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**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Tuesday 2 December 2003**

**Mardi 2 décembre 2003**

Speaker  
Honourable Alvin Curling

Clerk  
Claude L. DesRosiers

Président  
L'honorable Alvin Curling

Greffier  
Claude L. DesRosiers

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## LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 2 December 2003

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 2 décembre 2003

*The House met at 1330.*

*Prayers.*

### ESTIMATES

**Hon Gerry Phillips (Chair of the Management Board of Cabinet):** Mr Speaker, I have a message from the Honourable the Lieutenant Governor, signed by his own hand.

**The Speaker (Hon Alvin Curling):** The Lieutenant Governor transmits estimates of certain sums required for the services of the province for the year ending 31 March 2004 and recommends them to the Legislative Assembly.

### MEMBERS' STATEMENTS

#### PROVINCIAL AUDITOR'S REPORT

**Ms Monique Smith (Nipissing):** Last year, the auditor said that the PC government had "questionable competency." At the time, the former Premier was quoted saying, "Judge me on next year's auditor's report." Since his return to politics, Ernie Eves has ducked and dodged allegations of mismanagement. Last year, 355,000 corporations—nearly half the total—owed taxes that were not collected. There was \$662 million spent on consultants and there were 10,000 outstanding warrants. To all of this, Ernie Eves replied, "Judge me on next year's auditor's report."

Well, it's next year.

Today, our court system is experiencing its greatest backlog in 10 years.

At least 14% of Ontario's children have not received vaccinations by age seven. Nicaragua, Albania and Botswana do better.

The former Minister of Enterprise, Opportunity and Innovation spent \$4.3 billion without really knowing where it went.

Finally, 612 waterworks did not submit the necessary samples for E coli and fecal coliform last year—both contaminants that led to the Walkerton tragedy.

The former Premier said, "Judge me on next year's auditor's report." We can now judge. This report is a damning indictment of the previous government. It is also a powerful reminder of why the people of Ontario chose a responsible government for a change.

#### NANTICOKE GENERATING STATION

**Mr Toby Barrett (Haldimand-Norfolk-Brant):** There is some impressive work going on along the shores of Lake Erie at Nanticoke at Ontario Power Generation's coal-fired electricity plant, or, as some people who work there call it, "the pollution scapegoat of Ontario."

Two weeks ago, the Nanticoke environmental committee, which includes OPG, issued its air monitoring report for 2002. The results spoke to the constant, ongoing efforts to meet and surpass environmental benchmarks. Nanticoke's sulphur dioxide and nitrogen dioxide levels were well within provincial objectives. In fact, an OPG Nanticoke spokesperson reported that sulphur dioxide levels have dropped by 60% since 1984, and nitrogen dioxide levels by 50% since 1984.

Recently, \$250 million has been invested between OPG Nanticoke and Lambton to significantly cut nitrous oxide emissions, reducing NO<sub>x</sub> levels by 80% on the units to which they're attached.

I congratulate the workers and management of OPG for investing in and utilizing proven, science-based, new technology to help solve old, long-standing, and emotional pollution concerns.

With news that natural gas reserves are dwindling, the 600 employees at OPG Nanticoke would like a chance to speak to both the environment minister and the energy minister. Ministers, please pay a visit to Nanticoke OPG before you close it in 2007.

#### WATER QUALITY

**Mr John Wilkinson (Perth-Middlesex):** I just received this information. I was saddened and shocked to hear that the previous government has learned nothing from the tragedy at Walkerton. The Provincial Auditor has stated to this province, for all of us to understand, that 612 times last year, we found that waterworks failed to meet the new minimum standards for E coli and fecal coliform.

Did we not learn anything from that tragedy, that the water in this province should be tested? It should always be tested. It should always be clean. I find it shocking to discover that over 6,700 times last year, in the water, there were excesses of what are acceptable limits about what could be in our water.

**Ms Marilyn Churley (Toronto-Danforth):** The question is, what are you going to do about it?

**Mr Wilkinson:** That is why the good people of Ontario voted our government in: to do something about this. I look forward to answering the question next year.

#### LIBERAL CAMPAIGN PROMISES

**Mr Frank Klees (Oak Ridges):** Broken promise after broken promise: Since this government's swearing-in, we have seen nothing but broken promises. They have given us the single largest tax hike in a single day, after Dalton McGuinty looked us all straight in the eye and said, "I will not raise taxes."

#### *Interjections.*

**The Speaker (Hon Alvin Curling):** Would you allow the member to make his statement?

**Mr Klees:** In addition to that, they have hiked everyone's hydro rates in this province, after Dalton McGuinty looked us all in the eye and said, "I will not raise your rates."

They've allowed development on the Oak Ridges moraine, after Dalton McGuinty said, "I will not allow any further development on the Oak Ridges moraine."

Today, the media reports that yet another minister is on the brink of breaking yet another promise. The Minister of Transportation, in a trial balloon, is musing that they may not be able to roll back tolls on the 407 as they promised. In fact, it's a double whammy. They also promised that they would not hire outside consultants, yet this same Minister of Transportation has in fact hired outside lawyers to review the contract that they will find out they cannot break. Two broken promises by one minister in this week.

1340

#### PROVINCIAL AUDITOR'S REPORT

**Ms Caroline Di Cocco (Sarnia-Lambton):** Today the Provincial Auditor's report released a brutal indictment of the Conservatives and their failures. The Provincial Auditor is releasing his report, and it is more proof of why Ontario voters decidedly changed their government.

We are saddened and angered by the Provincial Auditor's report, but we're not surprised. The people of Ontario knew, when they threw out the previous government, that the Conservatives were failing to protect their health, their children and their tax dollars. Not only did the Conservatives gut public services, jeopardize public safety and waste tax dollars on themselves and their friends, but they ran up a \$5.6-billion deficit in the process.

This brutal indictment of the Tory government makes it clearer than ever that they used government as a trough for their wealthy friends instead of managing it to protect the health of our families. The Tories left Ontario with two deficits: a \$5.6-billion fiscal deficit and a massive public safety deficit. Together, they point to the worst-managed government in Ontario history.

The new Ontario government under Premier Dalton McGuinty has and will continue to bring about the much-needed change for the people of Ontario.

#### LIBERAL CAMPAIGN PROMISES

**Mrs Julia Munro (York North):** The Minister of Finance would have us believe that eliminating a tax credit is not a tax hike. This semantic loophole is one the Liberals will use to increase taxes for Ontarians.

They are just beginning this game of semantics. Last week, they announced they would remove the tax credit option for parents who send their children to independent schools. For every one of those parents, money taken from their pockets to government is a tax hike.

To add to this tax is the injustice of making it retroactive, a decision viewed by Paul Hickey, national tax partner with KPMG, as unfortunate for families who would have based their decision on sending their children because of this tax relief. But the Liberals would proudly say it's technically not a tax increase.

As well, the McGuinty government is about to revoke the tax credit for seniors. Seniors are not going to be impressed by the finance minister saying it is not a tax hike. They know when dollars are coming out of their pockets.

Ontarians need to ask themselves, if the government was willing to take money away from senior citizens and school children, who will they be taking money from next?

#### PROVINCIAL AUDITOR'S REPORT

**Mr Brad Duguid (Scarborough Centre):** The Tories like to pretend that they're tough on crime, but the facts beg to differ. Last year, the auditor found them responsible for 10,000 outstanding arrest warrants. They made a habit of releasing sexual offenders without rehabilitation or proper monitoring. This year, the auditor tells us that delays in the court system could let hundreds of criminals off the hook. The auditor first pointed this out back in 1997, and now we see that no progress has been made since then.

The problems are only getting worse. Just look at what else the auditor has told us today: \$60 million in outstanding fines, and there's been no effort made to collect them. Deadbeat parents are getting off scot-free. Contracts are given without tender for millions more than the original deal. The Tories were so busy filling the Eves trough for their friends, they forgot that they were supposed to be running a justice system.

The Tories are soft on crime. They've been loud on crime, they talk about crime, but let's face it: They're soft on crime, and their record proves it.

That's why Ontarians elected a responsible government that's not afraid to work, not afraid to clean up the mess the former government left behind. Ontario needs responsible government for a change. Despite the Tory

\$5.6-billion deficit, despite the Tory-created public safety deficit, this government is going to clean up their mess.

#### WATER QUALITY

**Mr Garfield Dunlop (Simcoe North):** I rise in the House today to talk about the protection in my riding of our most precious resource—water. Since 1978, concerns have continued to be raised about a proposed landfill at site 41 in the township of Tiny. Site 41 lies in the middle of a rich agricultural area, just a few feet above two aquifers. Like many of my constituents, I am greatly concerned about the development of site 41 as a landfill. It could result in groundwater contamination.

I understand the Environmental Assessment Board, in 1989, turned down site 41, but the following year the Liberal government of the day reversed this decision by order in council. Because minister's approval was granted on February 2, 1995, when the NDP government was in power, final approval for this site now lies with the ministry staff at the director level. However, on November 14, I was excited to hear Environment Minister Dombrowsky announce the creation of two expert advisory committees on protecting water sources. Just yesterday Minister Dombrowsky stood up in this House and promised legislation, and I quote from Hansard, "to ensure that our water source is protected."

In light of these actions, I fully expect Minister Dombrowsky to place a moratorium on the development of site 41 until the new advisory committees have reported back to government and the new legislation is actually passed. If, and before, it is developed, my constituents and I will accept nothing less than a 100% assurance from the minister and the ministry that there will never be any groundwater contamination at site 41.

#### TIME ALLOCATION

**Mr Gilles Bisson (Timmins-James Bay):** It's a banner day for travel agents in the province of Ontario. Can you imagine? The Liberals and the Tories got together and they said, "We don't want to work. We want to go off on an three-month junket on holidays somewhere." So they crawled into a backroom, they negotiated themselves a little deal and they're saying that they're going to pass the mother of all time allocation motions that we've ever seen in this place. And this from a Liberal government and Liberal members who were riled when they were on this side of the House against the then Tory government for passing time allocation motions. It is not only unbelievable; it's quite simply hypocritical on the part of this government to move such a time allocation motion.

*Interjections.*

**Mr Bisson:** I withdraw whatever it is, Speaker.

**The Speaker (Hon Alvin Curling):** Order. Did I hear you withdraw?

**Mr Bisson:** Withdrawn, Mr Speaker.

This is the mother of all time allocation motions that we have seen in this House. The Tories and Liberals have smuggled together and what they've agreed to, quite frankly, is premature eradication of debate in this Legislature. I say, shame on the Tories, shame on the Liberals. Liberals campaign like New Democrats, and govern like Tories.

#### VISITOR

**Mr Dave Levac (Brant):** We're fortunate to have in the east members' gallery today the former mayor of Brantford, who was the youngest mayor ever elected in Brantford and is the youngest, longest-serving mayor in Canada: Mr Chris Friel. Welcome, Chris.

#### PREMIER'S RECORD

**Mr Tim Hudak (Erie-Lincoln):** The Legislature now has sat for five hours of question period, five full question periods, and we're seeing a troubling trend of Premier McGuinty not answering questions directly in the Legislature, particularly direct yes-or-no questions.

For example, just yesterday I asked him a simple question—whether he was going to be raising particular taxes or not. You'd think that Premier McGuinty would be able to answer that question, yes or no, because I remember him very clearly staring into my TV set night after night saying that he would not be raising my constituents' taxes. It's a bit reminiscent of George Bush's commitment, "Read my lips: No new taxes." I think it's a line that you remember for some time.

So you'd think the Premier would say whether he's going to raise the gas tax or not, whether he's going to raise taxes on beer, spirits or wine or not, or raise personal income tax. It's a simple yes-or-no question that was dodged. In fact, in nine paragraphs, 16 sentences and 220 words in response, not a single yes or no, which I think is very troubling. And I would say, folks, protect your pocketbooks, because the real Dalton McGuinty is coming after them.

**1350**

During the election campaign he promised to do things differently in the Legislature and to fight the cynicism that people feels toward politicians. Well, folks, with broken promises and dodged questions, Premier McGuinty is feeding cynicism at an all-you-can-eat buffet. If you had asked Mike Harris or Ernie Eves, "Are you going to raise taxes," would have been a definitive, "No, I'm not going to raise your taxes." I want to hear from Premier McGuinty that he has no plan to raise taxes.

#### ANNUAL REPORT, OFFICE OF THE INTEGRITY COMMISSIONER

**The Speaker (Hon Alvin Curling):** I beg to inform that House that I have laid upon the table the report of the Honourable Coulter Osborne, the Integrity Commissioner for Ontario, responding to the complaint of Caroline

Di Cocco, MPP for Sarnia-Lambton, regarding Mr Ernie Eves, Mr Tony Clement, Mr Jim Flaherty and Mr Brian Coburn.

#### ANNUAL REPORT, PROVINCIAL AUDITOR

**The Speaker (Hon Alvin Curling):** I further beg to inform the House that I have laid upon the table the 2003 annual report of the Provincial Auditor.

#### BOARD OF INTERNAL ECONOMY

**The Speaker (Hon Alvin Curling):** I further beg to inform the House that I have laid upon the table a copy of the order in council appointing the following members as commissioners of the Board of Internal Economy: the Speaker, who shall be chair; the Honourable Rick Bartolucci, appointed by the Lieutenant Governor in Council from among the members of the executive council; the Honourable David Caplan, appointed by the Lieutenant Governor in Council from among the members of the executive council; the Honourable Dwight Duncan, appointed by the Lieutenant Governor in Council from among the members of the executive council; Monique Smith, MPP, appointed by the caucus of the government; John Baird, MPP, appointed by the caucus of the official opposition; and Gilles Bisson, MPP, appointed by the caucus of the New Democratic Party.

### MOTIONS

#### COMMITTEE MEMBERSHIP

**Hon Dwight Duncan (Minister of Energy, Government House Leader):** Government notice of motion 11, that the membership of the standing committees for this Parliament be as follows:

The standing committee on estimates: Mr Arthurs, Mr Chudleigh, Mr Craiton, Ms Di Cocco, Mr Jackson, Mr Kular, Ms Martel, Mr McNeely, Mr Milloy and Mrs Witmer;

The standing committee on finance and economic affairs: Mr Barrett, Mr Colle, Mr Crozier, Mr Hoy, Ms Marsales, Mr Oraziatti, Mr O'Toole, Mr Peterson, Mr Prue and Mr Wilkinson;

The standing committee on general government: Ms Churley, Mr Dhillon, Mr Lalonde, Mr Leal, Mr Ouellette, Mr Parsons, Mr Rinaldi, Mrs Van Bommel, Ms Wynne and Mr Yakabuski;

The standing committee on government agencies: Mr Agostino, Mr Berardinetti, Mr Bisson, Mr Brown, Ms Matthews, Mr Parsons, Mr Qaadri, Ms Scott, Ms Smith and Mr Tascona;

The standing committee on justice and social policy: Mr Brownell, Mr Craiton, Mr Duguid, Mr Flynn, Mr

Gravelle, Mr Klees, Mr Kormos, Mr Patten, Mr Wilson and Ms Wynne;

The standing committee on the Legislative Assembly: Ms Cansfield, Mr Hardeman, Ms Jeffrey, Mr Leal, Mr Marchese, Mr Mauro, Mr Miller, Mr Oraziatti, Mr Racco and Mr Sergio;

The standing committee on public accounts: Ms Broten, Mr Flaherty, Mr Fonseca, Ms Martel, Mr Mauro, Ms Munro, Mrs Sandals, Ms Smith, Mr Sterling and Mr Zimmer;

The standing committee on regulations and private bills: Mr Delaney, Mr Marchese, Mr Martiniuk, Mr McMeekin, Mr McNeely, Mrs Mitchell, Mr Murdoch, Mr Ramal, Mr Ruprecht and Mr Wong.

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

All those in favour say "aye."

All those opposed say "nay."

Carried.

### COMMITTEE SITTINGS

#### SÉANCES DES COMITÉS

**Hon Dwight Duncan (Minister of Energy, Government House Leader):** I move government notice of motion number 12: That the following schedule for committee meetings be established for this Parliament:

The standing committee on justice and social policy may meet on Monday and Tuesday afternoons following routine proceedings;

The standing committee on general government may meet on Monday and Wednesday afternoons following routine proceedings;

The standing committee on estimates may meet on Tuesday and Wednesday afternoons following routine proceedings;

The standing committee on government agencies may meet on Wednesday mornings;

The standing committee on regulations and private bills may meet on Wednesday mornings;

The standing committee on finance and economic affairs may meet on Thursday mornings and Thursday afternoons following routine proceedings;

The standing committee on public accounts may meet on Thursday mornings;

The standing committee on the Legislative Assembly may meet on Thursday afternoons following routine proceedings.

**The Speaker (Hon Alvin Curling):** Mr Duncan has moved government motion number 12.

**Mr Peter Kormos (Niagara Centre):** On a point of order, Speaker: I believe this is a debatable motion.

**The Speaker:** This is a debatable motion.

**Mr Kormos:** Therefore, it is incumbent upon the Speaker to call for debate.

**The Speaker:** We'll have the debate. Further debate.

**Mr Kormos:** Thank you kindly, Speaker. I'm pleased to be able to rise to debate this motion. I want to speak to

the role of committees in this Parliament—in fact, the role of committees in all Parliaments.

Indeed, we've got to have a thorough consideration of the fact that committees are the link between the electorate, the public and this Legislature. In fact, one could say, I think quite accurately, that committees are where the real work should be done. However, we've witnessed over the course of a number of years here now at Queen's Park a real erosion of the role of committees, an incredible erosion of the role of committees, an incredible diminishing of the effectiveness of committees. Indeed, over the course of 15 years—and there are members here who've been here longer than I, people like the member from St Catharines, who I know would speak to this motion, if given an opportunity. The member for St Catharines has witnessed the shameful sight of seeing good-meaning members of the public come to committees with briefs in hand given short shrift, making sincere submissions after having done considerable background work and research only to be, oh, dismissed with but a cursory audience at that committee.

That's been a regrettable observation on my part, and when my six colleagues speak to this motion—well, I won't speak for them, but I'm sure they may reinforce that observation as a result of their own anecdotal experiences.

We've seen committees over the course of the last eight, nine years travel less and less, indeed to the point where they almost don't travel unless the government—it was the government of the day from 1995 through to this year that travelled only on those rare occasions when they thought they had an issue in committee that they could spin out there and get positive press.

Today, I see filed in the Orders and Notices paper a time allocation motion that restricts committee work and committee's role with respect to Bill 2, Bill 4 and Bill 5. I was shocked to see the notice of motion that restricted committee consideration of Bill 2 to but two days. That's not just for public participation; that's for clause-by-clause consideration as well. Indeed, on the second day, the committee interrupts its progress at 4 pm because the time allocation motion then requires the committee to suspend its normal business and proceed immediately to votes on clause-by-clause.

1400

**Mr John R. Baird (Nepean-Carleton):** On a point of order, Mr Speaker: I would like to point out that we are debating motion number 12, not another motion tabled by the government House leader. The member opposite is not referring to any subject matter in motion number 12. We believe that it's important to hold the government of the day accountable in question period, and we're looking forward to doing that.

**The Speaker:** The member from Nepean-Carleton made a good point of order. I would caution the member to stick to the topic that he wants to discuss. That's motion number 12.

**Mr Kormos:** I certainly will stick to the topic I was discussing, Speaker. I appreciate your guidance in that regard.

Committees are an incredibly important thing. That's why, to see committees deal with important bills in but two days, including not only public hearings but clause-by-clause, is a devastating thing to witness, whether it's Bill 2, whether it's Bill 4 or Bill 5, with its section 6, which requires, I put to you, considerable and thorough consideration by a committee.

When we see time allocation motions which restrict the participation of committees in the consideration of that business, we then call into question the commitment of the government to its promise during the election that they will require public hearings for all major legislation. The public, they said, should be given the opportunity to comment on any legislation of significance.

The norm has become the exception under the Harris-Eves government. Drastic reforms to education, municipal government and social policy have been forced through the Legislature without public hearings.

Public input is essential to good government. We will ensure that you have the opportunity—

**The Speaker:** Order. I want to ask the member again to stick to the topic about government motion 12. You're on other topics. Could you do that, please?

**Mr Kormos:** Speaker, I understand where you're coming from. Boy, do I understand where you're coming from. I understand real good where you're coming from.

Tell you what: I will speak to motion number 12. I suppose that means I've gotta start at the beginning. Starting at the beginning means dissecting the motion piece by piece and piecemeal. I would have wanted a rather more contextual debate, but I accept the Speaker's ruling. With no disrespect, I interpret the ruling as not wanting me to be contextual, so I'll be specific.

Mr Duncan moves that the standing committee on justice and social policy may meet on Monday and Tuesday afternoons. Let's take a look at what that means. Monday and Tuesday afternoons. I regret having to resort to the minutiae—you understand that, my colleagues, but I'm following the guidance of the Chair. Monday and Tuesday afternoons. Well, what does that mean? I suppose, for members from outside of the community, it means that they'll have to come here on Sunday night to be ready for Monday afternoon.

I'm wondering if an amendment wouldn't be appropriate. I know my staff now, in response to my comments, are preparing an amendment to suggest that, no, it not be Monday and Tuesday afternoons; it be Tuesday and Wednesday afternoons, to accommodate those members of this assembly who have to travel from great distances—Durham area and Etobicoke and Huntsville, who knows where from—Nipissing, that's a good four-hour drive, the way I recall it. Lord knows, in winter weather it could be even longer, and dangerous. The mover of the motion says the committee should sit on Monday and Tuesday afternoons. Well, I beg to differ.

I hope I'm remaining within the confines that the Speaker has placed me in regarding this debate. If I am to speak about the motion, well, I will speak about the motion. I appreciate the incredible patience being dis-

played by everyone here and those folks as time progresses.

I'm looking forward to the amendment. My colleague, the whip, Mr Bisson, member from Timmins-James Bay, is preparing that amendment.

You note, then, that the standing committee on general government is proposed to meet on Monday and Wednesday afternoons following routine proceedings. You see, you've got two Mondays there. You've got Monday afternoon and Monday afternoon but you've got Tuesday afternoon and Wednesday afternoon. I appreciate that there was some consideration of the Tuesday and Wednesday and the avoidance of a conflict, but I'm worried about Monday. Having said, of course, that the justice and social policy committee should sit on Tuesday and Wednesday, I suppose then that if that amendment passes, it will remain acceptable for the standing committee on general government to meet on Monday and Wednesday but for the fact that just as it was for the justice and social policy committee—you understand, my friend from Trinity-Spadina, because you'll be able to follow up with these arguments when your turn comes to speak.

The standing committee on general government on Monday and Wednesday—you see, the problem is that if we move an amendment to change Monday and Tuesday for justice and social policy then we may have to move an amendment, or the House may be compelled to consider an amendment, to the standing committee on general government meeting Monday and Tuesday rather than Monday and Wednesday. But then the Tuesday would be in conflict, so we may just have ourselves a dilemma that can't be resolved.

The standing committee on estimates can meet on Tuesday and Wednesday afternoons following routine proceedings, according to the mover of this motion. I think I understand. I'm looking forward to hearing from government members to explain or justify or rationalize the choice of Tuesday and Wednesday, and again following routine proceedings. Of course we don't want it to precede the commencement of routine proceedings because then people won't be able to fulfill their obligations here.

I am wondering if there has ever been any consideration given to using Fridays. Think about this. The House used to sit on Fridays; it doesn't any more. Fridays clears up a whole day. We could use Fridays for committee hearings. We could start at 9 in the morning—think about it—because what happens, as you well know, is that “following routine proceedings” means at 3:15 or 3:30 or 3:45, sometimes 4. The committee clerks do their best to accommodate people, and people show up at 3:45 when the schedule for routine proceedings doesn't start until 4, and then somebody gets knocked off the agenda. Is that fair? I put to you, no.

*Interjection.*

**Mr Kormos:** My colleague, my seatmate from the rump here, Mr Ramal from London-Fanshawe, agrees that that's not fair at all. I'm looking forward to his

comments during the debate on this motion, with respect to the fairness of the proposal.

Perhaps the real goal here should be to develop a radical new sitting schedule for committees. Rather than weekdays, Monday through Thursday following routine proceedings, perhaps using Fridays would resolve the problem for all of these. I know New Democrats would be pleased to be here on Fridays. It would give us the full day, from perhaps 8:30 in the morning or 8 am to 4:30 or 5—Mr Bisson is indicating that he wants to speak to this motion too; he'll have his time in due course. There's lots of time.

Perhaps Fridays from 8 am to 4 or 4:30 pm would be acceptable.

I overheard, from the audience here, a comment about, “What about constituencies?” Yes, I appreciate that's a problem. Now, mind you, you're taking a three-month vacation, January through March, which may permit some access to your constituency if the cruise ship docks on the Great Lakes.

**1410**

Saturdays and Sundays can then be used for constituency work. We can have constituency appointments on Saturdays. That would be a good idea. Saturdays would work and fit in with in my proposed schedule, because not everybody has to work on Saturdays, but a whole lot more people don't have to work on Saturdays than don't have to work on Fridays.

I guess what I'm proposing by way of my comments on this motion is that maybe we should adopt a five-day workweek here at Queen's Park and use our weekends—

*Interjections.*

**Mr Kormos:** It's hard to hear you, Speaker.

**The Speaker:** Order.

*Interjections.*

**Mr Kormos:** I'm sorry, Speaker; I wasn't sure whether you had said something. I presume you haven't.

**Ms Marilyn Churley (Toronto-Danforth):** He's got 20 minutes to debate this, you know.

**Mr Kormos:** Yes, I suppose, as Ms Churley-NDP points out, those people who are heckling should know that they can have their turn at the debate once the floor is yielded.

Others have suggested that perhaps they're merely trying to create efficiencies by debating simultaneously—simultaneous debate instead of simultaneous translation—which we've heard often here in the chamber.

Some may say, why do I rise to debate this motion? I want you to understand that I would be loath to do anything contrary to the rules because, after all, the rules are the rules. In the standing orders there are a number of motions which one may not debate; this is not one of them.

Please, Speaker, don't let people suggest that I'm hard-headed about this, because the first motion that the government put—the membership of committees—we didn't feel the need to debate, although we were entitled to debate it. So I don't want to create the impression that we do things just because we can.

**Ms Churley:** I wanted to debate that one, though.

**Mr Kormos:** No, we waived our debate on that.

**Ms Churley:** Why?

**Mr Kormos:** Because we are people of compromise. We are people of consensus.

**Ms Churley:** So what are we debating?

**Mr Kormos:** We're debating notice of motion number 12, the schedule for the committees.

**Ms Churley:** Oh, the Monday through Thursday.

**Mr Kormos:** The Monday through Thursday, and the fact that the committees follow routine proceedings—because sometimes routine proceedings don't end until 4 o'clock. It means you've only got two hours of committee. So you don't have a day of committee; you've got two crummy hours of committee. And then when you have a time allocation intrude, you've got zero hours of committee because the time allocation says the committee has to start voting at 4 o'clock, so you've got no committee. That's pretty weird stuff, and I appreciate that it's troublesome for others as well as for me.

I want to underscore the importance of these committees—all of them—whether it's the standing committee on justice and social policy, the standing committee on general government, the standing committee on estimates, the standing committee on government agencies or indeed a somewhat more, dare I call it, "obscure" committee, the standing committee on regulations and private bills. I don't know if you've ever been a participant in that committee, Speaker.

Just for a moment, to the people who were nominated to that committee by their respective caucuses: That committee is at the bottom of the ladder. That committee is at the very outer limits—

*Interjection.*

**Mr Kormos:** Well, it is. Come on. You go to reg committee as punishment. You go there because either nobody else will or your whip simply doesn't like you as much as you wished your whip did, because it's a painful committee—but not unimportant.

Let's clarify one thing: Not all regs go through the leg and reg committee, which is regrettable, because the leg and reg committee should probably work harder. The leg and reg committee is an opportunity for all three caucuses—the government caucus; the Conservative caucus, the official opposition; and the New Democrats, the third party—to review regulations and to get a handle on them. Because those regulations of course don't occur as a result of debate. They go zip, zoom—like e-mail, sort of—off into the stratosphere and don't cross our desks here, short of reading the Ontario Gazette. When you read the Ontario Gazette, there certainly is no analysis of the reg, or opportunities to pose questions or call for answers, as there is in reg committee, so reg committee cannot be underestimated.

We've got the committee on public accounts. Ms Martel traditionally serves, and she has been stellar. A harder-working committee member one will not encounter—one has not encountered. It is a very hard-

working committee. That's why I have concerns about public accounts meeting on Thursday mornings. I'm worried that perhaps it should meet more frequently. It's a tremendous amount of work. The public accounts committee should meet more frequently—and then this caucus would of course have to consider having a second member on that committee, but the rules don't permit that. So we'd have to seek, of course, a change in the rules. We'd be prepared to discuss that.

I regret and note that I have but 60 seconds of time left to make my comments. I hope I've addressed these matters in a way that's been of some help to members in this House, who at some point are going to be called upon to vote for or against this motion, and for or against the amendments that are going to be put forward.

I say to you, committee work is incredibly important. It's an important part of the democratic process. So are debates, which is why we have to be very careful about ensuring that committees work effectively and meaningfully, just as we have to be committed to making sure that this chamber works effectively and meaningfully, and that we don't truncate or guillotine or time-allocate debate and we don't gag members. It's a course of events that's all too sad to have occurred all too often.

VERNON SINGER

**Hon Dwight Duncan (Minister of Energy, Government House Leader):** On a point of order, Mr Speaker: I seek unanimous consent for each party to speak for up to five minutes to pay tribute to a former member whose family are in the members' gallery, and then revert back to this debate.

**The Speaker (Hon Alvin Curling):** Do I have unanimous consent for five minutes to pay respects?

**Mr Howard Hampton (Kenora-Rainy River):** And then revert back to debate?

**Hon Mr Duncan:** Oh, yes.

**The Speaker:** Do I have unanimous consent for us to have a five-minute debate to pay respects, and then we would go back to the debate? Agreed.

**Hon Monte Kwinter (Minister of Community Safety and Correctional Services):** I rise to pay tribute to Vernon Milton Singer. In all the hustle and bustle of the provincial election, many observers of Ontario politics may have missed the passing, on September 20, 2003, of a great former member of this House, Vernon Singer, at the age of 84. He was a giant of a man, both in intellect and in physical stature. He was a lawyer, a former mayor of North York and a Liberal MPP for 18 years before he retired in 1977. He was a graduate of the University of Toronto and Osgoode Hall. During the Second World War, Vernon served in north Europe as an officer with the Royal Canadian Dragoons.

He took his experience into Young Liberal politics, becoming the president of the Young Liberals in 1947.

Vernon deserves a lot of credit for the planning concepts that he laid down in his time on North York

council. A recent column marking his passing noted that it was his foundation that allowed North York to transform the Yonge Street centre of the city into a modern downtown complex.

He was first elected to this place in 1959 and he began his political career in the riding of Downsview. We both had the pleasure of representing its new name, Wilson Heights. We also had a similar pattern: We served for 18 years. I am now serving in my 18th year in the exact same riding.

1420

While here, Vernon was critic for the Attorney General and municipal affairs. He also served as the deputy leader of the Liberal Party and became a Queen's Counsel in 1963. From committees, Vernon was able to make a substantial impact on the reform of Ontario laws, including municipal law, automobile insurance and election laws. Many of his suggestions for fair expropriation, landlord-tenant legislation and compensation for victims of crime were turned into law. For 10 years, Vernon Singer fought for the establishment of a provincial Ombudsman. After 10 years, Bill 86 was enacted, making Vernon's vision a reality.

Vernon acted as counsel for royal commissions and judicial inquiries. In 1965, he organized a task force to assist in the reform of the administration of justice in Ontario. The lawyers and law students and professors and laymen worked together under Vernon's able leadership to produce a submission to the Attorney General that in many parts was turned into law.

As was common at the time, he continued his law practice while a member here. Vernon was an acknowledged and widely sought expert on municipal and planning law. He ran for the leader of the Liberal Party, running against the successful John Wintermeyer. Vernon was considered unbeatable during his time in the Legislature. He won five elections: 1959, 1963, 1967, 1971 and 1975. His decision not to run again in 1977 was dramatic. He decided to retire and, upon his retirement, one of the other parties was able to win that seat for the first time in decades.

Vernon was a tireless worker for the Liberals. His own biography from the legislative library states that, "since 1947, he has participated in every provincial and federal election campaign on behalf of the local Liberal candidates at the party organizational level and as a fundraiser."

It was a sign of the respect he had on all sides of the Legislature that Premier Davis appointed Vernon to the Ontario Municipal Board, where he served with distinction for a record five terms. He is an example of what a private member can accomplish in this place. He was the father of new law, of much-needed reforms and of the Office of the Ombudsman in Ontario.

Ontario is the poorer for the loss of Vernon Singer. I'm sure all members will join me in welcoming his widow Dorothy and his son Eric, who are sitting in the east members' gallery. Thank you.

**Mr Norman W. Sterling (Lanark-Carleton):** My party and I and my leader would like to associate ourselves with the comments of Mr Kwinter. Although I did not know Vern, I came here in 1977 at the time that he retired and heard many stories about him, about his persistence and his great oratory skills in this place. He was one of the members who, when speaking, was closely listened to by all members of the Legislature. I only wish that, over my past 26 years since that time, we had had more like him, because I understand that he was very entertaining to listen to because of his wide breadth of knowledge and his commitment to changing things in the province of Ontario, albeit that he always sat on the opposition benches.

I too believe that all members of the Legislature can accomplish something in this place, regardless of whether they sit in the government benches, the government backbenches or in opposition. I think Mr Singer was a very, very important example for all of us to know that, if we concentrate long enough and hard enough and push hard enough, accomplishments can come to light. So I would like to add our condolences to his family.

I was in the caucus room when Mr Davis came in and told our caucus, I think in 1978, that they were appointing Mr Singer to the OMB. I can only say that, as I recall the reception in the caucus room, there was no question of his capability; they knew that he was well suited for that particular position. The respect that the caucus had for him at that time was evident in the room.

On behalf of the Progressive Conservative Party of Ontario and my leader, I would like to express our condolences to the family and thank them for giving so much of Vern to the province of Ontario, and for all of his contributions. Thank you very much.

**Mr Hampton:** On behalf of New Democrats, I want to offer our condolences to the Singer family. While I was not a member of the Legislature when Vernon Singer was a member here at that time in the early 1970s, when I was a student I used to often come here and do volunteer research for NDP members. So I got to know him in fact through some of the work he did with Jim Renwick, Patrick Lawlor and Roy McMurtry, all of whom were members of this Legislature who were deeply concerned with the issue of law reform. All of them had a passion for law reform in this province and all of them, whether they were a part of the government or part of the opposition, often worked collegially in the cause of law reform in this province.

As pointed out earlier, this is how we got the Ombudsman's office in this province. But this is also how we got, in many respects, the Ontario Law Reform Commission. This is also how we got legal aid in the province of Ontario, through the collective efforts of Vernon Singer, along with many of the members on both government and opposition sides who said that, witnessing the changes that were taking place in the late 1960s and early 1970s everywhere in the world, Ontario's laws needed to change, that Ontario needed to move forward, not only in

terms of reform of our courts, but in the creation of other bodies and agencies that would more fully respond to an Ontario that was becoming much more urbanized, an Ontario that was welcoming literally hundreds of thousands of immigrants in the province each year and an Ontario that was then beginning to see the baby boomers, literally millions of young people who were not so much interested in the customs of what had gone before but were interested in exploring the ideas that would benefit society into the future.

It was interesting to watch in those days some of these people—Vernon Singer, Roy McMurtry, Jim Renwick, Patrick Lawlor and, from time to time, others—quietly get together. And in those days, members of the government and members of the opposition, after debate was over, often went out for dinner. They often spent time together socially. Once in a while, they would even go off on things like fishing trips together. It was quite a different kind of Legislature in those days. That was in fact when much of this work was done. Much of it was done informally. It was done when people agreed to get together and talk about, “How do we best approach this?” That is perhaps where Mr Singer was quite effective. He was eloquent, articulate and tough-minded in terms of his presentations here in the Legislature, but I know that he worked collegially when the session of the Legislature was over or when there was recess for the supper hour.

I think all Ontarians who recognize the work that was done at the Ontario Law Reform Commission, who recognize what Legal Aid Ontario has done, who recognize what the Ombudsman’s office has done and who recognize the developments in terms of human rights in this province, owe Vernon Singer a debt. He was truly someone who was committed to public service; he was truly someone who recognized that this was a duty, a responsibility, an obligation; but it’s also very clear that he was quite committed to the work that went on here and the work associated with the Legislature.

1430

On behalf of New Democrats who are here, and on behalf of New Democrats who worked collegially with Mr Singer over many years and who were part of those informal meetings and discussions that happened, not just here but away from here, I want to again offer our condolences and to say to members of the Singer family, you should be very proud of the contribution of Vernon Singer. Many people in this province have seen great social benefit, great public benefit, from the unselfish work, from the hours of dedicated service that were on the record and the many more hours that were off the record, which were indeed productive. Our condolences and best wishes.

**The Speaker:** Those words of condolence and tribute are just a reflection of the deep respect that we hold for our great former colleague. I also convey my condolences and pay tribute to this wonderful member. We will send copies of Hansard to the family. Thank you.

## MOTIONS (continued)

### COMMITTEE SITTINGS SÉANCES DES COMITÉS

**The Speaker (Hon Alvin Curling):** Further debate. The member from Toronto-Danforth.

**Ms Marilyn Churley (Toronto-Danforth):** Thank you, Mr Speaker. It used to be called Broadview-Greenwood, and before that, Riverdale. So I can understand why it takes a while to remember what the riding is called.

Before I begin this—

**Hon George Smitherman (Minister of Health and Long-Term Care):** He’ll have it memorized soon.

**Ms Churley:** You do have to memorize it. I know when I was Deputy Speaker, I was given pictures of every member in this House by the Clerk’s office, with their riding written on the back. You’d have to go home at night and practise matching the face to the—

**Hon Mr Smitherman:** I do that.

**Ms Churley:** Yes, exactly. Do you do that? I still have them. Believe me, I’m saving them for a rainy day, the 1995 pictures—hang on.

*Interjection.*

**Ms Churley:** Many people were much younger then.

But, Mr Speaker, to the motion, because I know you’ve made it clear that we are to speak to the very important motion before us. I think everybody here will forgive me, though, if I take a moment on behalf of my caucus to welcome the member for Windsor West back to the Legislature today. I want her to know that the thoughts and prayers of all of us here have been with her. We’re very happy to see her back and look forward to the opportunity to ask her her first question, I believe, as a minister. Welcome back, Ms Pupatello. All the best.

The motion before us today—and of course there are rules in this place. The new Premier has pointed out on several occasions that rules are rules. Of course there are rules, and today we’re adhering to a very important rule in this place, and that is, the rule with respect to the ability to debate motions that are put before this House. New Democrats believe it’s very important to debate this motion before us today, and I’ll tell you why, Mr Speaker.

I’ve been a member of this place now since 1990. I’ve been, for a brief period of time, a backbencher in a new government, and I’ve got to say to all of the backbenchers, it’s not the best position to be in this place. Out of every position you can be, a backbencher in opposition or a backbencher in government is one of the more difficult positions to be in, because you don’t have the power to make the decisions. But you also don’t have the ability as individual members to speak out against your government—unless, of course, you’ve given up any hope of ever getting into cabinet. Sometimes, then, mavericks are created. We’ve all seen them in every

caucus from time to time: members who speak out against their own government because they don't agree with the policies or they don't believe the policies of their own government represent their constituents.

That's where committees come into this debate here today. I believe with a new government—indeed, the new Premier, during the election campaign and after, talked about reforming democracy and in fact enhancing democracy, making democracy in this place more relevant for all members, in particular backbenchers, including backbenchers in the opposition benches, to be given more tools so that we can better represent our constituents, and in fact we're not using that opportunity. The Premier, as yet, has not demonstrated in so many ways that he could that he really meant those words.

Coming back to the motion on the committees before us today, my colleague from Niagara said that we need a radical new sitting schedule. I think that we perhaps need to have a radical restructuring of how the committees are run and how they actually work.

As you know, right now, and you would have heard when the names were all read out today, the majority of members on all of those committees are government members. It has always been that way, as far back as I've looked, so that even in committees, where the important work is done and government backbenchers do have an opportunity to speak their minds, they do their own research—and sometimes incredible research—and they find things that don't necessarily agree with the government bill before the committee. Or we have witnesses who come in who convince all of us. I have seen it in government, as a minister sending a bill to committee with my parliamentary assistant and government members there to represent the ministry's views. I've seen it happen from all three, governments of all stripes, where you have, dare I use the word, independent-minded members from the government backbenches who come into the committee, listen to the witnesses—whereas the minister frequently doesn't, only comes the first day and gives the statement, and then the backbench members from the government have the opportunity to sit in the committee, hear the witnesses, ask questions and then perhaps decide, "No, this bill before us needs some amendments." So we need a radical restructuring of the committees.

I don't believe those committees should be made up of a majority of government members, especially when you have government backbenchers still hoping—many of us have been there—they will get into cabinet and toeing the line that they know in their hearts and in their minds, after hearing the information from other committee members, from their own research, from witnesses who come in, that radical amendments need to be made or in fact that the bill needs to be withdrawn and completely restructured.

I believe that we need to take a look at the makeup of committees so that the government cabinet doesn't give backbenchers marching orders to go in and defend bills that are indefensible, or when new information comes in

and there's no way for those members to actually agree with changes that opposition members—who are in the minority in the committees, as they are here—make. Government members know those are good amendments but are told to vote against them. It happens repeatedly, and you would know it, Mr Speaker, because you have sat on committees in this House, as I have, as a minister. You were once the Minister of Housing; I remember that. You've also served on committees as a backbencher in opposition. You know what I'm talking about, and the dynamic that goes on that's very unhealthy—

**Mr Baird:** On a point of order, Mr Speaker: We are currently speaking to motion 12, which is what day and what time a committee is supposed to sit, not what it's supposed to do. I would wonder if you could look at the point of order, and if you agree with it, bring the member to order.

**The Speaker:** I'll just caution the member to maintain that direction.

**Ms Churley:** I do, sincerely and most humbly, apologize. As you know, the issues are intertwined, so sometimes one can wander off the subject at hand.

Let me come back to the very important issue on timing of the committees. I've been appointed, for example, to the general government committee, and it meets on Monday and Wednesday afternoons.

*Interjection.*

**Ms Churley:** I've been interrupted by the member for Nepean, just standing on a point of order. He is heckling, and I don't believe that you can hear me, Mr Speaker. Can you hear me?

**The Speaker:** I'm hearing you well.

**Ms Churley:** On the timing, let me give an example. I like to sit on general government, by the way, just as an aside. I'm going to come back to the time. I usually sit on that committee. All of the environmental issues go before that committee.

**1440**

Let me tell you something about the timing. Quite frequently, as you would know, Mr Speaker, what happens is we get delayed during routine proceedings in this House and we're late getting into the committee room. There are two reasons why that's particularly harmful: Number one, frequently we call witnesses and they are time-allocated, so to speak. I'd love to talk about time allocation today and the backroom deal between the Conservatives and the Liberals on time-allocating some motions here today to get us through the House and out for a vacation earlier, but I'm not allowed to talk about that right now, I believe. But you can be guaranteed that you'll be hearing more about that later.

Back to the timing of the committees: You have very important witnesses who are scheduled at a particular time. We're a half hour to 45 minutes late going into the committee room, so right away you're backed up and those people are behind. Then you either have to cut down their time—and they come so well prepared; I'm always so impressed by the amount of work that witnesses do before they come to speak to us. Whether

it's pro or con for the bill, they do a tremendous amount of work. Sometimes they practise their remarks to the five minutes, or 10 or 20, whatever they've got, to get it right. It's really hard for them when they're suddenly told, "We're running behind schedule so you can't give us all of your comments, or you are going to have to hurry up, or you're going to have to come back another time," whatever. It's not fair to them.

The other thing that sometimes happens, routine proceedings in this House being as they are, is that unanticipated votes happen and the bells ring. We all have to keep one eye on the TVs up in the corners while the witnesses are there or while we're debating amendments or certain aspects of the bill. We have to keep one eye on the TV and listen for the bells to ring, and sometimes we don't give our witnesses the full attention they deserve for that reason. So that's one of the problems with the timing and the scheduling of these committees.

The other thing that I would like to point out that I have experienced many times because of the timing of these committees—and all of you here will experience this and that's why I believe we need not only a radical restructuring of the time when these committees meet but the way these committees are run. I have had the experience when the Tories were in power, sitting on that side of the House, where I would go to the general government committee at the scheduled time. I would go with sometimes tons of amendments. In fact, I think it was the Nutrient Management Bill, put forward by the then Tory government, which you will all remember, an issue dear to my heart and, of course, to many people across Ontario, particularly in the wake of Walkerton. I was up, along with Fred Glogler, one of our researchers at the time. We were both up pretty well all night, coming up with reasonable amendments because there were so many holes and problems with that bill. I think it was nutrient management; it might have been another one, just for the record. I'm sure Mr Glogler will correct me if I'm wrong on that.

We had some substantive amendments. The government too put forward—and this relates to the timing; I'm coming back to that. This outlines why the scheduling is a problem. The government also put forward quite a lot of amendments, many of which were technical in nature. The Liberals, then the opposition, also came forward with many. Mr Bradley, the Minister of Tourism now, was on that committee with me. He will remember—

**Hon James J. Bradley (Minister of Tourism and Recreation):** I was here back when the NDP said something.

**The Speaker:** Order. I don't need discussions across to each other. I hope that your comments are directed to the Chair. I'll caution members on all sides to adhere to that.

**Ms Churley:** I could talk on this subject for hours because—

*Interjection.*

**Ms Churley:** No, but this is a very important topic. Again, I was starting to explain to the Speaker and all

members in this House why the timing and the scheduling of these committees is a problem. I was talking about the fact that you can work for hours on amendments, that you can spend a lot of time doing your research, talking to other outside groups who have an interest, getting it right, and then coming into the committee, it's been delayed, and the government of the day has brought in a time allocation motion that says this, for the committee hearing: "At a certain time, all amendments"—

**Mr Kormos:** Four o'clock.

**Ms Churley:**—four o'clock, usually, in committee hearings—"are deemed to be put." Do you know what that means? That means that when amendments are deemed to be put, they are just voted on. You can't have any discussion.

Furthermore, after staying up—I gave an example—all night preparing amendments, going through all of the other amendments, marking the ones from the government I didn't understand—the technical aspects of them—

**Mr Baird:** On a point of order, Mr Speaker: I would again draw your attention that we're debating number 12 and the member opposite is not debating this motion. She has been warned three times.

**The Speaker:** The member for Toronto-Danforth, I've waited very much as you divert. I waited for you to come back to the relevant part of the motion. Could you direct your discussion on that, please?

**Ms Churley:** I know the member for Nepean is trying to help me here. Indeed, talking about the scheduling, the timing of committees: Let me get directly to the point. My point here is this: There is a problem with the scheduling of committees to date. I was giving—

**Mr Baird:** What?

**Ms Churley:** I'm speaking to the Speaker, and if you're interested in what I have to say, you would pay attention to what I have to say. I'm directing my remarks to the Speaker. I would say, Mr Speaker, to the member for Nepean—who is constantly interrupting me—he has an opportunity in a few minutes to stand up and speak to this motion for 20 minutes. It sounds to me like he has significant things to say. I would say to all of the members in this House: Instead of heckling me and standing up on points of order, why not use the opportunity to get up and debate this motion that's before us today?

What happened to me because of the scheduling of the committee and the time allocation, and why I'm agreeing with the member for Niagara, why we need to radically change the sitting schedule for committees—that's exactly what I'm talking about. I'm telling you why we need to change it. How do you feel? How do you think I felt? I am on topic here.

After staying up all night working on amendments, because of the timing and the scheduling of that committee, I was unable—once it was deemed that all the amendments be put, and this indeed is about scheduling—I had some very specific questions for the government members on the technical amendments that were put forward. I didn't know whether I wanted to support

them or not. I sincerely didn't. I needed to ask some questions. But because those amendments were deemed to be put, I was forced into a position of not being able to vote either way.

So there are several very big problems with the scheduling of the committees, as outlined by the House leader today. I think that this is an opportunity for us to completely revisit, restructure, the sitting schedule. The member for Niagara, my colleague, the NDP House leader, talked about that perhaps we should be sitting more on Fridays, perhaps even some time into the weekend. Perhaps we need to be giving opportunities to the public more frequently than we do with the existing scheduling. For instance, I know that it's very difficult, for lots of people who want to come in as witnesses, to come in from, say, 3 in the afternoon to 6 at night.

At one point this House kindly gave me unanimous consent in terms of scheduling committee hearings for my adoption disclosure bill—which, I'm glad to say, will be coming back soon. Because of that very scheduling problem, I was able to get unanimous consent a few times from both of the other parties to allow the general government committee to sit into the evening a couple of times, although that was not part of the routine proceedings around here, so that the witnesses could come in. Most people work during the day and are unable to come in and speak to us during our scheduled committee hearings. I was able to get that special agreement, that special unanimous consent to hold a couple of evening sittings in the committee so that those people were able to come and give their deputations at that time.

**1450**

I would say that this is an area where we could do some work. We need to have a discussion in this place around scheduling committee hearings into the evenings and, indeed, some time into the weekend, more for the benefit of our constituents and interest groups who are unable to come in during the day.

There are a number of things that we need to discuss when it comes to the sitting schedule of our committees. My colleagues will be taking this opportunity to let people know about their ideas of how we might change some of the sitting schedule so it's more beneficial to all of us and, indeed, is more beneficial to democracy in this province. We New Democrats believe that we need to enhance democracy, that we need to give more opportunities to backbenchers from all three parties to participate in committees, because, as the member for Niagara said, some of the most important work in this place gets done in those committee hearing rooms.

**The Speaker:** Further debate?

**Mr Baird:** I want to say to my New Democratic friends that I support your desire to be recognized as an official party. Many of us on all sides of the House support that. There are only two groups that don't: (1) the voters, and (2) the government House leader. I can't do anything about that.

**Mr Rosario Marchese (Trinity-Spadina):** On a point of order, Speaker: I will remind the member from Nepean that the motion is motion 12. Speaker—

**The Speaker:** I've got your point of order. Give him a chance to speak first.

**Mr Baird:** With respect to the Legislative Assembly committee sitting on the prescribed time as outlined in motion 12, short of full party status, I think with motion number 5, they're giving you a pretty reasonable offer. I wish it was full party status. I made a number of recommendations to the government House leader with respect to the debate.

**Mr Howard Hampton (Kenora-Rainy River):** On a point of order, Speaker: Is the member speaking to the motion?

**The Speaker:** I know the member for Nepean-Carleton is going to speak to the motion. Could you come to it quickly?

**Mr Baird:** We're speaking to motion number 12 with respect to when the legislative committee would be sitting and when they could debate this. Committee time is important; so too is question period time. The public at home should know what's going on today.

This is not about the motion that's in front of us, motion number 12. What it's about is the New Democratic Party holding the Legislature of Ontario hostage. They want a ransom of \$1.8 million—

**The Speaker:** Order. The member for Nepean-Carleton has gotten about three warnings about speaking on the topic. Could you, please?

**Mr Baird:** So the Legislative Assembly committee will sit on Thursday mornings. They don't have question period on Thursday mornings because we have question period in the afternoon. But we're not having it today because the New Democratic Party members who just spoke are holding the Legislative Assembly as hostage. They want \$1.8 million—

**The Speaker:** Order. Further debate?

**Mr Marchese:** I want to thank the members for Niagara Centre and Toronto-Danforth for their efforts to try to talk about—

**Ms Churley:** Try?

**Mr Marchese:** Well, "try," because we're all trying. We are doing our best to speak to motion 12 and to try as best we can to make them as efficient and as effective as possible. That's our job.

Speaker, I have to tell you, I'm profoundly nervous about the growing intolerance in this place for people like the member from Niagara Centre, who makes tremendous efforts to follow the rules and participate as best he can. Each time he does this, I hear howling from the other side, from the Liberal members—Speaker, I'm trying to see you—and it concerns me.

**Mr Baird:** The cameramen are getting dizzy.

**Mr Marchese:** It's just that someone is blocking my view of the Speaker, and I always want to address him. Mr Speaker, I want to address you, you understand. You and I were both in opposition, and I remember clearly how we were often told that we need to address the Speaker, and that's what I want to do.

I am concerned about the little tolerance we display to members who want to participate as best they can to help

each other in this place, and that's what we're doing. The member from Niagara Centre talked about the difficulties people have in getting to committees on a Monday or a Tuesday or a Wednesday or a Thursday, particularly in the afternoons. You and I and the member from Toronto-Danforth talked about how difficult it is for many to come on an afternoon, where they sometimes are expected to come at 3:30, but usually they don't start until 4 o'clock. So when you have deputants who come to speak for 15 or 20 minutes, it's tough to fit a lot of people in that time slot.

The member from Niagara Centre talked about the idea of meeting on weekends. It's a useful, practical suggestion to make, and while I think some of us could make those hearings, if we held them on a Saturday or Sunday—I could because I'm closer here in Toronto and I could make myself available to do that. But some people would have a difficult time, if they come from different parts of the province, so I know that for some people Saturdays or Sundays would be complicated. So I admit that—

**Hon Greg Sorbara (Minister of Finance):** Rosario, what point are you making? You're way off topic.

**The Speaker:** Order.

**Mr Marchese:** Speaker, you see the intolerance to any view that any member of the opposition would have from the Liberal ministerial benches? I think it's wrong. I think people need to be a little more flexible, Speaker, as you are, often—or at least as Speakers are generally—where they allow for some freedom of debate, if even tangentially connected to the topic. But we've seen that and we've allowed that. I was getting concerned by your ruling, because I thought, my goodness, is the Speaker all of a sudden becoming intolerant to members speaking outside of the little boundary of the particular motion? We've never done that before.

**Hon Mr Sorbara:** Don't attack the Speaker, Rosario.

**Mr Marchese:** To the motion: So yes, the member from Niagara Centre talks about the possibility of Saturdays or Sundays. I think it's something the government might want to look at, because not everybody is available Monday to Thursday. And I want to talk about Fridays as a possibility, but Saturdays and Sundays certainly are good days.

**Hon Mr Sorbara:** Don't talk about Fridays.

**Mr Marchese:** I want to come back to Fridays. Please, don't be so intolerant. Give me a break.

Saturdays and Sundays would permit people to come, because they would be able to have the time, and I think the government should not exclude it as a possibility.

**Hon Mr Sorbara:** You can talk, but never on Fridays.

**Mr Marchese:** I believe that Fridays are good days. Why do I say Friday is also a good day? Because while it's difficult for some members who live in the outer regions of the city—and some very far; you've got to travel quite a fair bit to be able to get here to Toronto. So I think it's complicated.

*Interjection.*

**Mr Marchese:** You could travel outside, you're quite right, and we've done that. That could facilitate it. That's not excluding Saturdays and Sundays. But I did think that Friday was a good day, because on a Friday we are not sitting here in the Legislature, from 1:30 till midnight often—at least in the next two or three weeks. But Fridays—

**Mr Kormos:** What about January, February and March? We could use them.

**Mr Marchese:** If we had to. You're right. I'll come back to that.

Fridays are good because we're not sitting in this place and it gives us all an opportunity to come to Toronto to meet, if we didn't want to meet outside of this place. So for those who live in Toronto, in the GTA and beyond, Friday would be a good day for them to be here. Yes, it would complicate it for some who might want to do some constituency work on a Friday, but that could be considered to be constituency work, in a way, and they could do constituency work on a Saturday or Sunday. So it doesn't exclude their ability to be able to connect with their constituents on a Saturday or a Sunday. Friday is good. It's a good possibility.

**1500**

I was thinking about what Jim Bradley would have said if he were in opposition. I was thinking that because I recall the member from St Catharines, who often would have so much to say on so many things and on a regular basis. Why, he couldn't stay away from this place but one moment. Whenever there was a debate he would be here to say, "We can't strangle debate; we need to have more and more opportunities to discuss bills." Then I thought, what would he say? He came in and he said the following—I'll get back to motion 12 in a second, but if you could, a little flexibility, Speaker; I'm not asking for much; just a little. The member from St Catharines said, "I was here when the NDP had something to say instead of playing games." I couldn't believe it. That's what he said about a mere five minutes ago. This is Jim Bradley, our buddy for eight years when we were in opposition together. He comes in and says that we are playing games, that the NDP, in the past, used to say something but now, today, we're saying nothing. I find that hard to believe.

**The Speaker:** I'd like you to get back to the topic at hand to discuss that, and refer to the member by his riding.

**Mr Marchese:** Quite right. He's the Minister of Tourism right now. But I was reflecting on the Minister of Tourism as he came by to make that remark because I thought about what he would say to this argument. I think the member would say that opposition parties need to be able to stand up and speak to any bill any time they wish, that they would be able to stand up and speak to any bill and improve it in any way possible, however ill it might be considered by the government party. I know that he would be here today, were he in opposition, and say that members need to have the freedom to stand up and say what they want. I'm sure he would say that whatever

members would speak to is pertinent, is reasonable, is done with the purpose of advancing the interest of the public and public debate and done in the interest of democratizing this place. I know that he would say that. I know that he would when in opposition, like me, say how complicated committees have become because members no longer have the freedom to say what they want when they're in government, so that they could, having that freedom, make sure that the bills that are debated reflect everyone—government members, opposition members and the public—to the extent possible.

It happened to me when I was in government. Often I participated when I was in committee in a way that my own caucus didn't like. I thought that was wrong. They accused me of freelancing. I thought that it was a mistake not to allow the members of opposition parties to have something to say. And if they can improve a bill, we should be listening to it and not fighting it because we are the government and they're not. It was my view, in government, in 1991 to 1995, that when opposition parties have something to say, we should listen to what they have to say, and if we find it reasonable, we should not exclude it or reject it on the basis that it's coming from the opposition benches and therefore not worthy of supporting. I felt that my friends often in that committee were wrong to try to shut me up because I threatened to support an opposition motion in committee.

So I urge tolerance. In the way that the Liberal members urged tolerance while they were in opposition, I urge tolerance by them now while they are in government, to listen carefully to what opposition members have to say, weigh it, and at the end of allowing for sufficient discussion and debate, say whether they agree or disagree. That's fine, but please don't mock the members as they speak or try to say something in this place that is an attempt to make things better. I do see the mocking from time to time; not recently, but often as the member from Niagara Centre spoke I could see the heckling from the government benches. I think it's wrong to do that.

So I say that we should be looking very carefully at when these committees should be held. I'm urging for consideration Fridays as a distinct possibility here. I'm also urging, connected to this discussion, that we also consider whether or not we can allow members of the public to speak in another language and allow for translation services in committees, so that you as Liberals and we as New Democrats would say, "We do not exclude anyone from coming before a committee and speak in whatever language they have." If English is not their strongest language, we say to them, "You can come and speak in Italian, Portuguese, Chinese, Greek or Polish. Whatever language it is that you speak, we as committee members want to hear from you." It is connected in terms of how we make it possible.

**Mr Kormos:** That sounds like a possible amendment.

**Mr Marchese:** It could become a possible amendment that we could consider in terms of sending this off to committees. It could be. And you know that, Speaker. You know how threatening this Legislature can be to so

many people. It's threatening to a lot of members in this place, let alone some of the constituents out there who come before us and find it incredibly difficult to confront a committee of, what, seven, eight or nine, and do it in a language that is possibly not their strongest of languages. I'm urging the government to consider the possibility of democratizing our committee hearings by communicating to them in the various respective languages through whatever channels we've got. We have newspapers, of course, where we can communicate in different languages; we have different television stations in different languages; we've got radio. You, the government, should consider publicizing the fact that we want every Ontarian to participate and we will not allow language to be a barrier to their participation in committee. I was thinking that we need to consider how we make it possible and easier for people to come to Queen's Park so that we can hear them all and so they do not feel threatened. I don't want to come back to the issue of meeting on Sundays. I think on Sundays, it's too complicated.

**Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot):** My guys just went home because of your filibuster.

**Mr Marchese:** You see what I mean about the intolerance? Just trying to find where the member is from; I forgot. The member for Ancaster-Dundas-Flamborough-Aldershot—holy cow, it's a long riding. It must be difficult to cover—

**Mr McMeekin:** You said you wanted to hear from people. They were here and had petitions to present.

**Mr Marchese:** We were buddies in opposition. It's so hard to imagine how difficult it must be to be government.

**The Speaker:** Order. Direct your—

**Mr Marchese:** With you too, Speaker. You were in these ranks, and we shared a lot in common together.

I was saying that we are offering suggestions to the government, and the suggestions ought not to be dismissed. We talked about the idea of Sundays as a possibility now. I was trying to say that Sundays have to be ruled out. It's not a good idea, Peter; I'm sorry.

**Mr Kormos:** What about Saturdays?

**Mr Marchese:** But you agree with me that Sunday is complicated. Saturdays, however, member for Niagara Centre, we shouldn't exclude that, in your view?

**The Speaker:** Member for Trinity-Spadina, could you direct your comments to—

**Mr Marchese:** Just conferring with my buddy to see whether we were in agreement with Saturdays. He believes that Saturdays should not be excluded, and I too, with him, say that should be considered.

*Interjection.*

**Mr Marchese:** He didn't say he was agreeing with me? All right.

Saturdays are a possibility. I insist on considering Fridays. I do insist on that. We have to give people the time, and that includes the members of this place. I think we should rotate committees on a Friday basis. One

committee meets on Monday; the other committee could meet on Fridays.

So let me look at all the various committees that meet: standing committee on justice; standing committee on estimates may meet on Tuesday and Wednesday afternoons; and the standing committee on government agencies meets on Wednesday. I'm saying, the standing committee on government agencies could meet on a Friday from time to time, to give people the opportunity to come and see which appointments have been made by the government and allow them, on the basis of their being able to get there, to see the appointment and hear what the government members have to say about that appointment, and the opposition parties. Give them the opportunity to be part of those hearings. Fridays would allow them to do that, whereas other days could be very complicated in terms of getting here and timing and so on, I believe.

1510

We should consider allowing the public who want to come from outside the GTA the opportunity to come and witness and participate and possibly consider the idea of paying for their bus ride to get to this place. We might want to consider that as a way of enlarging the democratization of this place by saying to people, "Look, we invite all of you to come. We don't just want to select political ideologues to come to this place, or just journalists to sit in on those committees; we want each and every one of you to take an interest in the workings of this place, whether it be government agencies, estimates or finance, or whatever it is. Government agencies is a very interesting one because often the opposition parties say, "Ha, government only selects Tories when they're in power." Now the Tories are going to accuse the Liberals of only selecting Liberals while they're in power.

The only ones who made a mistake were New Democrats who opened up the doors to everyone. I've got to tell you that was a serious mistake. We were accused of appointing New Democrats when our leader, Bob Rae, said, "No, we can't do that." Our leader at the time said we have to open up the process to so many who are able, be they New Democrats, Liberals or Tories. We thought it was a good thing to do, but we didn't get any credit for that. We got attacked. We got attacked by the Liberals and Tories, who had German shepherds at the doors. Every time they smelled somebody who might have sounded or looked like or spoken like a New Democrat, they were at the doors barking before they even went in. You could get in if you were a government member, right, but imagine those poor folk who were appointed by us and the trauma they must have felt.

Now the Liberals are in power. I'm sure they, like the Tories, are going to appoint people on the basis of merit, because that's what the Tories said. "Merit," understand, means you've got to be a Liberal, so I want to invite—and the Liberals might want to invite—people to come and say, "Look, come and see the kinds of people we nominate. Because the people we nominate will be able; not Liberal-connected in any way whatsoever. They will be able people. We want you to see them personally."

So I say to the members, invite them and let's have it on a Friday—morning, afternoon, possibly evening, although evening might be a bit too much for some, and I agree. Like the member from Niagara Centre said, we could start at 8, so that we could end at 6 o'clock, which would give reasonable time for people to be able to come, the time that it takes to be able to make a deputation, allow perhaps the citizens to participate in committees. We could reflect on that in some way so as to democratize our processes as much as we possibly can.

I know the Liberals are committed to this, you see. I know that McGuinty, your leader, is committed to the democratization of our institutions, our committee hearings, the way in which we participate here. Oh, God, he spoke so eloquently on this so many times; I am sure he is reflecting on the best way to do it. If the House leader of the Liberal Party is not going to do it, I'm sure the whip of the Conservative Party is thinking about that. Why, he stood up on a number of occasions here playing the role of deputy House leader, yet he's the whip of the Conservative party. I don't understand this.

**The Speaker:** Further debate?

**M. Gilles Bisson (Timmins-Baie James):** J'ai le plaisir d'avoir l'opportunité de parler de cette motion, la motion numéro 12, qui va en effet donner l'habileté aux comités de cette Assemblée de siéger ici durant la semaine, et j'imagine aussi durant le temps entre les sessions de cet automne et du printemps prochain.

Je veux être pas mal spécifique dans mes commentaires sur cette motion qu'on a devant nous aujourd'hui. Je sais que tous les membres de l'Assemblée, comme vous, monsieur le Président, veulent que les travaux ici à l'Assemblée soient pris d'une manière où on fait le mieux dont on est capable pour représenter la population de notre comté quand ça vient aux projets de loi qu'on va traiter à ces comités.

C'est important, quant à moi, que n'importe quel comité auquel on donne l'autorité de siéger à travers cette motion soit donné l'opportunité de siéger d'une manière adéquate, l'habileté de siéger et de traiter les questions que cette Assemblée va traiter cet automne et le printemps prochain.

On sait, par exemple, que cette Assemblée traite présentement plusieurs projets de loi que le gouvernement a introduits dans les dernières semaines, ces projets de loi qui vont être référés à ces comités par la manière dont on fonctionne ici à l'intérieur de l'Assemblée législative de l'Ontario.

Le problème que j'ai avec la motion, c'est que je trouve qu'on ne va pas avoir le temps adéquat de faire les travaux qu'on a besoin de faire comme députés pour traiter les questions à l'Assemblée qui vont être référées à ces comités. Par exemple, je sais qu'on va référer toute la question d'énergie qui était créée sous la Loi 4 au comité de la justice et de la politique sociale. Ce comité qui va traiter cette question, on dit ici à l'Assemblée qu'ils vont se rencontrer les après-midi le lundi et mardi.

Mais vous savez que l'Assemblée siège durant ces après-midi. Je cherche une certaine flexibilité de la part

du gouvernement et des conservateurs, parce que les deux sont ensemble là-dedans. On veut qu'on ait la flexibilité que ce comité siège autrement que juste le lundi et le mardi après-midi pour les députés qui ont besoin d'être ici à l'intérieur de l'Assemblée durant ces journées-là, parce qu'ils sont donnés par horaire parlementaire la responsabilité d'être ici pour représenter leur parti. On veut donner l'opportunité à ces députés de revenir d'autres journées, autrement que lundi et mardi, pour traiter, par exemple, la question de la Loi 4, qui va créer un régime qui va faire augmenter le prix d'énergie dans la province de l'Ontario.

C'est important pourquoi, monsieur le Président? Comme vous le savez—excusez-moi. Je ne peux pas vous voir. On a quelqu'un entre nous deux ici.

**The Speaker:** Could I ask the members to sit. I cannot see the member who is speaking to me. Thank you very much.

**M. Bisson:** Merci, monsieur le Président. C'est important que je dirige mes commentaires envers vous. Je ne veux pas que vous ne me voyiez pas. Par cette manière-là, c'est un peu plus difficile de faire le débat.

Comme je l'ai dit, de on va avoir l'opportunité dans ce comité de la justice et la politique sociale de traiter la Loi 4, une loi qui va donner l'habileté d'augmenter les prix d'énergie de cette année à l'année prochaine. On sait que c'est une question très importante pour tous les membres de cette Assemblée. Comme vous le savez, la manière dont le comité était donné le mandat de siéger à travers cette motion dit que le comité de la justice et de la politique sociale va seulement se rencontrer le lundi et le mardi après-midi.

Comme je l'ai dit, c'est un problème. Il y a certains députés qui ne pourront pas être là. Je sais qu'on va tous avoir des questions des citoyens qu'on représente dans notre comté sur cette question. Comme vous le savez, quand les conservateurs ont changé le régime du prix d'électricité à peine deux ans passés, c'était le hurlement complet de tous les citoyens de la province de l'Ontario qui sont venus voir leur député provincial pour dire, « Arrêtez ça, ça coûte trop cher. » Moi, je veux m'assurer comme député que je suis capable d'aller à ce comité et siéger là-dessus. C'est pour ça que moi, j'aimerais que le gouvernement nous accorde une certaine flexibilité de changer ou peut-être d'ajouter d'autres jours à ce comité.

Je vous donne deux options : on pourrait possiblement prendre la pratique, en place d'avoir siéger les comités durant l'après-midi lorsque les députés sont assis ici à l'Assemblée, de référer nos comités qui siègent le matin autrement que le jeudi matin. De cette manière, tous les membres de l'Assemblée auraient la flexibilité, s'ils la choisissent, d'aller à un comité pour représenter les questions qui sont importantes pour eux ou pour les citoyens qu'ils représentent. Vous comprenez le problème.

1520

Je vous donne, par exemple, les comptes publics. Comme vous le savez, aujourd'hui le vérificateur de

l'Ontario a introduit les comptes publics de la province. Son rapport va être référé à un de ces comités. Il va être référé au comité des comptes publics, qui siège ici le jeudi matin. Vous savez bien que le jeudi matin l'Assemblée siège de 10 heures du matin à midi et l'après-midi, quand tous les membres de l'Assemblée sauf les ministres viennent ici pour traiter des questions des projets de loi des membres privés. Ça veut dire que moi, je vais être ici ce jeudi pour traiter les projets de loi de M. Murdoch et de M. Levac, je pense. Je n'ai pas l'habileté d'être dans deux places en même temps.

C'est pour ça que je pense qu'on doit possiblement regarder la manière de laquelle on organise nos comités et qu'on dit, comme concept, que les comités ne siégeront pas durant le temps que l'Assemblée elle-même siège. En d'autres mots, si l'Assemblée siège l'après-midi de lundi à jeudi, les comités siègent le matin, et parce que l'Assemblée siège le jeudi matin, les comités ne siègent pas en même temps. De cette manière, ça donne à tous les députés l'habileté de venir et de représenter leur point de vue, leurs intérêts et les intérêts des citoyens et citoyennes qu'ils représentent dans leurs comités. Je pense que c'est important.

L'autre point, c'est l'habileté du public de venir à ces comités. Comme vous le savez, la démocratie est supposée être quelque chose pour le public de l'Ontario. En d'autres mots, on a choisi ici en Amérique du nord, comme dans beaucoup d'autres places, en Europe et dans d'autres parties du monde, d'avoir un système démocratique. Le concept de la démocratie, c'est que les citoyens nous chargent, nous les élus, de les représenter pour un terme de quatre ou cinq ans, dépendant de la juridiction. Quand on est ici, c'est pour les représenter sur les points importants que traite notre société dans le temps.

Mais les comités donnent au public la chance de venir ici à l'Assemblée pour présenter leur point de vue comme individu, comme citoyen ou citoyenne de cette province; de dire, « Je suis d'accord », ou « Je ne suis pas d'accord », avec un certain projet de loi, ou « J'ai des amendements à apporter », ou « Vous avez manqué le point complètement ».

Comme vous le savez, on vient tout juste d'avoir une élection. Ça fait à peine un mois et demi. Le taux de participation aux élections a baissé d'année en année. Ça ne fait pas tellement longtemps que 75 % ou plus de la population ontarienne votait dans les élections provinciales. On est rendu à peine à 50 %. Je pense qu'une des raisons est que le public a certainement perdu confiance en notre système politique, parce qu'il ne se voyait pas là-dedans. Il regarde notre Assemblée et la politique et puis il dit, « Comment moi, le citoyen de Timmins-Baie James ou Scarborough North ou Kenora-Rainy River, se voit dans ce parlement, dans ce processus démocratique? »

Les comités qu'on fait à travers la motion 12 sont un des mécanismes — excusez-moi, le député, vous êtes entre moi et mon Président. Merci.

**The Speaker:** Could you please keep your seat so I can listen to the member for James Bay.

**M. Bisson:** Merci, monsieur le Président. Je veux m'assurer que je vous donne mes commentaires. Le point que j'ai essayé de faire dans mes commentaires, c'est que vous donnez l'habileté au public de venir présenter à nos comités. Ça veut dire qu'on a besoin de s'assurer que les horaires de ces comités sont faits d'une manière que la population a l'habileté de venir présenter. Il y a un petit problème avec ce qu'on fait. On dit que nos comités vont siéger du lundi au jeudi. Monsieur le Président, combien de personnes chez vous ont l'occasion de venir ici du lundi au jeudi ? Les gens travaillent. Ils partent le matin pour aller travailler puis reviennent la soirée s'ils travaillent le "shift" du jour. Le problème, c'est que s'ils veulent présenter, ils n'ont pas l'habileté de venir parce que leur journée de travail ne leur alloue pas le temps de venir présenter à ces comités.

C'est pour ça que je dis, sur le concept que j'ai présenté, que nos comités siègent le matin autrement que les journées qu'on siège ici à l'Assemblée. On doit regarder la possibilité que chaque comité siège une fin de semaine au moins une fois par mois, ou possiblement plus. Ça donnerait l'occasion aux citoyens et citoyennes de cette province de venir une journée de congé pour eux à cette Assemblée ou à un comité. Puisque, comme vous le savez, dans le passé les comités se promenaient autour de la province avec les projets de loi. Ça donnait l'occasion au public de donner un commentaire.

Au moins, si on ferait une pratique de donner à chaque comité l'habileté de siéger ces fins de semaine, ça donnerait la chance à un comité, par exemple, qui traite la question d'énergie d'aller une fin de semaine à Ottawa, à Sudbury, à Thunder Bay, à Kapuskasing ou ailleurs, et donnerait la chance aux citoyens et citoyennes et autres de venir présenter à nos comités.

Je sais qu'on va traiter des projets de loi dans cette Assemblée qui vont être référés à ces comités. Je le sais déjà parce que les téléphones sonnent chez nous comme chez vous ; le courriel et le courrier régulier nous envoient des lettres et des commentaires sur la question d'assurance-automobile, sur la question d'énergie, sur la question des réductions d'impôt. On a déjà des refs à ces points.

Le monde dit, « Je veux faire sûr que mon opinion comme citoyen ou citoyenne soit entendue dans tout ça. » Mais comment est-ce qu'on le fait avec un horaire qui, lui-même, n'alloue pas même aux députés à certaines occasions la chance de présenter à ces comités ou de participer ? Et comment peut-on s'organiser si même le public n'est pas capable de venir devant ces comités ? Je trouve qu'il est important, qu'on doit avoir une manière de donner l'habileté à la population de présenter devant ces comités.

I also want to say that it is interesting to note that at the end of this particular motion—and again I refer back to motion number 12—it says, "The standing committee on the Legislative Assembly may meet on Thursday afternoons following routine proceedings." That is a very important committee because the Legislative Assembly committee is the committee that deals with much about

the way things happen or don't happen, both in committees and within the House. I think it is rather important that we give more importance to that committee because quite frankly we've started on a practice—and I want to say up front that all three parties have endeavoured in this practice of tightening up the rules in this Legislature to the point that members are not as able to participate. I just want to say that the Tories certainly ratcheted it up quite a bit, but the Liberals, by way of motion number 13, which we'll debate at another date, have really ratcheted up the inability of members to participate on important government matters.

I think the Legislative Assembly committee is one of those committees that quite frankly we should tie a little bit more importance to. Why? I think it's simply this: Right now we're saying that the assembly committee is going to meet on Thursday afternoons. Most out-of-town members, members like myself and others who live far away from here, in practice leave here about 4:30 or 5 o'clock in the afternoon to catch flights to get back to their constituencies. Otherwise you're stuck here till the next day. It virtually means that a whole group of members are prejudiced by way of geography from being able to fully participate on such a committee. This committee sat last year, chaired at the time by the member from Mississauga South, I believe, and treated a number of important issues that dealt with how this assembly should function better. A number of members were not able to participate. I know the times I've gone there, I've had to rearrange my schedule by way of not being able to get back into my constituency on a Thursday rather than a Friday morning. That throws off your whole ability to meet with your constituents, as far as scheduling time.

That's why I think it's important that that committee be given an opportunity to meet again, I would say, in the morning of either Monday, Tuesday or Wednesday. That way, any member of this assembly who feels it important to be able to appear before that committee or to participate on that committee has the ability to do so, because the House would not be sitting. At least that way, members of this House would be able to meet as a committee to deal with what kind of role we should really have in this Legislative Assembly.

We know there has been a change in the standing orders and the Legislative Assembly Act about how this place operates. We now have a situation where a government, in this case a Liberal government, is able to do virtually pretty well anything it wants by way of the new standing orders. They're able to introduce a bill on Monday and have it passed into law by Thursday. I don't think that makes for particularly good legislation. That's why that assembly committee is so important. We should allow the Legislative Assembly committee to meet on Monday, Tuesday and Wednesday mornings and that way deal with how we structure the rules in this House so that the following two principles are met: first is that the government at the end of the day should have the ability to pass its legislation—I believe that firmly. The government is elected by way of a majority, and they should

have the right to pass legislation. But the second principle is that the rights of the opposition are also protected, so that we have an ability, when necessary, to be able to scrutinize the decisions of the government. I think those matters are best dealt with at the Leg Assembly committee. I don't think those things are best left in the hands of a government House leader and his or her staff or by way of House leaders meeting, in this case Tory and Liberal House leaders meeting, to determine how the rules of the House will be applied and how government business goes through. I think we can do that at the Leg Assembly committee much better if we were to sit down and take a look at, "All right, what do we want to do?" That's why, I propose that the meeting dates referred to in motion number 12 under the standing committee on the Legislative Assembly, which says "may meet on Thursday afternoons," really don't give us an ability as members to participate in that committee to the full degree that we would wish to participate.

**1530**

I also want to say that we know, for example, in motion 12 again they're saying that the standing committee on finance and economic affairs "may meet on Thursday mornings and Thursday afternoons." I've got a file about this high—yea high—of people who are mad about auto insurance. I'm telling you, I've got people, as we all have, who used to pay \$700 or \$800 a year for auto insurance who are now paying \$4,000 or \$5,000, and we're going to be referring that to this committee. I want to be able to have a schedule on this committee that would allow me to bring all of those letters, e-mails, faxes, voice mail messages that I've gotten and messages my staff have taken before they've committed to dealing with it.

Now, as it stands, on Thursday afternoons I am here in the House, so I'm not able to participate by way of our schedule, and on Thursday mornings—not every one—I'll be here for private members' hour, and that is a really important committee. The standing committee on finance and economic affairs deals with what are probably the most important bills that this House treats by way of debate in this House and passage at second reading.

That's why I propose that we should also again look at getting the standing committee on finance and economic affairs, which will deal with this auto insurance bill that's really not going to protect rates—but nonetheless I'd like to be able to get to the committee to deal with it. That's why I think that particular committee, finance and economics, should be meeting on Monday, Tuesday and Wednesday mornings as other committees.

Again—very important—we should be putting in this motion the ability to have that committee travel. I'm sure if you drive to Kapuskasing—the committee would never drive to Kapuskasing; it would probably take a bus or would fly or whatever. But my point is, if we were to bring that committee to Kapuskasing, Balmertown, Terrace Bay, Scarborough or wherever it might be, I'm sure there are all kinds of people, citizens of all types, who would like to be able to come to the standing

committee on finance and economic affairs to deal with how we resolve the problem with auto insurance. That committee is very important. That committee is going to be the one that's going to hopefully deal with that particular issue; that is, if the government allows us to have a role as far as opposition members, because we know the government, by way of majority, controls that committee.

The other committee which is extremely important—other than public accounts, which I mentioned earlier, finance and economic affairs and others—is the standing committee on estimates. I've sat on the estimates committee for probably as many years as I've been here in the Legislature. It is the first time in my time here in the Legislature that the schedule in the House is not going to permit me to participate on estimates to the degree that I would like. Again, some members would say, "Too bad, so sad; such is the draw of House duty." As individual members, we have rights. I'm the whip. I guess I could have scheduled myself. But the point I make is that everybody has a duty in the House. It means that some member is going to be disadvantaged, kept from being able to participate on the estimates committee because of the scheduling we've done in the House. The government whip, the opposition whip and myself as third party whip determine who sits in the House when and who sits on committee, but as an individual member you're allowed to go to that committee and do work if there are issues there that you want to deal with on behalf of the constituents you represent. That's why I say the estimates committee should be meeting Monday, Tuesday and Wednesday mornings and should be meeting possibly on weekends in order to deal with those issues, because that's the committee where a lot of those types of decisions are made.

Mr Speaker, I've made my point, and I hope the government House leader is going to reflect on that.

**The Speaker:** Further debate.

**Hon Mr Duncan:** I'm pleased to join this debate on government motion number 12. The government House leader states, "That the following schedule for committee meetings be established for this Parliament." That's an important thing to debate, and I'm pleased to join the debate.

The first clause reads, "The standing committee on justice and social policy may meet on Monday and Tuesday afternoons following routine proceedings." "May" meet; that's an important word, the word "may." It basically says to members that you have a lot of flexibility when you're going to sit. With agreement, and with the ability to sit down and be reasonable, you can amend those things. That's why this is a routine but debatable motion and that's why we brought it forward today because we would like the committees to start meeting next week. We would like to begin those discussions. The standing committee on justice and social policy: May they meet on Monday and Tuesday afternoons? Yes they may, provided it's after routine proceedings.

The NDP is arguing about accountability in debating this routine, debatable motion today, and they have effectively denied themselves and the Conservatives question period. I will tell you that we will seek unanimous consent to revert to question period because we think that's patently unfair. In spite of their efforts to take away their own ability to question the government and hold it to account, we now believe we'll have 15 of our 23 ministers here to answer questions, should they deem that it's appropriate for the opposition to use the hour available to them to ask questions rather than debate whether or not the standing committee on justice and social policy may meet on Monday and Tuesday afternoons following routine proceedings.

I should also say that these are the standard dates by which these committees and subcommittees have met throughout my time here. And I should point out that the third party members will all be on committees. We passed that routine motion just before their attempt to filibuster themselves here with this particular little diatribe that takes away question period, in spite of their arguments that they want to hold the government to account.

**Hon Mr Bradley:** I always liked question period when I was in opposition.

**Hon Mr Duncan:** Yes, question period is something that I would have thought the opposition would have wanted rather than to debate.

The second clause of the motion, because I do know it's important that we focus on the motion: "The standing committee on general government may meet on Monday and Wednesday afternoons following routine proceedings."

**Hon John Gerretsen (Minister of Municipal Affairs, minister responsible for seniors):** That seems reasonable.

**Hon Mr Duncan:** That seems very reasonable because it allows a lot of flexibility. Unfortunately, certain members of the Legislature don't want to negotiate. They prefer—

**Hon Mr Bradley:** Anarchy.

**Hon Mr Duncan:** —anarchy, grandstanding, whatever you like. They'd rather get up and fire-breathe about something where there's no fire. It's unfortunate because we on this side were looking forward to question period today. We have a commitment to being here. We want the opportunity to take questions and to answer questions. In fact, the Premier was going to be here earlier today for question period; he won't be able to now. But that's all right. If they want to filibuster themselves, that goes a long way, in my view, to explaining why perhaps they're in the position they're in right now.

The standing committee on general government: What could go to general government? The tax bill could go to general government, the one we promised in the last election, the one the NDP voted against last week. I would like that bill to get to committee next week so they can explain why they voted against getting rid of the education tax credit, which they promised to do in the election.

**Interjection:** They want more corporate taxes.

**Hon Mr Duncan:** And they want corporate taxes to go up. They want to filibuster themselves in the Legislature and take away the precious time they have to question the government.

**Hon Mr Bradley:** Conrad Hampton, it sounds like to me.

**Hon Mr Duncan:** Conrad Hampton, that's correct.

"The standing committee on estimates may meet on Tuesday and Wednesday afternoons following routine proceedings." What does estimates do? The estimates committee holds the government to account on its spending. That's where the opposition gets the government on matters of spending that it chooses to ask questions about. Of course, we all know that the convention at estimates, if not the rule, is that you go down the political road. You ask ministers and their officials very tough questions.

1540

The third party chooses to filibuster getting this started. The third party chooses to get rid of question period today. The third party chooses to prevent the estimates committee from starting. If we were still in the opposition, I would probably want to call the Ministry of Health, the Ministry of Education, the Ministry of the Environment, the Ministry of Energy. The third party and us disagree on a major piece of government policy, even though their position on the rate cap has changed, I think about five times in a year and a half.

But I have to get back to the substance of the motion. The motion says, "The standing committee on estimates may meet on Tuesday and Wednesday afternoons following routine proceedings." I imagine those members will be busy some afternoons. Most nights, there aren't many of them here anyway. We understand that. They go wherever they go on those weeknights. We often have three times as many members here as they have in their caucus to make sure that our members are here debating these. We're pleased to be here, to deal with estimates at committee. All of our members look forward to that opportunity. All of our members want this place to work.

We tabled something unique last night, something very unique that will make sure this House functions better and takes the irrelevance out of a lot of what we do. For instance, standing here—

**Mr Hampton:** On a point of order, Mr Speaker: Is the member speaking to the motion?

**The Speaker:** I think he is. Please proceed.

**Hon Mr Duncan:** Let me just refer back, for the leader of the third party, because obviously he doesn't understand the significance of estimates to the opposition. Estimates committee should meet on Tuesday and Wednesday afternoons. We're here Tuesdays and Wednesdays. I don't know about them, but we're here to work. I've come a long way from my riding, and my colleague from St Catharines is here; we want to work.

Again, the motion is very careful. The motion says "may meet." "May" meet: that's an important word. It doesn't say "shall" meet; it says "may" meet. Why does

it say “may” meet? So that we can accommodate them. What happens if their member can’t be at the committee? Well, you know what? Historically, the way this place has worked, when people aren’t playing games and filibustering themselves, we work together and try to cooperate.

We put another motion on, which will be called later on, dealing with making sure that they have every opportunity to participate in all aspects of the proceedings that they had in the last House. Instead, they want to debate whether or not the standing committee on estimates may meet on Tuesday and Wednesday afternoons, following routine proceedings.

Here’s one that I would have thought that any opposition party would be interested in: “The standing committee on government agencies may meet on Wednesday mornings.” What does the standing committee on government agencies do? They review the order-in-council appointments of the government of the day. The third party apparently wants to filibuster itself on these and prevent that committee from meeting next week to hear what the government appointments are. Even though the motion is worded in such a way as to allow some flexibility in terms of accommodating the schedules of 103 members, all of whom, other than those seven who don’t want to go to committee, it appears—the 95 rest of us, if you count the Speaker, who can’t participate—would like to get to this committee. The rest of us would like to have the opportunity to have government appointments scrutinized by the Legislature.

It’s passing ironic that those members would chew up question period today under the false guise of somehow making things better for the opposition, when in effect they’re debating against having the very committees that will hold the government to account. They’re keeping those committees from meeting. I think that goes a long way to explaining why they find themselves in the position they’re in today.

The next one—here’s an important one: “The standing committee on regulations and private bills may meet on Wednesday mornings”—may meet on Wednesday mornings. Our members are all at work in time to meet on Wednesday’s mornings. Where are you and why wouldn’t you be available? It seems to me, given the fact that the resolution itself allows flexibility, if there are items before the committee, if there is a need to change the time, we have a subcommittee, which you will be able to participate in, that can change the time. Is it because you don’t want to scrutinize government regulations? I don’t understand why the third party would want to filibuster itself and prevent itself from doing its job; probably because they’d rather just get up and go off about nothing over a long period of time and not focus on the real business of this Legislature and the people of this province. What an absolute abrogation of their responsibility as an opposition to do that.

How many times now have they voted against sitting at night? Every time we’ve asked for extra time to sit at night, they vote against it. Then they say we’re going on vacation, even though we’re following the standing

orders that they voted for. They agreed to these standing orders—they sure did.

Back to the motion, Mr Speaker, because I know you require that we debate these things very carefully. Now here’s an important committee for the opposition: “The standing committee on finance and economic affairs may meet on Thursday mornings and Thursday afternoons following routine proceedings.” What does the standing committee on finance and economic affairs do? They do pre-budget consultations. And, by the way, the Thursday time frame that’s agreed to here has been the time frame over the nine years that I’ve been here.

What is motivating them? Do they really want to filibuster or prevent the finance and economic affairs committee from meeting? Do they not want the tax bill to go to committee so they can explain why they voted to keep the private school tax credit, why they voted to keep cuts to corporate taxes? Is that why they’re trying to block this committee from meeting? Is that why we see the spectacle in the Legislative Assembly of Ontario where the third party, which has been duly and properly recognized by the Speaker, chooses to filibuster itself? This is unbelievable and not worthy of a respectable opposition that wants to make this House and our parliamentary institutions work.

We still have a couple of more items to deal with that are in the motion. The first one is: “The standing committee on public accounts may meet on Thursday mornings.” The members of the third party are talking about meeting on Fridays, which we’re quite happy to accommodate at some point, but where are you on Thursday mornings? You don’t want to meet on Thursday mornings? What are you doing? The House is sitting those days. You should be here. Our members are here. The official opposition wants to meet. Again, the resolution is the same resolution that you’ve voted for in the past on umpteen occasions, but consistency has never been your forte.

What does the standing committee on public accounts talk about? What are they trying to prevent happening at public accounts? What does public accounts deal with? It deals with the accounts of the province. They don’t want to meet. They want to stall, filibuster and delay. They’re delaying their own question period today, which we’re going to give unanimous consent to give back, to help them out of this silliness where they’re filibustering themselves. I could understand if you were filibustering the government—that’s a long and noble parliamentary tradition—but it’s very rare that one sees the opposition, or the third party I should say, filibuster itself. The Speaker would understand the significance of filibuster. He led a very historic filibuster, in proportion. But these folks over there would just as soon get up like—all I can see is wind coming out of balloons when they speak. They say nothing, mean less, and they’re just having a cute little game instead of holding the government of the day to account.

**1550**

I still have a couple more clauses of the motion to address. Here’s one: “The standing committee on the

Legislative Assembly may meet on Thursday afternoons following”—make sure you understand that—“following routine proceedings.” The Legislative Assembly committee, what do they deal with? For instance, last year the standing committee on the Legislative Assembly met to consider, by order of the previous government, reforms to help private members. Now, the NDP members of the day didn't participate through most of it. They came at the beginning and then at the end. What was one of the items we dealt with in that report? Programming motions. We saw how they worked in many other jurisdictions so that we could prevent unnecessary filibustering. Again, I respect the right of the opposition to filibuster the government, but when the NDP filibusters itself, it's hard to believe that the party of Tommy Douglas and many other great Canadians would find themselves in that position of their own accord.

**Hon Mr Bradley:** Stephen Lewis used to give great speeches in this House.

**Hon Mr Duncan:** Yes. Stephen Lewis is an example of a great NDP leader who could hold this House in the palm of his hand while he spoke.

**Hon Mr Bradley:** I'm for a by-election. Bring Stephen back.

**Hon Mr Duncan:** Bob Rae in opposition was a remarkable politician, one who was worthy of the opposition. I can't recall, and we have been looking over the past hour, if there's any example in Canadian history where the opposition has attempted to filibuster itself. Frankly, they haven't.

Maybe I'm wrong. Maybe there is some greater goal in getting rid of question period and not allowing committees to sit to hold the government to account.

**Hon Mr Bradley:** It has nothing to do with money.

**Hon Mr Duncan:** It has nothing to do with money, I'm sure. All it has to do with—

*Interjections.*

**The Speaker:** Order.

**Hon Mr Duncan:** I'm sure all it is is whether or not the standing committee on justice and social policy may meet on Monday and Tuesday afternoons. Would we be prepared to meet and talk about other days and times? Of course we would. The subcommittees can do that. It says “may meet,” not “shall meet.” This, by the way, you've agreed to on umpteen points in the past. But I understand your need to filibuster yourselves today, so we respect that. The standing committee—

**Mr Baird:** I think you're filibustering.

**Hon Mr Duncan:** No, I'm just participating in the debate. The opposition wanted this debate and I'm going to seek unanimous consent for question period. I've got at least 15 of our ministers who want to stay and answer questions today, in spite of the NDP's desire to filibuster itself and prevent proper questions from being asked and try to prevent the government from being held to account.

So in the short time I have left, I want to come back to the standing committee on estimates and whether or not they meet on Tuesday and Wednesday afternoons. If they

don't meet, I'd like to know where the NDP members plan to be. We're going to be here ready to answer the questions. That's our job now. And frankly, that's a more difficult job. I forget who it was who said, “It's easier to pitch than catch”—

**Hon Mr Bradley:** Larry Grossman.

**Hon Mr Duncan:** Larry Grossman. They have an important role to play. Their job is to hold the government to account. You will see, looking down on the opposition, the figure of the hawk. The hawk is in this House to say to the opposition, “You must pursue them vigorously.” This kind of tactic where they filibuster themselves is incomprehensible on the part of the government. We prided ourselves in opposition on trying to be an effective opposition in the context of the rules that were present in the day.

I'm glad this filibuster on the part of the NDP against itself is coming to its timely end. It's an unfortunate waste of parliamentary time, but if they choose to do it, there's nothing we can do to stop them from doing it. With that, let me conclude by saying that the NDP have voted for this motion on numerous occasions in the past. Our members are prepared to sit on these committees as quickly as can get them there. I know that the official opposition, as difficult an adjustment as it is for them right now, are prepared to sit on these committees and want the opportunity to hold the government to account, want the ability to ask questions. I just wish that the third party would quit filibustering itself. Let's get on with the business of holding the government to account.

**The Speaker:** Further debate?

**Mr Robert W. Runciman (Leeds-Grenville):** I'm not sure how much time I have.

**Mr Marchese:** You've got 20 minutes.

**Mr Runciman:** I want to, regrettably, participate, in the sense that we should be talking about issues like the record tax hike bill brought in by the Liberal government. We should be talking about their flip-flop with respect to hydro rates. We should be talking about the flim-flam game that they've brought forward with respect to auto insurance. But, regrettably, we're not talking about those substantive issues today. What we're talking about is a farce, with respect to whether or not committees may sit at specific times.

I want to say with respect to this that we understand the third party, the independent party, the NDP—which ever way you wish to describe them—are supposedly engaged in these disruptive tactics because of their failure to achieve party status. I want to put on the record the fact that when the Conservative Party was the government of the day, we made concessions to allow the NDP to become a recognized party in the House. You will remember that. Did the tactics change? We saw exactly the same kind of disruptive tactics when they received party status from us as a government that we're seeing today. To suggest that if they receive party status, their tactics or approach to the business of this House is going to be altered in any way, shape or form is simply not going to be the case.

The government House leader—in many respects I believe he is sincere about wanting to see this place operate in a more efficient way—referenced a number of the committees and the committee sitting dates. One that he specifically pointed to was the standing committee on government agencies, and he talked about the third party—the NDP—not being interested in holding the government's feet to the fire with respect to order-in-council appointments, patronage appointments made by the government of the day.

I want to put on the record that one of the significant concerns we have as the official opposition, with respect to these proceedings in the next four years, is the fact that the government—and this is a precedent, and an unfortunate precedent—has chosen to appoint government members as Chair and Vice-Chair of the standing committee on government agencies.

**The Speaker:** It being 4 o'clock, pursuant to standing order 30(b), I'm now required to interrupt the participation and put the question.

Mr Duncan has moved government notice of motion 12. Is it the pleasure of the House that this motion be carried?

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

All those against say "nay."

I think the ayes have it.

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

*The division bells rang from 1558 to 1603.*

**The Speaker:** Mr Duncan has moved government notice of motion number 12.

All those in favour of the motion will please rise so that the Clerk can record your names.

#### Ayes

Agostino, Dominic	Duncan, Dwight	Peterson, Tim
Arthurs, Wayne	Flynn, Kevin Daniel	Phillips, Gerry
Bartolucci, Rick	Fonseca, Peter	Pupatello, Sandra
Bentley, Christopher	Gerretsen, John	Qaadri, Shafiq
Beardinetti, Lorenzo	Gravelle, Michael	Racco, Mario G.
Boutrogianni, Marie	Hoy, Pat	Ramal, Khalil
Bradley, James J.	Jeffrey, Linda	Rinaldi, Lou
Broten, Laurel C.	Kennedy, Gerard	Ruprecht, Tony
Brownell, Jim	Kular, Kuldip	Sandals, Liz
Bryant, Michael	Kwinter, Monte	Sergio, Mario
Cansfield, Donna H.	Lalonde, Jean-Marc	Smith, Monique
Caplan, David	Leal, Jeff	Smitherman, George
Chambers, Mary Anne V.	Levac, Dave	Sorbara, Greg
Colle, Mike	Marsales, Judy	Takhar, Harinder S.
Cordiano, Joseph	Matthews, Deborah	Van Bommel, Maria
Craiton, Kim	Mauro, Bill	Watson, Jim
Crozier, Bruce	McMeekin, Ted	Wilkinson, John
Delaney, Bob	Meilleur, Madeleine	Wong, Tony C.
Di Cocco, Caroline	Milloy, John	Wynne, Kathleen O.
Dombrowsky, Leona	Mossop, Jennifer F.	
Duguid, Brad	Patten, Richard	

**The Speaker:** All those against will rise.

#### Nays

Arnott, Ted	Hardeman, Ernie	Murdoch, Bill
Baird, John R.	Hudak, Tim	Ouellette, Jerry J.
Bisson, Gilles	Jackson, Cameron	Prue, Michael
Churley, Marilyn	Kormos, Peter	Runciman, Robert W.
Dunlop, Garfield	Marchese, Rosario	Scott, Laurie
Flaherty, Jim	Martel, Shelley	Yakabuski, John
Hampton, Howard	Munro, Julia	

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 61; the nays are 20.

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

**Hon Mr Duncan:** Mr Speaker, on a point of order: I seek unanimous consent to revert to routine proceedings for the purpose of holding a one-hour question period.

**The Speaker:** Do we have unanimous consent? No.

## ORDERS OF THE DAY

### AUTOMOBILE INSURANCE RATE STABILIZATION ACT, 2003

#### LOI DE 2003 SUR LA STABILISATION DES TAUX D'ASSURANCE-AUTOMOBILE

Resuming the debate adjourned on December 1, 2003, on the motion for second reading of Bill 5, An Act to temporarily freeze automobile insurance rates for private passenger vehicles and to provide for the review and regulation of risk classification systems and automobile insurance rates for private passenger vehicles / *Projet de loi 5, Loi visant à geler temporairement les taux d'assurance-automobile dans les cas des voitures de tourisme et à prévoir l'examen et la réglementation des systèmes de classement des risques et des taux d'assurance-automobile les concernant.*

**Mr John Yakabuski (Renfrew-Nipissing-Pembroke):** I want to speak briefly on Bill 5, An Act to temporarily free automobile insurance rates—"temporarily freeze." Up in the Madawaska valley we're talking about a temporary freeze as well. We describe that as winter. Lakes and rivers will be temporarily frozen, but I'm wondering, when the springtime rolls around, can we expect the effects that are being claimed in this bill to be disappearing like that springtime snow as well? What I see in this bill—and it has been said before—is that it is full of loopholes. Section 6 is as big as the black hole itself. It will not address the needs of consumers looking for insurance in the automobile sector.

I want to talk a little bit about Renfrew-Nipissing-Pembroke as well, because we're all drivers and insured people up there, too. At this time I want to thank the voters of the great riding of Renfrew-Nipissing-Pembroke for showing their confidence in me by electing me in the election of October 2. It was quite a victory because I was the only new Progressive Conservative member elected who was not running in a previously held riding at the time. So that made the victory somewhat historic.

1610

But I am not here on my own accord; I'm here because of the great support that I had from the people of Renfrew-Nipissing-Pembroke and the workers who took part in my campaign, particularly my wife, Vicky, and our children, Zachary, Heidi, Emily and Lucas. They were behind this effort 100%, I can assure you of that.

I also have to take an opportunity to thank my father and my mother. My father, as some of you will know, was a member of this Legislature from 1963 to 1987. Of course, he laid the groundwork for the political will that exists in me today and the desire to serve people, particularly my own constituents.

My father was known as a tireless constituency member who worked extremely hard for his constituents for some 24 or 25 years. I intend to bring that same kind of dedication and devotion to the job to ensure that the people of Renfrew-Nipissing-Pembroke are represented in this chamber. Having done that job for those years, he did it in spite of the fact that he was raising a family of 14 children and running a small business as well. That's the kind of dedication that existed in Paul Yakabuski.

During this campaign, there were many great stories. One of the things that was so nice was that I met two gentlemen—one by the name of Hayden Francis—who actually served in the same unit as my father overseas in World War II with the SD&G Highlanders. I also met two ladies who went to teachers' college with my mother some 60 years ago.

I'm going to tell you a little story that actually happened after the election. A couple of days after the election I got a call from a constituent, a fellow by the name of Alfie O'Malley. He was good friends with my father all of his life. He wanted me to drop over because he said he had a token for me. When I went over to his house, Alfie sat me down in his living room and said, "John, I want to tell you about a visit that your father paid me in 1986." He said that my dad came over to see him and they were chatting. At that time, it had been decided that the riding was going to disappear in 1987 and my father would not be seeking re-election. They were talking about what might happen and who might be the new politician. Alfie asked, "Paul, do you think any one of your boys would ever follow in your footsteps?" I know that sounds sexist, but that's just the way it was asked. My dad said, "I don't know, maybe Mark, but, you know, that John fellow, if he's got himself a good woman." Well, I have that in my wife Vicky. My father went on to say to Alfie, "If one of my boys is ever elected to this office, I want you to give this to him," and he presented Alfie with a pair of Ontario cufflinks, the black ones with the silver trillium on them. Alfie gave me those cufflinks that day, on October 9. He had had them engraved, "Congratulations, John, MPP RNP," and the date, "October 2, 2003, Dad."

That's one of the beautiful stories that I have to bring from that campaign and the forethought that my father may have had that someone from his family may have followed him here.

I want to talk a little bit about the history of the riding as well. Tom Murray served the riding from 1929 to 1945. Tom Murray also came from Barry's Bay. Tom Murray was the grandfather of my predecessor, Sean Conway.

In 1945, James Shannon Dempsey was elected as the member for Renfrew South. James Dempsey was most

famous for the Dempsey act, which returned the pine to the farmers. He died in October 1955 and was followed by James A. Maloney, who was known as an absolutely tremendous debater, one of the finest in this House, and one of the most powerful men in the Frost government. Jimmy Maloney died on September 30, 1961, and was replaced by Leonard Quilty, a Liberal member. Leonard Quilty was the member for one year, until my father was elected on September 25, 1963. I had the pleasure this past year, in 2002, of being the co-master of ceremonies with Leonard Quilty's son, Mike, at the 100th anniversary of the Eganville Leader. The Eganville Leader is one of our local papers. I tell you, folks, there is a copy of the book *Reflections of a Century* here in the legislative library, and I urge you all to partake of the wonderful information and historical references to all of Renfrew-Nipissing-Pembroke in that book.

Of course, my dad served from September 25, 1963, to July 31, 1987, and incidentally, that was also the day that David Peterson called the election. So essentially, my Dad died in office and the riding disappeared on the same day.

Sean Conway, my immediate predecessor, was elected to this House in 1975 for a different riding, the riding of Renfrew North. As the ridings amalgamated with redistribution in 1987, he became the member for the entire county of Renfrew, or the best part of it. Sean was known on both sides of the House as one of the finest orators to ever grace this chamber, and I know we have some big shoes to fill in that regard. We don't expect to match him, but we're going to do our best to match his work for his constituents. I do take my hat off to Sean, because his record of 28 years in this Legislature stands as a record for any member from our neck of the woods.

Our riding, Renfrew-Nipissing-Pembroke, has a slogan: "Naturally Wonderful." Renfrew county has over 300 pristine lakes feeding four major river systems. We actually produce a significant amount of Ontario's hydraulic power, with stations on the Ottawa and the mighty Madawaska River. Some of our big industries are lumbering, such as Murray Brothers, which also celebrated its 100th anniversary in 2002, and of course was started by Sean Conway's grandfather, Tom Murray, who also served here as the member from 1929 to 1945. Also, I might point out that Sean Conway is a cousin of mine, so there's quite a family connection in Renfrew-Nipissing-Pembroke.

Some of our other big mill operators in Renfrew county—McRae's, Hokums, Gulick's, Neuman's, Shaw's—and some of our smaller operators—Earl Sarrs, Donny Etmanskie, people like that—provide a great deal of the employment for the people in my riding.

We also have a big tourism industry, and with my new appointment as the critic for tourism for the official opposition, that is something that I'll be taking a great deal of interest in, because our economy is affected tremendously by how many tourism dollars we can bring into our county. We have some beautiful resorts on both the Madawaska and the Ottawa rivers, the Bonnechere.

We have the Bonnechere caves; we have so many wonderful attractions. I would urge each and every member of this House on all sides to make an effort within the next year to get up to my riding and visit some of our beautiful attractions. You will not be disappointed. I'll show you around myself, if the House is in recess. Give me a call; I'd be glad to be your host.

I have some questions about rural Ontario. I have some concerns about rural Ontario. In the throne speech, I never heard a word about rural Ontario, and I'm worried about what this government has in store for my constituents. We hear them talk about a new deal for municipalities, but I hear that a new deal for municipalities translates into a new deal for Ontario's cities. I think that is important. I think that cities are extremely important. A strong Ontario needs a strong Toronto; a strong Ontario needs a strong Ottawa, Hamilton and London etc.

#### 1620

But a strong Ontario needs strong rural support and strong rural communities as well. I'm worried about funding in rural Ontario. I'm worried about hospital funding for the Arnprior hospital and the Deep River hospital, who have expressed their concerns to me on a number of occasions about the level of funding that they're receiving—and all health care facilities in our county.

I'm concerned about something that happened just the other day. That is the transfer of the nutrient management file from the Ministry of Agriculture and Food to the Ministry of the Environment. This will cause great consternation among farmers in Renfrew county. The previous government did a tremendous job of working with that particular group of stakeholders in ensuring that their concerns were considered when they were taking steps with regard to nutrient management.

They have got to be shaking today, wondering if they'll have a voice at that table as this act progresses. It's something that I have grave concerns about, because they've been hoping for something, some further news from this government with regards to BSE. What are they going to get in their Christmas stocking? Sorry, nutrient management will now be the file for the Ministry of the Environment, not the Ministry of Agriculture and Food. That is going to make for a poor Christmas season for the farmers in my county.

The new deal for municipalities—and I want to talk about some of my municipalities. I want to congratulate all of the Reeves and Councillors who have been elected to municipal council in Renfrew county. There are 19 of them, ladies and gentleman. This is not a small constituency.

I want to congratulate Bill Croshaw from Head, Clara and Maria; Vance Gutzman from Laurentian Hills; Ann Aikens from Deep River; Bob Sweet from Petawawa; Jack Wilson from Laurentian Valley; Ed Jacyno is the new mayor of the city of Pembroke; Harold Weckworth, the reeve of North Algona-Wilberforce; Don Rathwell of Whitewater; Bob Johnston of Horton township; Sandi

Heins of the town of Renfrew; Paul Doyle of greater Madawaska; Raye-Anne Briscoe of Admaston/Bromley; Neil Stewart of McNab/Braeside; Terry Gibeau, the new mayor of Arnprior; Zig Mintha, reeve of Bonnechere Valley; Janice Bush of Killaloe, Hagarty and Richards; Norm Lentz of Brudenell, Lyndoch and Raglan; Jim Himansky of South Algonquin; and the reeve of my municipality, where I call home—Barry's Bay—John Hilbrant. I want to wish them the very best in the challenges that they face ahead.

I also want to pay tribute to some of the outgoing mayors who are not returning, some by retirement and some because the electorate has chosen otherwise: Len Shean, the town of Arnprior; John Doering, township of Horton; Bill Schweig of Madawaska Valley and also the current county warden; Arlene Felhaber of Bonnechere Valley; Paul Curtis, Laurentian Hills; John Murphy of the town of Deep River; John Frost of greater Madawaska; Gord White of the region of Whitewater, who incidentally has served on council as councillor and reeve for 40 years; and Russ Havelin of McNab-Braeside. These gentlemen also have grave concerns about where this government places them on the priority list with regard to the services and the support being offered rural Ontarians.

I want to talk a little bit about some of the concerns and some of the issues that these people have. Roads, infrastructure projects such as bridges—that we had in our platform—to take over the responsibility of bridges from municipalities: That's a big concern. In my riding there are over 250 bridges. This will be a major, major infrastructure headache for these municipalities in the county of Renfrew if the current relationship does not change, if the government does not do something more to support them, as these bridges need repair and refurbishing and rebuilding.

Highways—the extension of Highway 417, which the previous government saw fit to bring as far as the town of Arnprior, which you should be opening early in 2004: It's important for my constituency to see that that highway gets extended, so that Highway 417 doesn't end at Arnprior but goes all the way to Pembroke, to ensure that we can bring the kind of industries that will help bring economic growth to my riding over the next several years and decades to come. They have that argument that there are not enough people there to justify the bringing of the highway, but if the highway is there, the people will be there. We will see more industries established in Renfrew county because the infrastructure support will be there. So I'm urging the Minister of Transportation to work hard to find a way to ensure that Highway 417—incidentally, there was a motion brought forth yesterday to rename that the Pierre Trudeau highway. Whatever the name of that highway is eventually, I want to see that highway reaching Pembroke at some point in the future, so that the future of my riding, economically and in every other way, will be enhanced by the improvement of the infrastructure supporting it.

I want to talk again about how humbled and proud I am to be standing here today in this glorious chamber

representing the people of Renfrew-Nipissing-Pembroke. I must thank my colleague and friend Norm Sterling for pushing me a little bit to make the decision to go after the nomination back in October 2002.

It was actually on Thanksgiving Monday of 2002. My wife and I went for a drive. We must have driven for about 600 kilometres throughout the county, and up on the Kennelly Mountain Road I pulled over. We'd been discussing whether or not we were going to do this, because we had just gotten involved in real estate. We thought, "My goodness, are we ever going to plant our feet firmly on the ground again or what?" This was an opportunity that we had to give due consideration to. Up on the Kennelly Mountain Road, we pulled the car over and we looked at one another, and my wife smiled and said, "I know you want to do it. I want you to do it. I'm behind you 100%." That was when the decision was made. I want to thank all the people who supported me throughout the entire process, the nomination and the election. I know they'll be supporting me as I work for them for the betterment of Renfrew-Nipissing-Pembroke for many years to come, I hope.

**The Acting Speaker (Mr Bruce Crozier):** Questions and comments?

**Mr Peter Kormos (Niagara Centre):** I want to applaud the member for a very effective and impressive first-time speech in the Legislature. He showed class, he showed courtesy to his predecessor, notwithstanding that he and his predecessor don't come from the same political background and I suspect are at great odds when it comes to political perspectives.

As the next speaker for the New Democrats, you're going to hear from Shelley Martel, the member for Nickel Belt. She's going to be talking about this bill, Bill 5. She's going to be talking about the Mack truck loophole, the Boeing 707, the Concorde jet loophole contained in section 6.

Mr Colle's here today. He's here to listen to Ms Martel. He knows that New Democrats have important things to say about auto insurance. They've had important things to say about auto insurance way back to when New Democrats created a public auto insurance system in British Columbia, one that has thrived now for over 30 years and which subsequent governments, be they Social Credit or Social Credit-Liberal as Gordon Campbell's government is now, haven't dared tinker with, haven't dared dismantle. Because public auto insurance works, provides fairer premiums, more affordable premiums and it provides justice for innocent accident victims.

1630

The problem with this government's approach is that it's identical to the Tory approach—

**Mr Mike Colle (Eglinton-Lawrence):** Oh, come on.

**Mr Kormos:** Well, it is identical to the Tory approach. I watched both evolve. The language was identical. You could have superimposed them. You'd swear you shared the same little 1.44-megabyte floppy disk with the text contained on it.

You see, the private, for-profit auto insurance industry doesn't care about victims, doesn't care about drivers. It

cares just about profits. How does the insurance company make profit? You charge the greatest amount of premiums and pay out the least amount of benefits.

Get off this bandwagon. Public auto insurance, that's what New Democrats advocate.

**Mr Colle:** I congratulate the member from Renfrew-Nipissing-Pembroke on his maiden speech. He does represent a beautiful part of this province, great communities like Killaloe, Douglas, Pembroke, Calabogie. He's right; you should visit that part of the province. It's magnificent, affordable, with very warm, hospitable people. I couldn't agree with him more on that.

He's got big shoes to fill. I'm sure with his lineage, he's got a great start at it, given his dad's great contribution to this House for years. With the family behind him, I'm sure he's going to do his people proud over the years to come.

But the one thing about it—I was waiting for something about auto insurance.

**Ms Shelley Martel (Nickel Belt):** That's the next one.

**Mr Colle:** Is it next? Yes, this is a maiden speech; right. Sorry.

I know there's also family involvement in auto insurance. It's interesting—and I want to hear the member's comments later on about what we're going to do to fix this mess that his government created. For the last four years, the Conservative government sat on its hands and did nothing, never listened to people who were being hosed by ever-increasing auto insurance premiums left, right and centre. They wouldn't listen to people as they were saying, "Please fix auto insurance," and they did nothing in the last four years. Therefore, we've got a huge mess, but we're going to fix it.

Then the NDP talks about private and public auto insurance. You would know that one of the private automobile insurance companies in Ontario, Coachman, is owned by the NDP government of Saskatchewan. They own one of these big, bad, private automobile insurance companies called Coachman. It's owned by a government that's NDP, so they can't be bad. That one company is OK, though.

**The Acting Speaker:** The member's time has expired.

**Mr Garfield Dunlop (Simcoe North):** I'd like to take this opportunity to thank John Yakabuski, the member from Renfrew-Nipissing-Pembroke, for a very important and well-spoken maiden speech. Mr Yakabuski has become a good friend of mine already in the House here and there are a few things that I wanted to point out that were reflected in his speech. One is his strong commitment to his wife and children, his parents and his brothers and sisters, and a strong commitment to his riding.

He obviously knows that in order to be successful in that particular riding—he had two fairly good mentors previous to him with Sean Conway and with his dad, Paul Yakabuski. Probably there are not too many people in the history of our province who have had those types of predecessor just before them and those types of experienced people to look back on. Mr Speaker, you said earlier, and it has been reflected a few times here in

some of the comments, that it is a beautiful part of our province.

On behalf of our caucus, we want to welcome John here. We know that he will be a very valuable member of our caucus. We expect that in about 2028, we'll still see him here if he's following the predecessors previous to himself. We know already that John will be an exciting part of our team, and when he's Minister of Transportation he'll definitely get that road to Pembroke built in about four years' time.

**Ms Martel:** I want to congratulate the new member from Renfrew-Nipissing-Pembroke and welcome him to this Legislature and congratulate him on his victory. I can relate a little bit to what it must be like, having followed a father who was a long-serving member in this assembly too.

*Applause.*

**Ms Martel:** At one point Ms Smith will get to speak and I'll get to respond and I'll congratulate her too.

I thought it was interesting. I didn't realize that you were a cousin to Sean. That makes your job doubly hard because it's hard to follow in a father's footsteps and a long-serving cousin as well. So I wish you well in trying to make your own way and make your own mark.

I was hoping that you were going to talk a little bit about what your brother has to say about auto insurance because one of the funniest shows on Coren that I ever saw happened before the election. It was a couple of months ago, and your brother was featured and Mr Kormos was featured and there were two other individuals who were featured and the discussion obviously was public versus private auto insurance. They just all had a go at it. Your brother was valiantly trying to defend the industry to not much success because most of the people who were calling in related horror stories about how badly beat up they were feeling by this industry. I don't blame your brother for that. I think that is a general perception.

I think about the calls coming into my office right now. Not only are people being gouged, but frankly, they're really tired. They're tired of the disrespect that is shown them on the telephone. They are tired of the abuse that they are taking from their brokers or from insurance companies. They're tired of being trod on by a company, or a number of companies, that are frankly only interested in making big profits. The government is not going to be able to deal with that through this bill that keeps those private insurers in place, which is why I'm going to talk about public insurance.

But I've got to say that is the prevailing attitude, and that prevailing attitude is going to be very difficult to get away from if the private auto insurers continue to have control of this industry.

**The Acting Speaker:** The member from Renfrew-Nipissing-Pembroke has two minutes to sum up.

**Mr Yakabuski:** I'd like to thank the member from Eglinton-Lawrence and also the member from Nickel Belt for their kind words.

**Mr Dunlop:** Niagara Centre.

**Mr Yakabuski:** Sorry, Niagara Centre; my apologies. But I still thank you for your kind words, regardless of my bad geography.

I do want to talk a little bit about auto insurance for the next couple of minutes. I do want to talk about this clause 6 in the bill: "An insurer may apply to the superintendent for approval to charge rates that exceed the authorized rates if the insurer believes it is just and reasonable in the circumstances having regard to the insurer's financial circumstances, but the superintendent shall not approve the application unless the criteria in clauses (2)(a) and (b) are satisfied."

That is the big black hole that we're talking about. They talked about a Mack truck going through that and the member from Niagara talked about a 707 yesterday. But I think you've got a Zeppelin going through there because the more you read it, the bigger it gets. For whatever reason, the insurance company will certainly say, "if we're looking for rate increases, we need only to refer to clause 6 and say we're under special circumstances; we're losing money; we're about to go broke; we need to get that rate increase." I don't think this bill will have any effect on rates other than that freeze, like I talked about the weather—we're getting a temporary freeze as well and they call it winter. And that's about the same effect that this is going to have on insurance rates in the province of Ontario.

1640

**The Acting Speaker:** Further debate?

**Ms Martel:** It's a pleasure for me to participate in this debate this afternoon. I want to acknowledge that Mr Colle is here. I think that's important. I understand that he's been given quite the task. I don't envy him. I think that by the time this is all over he might wish that he didn't have the current task to sit down with all of these folks in the industry, the lawyers, the consumers, the auto brokers, and try and work out a system that will result in savings. I think, regrettably, at the end of the day we're not going to find any savings. That's not a reflection on you or your abilities, so don't take it that way. I think at the end of the day you're going to find that as long as this industry is being strangled by the private auto insurance companies, there aren't going to be any savings to be had. I'll get into that a little later on.

I want to start with the comments that were made by the minister when he introduced this bill on November 26. Let me just use this quote: "Today's bill, if passed, will freeze auto insurance rates for private passenger vehicles until January 23, 2004, at the rates that were approved on or before October 23, the day we were sworn in." So the purpose of the bill before us is to, in a temporary fashion, freeze rates until you and others can do some further work to see how you might reach your ultimate goal, which is, I gather, to reduce rates about 10%.

The problem that I see as I look at the bill—and it's not very extensive. I suppose that has something to do with the fact that it's a temporary freeze that you're trying to put in place. As I look at the bill and go to page

3 and look at section 6, I've just got to tell you I don't see how you're even going to be able to freeze rates. I agree with the member who just spoke and with Mr Kormos, who spoke last night, that the section 6 that appears in this bill is so big, so large, that every private sector company that comes forward and asks for a rate increase is going to get it. That's what's going to happen. You're not going to see a temporary freeze. You're going to see these private insurers lining up one after the other, coming before the superintendent crying poverty, saying why they can't continue to provide insurance at these slow rates. The next thing you know, the superintendent is going to be granting increase after increase after increase to each of those companies, and your temporary rate freeze is going right out the window.

I think it's worth reading into the record the actual clause so that people understand how big the loophole is in this legislation, which will clearly allow the companies to circumvent your temporary rate freeze and get whatever kind of increase they want. The actual legislation, subsection 6(1), page 3 of the bill, is as follows:

“Application to charge higher rates

“6(1) An insurer may apply to the superintendent for approval to charge rates that exceed the authorized rates if the insurer believes it is just and reasonable in the circumstances having regard to the insurer's financial circumstances, but the superintendent shall not approve the application unless the criteria in clauses (2)(a) and (b) are satisfied.”

What are those important criteria? They are the following:

“Criteria for approving higher rate

“(2) The superintendent shall not approve a rate proposed by the insurer or a rate that is less than the proposed rate but more than the authorized rate unless,

“(a) the insurer demonstrates to the superintendent's satisfaction that a rate exceeding the authorized rate is just and reasonable in the circumstances, having regard to the insurer's exceptional financial circumstances; and

“(b) the superintendent considers that it is in the public interest to approve a rate that exceeds the authorized rate.”

Let me deal with (a), and I'm going to deal with (b) as well. Let me deal with (a) first, “having regard to the insurer's exceptional financial circumstances.”

How many people have called my office to tell me that their insurance company is cutting off their auto insurance, arbitrarily cancelling their policy, and blaming it on September 11? How many? I get call after call in our office from people who have good driving records, no charges, no convictions, no fines, no change in terms of the number of vehicles they want insured, no change in the driver's status, but have just received a note or a telephone call from the broker saying that their insurance is being cancelled. They are being told that it's because the insurance company just can't make enough money. They're suffering financially because of the consequences of September 11—which is truly hard to imagine

to use as an excuse. But we're seeing it happen again and again and again, two years after the fact.

So it's not hard for me to imagine that these same companies that are arbitrarily cutting off people now, using September 11 as an excuse, will continue to try and ride that excuse and use it for all it's worth. I can see them before the superintendent now, trying to pretend that the loss in the stock market, which is what they're actually suffering from and which is actually causing a decline in their profits, is not that at all, but the declining financial circumstance is all somehow related to the problems around September 11.

The problem is, as you look at this whole section, there's nothing here that clearly points out what the superintendent is going to use, himself or herself, as criteria to determine that financial circumstance. Are they just going to take their word for it? Are they going to look at the bottom line? Are they going to try and figure out how much of a loss has been taken on the stock market? Or are they just going to go forward and say, “September 11—boy, it impacted a lot of the private insurers. It must be the reason. Well, I guess they are suffering from extenuating financial circumstances. I guess we're going to have to give company X that particular increase this time around.” I can see it happening. People are being cut off for that very reason now. Those same companies go and make that same lame excuse before the superintendent and, goodness knows, they're probably going to get away with it.

Look at criteria (b). I've got serious concerns about criteria (b) as well. It says, “The superintendent considers that it is in the public interest to approve a rate that exceeds the authorized rate.” What's going to be in the public interest? I foresee company A coming before the superintendent and saying, “It's too expensive for us to provide insurance in Ontario any more. If you don't allow us an increase above the authorized rate, we are not going to write any new policies in the province of Ontario any more.” We see that happening in New Brunswick right now: two major insurance companies coming before the government, saying that they just won't write any new policies any more because it's just too expensive for them to do that. That's already happening in one of the eastern provinces. That's two major companies with many policies, two major companies that many people depend on.

What do you think is going to happen in the province of Ontario when these companies are faced with the same circumstance? Those private auto insurance companies are going to line up, head down to see the superintendent and threaten the superintendent that they will not provide insurance coverage any more in Ontario unless they get the rate increase they want.

**Mr Colle:** Oh, you can't threaten the superintendent.

**Ms Martel:** Mark my words, Mr Colle.

**Mr Colle:** I don't think so.

**Ms Martel:** Mark my words. They're doing it now in New Brunswick. What's going to stop them from doing it in Ontario? Absolutely nothing. They're going to do the

same thing here in Ontario that they're now doing in New Brunswick, and there's nothing in the legislation that's going to protect the public from those kinds of threats from big insurance companies. You watch how quickly the superintendent is going to be authorizing rate increases over the authorized amount because he's going to be worried that some of those companies won't provide insurance.

You know what we should say to them? "Then don't provide insurance. Then get out of Ontario. If that's how committed you are to the drivers of Ontario, out." But that's not going to happen. What's going to happen is we're going to see them line up, and we're going to see the superintendent give them those increases "in the public interest." Mark my words, Mr Colle. Mark my words.

**Mr Colle:** I am marking your words. What's the date today?

**Ms Martel:** Remember this day, and remember that they're already doing the very same thing in New Brunswick.

I listened to the minister in his statement say that insurance premiums have been rising out of control for years. Let me go back. I just want to go back to section 6 again. Here's the problem you've got: You can drive a truck through that section. My colleague from Niagara Centre said last week that it's the Boeing 747 clause. It's the black hole clause. As a consequence of having this in the legislation, I bet that you will not see temporary rate increases. You're going to see the superintendent allow increases under either section A or section B. What's going to happen after you try and do the temporary rate increase and that doesn't work, and you come forward with some of your changes?

**1650**

I know the minister hopes that you are going to be able to see a 10% reduction. He said, in his remarks on November 26, "Insurance premiums have been rising out of control for years and bringing them completely under control is going to take a little time." I have to tell you, Mr Colle, it's never going to happen. I'm not blaming you. I'm not going to blame your minister. I'm not even going to blame your government. It's never going to happen because our experience in government, and I regret to say this, in not bringing in public auto ensured that auto insurance delivered by the private sector continued to drive rates up. That's been the experience. It was the experience under the Peterson government from 1987 to 1990 when I was here and we were dealing with auto insurance. It was the experience under us between 1990 and 1995. It was the experience under the Tories for the last eight years, and regrettably, it's going to be your experience too. There's going to be nothing you can do about it.

The reason is—and I learned this after our time in government, watching us back away from public auto insurance—you will never be able to get the private auto insurance industry under control—never. Not with rate caps, not with threats, not with regulation—nothing. It is

a group that will not and cannot be regulated because they are not interested in providing affordable insurance and protecting drivers. That's not why they're in the market in the first place. They're in the market to make the most money out of the premiums that they can, and to provide the least in the way of services and benefits to drivers. That's why they're in the business. That's what they're out to do.

We weren't able to stop it in government. David Peterson wasn't able to stop it when he was in government. The Conservatives weren't interested in stopping it. You folks won't be able to stop it either. I regret to say that, but that is the case. So what you are going to see, despite your very best efforts, because I believe that you have the best of intentions as you start on this work—I do—is that you will be unable to find any mid-ground and you will be unable to find any way through regulations or through caps to bring this industry under control.

That's why during the election campaign we were very clear. Having had the experience in government of being unable to get this industry under control, we said, "The lesson we have learned is that very clearly we need public auto insurance in this province." If you look at the survey that was released by the Consumers' Association of Canada in about September 2003, it did excellent work looking at insurance schemes right across the country. What was clear in that very extensive review is that in the western provinces, in every category of driver and every category of vehicle, the cheapest rates were those found in the Western provinces that have public auto insurance. It's part of the reason why in British Columbia, for example, despite the election of Mr Campbell, there has been no move by that Premier to try and take out public auto insurance. It's part of the reason why in Saskatchewan, even under a Conservative government, there was no effort by that Premier at that time to take out public auto: because what has become clear after a number of years of the public auto insurance schemes is that they do provide fair benefits. They do so at a cheaper rate, and the package of benefits is comparable to those in the private system, or even better in some cases. You look at Manitoba, which also allows a limited ability to sue. That's because there is not the same incentive that drives the public auto insurance scheme. There isn't the need to gouge people, to rip people off, to raise their rates as high as possible to make profits. That incentive isn't there. What profit is made is put back into the system, either to increase or enhance the benefit package or to lower rates, or to do both. So what's driving the industry is different in both of those cases. It's very clear, as you go back to the study that was done by the Consumers' Association, that in every category of driver, every category of vehicle, the rates for those in the public sector were cheaper than those in the private. That's not going to change.

Despite your efforts to try and deal with this industry, despite your efforts to talk to them, despite the work you're going to do, despite your efforts to have a

temporary rate cap and despite your efforts to try and reduce rates, it's not going to happen because this is a group that doesn't want to be regulated and isn't going to be regulated. We found that out when we were in government. Regrettably, we did. The single biggest mistake that we made was to not have public auto insurance in Ontario. I say that to you honestly. That was the biggest mistake that we made: to not bring in public auto insurance. All of the experience in those jurisdictions that have public auto show very clearly how beneficial it is. No other government, regardless of their political stripe when they came to office, ever made a move to take the public system out and revert back to the private system, because they recognized the benefits. Voters in those jurisdictions recognized the benefits as well.

I think the other problem you've got has to do with the comments that I made in response to the member's comments earlier. People are really tired not only of being ripped off, of being gouged or of having their insurance arbitrarily cut off. They're really tired of the disrespect that this industry has shown them. How many people come into my office with their letter saying they've been cancelled, or relating to me the story of how they've been cancelled over the telephone, speak again and again to how disrespectful, how arbitrary, how curt, how discourteous are the people they have to deal with in the private sector. And they're told, "If you don't like our rates, go somewhere else." They're not even told that: "You're just cut off, go somewhere else. If you don't like what we have to say to you, shop around. We don't have to insure you. We don't want to insure you." It's that kind of arrogant attitude that unfortunately characterizes this industry. So they're characterized in two ways: really gouging, picking people's pockets clean and ripping people off; but also, a real arrogance, a real sense that they don't have to worry about drivers, they don't have to worry about people in Ontario, because people can just go somewhere else for insurance and they can just continue to jack up their rates for the clients they continue to have and make their money that way.

I'm not sure how you're going to try and cut through that as you try and deal with this industry over the next number of months. It's a serious issue for people. As much as they hate being gouged, they also hate the way they're being treated by people in this industry. It's gone on for far too long.

I say to Mr Colle, who was good enough to be here today to listen to the debate, I wish him well. I think he's going to try very hard. I've seen you working here in the past and I know you will try very hard. I think, regrettably, that you're going to discover exactly what we discovered: You can't regulate these people. You can't get them under control. You can't cap them, you can't do anything that will bring them under control and cause them to provide good insurance at affordable rates with a good benefit package to drivers in Ontario. It's not going to happen, and it's surely not going to happen in terms of a temporary rate freeze with the section 6 you currently have in the bill, which just allows for those companies to line up, cry poverty to the superintendent and the rate

increase will go into effect. Or they will go and threaten the superintendent and say, "We're not going to cover any new drivers in the province if we can't get this rate increase." The superintendent is going to have to cave and allow that increase as well. That's already happening in New Brunswick and it's absolutely going to happen here. Mark my words.

In closing, I wish we were here today not dealing with the bill that's dealing with temporary rate caps that will not work, and with a proposal that I know the government hopes will lead to lower insurance rates but won't. I wish we were here dealing with a bill on public auto. After our experience in government, I truly believe that public auto insurance is the only way to have affordable, accessible auto insurance with good benefits for drivers in Ontario.

**The Acting Speaker:** Questions and comments.

1700

**Mr Colle:** I was listening very attentively to the member for Nickel Belt, and I think she made some very good points. I appreciate her attempt to try and steer us in the right direction. But I do want to say very emphatically that there's discussion of section 6, which allows the superintendent to look at the financial viability of a company. That was put in there because some of the smaller insurance companies are not-for-profit, like the mutuals, which are mom-and-pop. Not-for-profit insurance companies are worried that if the government didn't consult with them, they would put these small insurance companies in rural Ontario out of business. I don't think that would be good for people of rural Ontario. We're doing it to protect those anomalies in the system. That's what it's there for, and we're asked by these small, not-for-profit companies to protect them from government being overly zealous in their attempts to control insurance rates.

Certainly we agree that private insurance in Ontario is under the microscope right now. It's true. People are at their wits' end; they want something done. That's why we are imploring everybody to co-operate in bringing down costs. Whether it's an insurance company, whether it's a provider of windshields for cars or whether it's a health care provider, everybody has to co-operate in bringing down these costs. If we don't, there are more drastic changes to come. That's the simple message.

It's interesting enough too to note that the consumers' association of Ontario does not support public auto insurance. They have told us clearly, "Fix what we have; we can't afford to spend \$2 billion on putting in a public system that may or may not work." They say, "Fix what we have; bring in some tough rules." This bill brings in some tough new rules to help people get good insurance.

**The Acting Speaker:** Questions and comments?

Well, the member from Durham was up first, but you two can work it out.

**Mr John O'Toole (Durham):** I defer to the senior member.

**Mr Norman W. Sterling (Lanark-Carleton):** Over the period of time that I have been in these halls, I've

seen auto insurance rise to the top on several occasions. I can remember back in the Peterson days when we went for a no-fault system of car insurance. As time passed, that system started to fail. We came in after the NDP had tried to tinker with it a little bit and we did some other readjustments.

Again we're at a stage in our history where some people in our society have found ways around the existing system. I think this is noted by the fact that there's an estimate that somewhere between 9% and 10% of what is being paid out by our insurance companies is fraudulent. This isn't small-time fraud; this is well-organized fraud and that kind of thing. So we have to address that in order to keep our insurance premiums in place.

But the notion that we would go to a public scheme as proposed by the member who was speaking earlier, I think, is folly. I think it's folly because essentially what happens in that case is governments are put into the trap that governments of our day have been put into with hydroelectricity. What happens is there's a transfer of money, essentially in terms of benefits and those kinds of things, from the general taxpayer into the scheme. I think that's wrong. I think we should leave this in the private sector, but we have to address some of the problems. I don't think this bill does; I think this bill is a bit of a sham, but I would look forward in the future to real alterations to the existing scheme.

**Mr Howard Hampton (Kenora-Rainy River):** I want to congratulate the member for Nickel Belt on quite an enlightening speech. I think the people of Ontario need to know that in fact Liberal leaders now in other provinces—the Liberal Premier in British Columbia—endorse public auto insurance. Even Jean Charest, the former Mulroney Conservative, now Liberal Premier of Quebec, endorses public auto insurance. Most recently, the Liberal leader in Alberta has endorsed public auto insurance and says it's time to have public auto insurance there. I will make a prediction for you that before the term of this government is out in three and a half or four years—we're going to find out the date very soon—you'll see public auto insurance probably in both Nova Scotia and New Brunswick. The reason that is happening is clear: because public auto insurance eliminates the 15% profit off the top of the bills. Where you have one company it ensures you're not spending all kinds of money on marketing. It ensures that you're not spending all kinds of money settling transactions between insurance companies. Instead of having 100 corporate offices with 100 executive salaries and 100 limousines and 100 expense accounts, you have one computer system, one corporate office, and the salaries in a public, not-for-profit system are much lower, all of which saves the consumer money.

The government says they're going to do it through the private sector, but I look at section 6. Section 6 will allow insurance companies, big and small, to drive a convoy of transports through the terms—

**The Acting Speaker:** The member's time has expired.

**Mr Jeff Leal (Peterborough):** I listened to the comments from the distinguished member for Nickel Belt.

One of the interesting things is, I deal with a small independent insurance broker in the city of Peterborough, Topping Insurance, a very reputable organization that treats their customers well. I look back at my premiums from 1987 to 1993: Under the Peterson bill, my premiums were stable. Then we had the NDP government adding \$300 million or \$400 million to the cost of insurance in Ontario. Let's look at that.

The member for Eglinton-Lawrence is going to go through an extensive consultation period to get to the core of these problems. I know that when he brings the package back there are going to be real reforms to insurance in the province of Ontario. This is a very progressive view.

I look at what the NDP want to do. During the election, I heard the candidate in Peterborough say, "Well, ladies and gentleman, we bring in public auto in Ontario—5,000 jobs." I would ask that person to look at Co-Operators Insurance, which had its headquarters in Peterborough, with predominantly female employees—gone. Your jobs are gone, out the door. Where are they going to go to work, I ask the member over there?

Frankly, we have a real opportunity over the next few months. We start with a temporary freeze, which this bill recommends, and then we go on to get to the core of the problem with auto insurance in the province. I believe there's a commitment to do it. Indeed, I know that with the Minister of Finance and his parliamentary assistant we'll indeed talk to the groups out there and come out with a scheme that is going to work.

I might add that I'm told that with public auto insurance we'd add a bureaucracy the size of the Ministry of Health. Even though our health minister is looking at it and running it very efficiently, can we add another bureaucracy like that to the government of Ontario? I don't think so. I think we have a real opportunity with this bill to start the process forward.

**The Acting Speaker:** The member for Nickel Belt has two minutes in summary.

**Ms Martel:** I want to thank everybody for participating. I wonder why the members think that if you have a public auto insurance scheme, you don't need people to staff up the public auto insurance scheme. Of course you do. You need brokers and you need people answering the phones. Some of those same people who work in the private auto insurance industry would be more than happy to work in a public scheme, more than happy. Of course a public scheme would need those people to work and provide auto insurance. What a silly argument to say that those people will have nowhere to work.

I say to the member for Eglinton-Lawrence, who tries to tell us that the reason we have a clause in here that says we have to look at the insurer's exceptional financial circumstance has somehow to do with small mom-and-pop operations in the mutual area, look, how are you going to tell those big companies who come forward, who have lost millions of dollars on the stock market, who can show that they have had financial loss, that they don't rate an increase too? Of course they're going to be

able to show you their losses. They may not have anything to do with auto insurance. They may have everything to do with stock market losses, but they can show a financial loss too. Believe me, Mr Colle, they are not mom-and-pop operations. You've just got the door wide open. There's going to be no way for the superintendent to discriminate against financial circumstances for small and big. Anybody who can show a loss is going to be allowed to have an increase, and that's what is going to happen.

1710

Any one of those companies that comes forward and threatens the superintendent and says, "We're not going to provide auto insurance in the province unless you give us our rate increase," is going to get a rate increase too. The superintendent is going to say, "It is in the public interest to ensure that we have many companies providing auto insurance, so give them the rate increase. Let them gouge the public as much as they want. We don't care, because we don't care how much money they make."

I know you hope this is going to work. We're going to be back here a year from now and people are still going to be gouged by private insurance companies.

**The Acting Speaker:** Further debate?

**Mr Kim Craiton (Niagara Falls):** It's a pleasure to stand up in the House for the first time and have the opportunity to speak, particularly on this important bill.

For the information of all the members here, and of course to all the people out in Niagara Falls, Niagara-on-the-Lake and Thorold South, the riding that I represent, my sincerest thanks for all of their support and for allowing me the opportunity to represent them here. Prior to that, I had the opportunity to represent the people of Niagara Falls as a member of city council for 13 years.

I would also like to take a minute to recognize the former member of Parliament, Mr Bart Maves. I'm always one of those people who respect politicians no matter which side of the House they're from, because I think we all realize that we're here for the right reasons. There may be some different views, but Mr Maves worked hard on behalf of the people in my riding, so I did want to recognize him for that.

In addition to that, I would like to mention to the House that Niagara Falls is one of the important communities in Ontario. It is the home of hydro and it plays an important part in the generation of hydro here in Ontario. I was pleased that we had the opportunity earlier this week to have the confirmation of Beck 3 by the Minister of Energy. That should be coming on board. I would also like to take the opportunity to recognize a former member of this House, Mr Vince Kerrio, who was also a minister in the House and was the one who spearheaded the concept of Beck 3. Unfortunately, two governments came on board after him and never followed up on that, so I'm pleased that we're going to take that initiative.

Niagara Falls is kind of unique in that it is home to a tourist industry, and a very successful one. I was really

pleased and I think the workers in our area are really pleased with the fact that the minimum wage is being increased and that there is an end to the 60-hour work-week.

I'm also pleased for the wine industry that we have in our riding. It's a \$1.8-billion industry. We have some excellent, world-class winemakers and vineyards in our riding.

As a new member of provincial Parliament, I want to assure you that I take my role very seriously, as we all do, and I will work particularly hard for the residents of my riding.

As I stated earlier, our riding is truly blessed because we have tourism as well as industry. We are an economic generator for the province, and in fact for the whole country. I'd like to take a moment to invite all the members of the House who are here and those who aren't here, and all the people who are watching throughout Ontario and probably throughout the world, because Niagara Falls is one of those cities—there are three things that we're recognized for: being the honeymoon capital of the world, Niagara Falls itself, and the most famous address in the world. No matter where you go, when you say Niagara Falls, it's recognized. So I wanted to make sure I invite everyone to take a few minutes to come down to visit Niagara Falls, to visit the Niagara Parks Commission and look at all the attractions. Take a ride on the wild rapids, especially my colleagues over on the right. Visit the hotels, the restaurants, the vineyards. Shop in Niagara-on-the-Lake. In Niagara-on-the-Lake, if you haven't had a chance, get in to see the Shaw Festival. Of course we have some world-class golf courses. I'll take the time to join anyone who is interested in coming down and playing on our golf courses.

I'd like to speak specifically, though, on the bill that's before us. One of the things that you obviously need to have insurance on is a vehicle. I can remember sitting on city council when we, in a state of shock, got notification that our driver examination centre in Niagara Falls was being closed. No matter how many letters and how much lobbying we did to the previous government to say that Niagara Falls should have its own driver examination centre, that we shouldn't have to travel down to St Catharines, that our seniors shouldn't have to make that long trip, or our young kids going for their licence for the first time and finding they're going to have to wait six months or seven months to have the opportunity to take their test or have their test renewed—unfortunately, no matter what we said to the PC government, we lost our driver examination centre. I want to make that point, because that was a very frustrating time for us on city council.

In respect to the bill that's before us, Your Worship—Mr Speaker.

**Hon Steve Peters (Minister of Agriculture and Food):** Your Worship?

**Mr Craiton:** I generally say "Your Worship," and I apologize for that. I'm so used to saying it at city council.

**The Acting Speaker:** I'm a former mayor, so that's OK.

**Mr Craiton:** Then I've said it to the right person.

I think when all of us were campaigning—I particularly heard over and over when I was knocking on doors, “What are some of the things that you're going to do?” In fact, they would tell me some of the things they wanted us to do. One of the things was automobile insurance. What I said to them was, “Here's what we're not going to do first of all: We're not going to do what the NDP did, and that's nothing.” They had the opportunity, as we all know, to implement something that they consistently speak on, and that's public automobile insurance—never happened. They made all types of excuses for it, but it never happened. Now I have to sit here on this side and listen to the rhetoric again that it should be.

In addition to that, I want to just give some statistics that I share with the people in my riding of things that never happened when it came to reforms for auto insurance. The rate increases that took place: In the fourth quarter of 2002, there was a 9% increase in auto insurance; first quarter of 2003, a 7.3% increase; the second quarter of 2003, an 8.5% increase; and finally, in the third quarter of 2003, an 8.2% increase. What am I saying? I'm saying that the previous government did nothing. They took no action. Just before the election they decided, “Maybe we should look into this because we need the votes.”

What we've done is made some commitments. This is just another one of the commitments that we've made. In fact, since we took office, we've made about 26 commitments so far, some of the things we said we would do and have done so far. This is one of them, which I'm proud of. Some of the other ones that we've committed to are the Commitment to the Future of Medicare Act, the commitment to eliminate the private school tax credit, the commitment to give the auditor new powers to examine the broader public sector, and the commitment to the recommendations—two of them—of the Walkerton report. This is just another commitment that we've made to try to ensure that people—and rightly so. I'm hearing from the other side that they're frustrated. They feel that they're being gouged. They want some type of action to be taken.

In fact, I have in front of me a clipping from the Niagara Falls Review—that's a local paper we have—that says, “Auto Insurance Promise One That Must Be Kept.” When you read the editorial, they're saying to us, “Take some action. Do something. No one has done anything prior to this, as far as auto insurance.”

That's what we have before us today. We have a party that has said we're prepared to do something. It may not be the perfect solution, but it's a start in the right direction. That's what we're committed to.

I just want to mention some of the things that are in the bill that's being proposed. Under this bill the auto insurance rates will temporarily be frozen for private passenger vehicles, at the rates in effect since October 23. Approval for applications would be suspended under the auto insurance act for the time the bill's in force. Every insurer affected by the freeze would have to reapply to

the superintendent of financial services by January 23. In fact, I will tell you I just got off the phone today, calling back a couple of my constituents who called me about this bill. I read what I'm going to continue reading to them. They were quite pleased. As one lady said to me, her rates have jumped, “But at least,” she said, “I know there's going to be something that you're prepared to do to try to intervene so these rates won't continue increasing.”

**1720**

In addition to what I've said, “No rate or risk classification changes may be implemented without the superintendent's prior approval”—or not. The other thing that I think is significant is that it says, “Insurers that fail to comply with the bill may be prosecuted, may have their licences suspended or cancelled under the Insurance Act and may be ordered to refund premiums charged in excess of authorized rates.” That is very strong language, and I'm pleased to see that's in the bill.

The other thing that's taking place is that my colleague MPP Mike Colle is meeting with different groups throughout Ontario to come up with different ways to find savings. I will tell you that I've had calls, even from within my riding, from some of the insurance groups who have asked to sit and talk with me, some of the practitioners in my riding who have some ideas as well and some people who were formerly in the insurance business who have retired. I've agreed to sit down with them, and I'll be happy to forward those comments to my colleague Mike Colle as well.

There is no easy solution to this. In 13 years in politics, you realize that you've just got to have the courage once in a while to stand up and take some initiative. I guess the easiest thing to do, and I've seen it over and over, is constantly criticize. I certainly didn't come to this House to constantly criticize; I came to this House with the intent to try to make a difference. That's what this insurance bill is all about. This insurance bill that's before us, I believe, compared to what has happened in the past, which was nothing, is significant. I think if all the parties would give it an opportunity to go forward, to listen to it, to have it come back and really have a meaningful debate as opposed to constantly criticizing it, maybe we can come up with—and I know we will—solutions that will have some positive impact on insurance rates, at least initially.

I've heard the comments, and I think we've all had those calls, about how frustrating it has been dealing with insurance companies. It seems they don't want to listen. Even some of my colleagues who are in the insurance industry have talked to me, and they're perking up, if that's the right word. They are now becoming concerned because we are taking some initiative. The language in the bill is quite clear, and they're becoming concerned that we are looking into coming up with ways of implementing savings to consumers.

I would also suggest to you that there are a number of groups that have been adversely affected by the insurance rates. I think we all have, and I constantly have, seniors

coming into my office, calling me and telling me about the increases they've incurred for no reason at all. They haven't done anything differently, their driving record hasn't changed in any way, but suddenly they've gotten their renewal notices and their rates have gone up.

One lady I spoke to today in fact was a former member of council; not of mine in Niagara Falls but one of the other councils. We were talking for a while, and as I was explaining the bill to her—literally word by word because, being a politician, she really wanted to know what was in the bill. Initially, when she spoke to me, she was extremely upset, thinking that no one was doing anything, that a freeze had been implemented on October 23 by the Minister of Finance and that it still appeared that the rate increases were going to take place. When I explained to her that we had brought forward a bill to actually put a handle on these to make it a requirement that the insurance companies had to have the freeze from October 23 on, that they had to come back some time in January to meet to have their applications looked at by the superintendent of financial services, and that it would then be determined whether or not they would be able to have an increase or not, she was quite pleased. She was pleased because I'd explained to her that under the previous government they just met some time, whenever, July, August and September. They got their increases and that's the renewal notice that she had just gotten the end of October or early November. She had just received the renewal notice and that's the increase that she had.

In this situation she now realizes that for the next renewal there is some opportunity, some hope that we're going to be coming up with ways of cost savings and we're going to be making it mandatory that the insurance companies pass those on to consumers. She was pleased with the fact that we had taken the initiative to do something. That's probably the key point when I look at this bill, and when I've talked to the people in my riding, that at least we had the courage to come forward with something when nothing had been done with auto insurance for many years.

I've heard the stories as well—I have a number of friends whose children are getting on the road for the first time—and the difficulties they're incurring with high insurance rates. In some cases, the insurance is greater than the value of the cars they're purchasing. It's extremely frustrating and very disappointing when you hear those kinds of statements over and over from people.

What we now have is the opportunity to go forward with some really concrete legislation. The key to this will be trying to get this through the House as quickly as possible, getting the feedback that we're going to get through my colleague Mr Colle and then bringing it back, getting it passed and then moving forward with this. It is important. Auto insurance is something we all need. It's something that's mandatory in order to get to work, to go grocery shopping, to take your kids for a hockey game or to move anywhere in our city, in our communities, in our province. Many people need it for their livelihood as well.

I have many close friends who are truck drivers or taxicab drivers, who require automobile insurance, and they're all concerned over what's been taking place. I've talked to a number of those people as well and they're saying the same thing to me: "Thank you for at least having the initiative to come forward when two previous governments did nothing, took no action."

One of them had the opportunity and said they would. I think the NDP realized when they had the opportunity that it wasn't the pie in the sky that they thought. I think a lot of the information they're throwing out today is contrary to what they found out when they were in power, when they were going to go with public auto insurance.

Of course, my colleagues across from me on the left side, the Conservatives, had their opportunity. There were a lot of things they could have done in the nine years that would have been positive for the people of Ontario—the waiting lists in Niagara Falls to get in for emergency care, to see doctors. I remember when my doctor retired early, it took me a year and a half to find a doctor. Those are the kinds of stories of some of their accomplishments.

The insurance bill that's before us is a good step. It's a positive step. It's the right step, and it's an opportunity the people of Ontario are looking forward to. It's a bill that didn't exist before. No one did anything before and our party and all my colleagues around here have had the courage to bring it forward.

Of course, the other side will always tell you how wrong it is, it's the worst possible thing and we're not going to do anything with it. That's the easy way out. The easy way out is just to constantly criticize. The hard way is to say, "Maybe it's a step in the right direction. Why don't we see if we can work together and come up with some solutions for the people of Ontario, for those who need their car insurance, their truck insurance to make a livelihood, to get around in our communities."

I want to congratulate the Minister of Finance; I want to congratulate all of my colleagues who have worked on this bill. We've put a lot of time and effort in to present something to the people of Ontario that we sincerely believe will be the first step in bringing auto insurance rates under control, so that the auto insurance industry knows that this is a no-nonsense government that is prepared to stand up and work on behalf of the people of Ontario. I'm pleased to have the opportunity to be the lead speaker and tell you why I personally believe in and am going to continue supporting this bill.

1730

**The Acting Speaker:** Questions and comments?

**Mr Tim Hudak (Erie-Lincoln):** I want to commend the member from Niagara Falls on his remarks and welcome him to the Legislature as a fellow legislator. Certainly his predecessor, Bart Maves, served us since 1995, a good personal friend of mine as well whom I will miss. I say congratulations to Mr Craitor on his election victory. I know he has worked for some time on municipal council. I look forward to working with him too on

a number of issues that I think probably all parties will agree with in terms of advancing the needs of the Niagara Peninsula. Our ridings border. His southern border hits my northern border in the Fort Erie area. Things like the Niagara Parks Commission and helping out tourism and such—the Beck project certainly, if it comes to fruition, will be good news for all of us in the peninsula. So congratulations to the member on his maiden speech. I look forward to working with him.

I do feel that I'd like to bring two points forward. I think it's always tempting for new members particularly to say that previous governments did nothing. It's important to be cautious about that, because in fact when we came into office in 1995-96 we acted relatively quickly on the auto insurance bill and brought the rates down, through legislation, by 12.5%. So we do have a track record in that respect. We've brought forward changes as well to knock the auto insurance premiums down that I would hope this new government will implement. I think that will help drivers throughout the province of Ontario.

Whether they will actually come back in January, Mr Colle, with what I recall my local Liberal candidate saying was a 20% reduction in auto insurance rates remains to be seen. In fact, if folks at home in the Niagara or Dunnville area want to bring me, as their member, their bills come January to demonstrate whether in fact they did receive that 20% reduction or not, I would like to see that, and then call that to the attention of the responsible minister. I'm willing to give them the benefit of the doubt, but certainly the track record to date of broken promises gives me a bit of concern as to whether they can actually deliver on the 20% decrease.

**M. Gilles Bisson (Timmins-Baie James):** J'ai bien aimé le discours de mon collègue le membre de Niagara Falls. J'ai trouvé ça intéressant parce que ce qu'il a dit c'est que, comme moi, beaucoup des citoyens dans son comté viennent le voir pour dire : « Je suis en colère. Mes assurances ont augmenté. »

Avant, ils payaient moins pour les assurances. Aujourd'hui ils en paient beaucoup plus. Mais je dis premièrement, monsieur le député de Niagara Falls, qu'il n'y a rien là-dedans qui va arranger votre problème. Franchement, vous avez promis que vous étiez pour avoir une réduction de 20 % sur votre prime d'assurance, et dans ce projet de loi il n'y a rien qui mentionne qu'il va y avoir une réduction, numéro un, et numéro deux, regardez la section numéro 6. La section 6 dit que n'importe quelle compagnie qui veut rentrer une augmentation des assurances de cette année peut le faire simplement en disant, « Je n'ai plus d'argent. C'est devenu difficile pour une entreprise d'assurances. Peut-on avoir, s'il vous plaît, une augmentation? » Et l'augmentation est faite comme ça.

Moi, je pense que dans deux, trois, quatre mois, une fois que ce projet de loi sera passé, les citoyens chez eux, comme les citoyens chez nous et d'autres autour de la province vont dire, « Oh boy, I should have voted NDP », parce qu'à la fin de la journée, la solution libérale que vous donnez n'a rien comme solution pour le

problème qui existe déjà. Il y a seulement une solution, et c'est de faire ce que le NPD a fait au Manitoba, au Saskatchewan et en Colombie-Britannique : introduire un système d'assurance-automobile publique qui est gérée à but non lucratif. Pourquoi? Je vais vous donner un exemple. Un jeune homme qui demeure à Kapuskasing paie présentement 4 800 \$ pour sa Chevette de 1988. Au Manitoba, combien penses-tu qu'il paie, ce jeune homme? C'est 700 \$. Moi, je dis qu'au Manitoba ils font quelque chose de bien. C'est appelé, Vote NDP if you want your auto insurance fixed.

**Mr Mario Sergio (York West):** I want to compliment the member from Niagara, that wonderful area of our province, and the people of Niagara for sending to Queen's Park a magnificent addition who speaks from the heart. Today we have seen that the member has initiated the debate on one of the many very interesting and important bills which the government has introduced in its very short life.

Dalton McGuinty and the new Liberal government promised during the campaign that we would be doing something if elected, and we are already on the way to deliver that. I have to compliment the member for delving into the real heart, the intent of what the bill wants to do. It is important that we proceed with that. I hope that indeed we can proceed in such a way that we can implement the action, the intent of the bill, as soon as possible. It's a bill that indeed affects everyone.

Especially, very adversely, many of the seniors in our province are being affected, no less than the rest in our province, and many of them can't afford the increases that have been assessed. As even the member from Nickel Belt said, "We have tried. We couldn't do it." The Conservatives tried; they couldn't do it. Does this mean that we shouldn't look after those people who need relief? What about the small business people? I think they are crying for some assistance. Dalton McGuinty and the Liberals did promise it. We are acting on it. We will be delivering some relief to everybody in the province of Ontario.

**Mr O'Toole:** It's a pleasure to stand and first acknowledge the member from Niagara Falls. It's a very courteous remark that you made about Bart Maves, a good friend of mine and a hard-working member as well—quite disappointed. It must speak very highly of your competency, because I know Bart was quite up to the job.

In the remarks respecting Bill 5, I hate to admit it to you, but it's one more example where what you ran on is not exactly what you're doing. I know it probably comes as a bit of a shock, surprise, disappointment. Those are just three words that came to mind.

The starting point for discussion is usually to look at the history. In your policy paper, Lower Rates for a Change, I think the one thing that hasn't changed is the fact that you basically said one thing before the election and do something quite different after the election. What's really missing from this small, rather trivial bill is any substantive change. I'm anxiously looking forward to the consultations by the member from Eglinton-

Lawrence, whom I have a lot of respect for, but I think Dalton's made up his mind that he's not going to do anything.

I think of the victims of accidents. I think of some of the unnecessary agony that they are put through with these assessment centres. I'm just going to spend the few seconds that I have to say that if they really want to do something serious, they could think of the victims in auto insurance. These people are injured in accidents; these are children. The agony that they are put through with these designated assessment centres is a good example of the waste in the system, of having assessments done rather than providing people with real services. These assessments often cost as much as \$5,000 and provide no real relief for victims of accidents.

Let's keep in mind that you promised to lower the rate by 15%. What you did in this bill is promise to consult. I'm waiting for real, substantive change to make insurance affordable for all consumers in Ontario.

**The Acting Speaker:** The member for Niagara Falls has two minutes in summary.

**Mr Craitor:** I hadn't even stood up yet; thank you so much.

First I want to thank the member from Erie-Lincoln, and also congratulate him on his re-election here to the House. I also look forward to working with you. We have a very close relationship in the Niagara region, with all our municipalities and cities being so close together.

I also want to thank my friend from Timmins-James Bay, and thank him for the explanation he gave me in my favourite language. I had to put my earphone on to understand it, but I thank you for that.

Thank you to my colleague from York West—I really appreciate the personal comments you made to me—and of course my colleague from Durham.

1740

I think probably the most significant thing to me when I was pursuing the bill and putting in my comments about the importance of it was that we all know that right now auto insurance is the number one topic in all of our areas. The number one thing that I felt was significant was the fact that we are going to have consultations with everyone affected by the auto insurance rates, and that that is taking place. It will not only be the consumers, but the insurance industry as well as the practitioners and the people providing care in the case of automobile accidents. It's interesting because when you talk to them, they all have their—I was going to use the words "conflicting views"—reasons why they think the rates are high. But they always say, "It's not me." So our challenge will be to get all of them to work together and, if it's necessary and required, then we'll implement the legislation to bring the rates down.

**The Acting Speaker:** Further debate?

**Mr Ted Arnott (Waterloo-Wellington):** It is with some degree of mixed emotions that I offer the House my views on Bill 5, the Automobile Insurance Rate Stabilization Act, 2003.

First of all, I must confess that I am absolutely elated to be back to serve in this the 38th Parliament of Ontario. The October 2 election was my fourth one. As a candidate, I was confident in my team, certain that I'd served my constituents to the very best of my ability with my best efforts, and comfortable that my future was in my constituents' hands. However, this is not to say that I believed that we could not lose in Waterloo-Wellington. In fact, I must confess that I believed there was a chance we might lose. No seat in Ontario is the absolute preserve of any party, and the riding that I'm privileged to serve is no exception.

Although parts of Wellington county have been represented by Conservative MPPs without interruption since 1951—and I think of my predecessors John Root and Jack Johnson, who served in this place with great distinction over a period of some 30, almost 40, years—Waterloo county and, since the 1970s, Waterloo region, has been represented by distinguished members from all three of the major political parties. I think of people like the late John Sweeney, who represented Kitchener-Wilmot, sitting with the Liberal side; Mike Cooper, who represented the New Democrats for a period of years in the early 1990s; of course, the new mayor of the city of Waterloo, Herb Epp, who sat with the Liberals; and my predecessor Elizabeth Witmer, who served as the member for Waterloo North from 1990 to 1999 before redistribution.

All of us as MPPs, when first elected—and it's been interesting to hear some of the maiden speeches today and in recent days—come in here with an enthusiastic belief in our respective parties and a desire to make a positive difference in the lives of our constituents and the people of the province. Without exception, we strive to do our best and make the most significant contribution that our talents and our energy will allow. But the electorate is rightly demanding. High standards are expected of us, standards of industry, integrity, wisdom and forthrightness. The degree to which we exceed these high expectations can make it more likely that we as candidates can be elected or re-elected, but it is still no guarantee of success at the polls. I know of, and could list, numerous examples of good people who served in this House with distinction, who wanted to continue their public service but were swept away by the desire of change that reached a climax on October 2. But if we believe in our democracy and our constitutional monarchy and our pluralistic political system, we must accept the result of that election and conclude that, in the majority of ridings, the people wanted to give the Liberal Party a chance, and opted to see what they could do.

I say to my colleagues across the floor, congratulations on your success, but be forewarned. Our party in opposition was formidable from 1990 to 1995, and we are determined to do our job again in opposition, holding the government to account, combating your complacency, your self-satisfaction, your spin and your innate desire to tax and spend. While we concede that you have the right to govern and attempt to implement your

platform, we will offer, from this side of the House, an alternative course and we will debate you to demonstrate our platform's superiority over your program.

Secondly, I want to express my sincere appreciation to my campaign team and my supporters in Waterloo-Wellington who have sent me here once more. I feel very honoured to have received their trust and their expressions of encouragement and support during the month of September and since that fateful first Thursday of October, election day. I shall strive to be worthy of the support that I have received and the trust that has been extended to me by the people of Waterloo-Wellington.

This debate on Bill 5, which was introduced last Wednesday by the Minister of Finance, has highlighted once again the contentious issue of auto insurance, a perennial political football in recent years. What about auto insurance? Why does it keep re-emerging as a political issue significant enough to almost defeat provincial governments, as almost happened this year in New Brunswick?

The first thing people need to know about auto insurance is that it is a compulsory product. If you drive a car in Ontario, you need to have a valid insurance policy with a licensed company underwriting your liability as you drive. Because it's compulsory, the provincial government, in particular the Minister of Finance, has an obligation to regulate the insurance industry to ensure the protection of the public interest and the protection of the motorists—as we used to call them commonly, or drivers as we tend to refer to them today—so that drivers, as consumers of auto insurance, are protected as well.

Because it's compulsory, auto insurance needs to be affordable, not just to the average driver, but also to the low-income driver. In the small towns that I am privileged to represent, like Clifford and Drayton and Wellesley and Breslau, for example, and even in the urban areas of Kitchener, there are literally thousands of people who drive older, inexpensive vehicles because these are the only vehicles they can afford. For many, transit is not an option because it's not existent, certainly in small-town Ontario. Yet people still need to get to work, they need to buy their groceries, they need to run errands with their children and so on. Many are seniors on fixed incomes. They need their cars. Their cars are an absolute necessity, not a luxury.

Our insurance marketplace is comprised of more than 160 licensed companies that sell auto insurance in Ontario. All of these companies are private enterprises managed by, no doubt, good people who do their jobs as well as can be expected. Consumers, in some cases, buy their insurance directly from these companies and, in some cases, through a broker who acts as an intermediary. The broker is expected to represent the consumer's interest and tries to find the best possible deal for them amongst a number of companies that the broker may have a relationship with.

This is the system we have. Does it work? I think by and large most of us would agree that it does. Is it perfect? Evidently not, judging by the numbers of

complaints that we all as MPPs have received in recent months, as premiums have shot up in the range of 30% in the past two years alone and 20% in the past year, according to recent published reports.

The former government, led then by my colleague the member for Dufferin-Peel-Wellington-Grey, took decisive action earlier this year to determine the factors behind the increases and, engaging expert opinion, brought forth a plan to contain the insurance companies' costs and thus apply downward pressure on premium rates. In July 2003, the Ernie Eves government announced changes to regulations that complemented legislative changes passed in the budget bill of earlier this year. The effect of our changes was to streamline access to treatment for common injuries such as whiplash by introducing a pre-approved framework for treatment, improved benefits for children suffering serious injuries and restricted use of medical examinations by insurers in order to end duplication. We intended to prohibit unfair business practices by health care providers and paralegals and introduce a code of conduct for paralegals.

We followed that up with a white paper in July outlining additional steps that we proposed, including amending the deductibles that apply to awards for pain and suffering, directing the superintendent of financial services to review the designated assessment system, the existing and proposed fee schedules used by various health care providers treating auto accident victims, and the rules used by insurers to ensure they are not unfairly denying coverage to consumers. We attempted to establish a task force to work jointly with the Ontario Crime Control Commission to deal with auto theft and auto insurance fraud, as well as our plan to invite other provinces to share best practice information and address common cost pressures such as theft, fraud and rising health care costs.

#### 1750

The effect of these changes, it was estimated, would assist the insurance companies to reduce their costs in the range of \$1.2 billion to \$1.4 billion. We encourage them strongly to pass along those savings to their customers. We forecast that auto insurance premiums might decrease in some cases by as much as 15% as a result of these changes.

We were also asking the insurance companies to undertake these steps voluntarily, but we sent a very strong signal that if they did not, if insurance companies didn't find the required savings and pass them on to customers, we were prepared to legislate rollbacks.

Very shortly thereafter, the writ was dropped and the provincial election ensued. The Liberal Party and its campaign articulated a plan to make changes to the auto insurance rules. They promised to bring in an immediate rate freeze and a 10% cut within 90 days of taking office and an additional 10% premium reduction for what they said was customized insurance coverage. They promised protection against unjustified rate increases. They promised no more designated assessment centres and instead suggested that family doctors could coordinate

the people's care. They promised to implement pre-approved frameworks for injuries, reduce excessive court costs, eliminate fraud and conflict of interest, protect and reward safe drivers, appoint an auto insurance watchdog, a rate shock protection plan—whatever they had in mind there—and identify \$650 million in industry savings. This was their platform; this is what they ran on.

I recall vividly a discussion about this issue at a number of all-candidates meetings in Waterloo-Wellington and the Liberal candidate promoting the policy of her party.

During the months leading up to the election campaign and since that time I have received numerous letters from constituents explaining their circumstances and in many cases offering good ideas to fix the problems which exist in auto insurance. I heard from Ian MacEachern of New Hamburg; Reg Small of Reg Small Hay and Straw, of Mount Forest; Donna Carmichael of Moorefield; Florence Thiessen of Salem; Mike Linseman of Kenilworth; Peter Hafemann of Wellesley; Wayne Moser of Fast Tire and Auto Service, near Waterloo; Robert Neal of Heidelberg; and Brad Ellis of Moorefield. The Minister of Finance has received copies of their ideas and would do well to consider the views of these thoughtful constituents of mine who took the time to write.

Today we see the results of the Liberal government's very first political pronouncement: a temporary freeze on rates. Bill 5 would provide the legal steps necessary to follow up on the government's October 23 statement, their very first decision after being sworn in to government.

Bill 5 "temporarily"—at least so the government says—"freezes automobile insurance rates for private passenger vehicles at the rates in effect on October 23, 2003 and suspends the approval of applications under the Insurance Act for rate changes while the bill is in force.

"An insurer may apply to the superintendent of financial services for a rate increase if the insurer believes that it is just and reasonable in the circumstances having regard to the insurer's financial circumstances. The superintendent shall not approve the insurer's proposed rate increase or a smaller increase unless the superintendent finds it is in the public interest and just and reasonable in the circumstances to do so, given the insurer's exceptional financial circumstances."

We've heard some degree of criticism about this provision of the bill. It's been said that you could drive a Mack truck or a Boeing 747 through it.

"Every insurer affected by the freeze must apply to the superintendent on January 23, 2004 or a day specified by the superintendent not more than 30 days after January 23, 2004 for approval of its risk classification system and rates. No rate or risk classification changes may be implemented without the superintendent's prior approval. The superintendent may approve a rate or require a rate to be reduced or otherwise varied.

"Insurers that fail to comply with the bill may be prosecuted, may have their licences suspended or cancelled under the Insurance Act and may be ordered to refund premiums charged in excess of authorized rates."

This is what the government indicates Bill 5 is all about. However, as has been pointed out by our party's critic, the member for—what's Jim's riding?

**The Acting Speaker:** Whitby-Ajax.

**Mr Arnott:** Whitby-Ajax, one of our party's critics who is an expert on auto insurance—this bill appears to be another page in what is fast becoming a veritable catalogue of broken election promises by this Liberal government. In politics, as in life, first impressions are lasting ones. The first impression of this new government has not been good. Ontarians have seen their new government deny, deflect, deflate, denigrate, depress—everything but deliver. The government members will find out very soon how quickly the goodwill of their brief honeymoon has evaporated. And when consumers realize that Bill 5 will have the effect of freezing rates at their current high levels, stopping in the middle of the process actual rate reductions which insurers have filed that would have provided for a 10% to 15% real reduction, they will conclude, as I have, that this government is not doing enough to reduce auto insurance premiums in Ontario.

With Bill 5, the Liberals are embarking upon another cynical exercise of responsibility evasion. The people of Ontario expected much, much more.

**The Acting Speaker:** It being very near 6 of the clock, this House will adjourn until 6:45.

*The House adjourned at 1756.*

*Evening meeting reported in volume B.*

## CONTENTS

Tuesday 2 December 2003

### MEMBERS' STATEMENTS

<b>Provincial Auditor's report</b>	
Ms Smith .....	315
Ms Di Cocco.....	316
Mr Duguid .....	316
<b>Nanticoke generating station</b>	
Mr Barrett.....	315
<b>Water quality</b>	
Mr Wilkinson .....	315
Mr Dunlop .....	317
<b>Liberal campaign promises</b>	
Mr Klees .....	316
Mrs Munro.....	316
<b>Time allocation</b>	
Mr Bisson .....	317
<b>Premier's record</b>	
Mr Hudak .....	317

### MOTIONS

<b>Committee membership</b>	
Mr Duncan.....	318
Agreed to .....	318
<b>Committee sittings</b>	
Mr Duncan.....	318, 332
Mr Kormos .....	318
Ms Churley .....	323
Mr Baird .....	326
Mr Marchese.....	326
Mr Bisson .....	331
Mr Runciman.....	335
Agreed to .....	336

### SECOND READINGS

<b>Automobile Insurance Rate</b>	
<b>Stabilization Act, 2003, Bill 5,</b>	
<i>Mr Sorbara</i>	
Mr Yakabuski .....	336, 340
Mr Kormos .....	339
Mr Colle .....	339, 343
Mr Dunlop .....	339
Ms Martel .....	340, 344
Mr Sterling .....	343
Mr Hampton .....	344
Mr Leal.....	344
Mr Craitor .....	345, 349
Mr Hudak .....	347
Mr Sergio.....	348
Mr O'Toole.....	348
Mr Arnott.....	349
Debate deemed adjourned .....	351

### OTHER BUSINESS

<b>Estimates</b>	
The Speaker .....	315
<b>Visitor</b>	
Mr Levac.....	317
<b>Annual report, Office</b>	
<b>of the Integrity Commissioner</b>	
The Speaker .....	317
<b>Annual report, Provincial Auditor</b>	
The Speaker .....	318
<b>Board of Internal Economy</b>	
The Speaker .....	318
<b>Vernon Singer</b>	
Mr Kwinter .....	321
Mr Sterling.....	322
Mr Hampton.....	322
The Speaker .....	323

## TABLE DES MATIÈRES

Mardi 2 décembre 2003

### MOTIONS

<b>Séances des comités</b>	
M. Bisson .....	329
Adoptée.....	336

### DEUXIÈME LECTURE

<b>Loi de 2003 sur la stabilisation</b>	
<b>des taux d'assurance-automobile,</b>	
projet de loi 5, <i>M. Sorbara</i>	
M. Bisson .....	348
Débat présumé ajourné.....	351