteria needed so that we can have our own MRI. Currently there is the one in Barrie, and there was one recently announced, I believe, in Owen Sound, to help look after the service of MRI requirements in Simcoe county and Grey county.

I'd like to talk a little bit about the excellence in education portion of the throne speech. I know that education is always a topic of interest, and of course it's always a topic in throne speeches. But certainly the fact that we are creating more than 135,000 new post-secondary student places—and it's the largest capital investment in Ontario's universities and colleges since the 1960s. I'd like to say that we're very fortunate that Georgian College—which is our only post-secondary facility in Simcoe county—is receiving about 2,500 of those new student places. The facility is under construction right now. I'm sure it will be open by early September.

1620

It's interesting to note that we have the interest in this project, as well as future projects that we'd like to expand. Our board of directors and our administration at Georgian College has done a wonderful job in Simcoe county, Muskoka and parts of Grey county in servicing the students of that area as they continue to not only expand the Barrie campus but to look after the future expansion of the Orillia, Midland and Collingwood campuses as well.

The government is also, through the throne speech and the last budget, providing an extra \$1.6 billion for special education for the year 2002-03 to make sure that these children have the help they need to learn and succeed. I think anybody who has not been in a classroom in the province of Ontario for a few years should visit our classrooms and see the impact that special education students have on our school system. I know we always seem to require more money in that area, and I was going to give some figures in a few minutes about the amount of money that our board is spending on special education. I continue to think it's a vital area for our school system. But it's also a very expensive part of our system as well.

The budget is also allowing athletes, musicians, artists and tradespeople to act as expert instructors or volunteers in their particular fields. The throne speech acknowledges the fact that we're giving parents more choice to enrol their children in any available school within their boards. Of course, a keynote to this is that schools will still give first placement priority to students who live closest nearby.

I also want to point out that the throne speech is providing tools and resources to ensure that phonics are available to all schools and to encourage higher achieve-

ment in math by offering elementary school teachers scholarships to become math specialists.

Interestingly, also in the throne speech, we're increasing the annual investment in colleges and universities and demanding better accountability for those results.

From my perspective, as someone who has come from a construction background, a trades background, a trades businessperson, I really liked the part in the throne speech and our budget encouraging young people to seek rewarding and exciting careers in the skilled trades.

I'd like to point out—and this is one of the things I'm most proud of in my political life, and I do want to read a little bit of this into the comments today. I did a consultation for Minister Ecker last year when I was her parliamentary assistant. Part of the budget calls for building skills for a growing economy. It's on page 12.

It reads: "Ontario's economic surge is also increasing the need for skilled workers throughout the province. In an excellent report"—and I stress "excellent"—"released last year, Garfield Dunlop, MPP for Simcoe North, recognized that meeting this need starts in schools. That is why we are investing \$90 million in our high schools over the next four years to renew technological equipment, to train teachers and to develop partnerships with employers and colleges. Since 2000, we have invested \$120 million to revitalize the apprenticeship system and to double the number of people entering apprenticeships. Today, I am proposing to create a new refundable apprenticeship tax credit for employers that would create jobs and increase the supply of skilled-trades workers in Ontario."

This is something that I am very pleased with, because one of the problems we've had over the years in the construction industry, and in fact in the manufacturing industry as well, is that whenever we have apprentices on staff, in a lot of cases, after they receive their journeyman's papers, they often leave and go on to other jobs. This, I think, is an opportunity to at least subsidize the employer somewhat for the training of that young person; or in a lot of cases, they're actually middle-aged people who go back to trades. But certainly it's important that we acknowledge the fact that we need more people to take apprentices on to their staff, and I think the apprenticeship tax credit will be an excellent opportunity over the foreseeable future to implement what I consider to be a program that will train a lot of young and skilled tradespeople for the province of Ontario.

Hon Jim Flaherty (Minister of Enterprise, Opportunity and Innovation): Garfield Dunlop did that.

Mr Dunlop: Thank you very much. It's very nice of Mr Flaherty to say that.

Before we leave education, I'd like to talk a little bit about the funding we've received in our boards over the last few months. I have two large, growing boards in my riding. For example, when I first entered provincial politics in 1999-2000, the Simcoe County District School Board had 50,774 students enrolled in it. Today, the number of students who will be entering that school

board next fall will be somewhere around 52,178, or about a 3% increase. It's interesting to note that in that same time, in those four years, our total funding for all purposes to that board alone has gone from \$315.69 million to a total of \$380.92 million—a \$65-million increase, or 20.7%. So we've seen a 3% increase in enrolment and a 20.7% increase in total funding to the board.

It's also interesting to note that in that same time period, special education funding has gone from \$27.7 million to \$45.42 million. A lot of that has to do with Dr Rozanski and his recommendations. I applaud him for his report. We, of course, are implementing all of the Rozanski recommendations. Something that was important to me was the opportunity to meet with Dr Rozanski and talk about the issues in my riding. At first, I didn't think that meeting would happen last fall, but I did have a great opportunity. I spent about an hour and a half with Dr Rozanski in a meeting and I enjoyed his company. I know that a lot of his recommendations were listened to, and we were certainly very pleased with the outcome of that. The thing that I think is most important about Dr Rozanski's report is that he did not allow the school boards to go back and start to tax the municipalities again. That was unacceptable before and it's unacceptable today, in my opinion.

Interjection: That's what the Liberals want.

Mr Dunlop: Yes, I think the opposition parties would like to allow the taxes to go back in.

Something else I want to talk about with education is the new schools. As you know, the Ministry of Education is continually assessing the quality of our schools and that means how well they fit with the building code and the heating and ventilating requirements, the electrical codes etc. We've been fortunate just recently that four of our older school in the Simcoe County District School Board have been allowed to have a replacement factor built into them. I'm particularly pleased that in my riding I was allowed two of them: Parkview school in Midland and Mount Slaven public school in the city of Orillia.

I'd like to go back again to my notes. When we're dealing with the throne speech, we also have to talk about having good government, and this throne speech is introducing legislation to provide quality auditors for health, education and municipal services, to ensure that high-quality, effective services are delivered and that that funding is used for its intended purposes.

We are requiring unions to operate on principles of democracy, transparency and accountability. We are committing to find new ways to improve and modernize our democratic institutions, such as the consultation process that resulted in the throne speech.

1630

Safe and working communities: we're working with Smart Growth panel leaders and citizens—this is part of the throne speech as well—to carry out the vision of orderly local development. We're introducing legislation that will impose lifetime suspension upon a second drunk driving conviction and the direct vehicle seizure in

appropriate cases. When we were doing the consultations for the ignition interlock bill, it was something that many, many people wanted to see done. At this point you can get away with a second offence and have a three-year suspended licence, but many stakeholders, including Mothers Against Drunk Driving and the Canadian Automobile Association, wanted to see tighter controls and penalties.

I think this is a step in the right direction. It shows the strong leadership that we have here in Ontario, not only through our Ministry of Public Safety and Security but through our Ministry of Transportation as well.

Part of the throne speech is that we will be providing a \$1-billion capital injection to help start the Ontario opportunity bonds. That program is to help municipal infrastructure and the investments they will have.

I'd like to say as I close—I'm going to turn it over to Mr Gill—that since 1995, Ontario has undergone a remarkable transformation. Our reforms have created new growth and have created over 1,100,000 net new jobs. We remain committed to our plan to keep our province strong. Ontarians have told us they are hopeful about our province's future. Only strong and experienced leadership will protect and expand the gains we have made so we can all enjoy the promises of Ontario.

This throne speech is about protecting the gains our government has made for a strong and prosperous province. It's about keeping Ontario's economy strong so that we can continue to put tax dollars into priorities like health care and education: \$28 billion in health care and \$16 billion in education. The money doesn't fall off the trees; you have to have a strong economy to pay those bills. Over on the opposite side there are many people. I don't know if they know math. It's the strong economy that makes this province go. The fact is that people have to be working. That's why the 1,100,000 new jobs are critical to Ontario and its future.

Ontarians have experienced what can happen when the economy is weak. All you have to do is look back to the lost decade of "Tax and spend, tax and spend." We can't go back there. I applaud the Premier for coming forth with a throne speech like this. I thank the Lieutenant Governor for delivering the speech yesterday and I look forward to further debate on this.

I thank Mr Gill. I'm going to turn it over to him now. Thank you, Mr Speaker, for the opportunity to be here today.

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): It's a pleasure for me to rise today to second this motion in response to the speech from the throne. Of course I echo the comments from the honourable member for Simcoe North. He did speak very eloquently about not only the tradition of the throne speech but also the content, which was so nicely delivered by Lieutenant Governor James K. Bartleman. We must comment on the way the Lieutenant Governor arrived at the Legislature: in a very traditional way, in the landau. I thought it was perhaps a thunderstorm, but I later realized it was a traditional cannon salute; I'm not sure what it was but it

was great. I'm very happy that it was delivered in a very nice way.

I was happy to see some of my constituents in the audience as well: Frank and Olive Russell, who are senior citizens. The Premier came one day to my riding and we delivered the seniors' tax credit. As we grow older, I'm sure we'll all benefit from that.

I would like to start by thanking the voters of Ontario who placed their confidence in this government, who support our policies, our plans for the future, which is what the throne speech is all about.

In the throne speech, as you know, His Honour spoke of this government's commitment to a strong economy. This government's economic agenda has been seen in my great riding of Bramalea-Gore-Malton-Springdale. Companies like Coca-Cola, who have their largest bottling plant in North America; Hostess Frito-Lay; Canadian Tire; Kord Products Inc; Taro Pharmaceuticals; Mandarin restaurants; Loblaw's head office; Orenda Aerospace Corp; and DaimlerChrysler have all either expanded their operations or opened a new location. The 50% reduction in provincial income tax has resulted in an additional \$500 million that taxpayers have put back into the local economy in the region of Peel alone.

This government has created over one million—and I think it's worth repeating—over one million jobs since 1995. We have paid down the provincial debt by \$5 billion. Sometimes one talks about, "Promises made, promises kept." I think we not only met this promise—we said we were going to create 825,000 jobs—but we're happy to report that we created more than one million jobs. We did say we were going to decrease the debt by \$2 billion. We not only met that, we exceeded it and decreased the debt by \$5 billion.

The Ontario economy outperforms all G7 countries including the US—and again it's worth repeating—including the US. We're leading the pack. A lot of times you will hear rhetoric from the opposition that we are dependent on the US and tied to their economy, and because they're going up, we're going up and because they're going down, we're going down. No, that is not the case. We are leading the pack. Our economy is growing more than any of the G7 countries. The unemployment rate in Ontario is 6.7%, down from 10% when we took over as the government in 1995.

Providing an additional 17 tax cuts for seniors, businesses and wage earners—as I mentioned earlier, Olive Russell, a senior citizen in my riding, was quoted in yesterday's throne speech as saying that seniors appreciate receiving a break after so many years of contributing to this province—introducing legislation to allow seniors to retire at a time of their choosing; providing a special benefit to meet the unique needs of children who require a helping hand; increasing Ontario's disability support program payments to better help people with disabilities lead happier, more productive and dignified lives.

I think it's very important that ODSP payments are going to be increased. It had not been done before.

Coincidentally, a couple of days ago I was talking to one of my constituents who did bring up that concern again to me. I'm happy to report back to her that perhaps one could say that because of her call and the calls of many other constituents we are going to be listening and we are going to be doing the right thing, as we always do.

1640

Introducing a comprehensive approach to Ontario's energy sector, including increasing supply, creating an integrated conservation plan and ensuring that pricing is stable—I'll admit I was as wasteful as, I'm sure, members on the other side. I always said that when you go home, put the lights on, because the house has to look lived in. But with energy prices going up, we have to start conserving, and I'm pleased to be saying that—

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

The Deputy Speaker (Mr Bert Johnson): I'm not sure, but I'll have somebody check and see.

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

The Deputy Speaker ordered the bells rung.

Clerk at the Table: A quorum is now present.

The Deputy Speaker: I'll recognize the member for Bramalea-Gore-Malton-Springdale.

Mr Gill: We were discussing energy, before we were disrupted from my train of thought, and how much more we need energy. We want to continue making sure that companies like Sithe Energy of Oswego, New York, plan to build a generating station using clean, natural gas in my riding. They are going to be spending about \$1 billion and producing, I understand, about 650 megawatts of energy. I'm sure they'll be very happy to hear that we are going to support the creation of more energy and the companies that are going to be coming on line, and announcing a comprehensive rural strategy aimed at addressing the concerns raised by the people in rural communities.

It is through this government's efforts that after 30 years of waiting, the constituents in my great riding of Bramalea-Gore-Malton-Springdale, and those of the ridings of Mr Clement and Mr Spina, will finally get a new hospital in my riding, at Bramalea Road and Bovaird Drive in Brampton, part of the William Osler group. This hospital is going to be the biggest community-based hospital in Canada, with 608 beds. I'm very, very pleased that it is coming to my riding, at Bramalea Road and Bovaird Drive. We're looking forward to it. This hospital will be an ultramodern facility, featuring state-of-the-art equipment, and will consist of three distinct blocks: an in-patient tower, a diagnostic-therapeutic wing with a revolutionary emergency department, and an out-patient ambulatory care block.

It will house, as I said, 608 beds and 20 operating rooms, and will have the capacity to handle 160,000 ambulatory care visits and 89,000 emergency department visits each year.

The new hospital will also offer programs and services such as mental health services, ambulatory oncology

services, cardiac procedures suite, cardio-respiratory and electro-diagnostic services, child and adolescent mental health, critical care dialysis, maternal-newborn services, pediatrics and many more. It is going to be a comprehensive hospital. I'm very pleased to say that we will be starting the construction very, very soon, I believe within the next four to five weeks, as I understand it.

It is because of this government's efforts that many constituents will see the current Brampton Memorial Hospital redeveloped to include a 112-bed complex, continuing care beds, modern emergency and ambulatory care, an eye institute, out-patient surgery and rehabilitation.

There was some concern as we went ahead with the construction of the new hospital as to what would happen to the current Peel Memorial Hospital, which is also part of the William Osler Health Centre. There was some discussion that we may have to abandon it because it may not be up to standard. But we are happy to say that the government is going to be spending money because the need is there; the need is great. We have expanding communities. In fact, I believe my riding is one of the fastest-expanding communities in the whole of Canada. I do want to welcome the new constituents. I have been meeting them as they occupy their new homes. I'm very pleased that they are happy that the hospital is coming close to them, for their children and for themselves.

There is the building of over 1,100 new long-term-care beds in Brampton. This government has increased health care spending by \$8 billion since 1995, from \$17.4 billion to \$25.5 billion. Last year alone, spending increased by 7.3%. Hospital budgets increased in 2002 by 7.7%, to \$9.4 billion. There are new MRI units and dialysis services at our local hospital, as we promised. Promises made, promises kept. We invested \$9.5 million in the Carlo Fidani Peel Regional Cancer Centre.

This government will continue to launch an aggressive nurse recruitment and retention program as well as break down barriers faced by nurse practitioners to expand their numbers and the range of services they are able to provide, and improve access to doctors by increasing the number of international medical graduates training to practise in Ontario by 20%. I'm pleased to say, as you may know, my wife is an international medical graduate. She has been working for the last 20 years with the Credit Valley Hospital. I'm happy to say that some of the people you saw this morning driving limos and cabs, many of them, are international medical graduates. In expanding this service from, as you know, 12 to 24, and now to 150 per year, in the next four years, we will have more than 600 international medical graduates who can practise, and they'll be providing their much-needed services to Ontario residents.

There is the provision of free tuition for current and future medical school students who agree to practise in underserved areas or join family health networks. This is the sort of program that I know the army has. If you join the army and you want to become a doctor, they will pay your fees as long as you work for the army for a

certain number of years, perhaps. So this is going to be a well-liked program. I know there's a lot of excitement, because fees are expensive, and this is going to give them incentive. Hopefully they will take that and spend some time in the beautiful north or in the underserved areas.

There is investment of nearly \$6.5 million to support the Electronic Child Health Network North and to maintain the excellent Telehealth network launched by Minister Clement that has helped thousands of Ontarians while relieving pressures on our emergency rooms, CCACs and urgent care clinic facilities. I was happy to see an over-the-network type of surgery that can now take place. I was happy to join Dr Fuller at Sick Kids hospital, who demonstrated how far-reaching and excellent surgeries can be performed over the wire, if you want to call it that.

We will commit to an additional 20 MRIs and five new CT scanners.

The Peel Board of Education, which I believe is the second largest board of education in our province, has a budget that has increased by over \$188 million since 1997, and 1997 was the year when the new student-focused funding model was introduced. The total budget is now over \$857 million, a 22% increase.

The Dufferin-Peel Catholic board's budget increased by \$169 million since 1997. Their total budget is now at \$603 million.

We have improved the new school capital funding formula to help build more than 37 new schools in Brampton, the most in the history of our province. For example, Peel board is building 15 elementary schools and eight new high schools in Brampton, creating space for over 10,400 new students. Total funding for these new schools exceeds \$105 million.

The Dufferin-Peel Catholic school board is building seven elementary schools and seven new high schools in Brampton, creating space for over 7,400 students. Total funding for these schools now exceeds \$95 million.

People talk about closing schools and this and that; I'm happy to report that we are going to be building schools, because the need is there. Families in fact are quite happy that schools are being built and the kids are getting spaces close to their homes.

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We have made an immediate \$250-million investment this year for special education, as recommended by the report of Dr Rozanski.

We are creating more than 135,000 new post-secondary student places, the largest capital investment in Ontario universities and colleges since the 1960s. As you know, my previous assignment was as a parliamentary assistant to the Minister of Training, Colleges and Universities. I was quite happy to consult universities all over the province, and I'm happy to say that despite the doom and gloom of the opposition parties that the double cohort students will not get any spaces, I understand the universities are very happy. My younger daughter is part of the double cohort program, and she has been getting acceptance letters from each and every university she

applied to. I'm not sure which one she is going to choose. She also had a full scholarship from the University of Toronto, which is board, room, fees and you name it, but I don't know if she's going to take that or not. I hope she does. It will be less expensive for me, but I'm not quite sure whether she will or not. As I said, we have created more than 135,000 new post-secondary student places.

We have provided \$1.6 billion for special education for 2002-03 to make sure that these children have the help they need to learn and succeed, and we will allow athletes, musicians, artists and tradespeople to act as expert instructors or volunteers.

We are giving parents more choice to enrol their children in any available school within their board. Schools will still give first placement priority to students who live nearby.

One of my pet peeves—and it's my opinion—is that I think all students should have uniforms. Again, that's something where perhaps more needs to be done. I know we've given the parents the choice. If they want to work with their student councils or parent councils, they can, but I think we should encourage that. We should keep reminding people, because the parents I've talked to like the idea. They don't really know that they have the power to choose that, so I think we need to emphasize it. I think it will give the students a pride in their school. It will distinguish them from other schools. There will be healthy competition, and of course there will be discipline in the schools. I'm hoping that more and more schools, more and more parents, take advantage of that tool we've given them to go ahead with that.

Talking about tools, we're providing tools and resources to ensure phonics are available to all schools, and encouraging higher achievement in math by offering elementary school teachers scholarships to become math specialists. I know it is very important to have the basics: reading, writing and arithmetic, as they say. I know in the past we had gone away from that. We had gone to child-centred learning: "Let the child do whatever they want to." I'm of the old school. I think they have to have the basics. The foundation has to be there. Only then will these kids learn the higher education.

I'm very pleased that we did bring in standardized testing. How else do you know how well the kids are doing? I understand that in the developed world, we are number five in the world. I think we used to be number 37 or whatever, so I'm quite pleased that we are making that progress. If you didn't have standardized testing, how else would you know how well a school is doing, how well a teacher is doing? The rest of the world was having standardized testing, and I'm happy to say that we have brought that in and it's working out quite well.

We're encouraging young people to seek rewarding and exciting careers in the skilled trades. As Mr Dunlop said earlier, he did a consultation across the province last year with the schools. I did a consultation with the trade colleges, if you want to call them that, and we have a report coming that highlights that we need to bring awareness not only to the schools and colleges but also

with the parents. Sometimes we feel that trades are not for our kids. Sometimes we feel that our kids only need to go to university. But I think people who learn trades reap good rewards. It's a good living and they make good money. It is very important for us to have tradespeople to make sure that our economy is growing. We need skilled tradespeople.

We have provided \$14 million to Peel Regional Police to hire 124 new front-line police officers. We've increased RIDE grants to Peel police to help stop drinking and driving. We've improved our drinking and driving laws to make them among the strongest in North America, including the introduction of ignition interlocking units.

We've built a new \$17-million courthouse in Brampton, a new Brampton specialized domestic violence court, and introduced the Amber Alert program on 400-series highway signs to help track down abducted children. We've introduced the CERV program in Brampton. It was the first community that came forward with that program. The CERV program—community emergency response volunteers—is part of Ontario's emergency preparedness. We've created both police and firefighter memorials at Queen's Park, to remember our fallen heroes. We've created Canada's first sex offender registry under legislation as Christopher's Law. Its name commemorates Christopher Stephenson, an 11-year-old boy who was killed in 1988 by a convicted pedophile out on statutory release. We are working with Smart Growth panel leaders and citizens to carry out their vision of orderly local development. Mayor McCallion, I know, chaired that panel. They have brought forward a report which is being well received, and hopefully the government will follow that through.

We are introducing legislation that would impose a lifetime licence suspension upon a second drunk driving conviction, and direct vehicle seizure in appropriate cases, and providing a \$1-billion capital injection to help kick-start the Ontario opportunity bonds program to help fund municipal infrastructure investments.

Ontarians have told us they are hopeful about our province's future. Only strong and experienced leadership will protect and expand the gains that we have made so that we can all enjoy the promise of Ontario. We have come this far; we can't afford to go back to the doom and gloom days of 10 or 15 years ago. I want to assure Ontarians that they have the leadership they need. We intend to keep fighting taxes, cutting taxes, and at the same time growing the economy.

I am quite pleased also to wish all the South Asians and the South Asians' friends in Ontario—because today is the start of South Asian Heritage Month. I would encourage all the members in the Legislature today to come and join me in the Ontario legislative dining room for a reception at 6 o'clock. I would encourage the staff perhaps to come and join us and celebrate the start of this month-long celebration. I know there are going to be several different venues this whole month. Wherever you live, please join the South Asian community in commemorating this month. There is going to be a golf tournament to raise funds for the Yee Hong Centre on May 30. As well, on May 31, Gerrard Street is going to be closed so that people can come, walk around, taste South Asian delicacies, as well as listen to the music. This is just like the Taste of the Danforth.

I'm quite pleased that the South Asian community is coming forward and having the community at large come in, celebrating their heritage and the contributions of the South Asian community. Ever since my uncle, Jimmy Gill, came to Ontario as the first South Asian, the South Asians have contributed a lot to the Ontario economy and to Ontario culture. I am pleased to be thanking them and also celebrating South Asian Heritage Month with them. So I do encourage members to perhaps come and join me.

Thank you very much, Mr Speaker, for giving me the opportunity to join with you in this debate today.

The Deputy Speaker: Further debate?

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): I move adjournment of the debate.

The Deputy Speaker: Mrs Dombrowsky has moved adjournment of the debate. Is it the pleasure of the House that the motion carry? It is carried.

Hon Doug Galt (Minister without Portfolio): I would move adjournment of the House.

The Deputy Speaker: The chief government whip has moved adjournment of the House. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

It is carried.

This House stands adjourned until 1:30 on Monday, May 5.

The House adjourned at 1701.

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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

Speaker / Président: Hon / L'hon Gary Carr

Clerk / Greffier: Claude L. DesRosiers

Deputy Clerk / Sous-greffière: Deborah Deller

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

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

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

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

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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