



Legislative Assembly
of Ontario

First Session, 38th Parliament

Assemblée législative
de l'Ontario

Première session, 38^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Tuesday 20 April 2004

Mardi 20 avril 2004

Speaker
Honourable Alvin Curling

Président
L'honorable Alvin Curling

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

Copies of Hansard

Information regarding purchase of copies of Hansard may be obtained from Publications Ontario, Management Board Secretariat, 50 Grosvenor Street, Toronto, Ontario, M7A 1N8. Phone 416-326-5310, 326-5311 or toll-free 1-800-668-9938.

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

Exemplaires du Journal

Pour des exemplaires, veuillez prendre contact avec Publications Ontario, Secrétariat du Conseil de gestion, 50 rue Grosvenor, Toronto (Ontario) M7A 1N8. Par téléphone : 416-326-5310, 326-5311, ou sans frais : 1-800-668-9938.



LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 20 April 2004

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 20 avril 2004

*The House met at 1330.
Prayers.*

VISITORS

The Speaker (Hon Alvin Curling): Before we start, we have with us in the Speaker's gallery today John Turner, former Speaker of the House and member of the provincial Parliament, representing the riding of Peterborough for many years, in the 29th, 31st, 32nd and 33rd Parliaments. Please join me in welcoming Mr Turner.

MEMBERS' STATEMENTS

AUTISM SERVICES

Mr Ted Arnott (Waterloo-Wellington): Our caucus believes that autistic children deserve to receive the best possible intervention services from the government to enable them to reach their full potential. What saddens and angers their parents is that these children have been used as political footballs. The Premier has not kept his promise to extend intensive behavioural intervention treatment beyond the age of six. This was another cynical Liberal promise that was made in writing, during the election, directly to a parent who is struggling to help her autistic child. The government had a chance to redeem itself with families with autistic children, and they missed it.

When our party was in government, we brought in the first intensive behavioural intervention program for children with autism and we made Ontario a national leader in providing these services. We planned to continue to increase funding and expand the program, unlike this government that has broken a promise to hundreds of autistic children and their families.

I want the minister to tell this House how services will be improved. How will they be provided in the future? What will she do to shorten the waiting list for autistic children who need intervention services? Will she set an absolute maximum time between the date of assessment and the initiation of service? How long a wait is acceptable to her? Will she introduce an efficient complaints process for parents who believe their children have been shortchanged? Will she give priority consideration to children who turned six while they were on the waiting list?

Finally, what specific resources will she provide to parents? Will she produce an IBI manual for parents so they can reinforce and build upon the professional treatment their children deserve and should receive?

COMMUNITY SAFETY

Mr John Milloy (Kitchener Centre): This Thursday I will be attending the 26th annual justice dinner in my area, hosted by the Waterloo Region Community Safety and Crime Prevention Council. I want to pay tribute today to this council, which brings together individuals, businesses, levels of government, educators, police, children's mental health advocates and others to develop strategies aimed at eliminating the root causes of crime. Its solutions are built on raising awareness and bringing the community together. I have found the council to be imaginative, forward-looking and ready to seek real solutions to community safety issues.

Recently, the government of Ontario recognized the work of the council as a best-practices example of collaboration and partnership in addressing the needs of our community and its youth. As well as hearing a keynote address from the Minister of Community Safety and Correctional Services, the dinner will honour unsung heroes who work behind the scenes to make Waterloo region a safer community.

I would like to congratulate the members and supporters of the council, including Waterloo regional chair Ken Seiling, executive director Christiane Sadeler, chair Barry McClinchey, vice-chair Irene O'Toole and past chair Peter Ringrose. The work of this council exemplifies one of its mottos: "A connected community is a safer community."

WASTE DISPOSAL

Mr Toby Barrett (Haldimand-Norfolk-Brant): This coming Thursday, April 22, we'll celebrate Earth Day in Ontario, a day that's been recognized in many jurisdictions since 1970. It's a day to celebrate the environment and what we can do to protect it.

After 30 years it has come to this: The province of Ontario is shipping over a million tonnes of trash a year—that's a 125 tractor-trailer loads a day—out of the province onto Michigan soil. Sadly, on this coming Earth Day there will still be no end in sight as to where the garbage would go should Michigan decide to close its borders to Ontario trash. I would mention that Michi-

gan's concerns over allowing Canadian garbage to emigrate to the Great Lakes state is well documented.

Over the last 30 years, since the inception of Earth Day, it's been the NDP and the PCs who have the track record of doing the heavy lifting with regard to environmental legislation, while the Liberals busy themselves renaming open-pit mines as lakes. This is the same Liberal government that has taken on the mantle of environmental promise breakers. Just witness the recent 60% waste diversion commitment by 2008, three years later than the 2005 date the minister told this House in December. On this Earth Day, I would ask the Minister of the Environment to ensure that she has more to bring to the celebration than further empty promises.

GEORGE GROSS

Mrs Donna H. Cansfield (Etobicoke Centre): Canada and Ontario are very fortunate to have in our midst some of the best journalists in the world. In fact, it's quite possible that Ernest Hemingway left town after serving as a reporter with the Toronto Star simply because he couldn't stand the competition. And our days have been enlivened by some of the world's foremost sports writers and broadcasters.

It gives me great pleasure to congratulate one of the best, George Gross, who was awarded the Order of Ontario for his work as a sports writer, commentator and editor. I'm proud to say that Mr Gross is a resident of my riding in Etobicoke. He came to this country 54 years ago, with a few dollars in his pocket and unable to speak English, like so many other immigrants before and after him.

Mr Gross has enriched our society marvellously well. Not only has he brought life into action, competition and the emotion of sports through his writing for several newspapers and radio stations; he has given considerable support to a number of charities and community events in Etobicoke.

As a member of the Etobicoke volunteer community, he exemplifies the attributes of a volunteer. They give their time, expertise, compassion and care—volunteers such as those with the Dorothy Ley Hospice, who gave 22,000 hours in 2003 to their community, working with people in Ontario to make life better.

1340

MENTAL HEALTH SERVICES

Ms Shelley Martel (Nickel Belt): On Friday, April 16, the board of the Northeast Mental Health Centre made its second round of cuts to services. This time the board cut adult community-based programs and reduced services in the hospital.

The specific cuts include the closure of community-based mental health programs in Elliot Lake and Walden; reduction in services for the assertive community treatment team and the intensive case management program in the city of Greater Sudbury; reduction in the

occupancy rate at the Sudbury Algoma Hospital so that nine beds will be left empty by the end of this fiscal year.

These cuts will have a dramatic impact on adults in northeastern Ontario who suffer from mental illness. Clients living in Elliot Lake will have to travel 160 kilometres one way to Sudbury to access counselling programs. The wait time for counselling and therapy intervention for clients across the Manitoulin and Sudbury districts will increase from the current two months to one year, and some services won't be available at all. Seriously ill patients who need support from the ACT team will have to wait six to eight months. Seriously ill patients needing individual or group rehabilitation will have to wait four months for help. Finally, nine acute care beds will be empty by the end of fiscal year 2004-05 in order to reduce the deficit on the hospital side.

The Minister of Health has said he is working on priority funding for a number of mental health programs and that he'll make an announcement when this is ready. But patients suffering from mental illness are fragile, and they can't wait. If the minister is going to do something for the Northeast Mental Health Centre, he should do it now, so that fragile patients aren't put at even greater risk.

POULTRY PRODUCTS

Mrs Maria Van Bommel (Lambton-Kent-Middlesex): Tonight is game 7 of the battle of Ontario. My favourite team, the Maple Leafs, are going to be facing off against the Ottawa Senators. The restaurants and pubs of this province are going to be full of hungry fans. Yesterday, I heard there was a threatened shortage of chicken wings. We all know what a wonderful tradition chicken wings have become at playoff time.

I just want to assure everyone that they don't need to worry. The chicken farmers of Ontario have leapt into action. At our farm, we are doing our part to make sure there will be wings, whether they're hot, suicide or just plain honey-garlic.

Regardless of whether the Senators or the Leafs go forward, we can be sure that the residents and fans of Ontario are going to have lots of chicken wings, thanks to the chicken farmers of Ontario.

VOLUNTEERS

Mr Norm Miller (Parry Sound-Muskoka): I stand today in celebration of National Volunteer Week and to recognize some of the brilliant contributions volunteers are making throughout my beautiful riding of Parry Sound-Muskoka.

For instance, last week students at Gravenhurst High School were presented a certificate of thanks from the Salvation Army for making a contribution of a full truck-load of food to the Easter food drive.

During the month of February, students at Victory Public School in Parry Sound took part in a fundraising campaign entitled Hoops for the Hospital. With the

generous support of parents and community members, the students were able to raise just over \$3,000 in support of the West Parry Sound Health Centre.

Meanwhile, in Bracebridge, 11-year-old Martha Wood has for the past year volunteered her time by sewing blankets and sending them to babies in Guatemala. Now Martha is on to another project: She's sewing fabric bags and filling them with pencils, erasers, notepads and books for children in Africa.

These are just a few examples of the thousands of volunteers throughout my riding who put in countless hours of service. They are a vital part of our communities, and their value cannot be underestimated. They not only help those they directly serve, but they strengthen the fabric that holds our communities together. For this, I would like to recognize and thank all those volunteers throughout my riding and throughout Ontario who continue to give so much. May we all be inspired by their example and work to continue and strengthen this great tradition of volunteering in our communities.

RIGHTEOUS AMONG THE NATIONS AWARD

Mrs Linda Jeffrey (Brampton Centre): I rise today to recognize an important honour which was bestowed upon a constituent of Brampton Centre. This past weekend, Mr John Boeltjes accepted the Righteous Among the Nations honour on behalf of his parents, Johan and Johanna Hendrick, from Yad Vashem, the Holocaust Martyrs' and Heroes' Remembrance Authority.

This medal is one of the highest honours of its kind. It recognizes the sacrifice and courage of his parents, who gave safe haven to Jews in their home in Amsterdam during the Holocaust.

Past recipients of this award include Oscar Schindler and Raoul Wallenberg.

Unfortunately, the Hendrick family was betrayed and Johan was sent to a Nazi camp, where he died five days before the Allies liberated it.

In recent days, we have all witnessed the ugly spectre of anti-Semitism that has reared its head again. This honour reminds us of examples of courage, compassion and moral fortitude. If we all care a little more about our fellow man, then maybe one day we can put an end to the hatred that has haunted this world for far too long.

Mr Boeltjes, who is sitting in the members' gallery here today, said it best: "True joy is not caring about you, but caring about others."

TAXATION

Mr Garfield Dunlop (Simcoe North): I rise in the House today to congratulate Progressive Conservative caucus members for their tireless efforts in working with the people of Ontario to stop the soup-and-sandwich tax.

By now, people have learned that the Dalton McGuinty Liberals have caved on this issue. They couldn't stand the heat from us, and they couldn't stand the heat

from the hard-working people across Ontario. So what did they do? They got out of the kitchen.

Recently, members of the PC caucus launched petitions calling for an end to the soup-and-sandwich tax, otherwise known as Dalton McGuinty's plan to increase the PST from zero to 8% on meals under \$4. We also relentlessly raised this issue in the House.

It soon became quite clear to us that the Premier was trying to fool Ontarians with the line that this was just part of the strategy to encourage people to eat healthier. People were too smart to buy it, because they knew that meals under \$4 include food items like soup, bagels, chicken wings, salads and even sandwiches.

The truth is, the soup-and-sandwich tax was just another one of Dalton McGuinty's trial balloons from the very beginning. It was right up there with restricting the drug plan for seniors, retesting Ontario drivers, re-instating photo radar and selling government assets like the LCBO. But now these other trial balloons will fly alone, because Dalton personally deflated the soup-and-sandwich-tax balloon by saying this morning that it's off the table.

Breathe a short sigh of relief and hold on to your wallets, because who knows what the McGuinty Liberals will go after next, and who knows what trial balloon they will float next?

We in the PC caucus are very proud today that we acted as an effective opposition in helping to stop the soup-and-sandwich tax. While you can't count on the Liberals to keep their promises, this experience shows that you can count on the PC caucus to be there for the people of Ontario to fight against a tax increase.

INTRODUCTION OF BILLS

DAY NURSERIES AMENDMENT ACT, 2004

LOI DE 2004 MODIFIANT LA LOI SUR LES GARDERIES

Mr Lalonde moved first reading of the following bill:

Bill 59, An Act to amend the Day Nurseries Act to allow up to seven children to be cared for in rural areas without requiring a licence under the Act / Projet de loi 59, Loi modifiant la Loi sur les garderies afin d'autoriser, dans les régions rurales, la garde de sept enfants au plus sans devoir obtenir un permis prévu par la Loi.

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

Mr Lalonde?

Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell): The purpose of the bill is to exempt day nurseries and private home daycare agencies that receive or provide care for no more than seven children from the licence requirements of the act if the nurseries or agencies are

located in a rural area or in a town or village with a population of fewer than 3,500.

1350

STATEMENTS BY THE MINISTRY AND RESPONSES

ENVIRONMENTAL PROTECTION

Hon David Ramsay (Minister of Natural Resources):

I'm very pleased to rise in the House today to announce that this government is taking steps to further safeguard Ontario's natural heritage through the preservation and protection of a significant marshland in the Whitby area.

By increasing the amount of protected green space in the province, this government is acting on its commitment to provide the people of Ontario with a cleaner natural environment and a quality of life that is second to none.

We know that natural areas contribute to cleaner air, cleaner water and a cleaner environment. We know they contribute to healthier and stronger communities. And we know that a healthy environment and a strong economy go hand in hand.

Today I'm proud to announce that we're adding another 59 hectares to the area of the Lynde Marsh that is already under protection. The Lynde Marsh contains three provincially significant wetlands—Lynde Creek Marsh, Cranberry Marsh and part of Carruthers Creek—and is one of the best examples of Lake Ontario's lakeshore marshes.

My ministry has worked with local partners to acquire the areas of the Lynde Marsh. These efforts have helped to preserve environmentally sensitive natural features as well as add to the public enjoyment of the area by increasing access to undeveloped waterfront open space.

This important area supports rare plants, is home to 35 species of fish and is a breeding area for wetland birds. It is also a resting place for migratory birds and a nesting place for shore birds.

The province contributed \$1.5 million for the land acquisition that I'm announcing today, and the purchase was undertaken in partnership with the town of Whitby, which contributed \$450,000. The local Central Lake Ontario Conservation Authority will hold title to the land and will be responsible for its future management and preservation for the benefit of all Ontarians.

We will continue to work with our community partners to make sure the natural values and beauty of the Lynde Marsh will be here for the benefit and pleasure of future generations.

The Lynde Marsh is located in the heart of one of the most populous and rapidly developing areas in Canada, a fact that adds some urgency to our efforts. This government understands that urgency. It is one of the reasons we introduced the Greenbelt Protection Act last December. The greenbelt would be a permanent and sustainable legacy for future generations by providing a continuous

and connected system of open spaces across this landscape.

The Ministry of Natural Resources is proud to be a partner in protecting the Lynde Marsh and other important natural areas across this province. In doing so, we are strengthening our communities, our environment, our lakes and rivers, our fish and wildlife habitat, and our air and water quality, now and for the future.

TENANT PROTECTION

Hon John Gerretsen (Minister of Municipal Affairs and Housing, minister responsible for seniors):

Today I would like to announce our intention to introduce a legislative amendment to the Tenant Protection Act, 1997. More specifically, we intend to propose suspending the automatic 2% base portion of the annual rent increase guideline formula of the Tenant Protection Act for rents in 2005. This proposed change is our government's first step toward creating a rental system that is fair to both tenants and landlords.

If the amendment is passed, the annual rent increase guideline formula for 2005 would be solely based on the rent control index. We believe the rent control index is a more accurate indicator of rising operational costs for landlords than the current calculation.

We recognize that the current guideline has been an ongoing source of friction between tenants and landlords. Tenants complained that the current formula bears no relation to landlords' operating costs. Landlords need to make a fair return on their properties.

We need time to look carefully at this issue before developing a long-term solution. That's why we intend to replace the Tenant Protection Act, 1997, with legislation that actually does what the title professes to do: protect tenants.

The legislation we plan to introduce in the fall, if passed, would provide balanced protection for landlords and tenants and encourage the growth and proper maintenance of rental housing across this great province of ours. It would include a solution to the annual rent increase guidelines and to other landlord-tenant issues. Issues like rent and utility costs: Why should tenants continue to pay higher rents if utility costs decline? Issues like the level of rents charged to new tenants: Should there be a ceiling placed on what landlords can charge to new tenants? Issues like interest paid on rent deposits: What interest rate should be applied to rent deposits? Is the current interest rate paid on rent deposits realistic, given the current economic conditions? These are but some of the areas where our government believes balance needs to be put back in the legislation.

Before we draft this proposed legislation, our government will go out and talk with and listen to the people who are affected most by the current legislation. We want to have open and frank discussions with groups and individuals about how to create a better piece of legislation. We intend to meet stakeholder groups, hold town hall meetings in communities with large rental housing

markets and gather views in a variety of ways: by phone, letter and through our Web site. The advice, ideas and opinions we hear will help us develop legislation that will provide fair and balanced protection for tenants and landlords. We plan to introduce new legislation in the fall of this year's legislative session.

Clean, decent and affordable housing is fundamental to the well-being, vitality and strength of families and the communities in which they live. No tenant should have to choose between paying the rent and paying for groceries. By strengthening the communities in which we live, we are providing Ontarians with a quality of life that is second to none. We believe the strategy we have laid out here today is a strategy for real, positive change. Our government, the McGuinty government, is confident that with the help of Ontarians we can create a rental system that better protects tenants and promotes a healthy private rental housing market for now and in the future.

The Speaker (Hon Alvin Curling): Responses?

Mr Cameron Jackson (Burlington): The last time that this Legislature, to my recollection, had a minister speaking with empathy for the working poor and the costs of tenancy, and who was herself a landlord, was Zanana Akande. Now we have a second time that a minister who is a noted landlord is here professing his empathy for tenants.

My first question to the minister, and he may wish to answer this to the media later, is: Did the minister declare a conflict of interest and withdraw from cabinet when this matter was before cabinet for consideration?

I think the most truthful statement made in the House today was the quote from the Toronto Star this morning that said, "The move is aimed at buying the government time." That is essentially what this is about. The move earlier this morning to eliminate the food tax potential in the upcoming budget was aimed at buying votes in the Hamilton East by-election. Frankly, we've got the most unusual situation, where we've got rent legislation that requires a public disclosure in August being announced in the House today, without legislation, five months early, and yet Ontarians have been waiting for six months, and now they're going to wait almost seven months, to get their first budget from this government, which will be two months late.

The truth of the matter is that Ontarians can recall in their not-too-distant past just how bad the Liberals' ill-fated promises of 1985 were and the actual bitter pill of legislation in Bill 51 they had to swallow in 1987. With all due respect to the Speaker—you were the minister at the time, and Zanana Akande was also the minister—you will recall that this legislation was so bad that it resulted in increases. In my riding of Burlington alone, we had an 85% increase under your legislation at 5170 Lakeshore Road, a 43% increase at 477 Elizabeth Street and the list goes on and on. The Residential Rent Regulation Act, if that's the model you're going to be following, will be bad news for tenants as well as bad news for landlords.

The minister did make a reference to his fellow landlords when he said very clearly in his statement, "Land-

lords need to make a fair return on their properties." Well, Minister, if that's what you're going to do—try to reach a more balanced approach—it raises the larger question of why your government's intervention for seniors and low-income tenants is reduced to a mere 2%.

1400

Here is your record to date: So far, your Treasurer cancelled income tax cuts last fall that put thousands more seniors and low-income Ontarians back on the provincial tax rolls for the first time. Secondly, your Treasurer gave municipalities the right to increase the municipal tax levy that's allocated to multiple-residential units, and you specifically went against past policies to help us reduce the associated costs that were passed directly through. So the 7% increase in our municipality could be a 12% or 15% increase for specific tenants in my riding.

Your seniors' property tax credit had a cash value of about \$475. Even at \$1,000 a month, the most they will realize out of this is \$240, and yet you eliminated the tax credit for seniors that would have put \$475 back into their pockets.

You broke your promise on hydro, and since electric heat is available in most apartment buildings in Ontario, you are going to find that those increases are going to go up 28%. What a deal. Today you announced that maybe you are going to roll back more than 2%, and yet you are increasing their utilities 28%.

The bottom line is that you've done nothing, really, to help tenants; you have actually hurt them with your policies, and you are expecting tenants to stand up and applaud for 2%.

ENVIRONMENTAL PROTECTION

Mr Toby Barrett (Haldimand-Norfolk-Brant): With respect to the MNR announcement of taxpayers' money to expand protection for the provincially significant Lynde Marsh, it is surely a continuation of wetland protection programs of the previous PC government. The acquisition of land to add to the area of the marsh has been undertaken for many years by the Ministry of Natural Resources in partnership with community partners. My colleagues and I certainly understand the urgency of continuing the programs of the previous government. I will mention that in the year 2000, Minister John Snobelen made an announcement of \$331,000, in part for this same piece of property.

TENANT PROTECTION

Mr Michael Prue (Beaches-East York): Unlike the last couple of speakers, I stand up to actually applaud this government for reducing rents by 2% in the coming year. I believe that this is a good thing. I wish you had said this before, in the lead-up to the election, because your platform, quite frankly, said something different. You said you would not do this if the vacancy rates in any particular municipality went above 3%, as is the case today in Toronto, Hamilton and Ottawa.

Notwithstanding that, you have come to your senses, and I have to say that what you are saying today is a first step can only be applauded by the millions of Ontarians who are renters. The proof will be, though, in the future. What is the future legislation going to say? The 2% today is a good down payment, but you are talking about consultation across this entire province, consultation that you think is necessary to bring in new legislation. We already know, you already know and the Tories already know that thousands of families are being dispossessed; they're being kicked out of their rental units every month by a system that doesn't work. We already know that thousands of families cannot afford the rent they are paying in Ontario and through vacancy decontrols are being driven out of their homes.

We already know that there are 75,000 people in the city of Toronto alone who are on the waiting list for affordable housing—75,000 people who probably will never see an affordable unit in their lives because the waiting list is just too long. It's the same in virtually every city in this province.

You are going out and embarking upon a whole series of consultations and you are asking questions that I believe you should already know the answers to. You don't have to consult the landlords. You need to consult the millions of tenants in this province, and they will tell you the answers pretty fast. As to whether rents should be increased when there is a vacancy: Of course the rent shouldn't be increased when there is a vacancy, as the Tenant Protection Act allowed. All that did was allow rents to increase much faster than the rate of inflation. We know in this province that it has gone up 43% while inflation has only gone up 20% since the advent of this act.

You're asking whether or not the province should keep a list of former rents. Of course the province should keep a list of the former rents. The landlord is not going to tell people, and obviously new tenants aren't going to be able, in every case or even in the majority of cases, to find out who the previous tenant was in order to find out what rent was paid. So you already know the answer.

You're asking whether increases should be based on the costs the building actually has incurred. We know what has happened here in the past under the previous legislation put in by the Tories. When natural gas spiked in cost, every tenant in the province paid increased rents. When natural gas bottomed out, as it did a few weeks or months after that, not one cent was given back to the tenants in repayment. You already know that happened—the costs no longer borne.

The above-guideline increases are absolutely impossible if maintenance is to be increased. You already know that many of the buildings in the last four or five years have been improved. You already know the tenants have paid for that, and you don't have to pay for it again.

You have asked the question about dispute resolution. If ever there was an unfair example of the previous legislation it is there, where tenants are kicked out of their apartments on five days' notice, oftentimes when

they can't even read the form, when they don't understand it, when they have English as a second language. You know that has to be changed.

I am asking you to do the right thing. I am asking you to pass the legislation. I am asking you to introduce it and then take it out to the field. Take it out for improvements in what you're going to do. Don't do it the way you're doing it now.

I'm going to ask you about demolition and conversion. You know that demolition and conversion provisions need to be given to the cities. You know that this needs to be done. Just give it to them. Don't go out and ask that question. You have the opportunity to be a true friend to tenants. Be that friend; be it today.

VISITORS

The Speaker (Hon Alvin Curling): In the members' gallery we have a visitor, Mike Bradley, the mayor of Sarnia, and city manager Ann Tulpin. May we all welcome them to the assembly?

HOLOCAUST MEMORIAL DAY

Hon David Caplan (Minister of Public Infrastructure Renewal): On a point of order, Mr Speaker: I believe we have unanimous consent for a member from each party to speak for approximately five minutes in recognition of Yom Hashoah, Holocaust Remembrance Day.

The Speaker (Hon Alvin Curling): Do we have unanimous consent? Agreed.

Hon Monte Kwinter (Minister of Community Safety and Correctional Services): I rise today to recognize Yom Hashoah Ve Hagevurah, Holocaust Memorial Day, marking one of the worst crimes in history. This past Sunday, April 18, was designated for Holocaust remembrances in communities around the world. This is the sixth year that the Ontario Legislature has observed Holocaust Memorial Day. This practice was started with the passage of Bill 66 on December 10, 1998. I'm proud to say that Ontario was the first jurisdiction outside the state of Israel to officially recognize Holocaust Memorial Day.

On this day, Jews and non-Jews around the world come together to light candles and remember the six million Jews who were killed in the Holocaust and honour those who survived. We also remember the many others who were targeted by the Nazis for their race, religion, politics, disabilities and sexual orientation. It's important to set aside time to remember the victims whose lives were destroyed in Europe during the Nazi era between 1933 to 1945, and remember that we bear witness to what these men, women and children endured.

1410

Tragically, other genocides have followed since World War II in Cambodia, Rwanda and the former Yugoslavia. Therefore, it is evident that we must continue our struggle to keep alive the spirit of the Universal Declaration of Human Rights, approved by the United Nations

56 years ago in the shadow of the Holocaust. The declaration recognized the inherent dignity and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace throughout the world. It called on the world to protect human rights by the rule of law.

It's been said so many times, and it bears repeating, that we are so fortunate to live in a country like Canada. But we must guard our democratic institutions and democratic freedoms, and we must appreciate, nurture and protect them. We must constantly remind ourselves how easy it is to lose them. Ontario is a unique society where people from all parts of the world are joined together to build a strong and prosperous province. We are working together to build a province where each and every one of us enjoys freedom from tyranny and fear. And we must be prepared to defend this freedom swiftly and with all the resources at our command.

Recently, there has been an upsurge in anti-Semitic acts across Canada and in Ontario. B'nai Brith Canada's League for Human Rights found that in the 21 years this group has been monitoring the problem, 2003 was a time when the highest number of anti-Semitic incidents occurred. During a two-week period starting in mid-March this year, the Jewish communities of Toronto and Vaughan experienced acts of vandalism involving swastikas painted on homes, schools and community signs, the breaking of stained-glass windows in a synagogue and the toppling of headstones in a cemetery. The recent firebombing of a Jewish school in Montreal is a further abominable reminder of the scourge of anti-Semitism. Once again, anti-Semitism has reared its ugly head. This time, however, we know what has to be done.

I am proud that in Ontario we have responded with swift and clear condemnation from all sectors of society. As Premier McGuinty told a Toronto rally on the evening of Wednesday, March 24, "Here we practice tolerance with one notable exception: Here there is zero tolerance for hate and those who would spread it." We must treat anti-Semitism and any form of hate as a cancer that must be eradicated.

In Ontario, we are proud of a collection of many ancestries, religions, histories, languages and cultures. People have come here from diverse parts of the world to create a better life for themselves and their families. Many Holocaust survivors are among those who now call Ontario home. This morning at a ceremony in the Legislature, Premier McGuinty and Ontario's Minister of Citizenship and Immigration awarded special certificates to 11 of these elderly Jewish Holocaust survivors who now reside in Ontario. These 11 individuals are present in the visitors' gallery today, and I'm delighted to welcome them here.

Our society has benefited immensely from their contributions and, most important of all, from their strong passion for life. They provide inspiration for all of us. But with the passage of time, there remain fewer and fewer survivors of the Holocaust. Without their presence among us, it might become very easy to forget the

horrors they faced. We must commit ourselves to never forget what happened to six million Jews who were murdered, simply because of their religion. We must strengthen the hope that no community will ever again experience such horrible acts. We must also continue our vigil against tyranny and those who inflict such atrocities on a group because of their race, religion, customs, politics or place of origin.

"Never again" is the pledge that must be inscribed in the hearts of Canadians and passed on to every succeeding generation. We must always remember, so that the world will never forget.

Mrs Elizabeth Witmer (Kitchener-Waterloo): It's a privilege to be able to join all members of this House in recognizing Yom Hashoah, Holocaust Memorial Day.

It's always difficult to speak after the honourable minister has just spoken so eloquently. You need to know that each year you touch each one of us greatly, and we thank you for your sincere comments.

Holocaust Memorial Day is a day that commemorates the Holocaust and honours the six million Jews who were murdered during World War II, as well as those who survived, many of whom, we know, settled in Ontario.

On December 10, 1989, this Legislature passed Bill 66, in the name of my colleague the member for Halton. The bill proclaimed that we in Ontario would recognize Holocaust Memorial Day. We were the first jurisdiction outside the state of Israel to do so. This bill provided us with a further opportunity to reflect on the enduring lessons of the Holocaust and the enhancement of anti-discrimination education.

The acts of vandalism in a Jewish cemetery in my community of Kitchener earlier this month and the swastikas spray-painted in a Waterloo neighbourhood this past weekend, as well as similar anti-Semitic acts of violence and vandalism in our province in recent months, indicate that there remains a great need for anti-discrimination education. We do not know what motivated these cowardly actions, but what we do know is that they have caused tremendous pain, hurt and anger. As the Kitchener-Waterloo Record stated in today's edition, "The cruel ignorance that lies behind such vandalism begs for the enlightenment that can only come with education."

As a child of Dutch immigrants, I learned very early in life about World War II and the Holocaust and the atrocities that had been committed. As a former history teacher, I personally believed I had a responsibility to teach my students about the Holocaust and all that had happened during World War II. Through the study of the Holocaust, my students, and students today, are able to realize that their silence and their indifference to the suffering of others or the infringement of civil rights in any society can, however unintentional, serve to perpetuate the problems.

That is why it was so important that in response to the recent anti-Semitic acts of vandalism that people throughout this province and in my own community of Kitchener-Waterloo spoke out with a loud, united voice

to denounce and condemn these acts and to offer their support to their Jewish neighbours and friends.

We must never, ever weaken our resolve to express our outrage at these expressions of hate, because we must remember that many individuals, such as our Jewish friends and colleagues, my own family who immigrated here and millions of others from around this world, have come to this province and to this country because we know it to be a land of love, acceptance, tolerance and respect for one another. It is extremely important that we continue to speak out, because as time passes there remain fewer and fewer survivors, and without their presence it sometimes becomes easy to forget the horrors that these individuals have faced. We must not, and cannot ever, forget. We need to continue the vigil that we have undertaken. We need to ensure that there will never be another person or people who will have the power to inflict such unspeakable horrors and suffering on any group of human beings regardless of their race, their religion, their way of life or where they live.

By standing together today and every day in solidarity with our Jewish friends and neighbours, you and I can ensure a better tomorrow for all generations to come, not only in this province and this country, but our influence can be felt and is being felt throughout this world.

1420

Mr Howard Hampton (Kenora-Rainy River): The names of Bergen-Belsen, Auschwitz, Dachau and other Nazi concentration camps have been seared into our memories because of the unimaginable horror they represent. Between 1933 and 1945, over six million Jewish men, women and children were systematically murdered. Entire communities, villages, indeed entire generations of families were exterminated in the most brutal fashion, and this state-sponsored and -organized genocide also killed millions of others because of their race, their religion, their sexual orientation or the fact that they may have had a physical or mental handicap.

The suffering was terrible and the loss to society, the damage to human dignity, cannot be measured. That is why we must never forget what happened. That is why we must not allow ourselves to forget that the early warning signs of the persecution of Jews existed in 1935, 1936, 1937, but much of the world did nothing to oppose the persecution, and while tens of thousands of Jewish families tried to flee Nazi Germany, many countries closed their borders. Indeed, Canada essentially closed its borders.

History must serve as a reminder that we must always be on guard, that this cannot happen again and, sadly, the events that we've seen—Rwanda, Cambodia, Armenia—tell us that this can happen again if we are not on guard, that we must always speak out against anti-Semitism, against hate, against racism of any kind. It's why we must act decisively when the ugly realities of hate crimes and neo-Nazism resurface in present-day Ontario.

We must stand with Jewish Canadians and all victims of genocide against the hate-mongers and take swift action to put a stop to their racist actions, just as we

finally did 60 years ago, when it became impossible for the world to ignore what was happening, when Canadian soldiers and fliers helped to free the survivors of concentration camps and witnessed personally the destruction and the cruelty that happened there. Many of the Holocaust survivors who were freed from those concentration camps came to Canada, settled here in Ontario and have become wonderful members of society who have made incredible contributions to our community.

As I said, we must remember this and we must never forget how this happened. We must reflect on mankind's capacity for cruelty and terror, and we must also reflect on our capacity to triumph over it, to find the courage to be clear, to be firm. And we must reflect on the capacity that has been demonstrated in Ontario for people to build new lives and to help build a province and a country where all cultures, all religions and the rights of all people are respected and honoured.

This is an important day for all of us to reflect upon and for all of us to rededicate our efforts.

MEMBER'S CONDUCT

Mr Tim Hudak (Erie-Lincoln): Speaker, pursuant to standing order 21, I wish to raise a point of privilege.

The Speaker (Hon Alvin Curling): I want to thank the member for Erie-Lincoln, who has provided me with written notice of his intention to raise this point of privilege. I am prepared to hear the member's point of privilege, but I first want to be very clear about this. The member for Erie-Lincoln will know that it is not appropriate for there to be any type of criticism of the Chair.

The member wants to make the argument that his privilege has been breached as the result of some sort of activity or event that has occurred. As I say, I am prepared to let him begin making his point; however, I fully expect the member to very directly indicate which of his privileges have been breached and how, and to ensure that his remarks do not stray into territory where the Chair is being questioned or criticized.

Mr Hudak: Thank you, Mr Speaker. I appreciate your points. Nothing in my remarks should be perceived as any kind of criticism of the Chair or decisions made from the chair. They are intended for the actions of a member not sitting in the chair.

Earlier today, pursuant to standing order 21, I submitted to the Speaker a point of privilege regarding what I believe to have been and to be a grave contempt against myself as a member and, more broadly, the Legislative Assembly of Ontario itself. Speaker, I beg your indulgence to make my submission to you and to members of the Legislative Assembly of Ontario. I appreciate this opportunity to bring it to your attention as soon as possible.

Let me summarize my point of privilege. I felt that my rights as a member of the Legislative Assembly, as conferred by the standing orders and by parliamentary precedent, were threatened and indeed violated, which I will explain in some detail in a moment, on the action of

Wednesday, April 14, immediately after adjournment of the House, at 1805 of the clock according to Hansard. The incident of which I speak is a serious one, all the more serious considering the member in question also serves in another capacity as an officer of the House.

The member for Essex and Deputy Speaker of the Legislative Assembly of Ontario, I submit, conducted himself in a manner which was wholly inappropriate and, more importantly, in violation of basic rights we all enjoy as members of the Legislative Assembly of Ontario. A direct threat and an attempt to intimidate were made by the member from Essex to me as a member immediately after he vacated the Speaker's chair at the conclusion of daily business. Upon retiring from the chamber floor, the member made gestures to me from behind and to the east of the chair, which I submit violate my basic rights as a member. To further the validity of my point, several members of the Legislature witnessed the member's threat and attempt to intimidate and may wish to similarly speak to this point. Furthermore, the threat and attempt to intimidate were recorded and broadcast to the public by the Legislative Assembly broadcast and recording service.

Let me be clear: Upon adjourning the assembly, vacating the chair and departing from the floor of the chamber, the member for Essex turned about two metres from the door to the Speaker's office, he faced the opposition benches and looked at me directly. He took two steps toward me and then began to make angry and highly agitated gestures directed at me, pointing at the floor behind the chair.

The meaning of these gestures is perfectly clear to me and will likely be very clear to other members of the assembly. The member for Essex was, as the expression goes, calling me out.

Interjections.

The Speaker: Order. I need to hear the member's point of privilege without any interruption. I ask the member from Nepean-Carleton to come to order. I want to hear the member from Erie-Lincoln's point of privilege without any interruptions.

1430

Mr Hudak: Thank you, Mr Speaker. To repeat, the member of Essex was, as the expression goes, calling me out. It was clear, by his angry and animated gestures and by his facial expression, that the member for Essex either wanted to get in a heated confrontation with me behind the Chair or, worse yet, engage in a physical altercation. After the member for Essex repeated the gestures a second time, the Sergeant at Arms captured his attention, spoke with him and escorted him into the Speaker's office.

A physical altercation with another member of the assembly, particularly one still wearing the robes of the Deputy Speaker, obviously is not something in which I was interested. Nonetheless, the member for Essex's intent was obvious. He was threatening me and attempting to intimidate me as a member of the assembly.

There are a number of arguments that I intend to make. First, I intend to show that my rights as a member

of the assembly were violated by the threat and attempt to intimidate by the member for Essex.

Second, I will seek a ruling on whether the member from Essex violated the rights enjoyed by all members of the assembly, therefore forfeiting his right to sit in judgment of the actions of members in this House or in his role as Deputy Speaker. I will submit to you that a prima facie case of contempt exists and that therefore the House consider the removal of the member for Essex from his position as Deputy Speaker as a result of what I allege to be his misconduct as an ordinary member of the assembly; that a proper election be held for the position of Deputy Speaker as per standing order 4(a).

Many relevant authorities currently exist which pertain to the question of parliamentary privilege as it applies to members and their conduct in the Legislative Assembly. Beauchesne's Parliamentary Rules and Forms, 6th edition, 1989, uses Sir Erskine May's definition of privilege as follows: "The privileges of Parliament are rights which are 'absolutely necessary for the due execution of its powers.' They are enjoyed by individual members, because the House cannot perform its functions without unimpeded use of the services of its members; and by each House for the protection of its members and the vindication of its own authority and dignity."

Furthermore, Beauchesne makes references on page 12 to Speaker Lamoureux's 1971 ruling in the House of Commons whereby he defines parliamentary privilege as follows: "Privilege does not go much beyond the right of free speech in the House of Commons and the right of a member to discharge his duties in the House as a member of the House of Commons."

More specifically, Ontario's Legislative Assembly Act, which guides all aspects of the House in Ontario, speaks to the issue of jurisdiction of the assembly to determine and rule on issues of contempt. Paragraph 2 of subsection 46(1) of the act deals with the issue of threats against members, specifically saying:

"The assembly has all the rights and privileges of a court of record for the purposes of summarily inquiring into and punishing, as breaches of privilege or as contempts ... the acts, matters and things following:

"Obstructing, threatening or attempting to force or intimidate a member of the assembly."

Further, Erskine May, 22nd edition, 1997, remarks specifically on the validity of a concern related on the obstruction of members and their discharge of duty as members. I refer you to page 121 of that text, where it says, "It is a contempt to molest a member of either House while attending the House, or coming to or going from it." Erskine May continues, "Members and others have been punished for such molestation occurring within the precincts of the House, whether by assault or insulting or abusive language, or outside the precincts."

Page 123 of Erskine May speaks specifically to the point I raise: "To attempt to intimidate a member in his parliamentary conduct by threats is also a contempt." Further, page 25 of Beauchesne's speaks to the point of intimidation where he says, "It is generally accepted that

any threat, or attempt to influence the vote of, or actions of a member, is a breach of privilege.”

It is from these passages that we, as members of the Legislative Assembly in the British parliamentary tradition, derive the convention of what our privileges are as it relates to the freedom we are assured in performing our duties as representatives of the people. I submit as vigorously as I can that the threat by the member from Essex, if not a challenge to engage in a physical altercation, was indeed at the very least an act of intimidation, which stands in violation of my privilege as a member of this House, and that further the House has a duty to rule on this serious charge.

Perhaps more fundamental to this argument is the question of whether the member from Essex, through his actions as an ordinary member, violated a basic condition of his role as Deputy Speaker. His role as Deputy Speaker is referenced in the standing orders. Standing order 13(a) states that “the Speaker shall preserve order and decorum.”

Furthermore, Erskine May’s Parliamentary Practice states that, “The Speaker of the House of Commons is the representative of the House itself in its powers, proceedings and dignity. The Speaker’s functions fall into two main categories. On the one hand the Speaker is the spokesman or representative of the House in its relations with the crown ... and other authorities.... On the other hand the Speaker presides over the debates of the House of Commons and enforces the observance of all rules for preserving order in its proceedings.”

I would argue that the actions of the member from Essex on Wednesday afternoon violated the standing orders in this place and stood against the generally accepted notion subscribed to in our parliamentary system that the Speaker is to be the enforcer of rules and order in the assembly. Certainly members must be able to reasonably expect the Deputy Speaker to exercise his or her duties in accordance with long-standing rules of the House. I submit that the member from Essex himself, as an ordinary member, acted in contempt of the privileges that all members enjoy, and has therefore forfeited his right to stand in judgment of both the proceedings of the assembly and the actions of its members in his role as Deputy Speaker.

We all know that an important role of the Speaker is to ensure that the rights of members are protected, particularly the rights of opposition members. Because of the threat and intimidation visited upon me in his capacity as an individual member while he was still wearing the robes of Deputy Speaker, I have great concern about his ability to respect and protect my rights in his capacity as Deputy Speaker.

I want to be clear on this point: I am in no way reflecting on the character or the impartiality of the member from Essex in his role as Deputy Speaker or his decisions from the chair. The point of privilege refers to the actions taken by the member as an ordinary member of the assembly against me personally after he had vacated the chair and the House was adjourned. I do,

however, feel that a prima facie case of contempt exists concerning the member from Essex’s conduct toward me in the House, and that because of his actions he is unfit to sit in judgment of the members of the assembly.

More broadly, Joseph Maingot’s Parliamentary Privilege in Canada, second edition, offers a definition of contempt in the Canadian parliamentary tradition: “Contempt is more aptly described as an offence against the authority and the dignity of the House.” That’s on page 225.

I submit to you that the dignity of the House has been violated by the actions of the member from Essex last Wednesday afternoon. I can attest that I have laid before you all of the relevant information and facts as I understand them. I would ask that you rule that a prima facie case of contempt exists in this case. Further, I submit a motion in the House seeking the removal of the member from Essex from his position as Deputy Speaker due to his contemptible threats and intimidation toward me, and that an election for the position of Deputy Speaker take place accordingly.

As a supplementary point on the timing of bringing forward the motion, Beauchesne states that “A question of privilege must be brought to the attention of the House at the first possible opportunity.” Even a gap of a few days may invalidate the claim for precedence in the House. I think you’re well aware of that, Mr Speaker.

The reason for bringing it forward today is that I had my staff request from Broadcast and Recording Service a copy of the videotape of the daily proceedings from Wednesday, April 14. My office received a copy and reviewed that copy over the weekend. Over the course of the business day on Monday and today, I had a chance to consult with other members of the assembly and other parties with respect to the incident—hence the short delay in bringing this motion to your attention. I’d be pleased to present as well a copy of the videotape for your personal review.

I thank you very much for your attention to this, Mr Speaker.

1440

Mr Toby Barrett (Haldimand-Norfolk-Brant): Mr Speaker, further to this point of privilege, I’d like to address the conduct of the member for Essex, the Deputy Speaker, on the evening of April 14.

I was in the Legislature that evening and witnessed the incident in question. I sit near the chair, as you know, and it was clear to me, as he left the chair, that he was intimidating and appeared to be trying to start an altercation with the member for Erie-Lincoln.

From time to time in this Legislature, discussions do get heated. However, most members know where to draw the line. Calling on another to engage outside the House or behind the chair not only crosses the line, as we indicated today, but contravenes the rules of the Legislature. I believe my colleague from Erie-Lincoln has outlined the specific rules that have been breached here.

To put it in the most plain language, the Deputy Speaker, regardless of who that may be or what party

they serve in, should be an impartial referee. If discussions become too heated, the Deputy Speaker should be stern but, with a calm voice, return order to this Legislature, or to a standing committee for that matter. I've chaired standing committees for eight and a half years, and a standing committee Chair or a Speaker should not add fuel to the fire or allow political affiliation to drive their actions.

Like all referees, at times the Speaker's decisions will not be appreciated by those involved. Like a referee, the Speaker has the ability to reprimand those who unjustifiably question his rulings. I will note that this did not occur on the evening of April 14. The fact is that the member from Essex, the Deputy Speaker, instead chose to instigate what appeared to be a confrontation, and the actions taken by the member from Essex were caught on tape. These are unacceptable actions, unbecoming of a member of the Legislature, and crossed the line, and I hope that this type of action will not be condoned in this House.

Mr Peter Kormos (Niagara Centre): Mindful of the time, I'm also mindful of the points which have been raised already. I do, however, want to address a few matters in this regard.

I've read Maingot—in fact the reference is at page 253—I have no intention of being disparaging of the Speaker, nor of referring to any impartiality on the part of the Speaker during the course of these comments. I understand the law, if you will, in that regard.

The first question, of course, is: Can a Speaker, can an officer of the court, be in contempt of the Parliament? I was here. I was present on the afternoon of April 14, and present during the period of time immediately before the adjournment of the House and immediately after the adjournment of the House, when the conduct complained of occurred. I found it remarkable and also interesting, as I say, from the point of view of, first, can a Speaker be in contempt?

Taking a look at Erskine May, you find that Erskine May, at page 121—and I'm referring to the 21st edition—very specifically speaks of misconduct by officers: the Sergeant at Arms, according to Erskine May, has been found in contempt of legislatures, among others; an officer of the House of Lords; the Hansard personnel. I looked in Griffith and Ryle and indeed found that a Speaker may be in contempt of the Parliament.

While it is not a common occurrence, I refer to the House of Commons Journal of 1694 in Britain and found that their Speaker, Sir John Trevor, having received a gratuity of 10,000 guineas from the city of London after passing the orphans bill, was expelled from the House.

So I put it to you that although the law may not have been applied frequently, the law is very clear, first, that a Speaker can be found in contempt of the Legislature, of the Parliament. That, I believe, addresses that first consideration.

The second one goes to privileges. Look, we know that privileges are exhaustive. We know that, effectively, the list of privileges is complete. It's finite. However,

when you take a look at, among others, Maingot, you discover that privileges blur with the issue of contempt. We find, among other things, that contempt is whatever a House finds as contempt—in itself, a simplistic observation, but nonetheless an accurate reflection of the state of the law. I'm referring to Maingot at page 229.

Specifically, the author writes that another category “relates to matters of contempt that are not a breach of any enumerated right.” That's what I spoke to when I spoke of the exhaustive list of privileges: an enumerated right. It furthermore speaks of any act or omission. It's clear that a contempt doesn't have to be words. It's clear that a contempt can be conduct. In fact, the Ontario Court of Appeal decision of the Queen and Kopyto, which many in this Legislature will recall, made it very clear in determining contempt in terms of a judicial context. It spoke very clearly about contempt being not just words but actions as well.

Amongst the things that Maingot says can constitute contempt, because they are a violation of the entitlements, at the very least, of members, is that “Members are entitled to go about their parliamentary business undisturbed. The assaulting, menacing and insulting of any member on the floor of the House, or while he is coming or going to or from the House, or on account of his behaviour”—I want you to pay special attention to this—“during a proceeding in Parliament, is a violation of the rights of Parliament.”

What happened on this afternoon is that the Conservative caucus, and I think it was as obvious as could be, made a political gesture in the course of engaging in the vote on the non-confidence motion that had been filed by them. Whether or not their conduct was out of order had not been ruled upon. I have no doubt that there was conduct, because it was conduct that attracted the attention of myself, of every member of this caucus and, I suspect, might even have attracted some of the attention of the press gallery and clearly attracted the attention of the Speaker. But Maingot makes it clear that menacing behaviour that is a response to conduct is, in and of itself, a contempt.

Go further and look at Erskine May. You've heard reference from the member for Erie-Lincoln. At page 126, Erskine May very clearly speaks of “the molestation of members on account of their conduct in Parliament is also a contempt.” That appears to be specific and complete.

Take a look at Marleau and Montpetit, in particular at page 67: “There are, however, other affronts against the dignity and authority of Parliament which may not fall within one of the specifically defined privileges.” This goes back to my first comment about how the list of privileges is exhaustive. “The House ... claims the right to punish, as a contempt, any action which, though not a breach of a specific privilege, tends to obstruct or impede the House in the performance of its functions; obstructs or impedes any member or officer of the House in the discharge of their duties”—and this is the imperative and compelling part of this statement—“or is an offence against the authority or dignity of the House, such as

disobedience of its legitimate commands or libels upon itself, its members, or its officers.”

Contempt, as opposed to privileges, cannot be enumerated or categorized. As Speaker Sauvé explained, “While our privileges are defined, contempt of the House has no limits. When new ways are found to interfere with our proceedings, so too will the House, in appropriate cases, be able to find that a contempt of the House has occurred.”

Words or acts can be committed—that is to say, a contempt can be committed—by an officer of the assembly, including a Speaker. But I ask the court to also take into consideration section 31 of the Criminal Code of Canada. This is not a trivial matter. In fact, the intimidation of a Legislature or a Parliament is a serious criminal offence. And I don’t suggest that here we have a violation of criminal law. I raise section 31 of the Criminal Code to point out to you how seriously the authorities consider the intimidation of a Parliament and that it doesn’t require on a de facto intimidation but on the act itself.

1450

In closing, I go to Griffith and Ryle and some observations about the role of the Speaker. I put to you that the conduct complained of here—and at this point, I want to confirm the statement made by the member for Erie-Lincoln and his colleague as to what the conduct consisted of. Clearly, the Speaker was angry. When he made his brief comments to the House prior to the adjournment of the House, the tape will show you a person who is livid, who is shaking with anger. Look, I’ve seen Speakers tested before. I have probably tested a few myself. I understand a Speaker being—

Interjections.

The Speaker: Order.

Mr Kormos: I understand a Speaker being displeased with the conduct of members of the assembly. I also know that we place in the hands of our Speakers a great deal of responsibility; that is, this place is a clearly partisan place where people are going to engage in partisan activity and partisan thrust and parry, and people are going to be attempting to express their displeasure in any number of ways that they consider creative from time to time. I recall one incident where a member of the then-opposition held the business of this House up at least overnight, and well into 24 hours. The cameras and the spotlights, while the House was brought to silence, focused on that member as he obstructed the ongoing activities of the House. It may not have been in order and it was a parliamentary ruse that may have displeased the Speaker, but it did not draw anger.

I put to you that the comments in Griffith and Ryle about the Speaker are most revealing. On page 213, “Behind the scenes the Speaker can exercise considerable informal influence.” Amongst other things, “The Speaker can also seek to cool passions.” That’s what we call upon the Speaker to do.

I refer to that fascinating and valuable text by Rod Lewis, *The House Was My Home*, and these are my final comments:

“Probably the most important requirement for a good Speaker is a sense of humour. A Speaker with this asset will often be able to defuse a tense situation by a quip that brings a laugh to the House. This lightens the mood of the House and enables the Speaker to keep better control. A Speaker who lacks this attribute and perhaps takes himself too seriously will always run into difficulties.”

Sir, I observed a Speaker lose his temper, and demonstrate his anger, I observed a Speaker in his address to the Legislature prior to adjourning literally shake with anger and then I saw that Speaker, after leaving the chair, turn when he was to your right, sir, to the member for Erie-Lincoln and, in a gesture that I am, oh, too familiar with, going back to the very earliest of school days, saw the Speaker angrily gesture toward the ground in front of him with the clear body language that communicates, “Over here, pal. I’ll take you on right here and now.”

I say to you, that behaviour on the part of a member is contemptuous and that behaviour on the part of a Speaker warrants a finding of prima facie contempt and the opportunity for this House to determine whether or not, in fact, it constitutes a contempt.

Hon Dwight Duncan (Minister of Energy, Government House Leader): I’m pleased to have the opportunity to respond to the point of privilege that was raised by the member for Erie-Lincoln. I think, as I begin my response, I want to reflect on the definition of privilege for you, relate that privilege to what allegedly occurred in the House and then review the alleged behaviour in the context, not only of the rules of privilege, but the rules of the House. I think it is a serious matter for your consideration.

First of all, with respect to privilege, I want to be sure that we look at the different types of privileges that can be impinged upon. I should also note that the member stood initially on a point of privilege and then moved into contempt of the House, and they are two different things. I’ll talk about that as I deal with these issues at greater length moving on.

The classic definition of parliamentary privilege is found in Erskine May’s *Treatise on the Law, Privileges, Proceedings and Usages of Parliament*. Here is the definition:

“Parliamentary privilege is the sum of the peculiar rights enjoyed by each House collectively ... and by members of each House individually, without which they could not discharge their functions, and which exceed those possessed by other bodies or individuals. Thus privilege, though part of the law of the land, is to a certain extent an exemption from the general law.”

These peculiar rights can be broken down into two categories of rights: members individually and then members collectively. Members individually have the privilege of freedom of speech, the freedom from arrest and civil actions, exemption from jury duty, exemption from attendance as a witness.

The rights and powers of a House as a collectivity can be categorized in the following ways: the power to

discipline, that is the right to punish persons guilty of breaches of privilege or contempts and the power to expel members guilty of disgraceful conduct; the regulation of its own internal affairs; the authority to maintain the attendance and service of its members; the right to institute inquiries and to call witnesses and demand papers; the right to administer oaths to witnesses; the right to publish papers containing defamatory material.

“The House has the authority to invoke privilege where its ability has been obstructed in the execution of its functions or where members have been obstructed in the performance of their duties. It is only within this context that privilege can be considered an exemption from the general law. Members are not outside or above the law which governs all citizens of Canada. The privileges of the Commons are designed to safeguard the rights of each and every elector.”

We have before us a point that relates to whether or not the member was intimidated or impeded from performing his duties. Mr Speaker was not in the House on the day the alleged incident occurred, and I would like to take a moment to review the Hansard from that particular afternoon. I'm looking at Hansard, page 1511, April 14, 2004. The Deputy Speaker called a 10-minute bell at 5:50 in the afternoon. When the bell concluded, the Deputy Speaker then said, “All those in favour will stand one at a time and be recognized by the Chair.” The Clerk of the House declared that the motion had been lost. The Deputy Speaker then said, “I declare the motion lost,” and went on to say:

“Before I adjourn the House, and after the vote, I want to express an opinion from the Chair. Something happened today that I haven't seen in 10 years in this place. I don't know who led it, but Mr Runciman, it was your motion. You know from all of your experience that this should not have happened. Any of you sitting with these T-shirts on who has an ounce of respect for this place wouldn't have worn them. The next time something like this happens,” and then at that point, a member on the opposite side was called to order.

I should point out that the view of the members on this side is that a number of members were screaming quite loudly at the Deputy Speaker, including the member who has raised the point. A number of us will testify to that in this House today. They were using strong, offensive language to the Speaker, foul language to Parliament, language that should have been found out of order. Frankly, at that point in time, we were contemplating a point of order and chose not to because we didn't want to interfere with the right of members to vote.

I think it has to be put into a further context. The members opposite came into the chamber for a vote sporting a T-shirt that had a political statement on it. That raises the question of the behaviour of the members opposite and whether or not that showed contempt of Parliament or disrespect to the Speaker or to the Chair.

I'd like to take a moment to reflect on order and decorum in the House, and I'll refer you, Mr Speaker, as you contemplate your ruling, to page 503 of Marleau and

Montpetit, where we have a fairly good definition to begin with, speaking on the rules of order and decorum:

“One of the basic principles of parliamentary procedures is that proceedings in the House ... are conducted in terms of a free and civil discourse. In order that debate on matters of public policy be held in a civil manner, the House has adopted rules of order and decorum for the conduct of members towards each other and towards the institution as a whole.” That's an important definition, and it's further refined with respect to the Speaker. It says, “The Speaker is charged with maintaining order in the chamber by ensuring that the House's rules and practices are respected.”

1500

I would argue that the first contempt occurred that afternoon when the members, sporting T-shirts bearing a political message, attempted to obstruct the operation of the House. That was clearly recorded in the media subsequent to the debate in the House.

Ultimately, “while it is the Speaker who is charged with maintaining the dignity and decorum of the House, members themselves must take responsibility for their behaviour and conduct their business in an appropriate fashion.”

What started with a little prank wearing T-shirts degenerated into the member for Erie-Lincoln's screaming at the Deputy Speaker. Again, a number of us on this side of the House will testify to that. We will provide you written confirmation that the member's behaviour was contemptuous of this House and particularly of the Chair and the member ought to be cited for that behaviour.

Let's talk about our relevant authority, because none of these folks have spoken about relevant authorities. I would like to refer you, Mr Speaker, to standing order 13(a): “The Speaker shall preserve order and decorum, and shall decide questions of privilege and points of order. In making a decision on a question of privilege or point of order or explaining a practice, the Speaker may state the applicable standing order or authority.”

The Speaker, in drawing the attention of members to the inappropriate behaviour, was fulfilling his obligation as Speaker. The member opposite was yelling at him at the top of his voice, suggesting that he did not have an authority to cite. The Speaker did not recognize the yelling and adjourned the House, quite appropriately.

We've talked about the incident. There are further rulings on the display of props. This is important, because it is important for the Speaker to understand the context of the House when the member from Erie-Lincoln verbally assaulted the Speaker. We on this side believe the Speaker's authority was threatened and challenged. The only member cited in the actual Hansard was another member on that side. The behaviour was not only contemptuous, it was, in our view, positively juvenile, watching it happen, particularly in the context that the Speaker had shown remarkable patience in allowing the members opposite to wear T-shirts into the House.

Mr Speaker, I will remind you that that very week—in fact it may have been that very day—the member who

showed such peculiar behaviour and contempt of the Speaker met with you in your chamber, where you very clearly defined what is and is not a prop. That act in and of itself was a contempt of the Chair, in my view. That meeting was set up at the request of his House leader in order to clarify the issue around the use of props. Let us talk about what you cited. The Speaker defined a prop as anything that is considered flashy or calling to the attention of the media. By the fact that members opposite marched into the Legislature together as the bell stopped ringing, it was clear that their intention was to use their T-shirts as a prop—very clear, and a very interesting tactic. The Speaker of the day, in my view, was offended and stood up to defend the institution and the rules which those members agreed to.

The Deputy Speaker, the member for Essex, in my view, showed an appropriate level of concern for the propriety of this institution and the intelligence of all members, which was threatened by rather juvenile behaviour related to T-shirts.

The member from Erie-Lincoln neglected to review any of the decisions with respect to decorum during voting, and there is a long history of that because—

Mr John R. Baird (Nepean-Carleton): Decorum during voting? Tell us about decorum during voting.

The Speaker: Order.

Hon Mr Duncan: There is terrible grief on the other side—one can see that—and they're still in the anger phase of their grief.

Mr Speaker, as you reflect on your ruling, let me remind you of the relevant authorities dealing with decorum during votes. During the taking of a vote, no member is permitted to enter, walk out of or cross the House, or make any noise or disturbance from the time the Speaker begins to put the question until the results of the vote are announced. "Members must be in their seats to vote, and must remain seated until the result of the vote is announced." That comes from the Journals of Debate, federal House, February 16, 1976.

Mr Baird: Tell us about Javex bottles.

Hon James J. Bradley (Minister of Tourism and Recreation): Speaking of juvenile.

Hon Mr Duncan: We are discussing juvenile behaviour in the House. The member for Nepean-Carleton, Mr Speaker, makes it difficult for me to continue. I'm trying my best. I listened very carefully. I listened carefully and attentively—

Interjections.

The Speaker: Order. Could we get back to the point of privilege and allow the member to make his point? I'm getting shouting across the place here, and I don't need to be warning people about this. It is rather surprising that we're talking about privileges and a lot of privileges are being violated right now, not allowing someone to make their point. Thank you.

Hon Mr Duncan: As is the rule in the House, during a recorded division "no member may enter the committee of the whole while a division is in progress."

On one occasion, the Speaker interrupted the calling of a vote to request that a leader of an opposition party

remove a prop because of the disorder it was creating in the chamber. Your reference there, Mr Speaker, is debates of the House of Commons, June 22, 1995, page 14466.

That is significant, because I would submit that not only was the member defending the right of this House to conduct a vote, the member showed great patience in allowing the vote to go ahead while the juvenile tactic of wearing T-shirts, in what was clearly a stunt, was allowed to go ahead.

So with respect to whether or not the member's behaviour was inappropriate or somehow too strong, I would submit that the member demonstrated great patience. He allowed the members to enter the House. He allowed the members to take their seats. One by one they came in. The Speaker then called the vote at the appropriate time. The Speaker then allowed the vote to proceed. The vote was conducted, the vote was taken, the vote was recorded and the House properly adjourned.

I would submit that the record until that point shows very clearly that the Speaker acted appropriately in defending this institution and defending the rules that the members opposite voted for, but he also showed great patience in not calling the members, who clearly had props on, out of order at the time they were out of order. I believe he was taking his cue from you, Mr Speaker. You have shown much greater flexibility than past Speakers have with respect to a certain number of items, and I suspect the member saw it as more important to allow the member to exercise his right to vote than to criticize the fact that the member, who is now alleging his privileges were being abused, was in fact abusing the privileges not only of this Parliament but of the people who sent us here.

1510

A number of issues have been raised, both by the member for Erie-Lincoln and by the member for Niagara Centre. The first issue is the alleged incident or contempt or privilege—they haven't defined—and, by the way, we should review what contempt versus privilege is. I was on the opposition side, and oftentimes the opposition tries to use contempt. It's sort of a catch-all. If you don't really have a good case, you rely on contempt because it gives the Speaker much broader authority to find a problem. Most Speakers, however, recognize that for what it is. Let me talk to you about contempt, because the opposition put the issue of contempt on the floor.

The House also claims the right to punish as a contempt "any action which, though not a breach of a specific privilege...." That's important, because that's sort of the catch-all. There was no privilege violated. No member was obstructed from doing his duty. No member was obstructed from voting. No member was intimidated, except, we would suggest, the Speaker, by the member through his behaviour, his threatening gestures, his yelling and his refusal to obey the rules of the House. That's who was intimidating. It was not the Deputy Speaker, with all due respect. It was a shameful display, and a number of us will be submitting in writing what we

witnessed and what we heard from that member. That member was yelling at the top of his lungs.

“Though not a breach of a specific privilege, tends to obstruct or impede the House in the performance of its functions”—the Deputy Speaker made sure the House proceeded, made sure the House did its functions, and made sure the House would be called back the next day. He followed the rules. A review of Hansard will show that very clearly, and I reviewed the precise wording.

Interjection.

Hon Mr Duncan: I would remind the member from Riverdale that the opposition raised the point of privilege and we're simply responding.

“The rationale of the power to punish contempts, whether contempt of the court or contempt of the Houses, is that the courts and the two Houses should be able to protect themselves from acts which directly or indirectly impede them in the performance of their functions.’ In that sense, all breaches of privilege are contempts of the House, but not all contempts are necessarily breaches of privilege.”

That is significant, because neither opposition party was prepared to focus on the issue of privilege versus contempt. So they did what they wanted to do because they have no case; that is, they tried to establish a contempt.

Members on this side of the House witnessed what was described “after adjournment”—and that is a quote; I don't have Hansard—by the member opposite. We did not witness anything that we felt was other than a Speaker duly concerned about the legitimate functioning of this House. What we saw was offensive, childish behaviour that started with the wearing of T-shirts and resulted in the member from Erie-Lincoln attempting to intimidate the Speaker of the House.

He hides behind what happened after the House adjourned, because the problem he has with his argument is that if you look at Hansard and review the transcript, you will see that not only did the Deputy Speaker act appropriately, he tried to correct members in terms of what is and isn't appropriate in this chamber as part of debate. He adjourned the House appropriately. And then somehow, because he was defending this institution, defending himself from a verbal attack from the member, he is now alleged, with some pictures, I guess—we haven't seen them—that verify this.

We will submit to you, Mr Speaker, that those of us on this side of the House witnessed, first, a Deputy Speaker of enormous integrity who stood on his feet and protected this institution from childish props being brought in, props that clearly violated the rules that that party agreed to; second, a Speaker who properly adjourned the House according to the rules; a Speaker who defended this institution with the passion that it ought to be defended with from the childish antics that occurred and the contempt that was brought upon this House by the member for Erie-Lincoln, who, we on this side will say, attempted to intimidate the Speaker as he left the chair.

This side of the House, and any respectful member, knows that the member from Essex, the Deputy Speaker,

acted in the best interests of this House, did not attempt to intimidate or influence the behaviour of any member of this House and in fact was himself the subject of a childish verbal tirade from the member for Erie-Lincoln, who should in fact be the one found in contempt, based on the violation of the rules that they perpetrated deliberately and without cause, without thought with respect to what would happen to this great institution.

The Speaker: I want to thank all the members for their presentations. I will take all that you have said under consideration and come back with a ruling. I appreciate very much what was said. I do take this very seriously, and I hope you all do the same.

ORAL QUESTIONS

TAXATION

Mr Tim Hudak (Erie-Lincoln): A question to the Premier: In coffee shops and diners across this province, taxpayers fought back and said no to your ill-conceived, wrong-headed McGuinty soup-and-salad tax. In diners, they signed thousands of petitions and faxed them in to your office and to members' offices. In coffee shops, taxpayers rose up, they rolled up the rim and they won. You had to back down on the McGuinty soup-and-salad tax. This was nothing but a shameless \$200-million tax grab. Premier, will you now apologize to working families in the province of Ontario for trying to pick their pockets with this ill-conceived tax hike?

Hon Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): I am proud to say that we have enlisted the restaurant industry in our cause to bring healthier food choices to the people of Ontario, particularly our children. We're pleased—

Interjections.

The Speaker (Hon Alvin Curling): Order. It's passing strange that we have just had a discussion on privileges, and the member's privileges are being eroded here immediately. I would like to hear the Premier's response to the question.

Hon Mr McGuinty: I'm very pleased to have had the opportunity to meet with representatives of the restaurant industry. It became very clear as a result of that meeting, and from hearing from others throughout the province, that we were not about to achieve our policy objective, which was to ensure that we were bringing to Ontario families, but especially to young people, healthier food choices. What we will now be doing, with the restaurant association as our partner, is putting together a plan to bring those healthier food choices to all Ontarians.

1520

Mr Hudak: That has to be the most bizarre last-minute spin I've heard in my nine years here in the Legislative Assembly of Ontario. Maybe the member has to go back to Bill Clinton's spin doctors in Chicago to come up with better lessons.

Plain and clear, the Premier got caught red-handed trying to raise taxes on seniors and working families in the province of Ontario. We all remember: You looked taxpayers in the eye, through our TV screens, and said, "I'm not going to raise your taxes." I didn't see that you had your fingers crossed. I didn't see any kind of asterisk there. You said that you would not raise taxes.

You've backed down on one try. Let's be clear: no more prevarication. Let's hear the straight goods. Are you going to raise taxes on the people of Ontario?

Hon Mr McGuinty: There is no doubt whatsoever that—and there's objective polling that confirms this—people are very concerned with the state of our financial affairs as a result of the negligence and mismanagement on the part of the previous government. I can assure you that one of the things that we're going to be doing, through this budget, which my friends anxiously await, is getting better results for the people of Ontario, whether that's better academic achievement for our students, shorter wait times when it comes to health care or whether it happens to do with healthier food choices for children in Ontario.

Mr Hudak: We've been hearing the same line these past six months. That dog don't hunt no more. Your popularity has plummeted 11% in the latest poll. More Ontarians disapprove of their Premier's performance than approve, which is shocking at this point in your mandate.

Let me tell you why you've gone down so much in the polls: You regularly break your promises, you tried to get away with a \$200-million shameless tax grab and your tax-and-spend policies and tendencies are starting to make Bob Rae look like an amateur.

Tell us right now, and tell us straight out. Don't dodge the question, don't prevaricate, don't duck. Be straight up. Can we read your lips: no new taxes?

The Speaker: Order. That's the second time you've used that word. I'd ask you to withdraw it.

Mr Hudak: I withdraw.

Hon Mr McGuinty: We will not shy away from doing what we believe to be the responsible thing to do, given our financial circumstances. We are going to proceed to deliver on our commitments. We're going to avail ourselves of the necessary resources in order to get the job done. We're going to balance the budget in a responsible way. We will not be shy, we will not be ashamed, with respect to the kind of agenda we're going to put before the people of Ontario by means of our budget. I can't tell you how proud I am and how much I'm looking forward to placing our budgetary agenda before the people of Ontario.

AUTOMOBILE INSURANCE

Mr Norm Miller (Parry Sound-Muskoka): I have a question for the Minister of Finance. During the recent election campaign in October, you committed to freeze, and then reduce, auto insurance rates. Yesterday in the House, you clearly stated, "Insurance premiums started to go down the day ... our government was elected."

Ontario residents are renewing their auto insurance and not enjoying reductions. I'd like to quote from a letter I received from a constituent of mine: "I'm 22 years old.... I have had no accidents, no speeding tickets and I have never lost any demerit points. My driving record is clean...."

"I work as a mechanic making \$10 an hour...."

"I was paying \$3,840 a year, which included collision.... They, without notice, are raising it to \$6,700 per year, which is \$555 a month." That's for a June renewal.

"Insurance companies are driving young, talented people out of the north."

Minister, why are my constituents not enjoying the promised 10% reduction in auto insurance rates now, six months after you were elected?

Hon Greg Sorbara (Minister of Finance): Let's just do a little bit of history first. In the fourth quarter of 2002, rates under the Progressive Conservatives went up 9.2%; in the first quarter of 2003, a 7.3% rate increase; in the second quarter of 2003, an 8.5% increase; in the third quarter of 2003, an 8.2% increase.

Let's go to the April 15 filings by insurance companies representing 55% of the market. Allstate Insurance Company of Canada: 4% of the market share; filing effective June 15. Filed on April 15: approved rate change down 11.9%. Aviva insurance company, representing 1.9%: a rate reduction of 10.15%. Let's take another one. Chubb Group of Insurance Companies, representing almost 0.5% of the industry, filed on April 15: 10.5%.

The Speaker (Hon Alvin Curling): Supplementary, the member for Nepean-Carleton.

Mr John R. Baird (Nepean-Carleton): I say to the Minister of Finance: People across Ontario are frustrated because the promises that you and your party made during the election campaign were simple, the expectations you raised were clear and you didn't meet them.

You and every Liberal MPP promised that within 90 days of your election, auto insurance premiums in the province of Ontario would be cut by 10%. Check out MPP Khalil Ramal's campaign Web site when you leave question period. Look at what it says—it's still up: "Within 90 days of taking office," the Liberals will "require insurance companies to cut premiums by an average of 10%"—not cut the rate of increase by 10% or moderate them.

Would you just stand in your place and admit to the people of Ontario that you've broken another campaign promise? Will you do the right thing and bring back the three regulations that the Tory government implemented that would actually work for rate increases in the province of Ontario? Would you do that?

Hon Mr Sorbara: Did he really say, "Bring back Tory policy"? Three straight years of rate increases? Let's go back to the list. Guarantee Company of North America: rate reductions of 11.2%. Hartford Fire Insurance Company: rate reductions of 10%. ING insurance company, representing 7.84% of the market: a rate reduction of 12.4%.

We did this in the time that we said we were going to do it. As a result of these initiatives, insurance premiums in the province of Ontario are now starting to decline. I tell my friend, as we bring forward the next series of reforms to this system, premiums will go down further and the product that drivers get in this province will be far better.

Mr Baird: This is the kind of double-speak that even has Liberals shaking their heads. You were very clear during the election campaign, you were very clear, when you introduced your auto insurance policy last June, that rates would be cut by 10%.

You stand in your place, you're glib and you don't understand that your policies are having real effects on working families in Ontario. My colleague recognized a member from his constituency, who is a mechanic making \$10 an hour. He was paying \$3,840 a year ago, and without notice, his insurance company is raising his rates to \$6,700. All you can do is stand in your place and give glib answers.

You promised a 10% rate reduction and then you promised another 10% reduction, for a total of 20%. Insurance rates are now skyrocketing. You cancelled three regulations that would have been to the benefit of taxpayers in Ontario last fall. Would you not stand in your place, would you not admit that by taking the actions you've taken, you've made the situation even worse and you've broken another promise to the people of Ontario? Will you do that?

Hon Mr Sorbara: Let's just continue with the list. Zenith Insurance Company: rate reductions of 10%. Specialty National Insurance Company: rate reductions of 10.2%. Royal and SunAlliance Insurance Group: rate reductions of 10%.

What we said was that as soon as we were elected, we would freeze insurance rates. We would then take unprecedented steps to make sure that insurance premiums would start to go down in the province. Ninety days afterwards, a bill in this Legislature was passed. As a result of that bill, almost 55% of the industry have now filed new rates. Collectively, that represents rate reductions, from when we took office, of some 10.15%. We're very proud of that.

The Speaker: New question.

Mr Howard Hampton (Kenora-Rainy River): My question is for the Premier. As you and your Minister of Finance keep talking about an insurance rate freeze and keep saying that somewhere in the future there'll be a reduction, angry drivers phone our offices, inundate our offices, because they're getting double-digit insurance rate increases. They haven't seen a freeze; they haven't seen a 10% reduction; what they see are 20%, 25% increases. They're angry because big insurance corporations are picking their pockets, and you and your Minister of Finance say, "Oh, it's all OK."

Premier, you didn't promise that you were going to moderate insurance rates. You said you were going to cut them, and it hasn't happened. Admit now that your insurance rates scheme was always a con game; it was

always a sham. There never were and never will be real reductions of 10% and 20%.

1530

Hon Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): On this particular issue, like so many others, members of the opposition aren't prepared to take yes for an answer. There is good news here. There is wonderful news for drivers in the province of Ontario. For the first time in eight years rates have actually come down.

I'll just read some more of these figures and perhaps the member opposite might want to get hold of a copy of this so that he has it when his constituents contact him. Allstate insurance company rates have dropped by 10.09%; Accentus insurance, 10.0%; Aviva insurance company, a 10.15% reduction; AXA insurance, 10.0%; Belair insurance, 10.11%; Chubb Insurance Co down by 10.5%; Citadel General Assurance Co, 10.5%; Co-operators General Insurance Co, 10.0%, Continental Casualty Co, 10.0%; Dominion of Canada, 10.01%; Economical—

The Speaker: Thank you.

Hon Mr McGuinty: Speaker, I could go on and on. There's lots more to go and I look forward to a supplementary.

Mr Hampton: You see, Premier, your friends at the auto insurance corporations send you that stuff, you read it, but then the real people in Ontario get the notice in the mail.

Here is, for example, Mr Zygi Fila from Garson, near Sudbury. Mr Fila is a 62-year-old pensioner with a six-star rating—no accidents, no tickets in the last 10 years. He just got his auto insurance bill: a whopping 17.5% increase.

Premier, you stand up and tell this pensioner with a six-star rating that a 17.5% increase in his insurance rate is really a good deal. You stand up and tell him that.

Hon Mr McGuinty: I cannot speak to that particular case, but I can return to the list provided by the superintendent of financial services of Ontario. It doesn't come from the insurance industry; it comes from a government agency: Federation Insurance Co of Canada down by 10.4%; Guarantee Co of North America down by 11.2%; Hartford Fire Insurance—there's a well-known one—down by 10%; ING Insurance Co down by 12.4%; ING Novex down by 12.6%; Langdon Insurance down by 11.8%; Lombard Insurance Co down by 10%; Motors Insurance Corp down by 10%; Nordic Insurance Co down by 10%; Pilot Insurance Co down by 10.2%; Royal and SunAlliance Insurance Co down by 10%. I look forward to providing more information.

Mr Hampton: To the Premier: Send that list to Mr Fila and see the reaction you get.

NUCLEAR ENERGY

Mr Howard Hampton (Kenora-Rainy River): Premier, you and your good friend, your soulmate, John Manley continue to tell people that nuclear power plants

are going to be good for Ontario. Yet now we find out that Pickering B, out of service for 50 days—additional costs to the hydro bills of people, \$30 million. You and John Manley seem to be saying, “Oh, but don’t worry. This time we’re going to get it right. This time nuclear is going to work.”

Premier, what will it take you to admit that nuclear power plants are expensive, unreliable and don’t offer Ontario a very good electricity future?

Hon Dalton McGuinty (Premier, Minister of Inter-governmental Affairs): Mr Speaker, I know the Minister of Energy would like to speak to this.

Hon Dwight Duncan (Minister of Energy, Government House Leader): With Pickering B, unit 6, there has been the problem that was identified today in the Toronto Star. It has in fact cost OPG, I believe, \$30 million in lost revenue since that point in time.

The broader question the member asked is about the future of our supply in the province of Ontario. That member’s government failed to bring on new supply, failed to bring on demand management. The question of nuclear in Ontario’s future is an extremely important one—

Mr John R. Baird (Nepean-Carleton): And you’re giving them more.

The Speaker (Hon Alvin Curling): Order. Could I ask the member from Nepean-Carleton to just come to order?

The Minister of Energy.

Hon Mr Duncan: The question of the future of nuclear in Ontario is an extremely important one that the people of Ontario are actively participating in. There have been recommendations from a variety of sources, and active debate is going on. What is paramount is that we find a way to undo 10 years of mismanagement in the hydroelectric system.

The member opposite refused to cancel the Darlington plant, for instance, when they were in office, just by way of example. I would suggest to the member that the question of the composition of our supply going forward is one of the most important ones, and we look forward to him taking a consistent and straightforward position on those important issues.

Mr Hampton: The question was the fascination of the Premier and his good friend and soulmate John Manley with more nuclear plants. Once again, I didn’t get an answer. But even the announcement that was spun here yesterday that suddenly the Premier now believes in conservation and energy efficiency won’t do it either, because there was no incentive for people to go out and purchase new energy-efficient appliances. There were no financial incentives to help people re-insulate their homes. Insulation keeps the cold out in the winter and the heat out in the summer. There was no strategy there either.

The Pembina Institute says that a serious conservation program would cost \$18 billion, but Mr Manley’s nuclear program will cost \$32 billion. Minister, when will you face the facts: Nuclear is going to cost us more money,

energy efficiency is the way to go, but what you announced yesterday doesn’t do the job either?

Hon Mr Duncan: That member and his government cancelled all conservation programs in Ontario when they were in government. Had they proceeded with those conservation programs, maybe we wouldn’t be so dependent on Pickering today. Had you done your job when you were in office, had you done the right thing on conservation, had you done the right thing on green power, we wouldn’t be relying on Pickering today and we wouldn’t find the mess we’re in today.

That government cancelled Conawapa. That would have brought 1,250 megawatts of clean power to Ontario from Manitoba. They cancelled it. Why?

Interjection: Rain forest.

Hon Mr Duncan: And they bought a rain forest in Costa Rica.

We are attempting to deal with a very difficult issue. I had some very good advice, and I’d like to share this advice because we’re quoting those who give us advice. Here’s the advice I had: “Hydro is still too big and bureaucratic, and I’m sure could be made more efficient by injecting market principles deeper into the bowels of its organization. How to do that without imperilling quality, reliability, and public accountability is a great challenge. Simplistic, ideological solutions are to be avoided at all costs.” Bob Rae, *Protest to Power*, pages 273-4.

WASTE DISPOSAL

Mr Toby Barrett (Haldimand-Norfolk-Brant): To the Minister of the Environment—

Interjection.

The Speaker (Hon Alvin Curling): There’s a voice from the extreme end that is interrupting the proceeding. May I ask her to come to order?

Mr Barrett: To the Minister of the Environment: In shutting down Adams mine, you have closed the door on 15 years of debate and environmental assessment processes. That took 15 years. How many years will it take to find another site with the same capacity to handle landfill as the Adams mine proposal? How many years, Minister?

Hon Leona Dombrowsky (Minister of the Environment): This government is absolutely committed to ensuring that our environment is protected, particularly our water sources. That is a commitment we take very seriously and one that the previous government turned its back on. So I’m very proud of the initiative that we will be debating later on today in the Legislative Assembly.

With respect to the siting of landfills and other initiatives in this province that are regulated by the environmental assessments and approvals process, this government has established a panel of experts who will provide this minister with advice on how to improve the process so that it doesn’t take 15 years for such projects to be approved.

1540

Mr Barrett: Minister, on the day you were sworn in, you ended your ministry’s appeal of a court decision

ordering broader terms of reference in the environmental assessment of the Richmond landfill expansion. As environment minister, you had the clout to do that for your constituents in Hastings-Frontenac-Lennox and Addington.

More recently, the Minister of Natural Resources successfully used his clout to stop the Adams mine landfill. Again, he used his political clout as a cabinet minister for the benefit of his constituents in Timiskaming-Cochrane.

Minister, in my view, this is environmental political pork-barrelling at its worst. It leads me to ask: Is the NIMBY principle—not in my backyard—now an official policy of your government?

Hon Mrs Dombrowsky: The initiatives of this government, and more particularly this ministry, which I'm very prepared to speak to as minister, are about moving this province forward with a sound environmental plan.

I would just like to remind the members of this Legislature of some of the initiatives that we have taken so far, as a government, to protect the environment. We have initiated a source water protection initiative. We have been very consultative with this process, and we are very proud of it. I have to say that it's one for which we have received, as well, very positive comment from the people of Ontario.

We have introduced the Adams mine legislation. We are not convinced that this proposal was safe and sound for the environment and for the people in that community, and I'm very proud of that initiative by this government. Yesterday, I was in Sarnia announcing an initiative whereby we are going to protect the community in that area against industrial pollution. These are some of the initiatives that this government is moving forward on because we take protecting the environment seriously.

ENERGY CONSERVATION

Mr David Zimmer (Willowdale): My question is for the Minister of Energy. The government has a plan to reduce energy and electricity consumption in Ontario by about 5% by the year 2007. How do you see this initiative as contributing to our new culture of conservation in Ontario? How will it meet our reduction targets?

Hon Dwight Duncan (Minister of Energy, Government House Leader): The member is right, this is a challenging target that we've set: 5% by 2007, 10% by 2010.

Yesterday's announcement by the Premier empowers Ontario electricity consumers by providing them with the knowledge, the tools, the opportunities and the incentives that will allow them to achieve very significant energy savings. We're launching a public education and outreach campaign to help them make smart choices that will save them both energy and money.

As a demonstration of how strong our belief in conservation is, we are moving quickly to reduce the government's own electricity consumption by twice as much; that is, 10% by 2007. My colleague the Chair of

Management Board has laid out a very ambitious program.

We're putting forward the necessary infrastructure to make sure that conservation becomes part of our culture. We are creating the conservation secretariat within the Ontario power authority and a conservation program that will be the envy of the world. Our sector reform, supported by work we do with the LDCs, will make Ontario a world leader in conservation.

Mr Zimmer: The government has aggressive plans for smart meters. Yesterday, the Premier announced that we're setting aggressive targets to put these smart meters in every home so that, together with more flexible pricing, Ontarians can save money if they run their appliances in off-peak hours. Minister, why are these smart meters important? How do they contribute to our overall change of energy saving?

Hon Mr Duncan: We have set an ambitious target of having a smart meter in every home and small business by 2010. Yesterday, Premier McGuinty announced our interim target of having 800,000 meters in place in Ontario by 2007. Smart meters are a key conservation tool. With this technology, consumers will be able to see, understand and learn when it's appropriate to adjust their electricity use. Smart meters will also allow consumers to benefit from time-of-use rates. These rates will benefit consumers who use electricity when demand is lower. Many consumers who currently use electricity during these times will now be able to benefit from these rates. Not only do smart meters help consumers use electricity during peak demand periods, but they also benefit their local system and grid by keeping costs and prices down even more.

I've asked the OEB to devise an implementation plan for smart meters. The OEB will be working with local distribution companies to achieve that. These bold new initiatives will make Ontario the world leader in energy conservation, something this government is very, very proud of.

WATER QUALITY

Mr John Yakabuski (Renfrew-Nipissing-Pembroke): My question today is for the Minister of the Environment. I've got countless constituents sending me countless letters and countless phone calls with regard to the hardship they're going to face with the implementation of regulation 170/03. What they've told me is that they simply cannot handle the financial burden of implementing this regulation. We have churches that are going to close; some churches have closed already. We have campgrounds that are threatening to close within the month; they're not going to open for this season. What are you going to do to mitigate this effect and to help these people with this financial burden under the implementation of this regulation?

Hon Leona Dombrowsky (Minister of the Environment): First of all, I want to share with the members of this House that, for this government, ensuring that

wherever we are in the province of Ontario—in rural Ontario, in an urban centre—when we turn on the tap, the water is safe.

During the Rural Ontario Municipal Association conference here in Toronto in February, I met with over 40 municipal representatives. I have to say that issues around regulation 170 was a common theme. I will say to the member opposite that, like this government, municipal representatives share our desire to ensure that when a tap is turned on in the province of Ontario, the water is safe.

We recognize that the regulation that was introduced, which was crafted by the previous government, is terribly flawed. I don't know where your rural members were at the time of the writing of regulation 170. They were missing in action, very obviously. This minister has committed and asked my ministry to look at regulation 170 to make it more workable for municipalities in rural Ontario.

Interjections.

The Speaker (Hon Alvin Curling): Order. The member for Bruce-Grey will come to order.

Supplementary?

Mr Yakabuski: Minister, I would think that all municipalities and all citizens of the province of Ontario want to ensure that we have safe, clean drinking water. You are well aware of recommendation 84 in the O'Connor report, that in these circumstances it is imperative that where the subject people cannot afford to proceed with these implementation on their own, the government must be there to assist them. That's recommendation 84 of the O'Connor report. Will you follow that recommendation and assist these rural people in the implementation of this regulation?

Hon Mrs Dombrowsky: Unlike the previous government, this government is committed to implementing all of the O'Connor recommendations. That is without question. With respect to recommendation 84 and regulation 170, we believe that regulation 170 needs to be looked at again to look for ways to assist municipalities so that they can in fact meet the requirement to ensure that there is safe water within the community facilities across rural Ontario. That is what this government has committed to. We will review regulation 170. We want to work with municipalities, so that when a tap is turned on in a community hall, a church hall or any other municipal facility, the people of this province can be certain the water is safe to drink.

1550

SEXUAL ABUSE OF CHILDREN

Mr Jim Brownell (Stormont-Dundas-Charlottenburgh): My question is to the Attorney General. During the past decade in my riding of Stormont-Dundas-Charlottenburgh, there have been numerous cries for an independent public inquiry into childhood sexual abuse allegations and cover-ups in Cornwall. As a candidate in the last election, I wholeheartedly supported a public

inquiry. The lives of many people have been touched by the issues surrounding these allegations. The citizens, police forces, public organizations and those who work in the judiciary system are in need of a sense of worth and community. A thorough investigation will have positive consequences for those who work to uphold pride, sensibility and the spirit of community in my riding.

I stand today on behalf of the people of Stormont-Dundas-Charlottenburgh, especially those victims of abuse in Cornwall. I, alongside these victims, believe that an inquiry into these events is necessary to bring closure to this issue so that we can move on. Will you call a public inquiry into this matter?

Hon Michael Bryant (Attorney General, minister responsible for native affairs, minister responsible for democratic renewal): I understand that this is an issue of great importance to the member and of great importance to the people of his community. There is right now a criminal proceeding that is underway. Leave to appeal to the Supreme Court of Canada was refused, and the Court of Appeal decision required that the last remaining trial involved in this matter be expedited. It is set to begin in the fall. I don't want to do anything to delay or in any way interfere with this criminal proceeding. A public inquiry cannot be held at this time, while this criminal proceeding is underway.

Mr Brownell: Minister, your consideration of the request is appreciated. I know the people of Stormont-Dundas-Charlottenburgh respect your discretion and judgment. However, when the Liberals were in opposition, they called upon the government of the day to launch a public inquiry into the sexual abuses in Cornwall. My community still feels a public inquiry is necessary to get to the bottom of the abuses in Cornwall. I will continue to be a strong advocate here at Queen's Park for an inquiry into these abuses. Will you work with me and the community to ensure there is a resolution to this matter?

Hon Mr Bryant: Yes, I will. The member has been absolutely relentless in fulfilling his duty on behalf of his community and his riding, through this Legislature, to hold the government to account. The member has stood shoulder to shoulder with his community, and we have spoken at length on the subject numerous times.

When the criminal proceeding is complete, at that point, we will be relying upon that member to continue to be an advocate on behalf of his community. We will obviously consult with his community, consult with his riding, and consult in particular with him as to what next steps will be taken. So, yes, we will be continuing to work with the member in his hard work on behalf of the people of his community.

BAUER NIKE HOCKEY

Mr Peter Kormos (Niagara Centre): To the Minister of Economic Development and Trade, tonight's hockey game doesn't end the battle of Ontario. You see, the real battle of Ontario is the battle to keep good, well-paying

jobs in this province; in this case, jobs manufacturing hockey equipment. Less than a decade ago, sports multinational Nike bought Canada's Bauer Corp, the world's largest maker of hockey skates and protective gear, most of which was manufactured right here in Ontario. Since then, Nike has slashed operations, sending good jobs to plants in China and contracting them out to sweatshop workers here in Ontario. A few days ago, the 25 long-time skilled workers at the Bauer Nike Mississauga custom pro shop learned that the work they do for all of the top NHL goalies is being contracted out to the lowest bidder.

Minister, it's sudden-death overtime for these workers and for this industry here in the province. What are you going to do to protect their jobs?

Hon Joseph Cordiano (Minister of Economic Development and Trade): I'm not familiar with the specifics of what the member is talking about, but I do know that as much as there are jobs going offshore—and it happens in North America with other industries; there have been losses in the United States to offshore companies—there is a phenomenon that's taking place right here in Canada called near-shoring. There are companies that are actually locating here in Ontario because we provide tremendous competitive advantages.

This is obviously a case of jobs, on the one hand, going to India and going to China because there is a competitive factor involved, but we also have jobs that are locating here. In fact, there are companies locating here that are from India and from parts of the world that you wouldn't think would locate here, and they're doing so because we have a competitive environment right here in Ontario.

Mr Kormos: Minister, your job is to protect Ontario's jobs. Nike is a big multinational company that only cares about the bottom line and, in response, you skate in circles. In Cambridge, Nike shut down Ontario's last hockey stick factory—300 people out of work. They refused to put that factory on the market to Canadian investors who want to use that factory and those workers to make Canadian hockey sticks, because they don't want the competition.

So you've got a unique Canadian industry, unique to Ontario, and you're going to put our NHL players in made-in-China hockey equipment. You've got a chance, right now, with your Premier, to get on the phone, call Nike to come sit with you at the table and talk about ways to keep those Canadian jobs, that Canadian manufacturing, here in Ontario. It's your job to protect those jobs. When are you going to start doing your job?

Hon Mr Cordiano: I'll just cite the competitive factors that we have going for us in Ontario. In fact, there was a KPMG study that says it's 25% cheaper to operate a business in places like Ottawa for telecommunications. There's also a PWC study that was released, I believe, last week, that shows that we clearly retain a competitive advantage as a near-shore location because of our lower labour costs, and that's in the ICT sector, one of the most innovative sectors of the economy which is seeing job growth.

We may lose some jobs as a result of international competitive forces—and this is happening in the industrial world—but we remain highly attractive as a place to do business. We are seeing, as I say, the near-shore phenomenon take place. We are attracting investment to this province which will see job growth in the ICT sector, which is very important for the innovative economy that we're promoting. We're going to see that increase in the near future.

VOLUNTEER FIREFIGHTERS

Mr Garfield Dunlop (Simcoe North): My question today is for the Minister of Community Safety and Correctional Services. As you are aware, this is National Volunteer Week. Volunteers across our province are contributing hundreds of thousands of hours to make Ontario a cleaner, healthier and safer place to live.

Volunteers, of course, include our valuable volunteer fire departments, and primarily those fire departments in rural Ontario. Recently you indicated that the mediation report by the highly regarded mediation expert, Justice George Adams, was unacceptable, and you would have to seek further mediation on this. Minister, when will you announce your new mediation proposal, and could you explain, what exactly was wrong with the Adams report?

Hon Monte Kwinter (Minister of Community Safety and Correctional Services): The problem with the Adams report is that nobody would agree to it. You were the ones who commissioned it. If it had come up with a solution that was acceptable to the parties, that would have been the end of it. The problem we have is that there is no unanimity on the recommendations that were made in that report.

I have met with all of the stakeholders. I have told them quite clearly that my preference would be to have a mediated solution. If I can't get that, then I will have to bring in legislation. Everybody understands that. The problem I've got is that in order to get those people back to the table, I've got to come up with a structured mediation, because they have said, "We've already gone through that under the previous government, and we're not prepared to do it again." That is where we are.

It's an issue that is very difficult but one that I am committed to solving.

The Speaker (Hon Alvin Curling): It being 4 o'clock, pursuant to standing order 30(b) I am now required to call orders of the day.

Mr Gilles Bisson (Timmins-James Bay): On a point of order, Speaker: In the spirit of co-operation in this Legislature, I would ask that we extend the time in order to finish question period this afternoon.

The Speaker: Do we have unanimous consent? I think I heard a no.

Minister?

Hon David Caplan (Minister of Public Infrastructure Renewal): Yes, Speaker. Government order—

The Speaker: One thing at a time. Order. Could I have the House just settle down a bit so we can proceed?

The member from Bruce-Grey-Owen Sound.

Mr Bill Murdoch (Bruce-Grey-Owen Sound): On a point of order, Speaker: I would like unanimous consent that we have petitions today, because we've run out of time—

The Speaker: I heard a no.

1600

ORDERS OF THE DAY

ADAMS MINE LAKE ACT, 2004

LOI DE 2004

SUR LE LAC DE LA MINE ADAMS

Ms Dombrowsky moved second reading of the following bill:

Bill 49, An Act to prevent the disposal of waste at the Adams Mine site and to amend the Environmental Protection Act in respect of the disposal of waste in lakes / Projet de loi 49, Loi visant à empêcher l'élimination de déchets à la mine Adams et à modifier la Loi sur la protection de l'environnement en ce qui concerne l'élimination de déchets dans des lacs.

Hon Leona Dombrowsky (Minister of the Environment): I am pleased to have this opportunity to address members of this Legislature on the second reading of the Adams Mine Lake Act. The act shows that the McGuinty government is making good on its promise to deliver real, positive change to ensure that communities across Ontario are clean, safe and livable. This is a promise that we take very seriously, and one that is the cornerstone of the all our efforts to protect precious air, water and land. Surely all of the members of this House would agree that Ontarians deserve a cleaner environment and cleaner communities that benefit the people who live in them, the people that we represent.

Just over two weeks ago, our government announced a new strategy to manage Ontario's waste and reduce the burden on landfills in the province. It is a far-reaching strategy that will help us by setting targets for waste diversion over the next four years. It also addresses root issues with the environmental assessment process that have led to so much uncertainty for so long. Ontario has set an ambitious new provincial target to divert 60% of waste from landfill by the year 2008. In early May, we will release a discussion paper exploring options to ensure that 60% of waste from the municipal, industrial, commercial, institutional, construction and demolition sectors is diverted from landfill. Other issues to be considered through the discussion paper include a plan to direct organics and recyclables from landfill, the expansion of central composting facilities, and the role of new technologies to help Ontario divert more waste.

This government is also taking action to improve the environmental assessment and approvals process. This is of particular importance for waste management facilities, provincial highways, transit and clean energy projects.

We will establish an expert advisory panel to identify ways to improve the environmental assessment process and to provide greater certainty and timelines while maintaining or enhancing environmental protection. Our goal is to increase waste diversion, help address the issues with landfill siting and give the public more confidence in the process.

As well, we have entered into a draft framework agreement with the federal government to coordinate the environmental assessment of projects that are subject to both the provincial and federal processes. Environmental assessments should be about clarity, not about pointless repetition. This is an issue that has come to us very regularly, and I am very pleased to be part of a government that has finally taken an initiative to address it.

The agreement that has been posted on the Environmental Bill of Rights registry is what I'm speaking of today. The 30-day comment period ends on May 14.

It is important that the members of this Legislature understand the fullness and comprehensiveness of our vision for managing waste in Ontario. We are here today to debate a critically important piece of legislation, and it needs to be understood in that context.

I think it's very important to stress as well, as I've stated a number of times in this Legislature, that the management of municipal solid waste is a municipal responsibility. But what we have heard from municipal representatives across Ontario time and time again is that the process that is in place at the present time has not been working well for a number of years. Consequently, it can be a very time-consuming, onerous and expensive proposal for municipalities. This government wants to provide municipalities with the tools that will enable them to meet this very important need within their communities in a very timely way.

The Adams Mine Lake Act will close the book on an issue that has come to symbolize everything that was wrong with waste management in Ontario. The Adams mine site is not the whole problem; it is evidence of a larger problem. Our government's comprehensive waste strategy takes a lesson from our health care strategy. We are not merely treating the symptom; we are finding a cure.

This is great news for local communities. It is great news for Ontario's environment. If passed, the Adams Mine Lake Act would achieve the following: prohibit the disposal of waste at the Adams mine site; revoke all existing approvals dealing with the Adams mine site and will avoid any decision on the permit to take water that is pending; remove the ability for any party to take legal action against the government on these decisions; outline a plan to provide reasonable compensation for the owner of the Adams mine proposal; and amend the Environmental Protection Act to disallow the use of any lake over one hectare in size as a landfill site.

Adams mine has been subjected to endless rounds of proposals, challenges and great controversy within the community. At this point in time, I think it's appropriate that I recognize our colleague from Timiskaming, who

has been relentless in advocating on behalf of his constituents on this very important issue.

All of this debate has been a source of great uncertainty within the community and within the province. It has drained the energy and resources of local communities, and for far too long, it has created divisiveness in communities near the Adams mine lake site and other communities in the province of Ontario. The local community has repeatedly voiced concerns about the Adams mine landfill. For this government, the protection of our communities is of paramount concern.

We learn our lessons well in this government, and we believe that there have been examples in recent history that we cannot afford to ignore.

The language of this act is clear and straightforward. We want there to be no misunderstanding of our directions and the need for local certainty. The proponents have been seeking approvals for a landfill to be operational in the year 2005, with a capacity of one million tonnes of garbage per year. Yet the scoping provisions of the Environmental Assessment Act were used for the hearing of the proposal, where the only consideration was the hydraulic containment concept being proposed for the site. Others may have been prepared to cut corners and jeopardize local communities, but this government is not. The fact that the review at the tribunal was scoped was the great concern voiced by many people in that community. We are not convinced that the Adams mine proposal could operate safely and protect the environment.

1610

This government is acting responsibly to address the community's concern. The risks are far too great. The health and well-being of the people in the community are worth this consideration. We are not prepared to gamble with their health or their future or the health and future of their descendants.

I would now like to take a closer look at some of the contents of the act that we are discussing today. Bill 49 is intended to: prohibit the use of lakes as landfill sites; prevent the use of the Adams mine site as a landfill; and deal with matters related to the government's taking this action.

The proposed legislation amends the Environmental Protection Act to prevent the use of lakes as landfill sites. For the purposes of the bill, the definition of "lake" includes:

“(a) a body of surface water that,

“(i) results from human activities, and

“(ii) directly influences or is directly influenced by groundwater.”

This includes land that is covered by water on the date the proposed legislation comes into force.

I would just like to reference here that there has been some other observation around what is a lake and what is not a lake: Is it a mine? Is it a flooded mine? I think that debate could be extended and applied to many lakes we have in Ontario today. It could be argued that if we hadn't built a dam, we wouldn't have a lake.

The fact remains that we have a body of water that is fed by surface water and groundwater, so communities

tend to call those bodies of water lakes. That is why we have decided to call the Adams mine lake a lake. It is fed by both surface water and groundwater. I do know of another open pit in my own riding, the Marmoraton mine, that is filling as a lake. The people in that community consider it a body of water like a lake.

The proposed amendment does not apply to a body of water that is less than one hectare in area. The proposed legislation would revoke any proposals and permits related to the Adams mine project issued by the Ministry of the Environment before the date the legislation comes into force. The Adams Mine Lake Act would also nullify any applications for permits under consideration by the Ministry of the Environment as of the date the proposed legislation comes into force. In addition, the proposed legislation would extinguish any agreements of purchase and sale of the adjacent crown land that may have been entered into between the Ministry of Natural Resources and the owner of the Adams mine.

Any related legal action against the crown that may exist on the date that the proposed legislation comes into force is extinguished by the proposed legislation. The Adams Mine Lake Act would also prevent any further legal action being taken against the crown as a result of the legislation.

Let me be very clear: Bill 49 is not an expropriation of the Adams mine property. The Adams Mine Lake Act would require the province to pay the owner of the Adams mine compensation for reasonable expenses incurred prior to the date the legislation comes into force.

Under Bill 49, expenses would be defined as costs incurred for the purpose of developing Adams mine landfill. These expenses would include the acquisition of the Adams mine site, surveys, studies and testing, engineering and design services, legal services, marketing and promotion, property taxes, seeking government approvals and seeking acquisition of crown land.

Compensation would not be paid for any future profits the owner may or may not have received as a result of operating a landfill at the Adams mine site. The amount of compensation would be determined based on the expenses minus the fair market value of the site on the date the legislation comes into force. Bill 49 provides for a mechanism for the owner to obtain compensation. Within 120 days of the date the proposed legislation comes into force, the owner would need to provide the crown with the necessary records to support the claims for compensation. Where there is agreement between the owner and the crown on expenses for which compensation is being sought, compensation would be paid. For any claims that are in dispute, the owner or the crown can apply to the courts for a determination of the amount of compensation.

What this means is that our government is being fair and is dealing openly with everyone, including the owner of the land. This is an open and transparent process. We are doing the right thing and taking the action desired by the majority, but we are also being fair to all parties and clear from the outset on how to conclude this issue.

I've just outlined some of the specifics of Bill 49. They add up to an excellent piece of legislation that protects the environment and the people of Ontario and that is fair to the owner of the Adams mine. We want to ensure that the owner receives reasonable reimbursement for the costs that have been incurred in the proposal to use the Adams mine as a landfill, but our foremost concern is the health and well-being of the people of Ontario, and particularly the people of the community. We deserve the peace of mind that comes with knowing that their environment is being protected and that their interests are being addressed by the government. After all, this second reading debate is not just about a piece of paper; it is about people and their ability to enjoy and derive benefit from the communities in which they live.

I am proud to stand before my colleagues to represent a government that remains focused on the real task at hand: maintaining and improving upon the quality of life that Ontarians have earned and have come to enjoy. I believe that the Adams Mine Lake Act has the support of the people of northern Ontario and it deserves the support of all the members of this House.

Before I conclude my remarks, I would like to say that at this time I am happy to share my time with the Minister of Natural Resources, as well as the member for Ancaster-Dundas-Flamborough-Aldershot and the member for Northumberland. I call on my fellow members to help make the Adams Mine Lake Act a law.

Hon David Ramsay (Minister of Natural Resources):

It is indeed an honour to be able to stand in my place after all these years to support this act. I'd like to thank my colleague the Minister of the Environment for all her tireless work and the work of her staff, both her political staff and the civil servants in the Ministry of the Environment, especially their legal staff. Also, I'd like to thank the same people in my office, in the Ministry of Natural Resources, for the work they did.

In fact, I have to say that if it weren't for the bureaucrats in the Ministry of Natural Resources and their decision early last year not to proceed with the disposition of the crown land that is adjacent to the Adams mine site, this project might have gone ahead. When we brought up in this House that it was the intent, as had been a condition of the environmental assessment, that the adjoining crown land be acquired by the proponent, we brought up the fact that we felt that was inappropriate without consultation with First Nations. After some deliberation the ministry had agreed, even under the previous government, and those deliberations had proceeded, and we're still going ahead.

1620

I'd also like to thank Premier Dalton McGuinty, who has put, as he always does, the environment ahead of, in this case, money, because there's a lot of money involved with this particular project. I think that's what kept it alive, basically. Over the dumping lifespan of this project, there would have been tipping fees in the millions and millions—in fact, billions—of dollars. This would have been a very lucrative project, which was very tough

for me as the member up there. This project would have brought some jobs to the area, there's no doubt about it.

In the end, you have to make a decision as to what sort of jobs you work for. Do you work for jobs that are environmentally sustainable? In my case, I've always said that that is the side you have to come down on, because in the end, we have nothing if we don't have a sound environment. We need to not only protect the environment around us but, by doing that, protect the health of human beings also. It's not an issue of protecting the environment or not; it's protecting all of us because we all live in the same environment.

This obviously was a very tough decision for this government to make. It is a very strong piece of legislation, there's no doubt about it. It certainly has its critics and I'm sure will continue to do so, as we will probably hear today.

I have to thank the people of Timiskaming, who have waged an heroic battle against this project over the last 10 years especially, and, for some, over the last 15 years. This has weighed very heavily on people who live downstream from this project, especially in the farming belt, the little clay belt part of Timiskaming that is a very rich agricultural area in northern Ontario in the Timiskaming district. There are 600 farms there. Primarily they are beef and dairy farms with some cereal grain and cash crops developing there now. Of course, to be able to obtain and to utilize pristine water is the basis of any farm operation, especially dealing with livestock. Not only the farm operation, but basically most of us who live in that area derive our water source from groundwater and not from surface water, so groundwater is of the utmost importance. Those of us who have wells and need our wells to survive in that area have always understood that, but it was a real eye-opener for all of us in Ontario, after the tragedy of Walkerton, how important that groundwater resource is and also, probably more importantly, how vulnerable our groundwater resources are. That some heavy rains and some washing of a farmer's field can contribute to the death of people, I think, was absolutely a stunning development, a tragic development. We have learned so much from that tragedy.

I think it's fair to say that this legislation that the Ministry of the Environment has proposed today is a result of what we've learned from the Walkerton tragedy: that never again will we take for granted the wealth that we have beneath our feet in the groundwater resources that we have in this province. They are very precious. They are life itself. They are life-sustaining, and we must protect them at all costs. This legislation, with the other initiatives the Minister of the Environment has brought forward, is working toward that goal: to make sure that never again do we ever take those groundwater resources for granted.

Just very quickly, and before I give up my time to other members of the House who I know are very anxious to speak to this bill, I would like to review exactly what the idea of this project was, because, unlike a regular landfill, where it is of the utmost importance

that you keep the water separate from the waste so you don't get leaching into the groundwater, this particular project was exactly the reverse. The idea was to allow, if you will, to encourage, the groundwater to come through, to leach out the toxins from the garbage, pick up that leachate—the toxic soup, if you will, that's a result of that leaching—through a pumping system that has to be actively pumped for 75 to 80 years as that leachate is pumped up through a water filtration plant and treatment plant before that water is discharged for the environment.

The best estimate was in this project that it would take 75 to 80 years or so of active pumping in order to clean out the toxins from the 100 million tonnes of garbage that was to go into that pit. The contingency was, though, that if that didn't work, the project could be actively pumped for 800 to 1,000 years, and that was given approval in the project.

I cannot imagine standing in this place today and saying, "You know what? I've got a terrific idea for our garbage. We'll find this big hole, and we can use our groundwater—we've got lots of it up there, because it's right at the headwaters between the Arctic and the Atlantic watershed, so it's the cleanest water, as we're right at the height of land there—to clean out the toxins from this waste."

If I was to say that, and say, "By the way, of course, it's totally reliant upon a mechanical system that cannot foul up or fail in any way, or we would have contamination of the aquifer. And by the way, our best guess is that it might be 75 to 80 years, but just in case we're wrong on that, we actively pump it almost in perpetuity," I can just imagine a Kirkland Lake or other town council, 200 or 300 years down the road, around that table, scratching their head and wondering, "What did we do back in beginning of the 21st century, at the dawn of a new technical age? Did we find this big hole and just fill it up with garbage in the hope that a mechanical system would protect the aquifer and the groundwater?"

That was the plan. Again, I congratulate the minister and the Premier for stopping this project before the environment was destroyed.

Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): From an early age, every responsible parent endeavours to communicate to their children life's important lessons. One of those lessons is that, surely, you need to clean up your own mess. In the aftermath of Walkerton, one of the most important issues facing us in Ontario today is what we do with our garbage. Today, we have both the technology and the ability to make new choices, choices which would allow us to simply refuse turning any freshwater lake anywhere in Ontario into a garbage soup with 65,000 different pollutants poised to poison our major lakes and water supply.

It has been an age-old notion that you don't poison your neighbour's well, and I'm pleased to see this expression here in the Legislature that we in Ontario want to quit doing that, just as we want to quit poisoning the air, which is why we've moved on second-hand smoke so aggressively.

Noted environmentalist Bobby Kennedy Jr, recently in Ontario as part of an education tour, suggested that putting garbage into the Adams mine was "a slow way of throwing it directly into Lake Ontario." David Suzuki was even more blunt, suggesting that any decision to place garbage in the Adams mine would be "an act of political terrorism." Both were emphasizing the need for us to make new choices.

I just want to point out that I think there are two essential elements to making new choices: strong and enlightened leadership—and we've seen some of that from the good Minister of the Environment today; and an active and educated citizenry—and the member from Timiskaming-Cochrane made reference to his good citizens who have been fighting this fight for many years. Sometimes I think, at least until recently, that in Toronto, a city of fibreglass booths and Olympic hot air, they failed on both counts. But I need to say, I'm optimistic on that count. I think, with the new mayor and the new council, that some things are about to be turned around.

When I was first elected here, I think the second day I was in the House, we were debating this thing called the Adams mine. I had read the news reports, so I knew a little bit about it, but as I listened to the debate and I heard the various parties scoring their obligatory political points, it occurred to me that everybody was right: "You didn't do this. You didn't do that. You should have done this."

1630

I guess I committed an error. I scribbled a note off to the then Minister of the Environment, Dan Newman, and said, "You know, Dan, it occurs to me that everybody's right, but nobody's taking responsibility." None of us are guilty, but we're all responsible.

"I used to work here 25 years ago," I said in my note to Dan, "when Bill Davis was Premier and he had a unique way of dealing with problem situations." He'd create a select committee of the Ontario Legislature. He'd bring together the best minds on issues and try to come up with some non-partisan answers that would, in fact, not only make common sense, but would be in the common good. Maybe that's why they were in power for 44 consecutive years, because they did that sort of thing.

I said, "Why don't you challenge the other two leaders to do that right now and see what the response is?" He gave me the thumbs up and shared the note with John Snobelen. Snobelen chuckled and gave me the thumbs up. I remember Dan saying, "You, me, five minutes, outside." So I waited and I waited. Needless to say, we never connected. I said to Minister Newman the next day, "What happened?" He said to me, without a word of exaggeration, "I thought it was a great idea. Snobelen thought it was a great idea, but I shared it with the Premier. He's still mad about something you guys did two weeks ago, so we're not going to do it." That's how we work around here.

Anyhow, it was an important first experience. Alas, I felt a bit like Eleanor Rigby writing the words of a sermon that no one would hear.

It's about choices, and I need to confess that I'm an interventionist. I don't think there's any sense being in government unless you're prepared to intervene for the common good. I want to compliment the minister and the member for Timiskaming-Cochrane in this regard. This minister gets it. She understands that sometimes you've got to make difficult choices, sometimes you have to exercise real leadership and sometimes you have to do things that are going to tick some people off, but it's the right thing to do. Some governments have a reputation for trying to be lean and mean. This minister wants to be keen and green, to her everlasting credit.

By the way, the Canadian Oxford Dictionary, lest anybody be confused, defines a lake as "a large body of water surrounded by land." Madam Minister, or an expanse of excess liquid. This qualifies on both counts, if anybody wants to make that picayune—

Ms Judy Marsales (Hamilton West): Distinction.

Mr McMeekin:—distinction. Thank you, member for Hamilton West.

The minister also knows that any journey requires fewer steps when you've got some idea where it is you're going. She's prepared, as is this government, to travel over some new ground, to move from tinkering to transformation. To do that, she understands—and the bill articulates this, and we members in the House understand, and hopefully by the time this debate is over, every member will understand—that we need to be exploring and embracing new and better waste disposal technologies. We need to be acknowledging that garbage is a major provincial issue, not just a Toronto issue. We need to identify and advocate a series of non-partisan and responsible management alternatives. We need to do all of that proactively, "thinking globally and acting locally," as the social justice phrase would suggest. We need to be collaborative about it. We need to work in partnership with our municipal friends and others who can bring to the table some of their wisdom. Our Premier is fond of saying, "None of us is as smart as all of us." He's right; it's true. When we gather good people around the table to share ideas, it works.

I know in my riding of ADFA—if you need some help, Mr Speaker, just refer to ADFA—we have a series of listening advisory groups: one on education, one on health care, a youth group, a seniors' group and, importantly, an environmental group. I meet with this group three or four times a year. We gather people who have a concern for the environment. You know what? It makes me a better MPP by listening.

Mr Jeff Leal (Peterborough): Enlightened leadership.

Mr McMeekin: We've been out there. That's right, enlightened leadership—management by walking around, as one of the business gurus used to call it.

We need to look to progressive cities like Guelph, Halifax, Hamilton and Edmonton to know that good, eco-friendly garbage disposal plants are now at work all around us and in other communities.

I wanted to speak to this today for a personal reason. We went through a very similar kind of experience in our

riding of Ancaster-Dundas-Flamborough-Aldershot with the whole issue of the Redlands-Steetley quarry there. It was, as in Timiskaming-Cochrane, a defining moment in our community history and a heroic battle. I think of citizens like Mark Osborne, Ken and Anna-Marie Goldman, Helen and Andrew Brink, and Jill and the late Bill Campure, who argued for some eight years that putting Canada's third-largest landfill site in a 200-acre fractured limestone quarry, when we had a history of leachate leaching over the escarpment in the adjacent Brow landfill site, just didn't make sense, in spite of the size of the container that they were talking about using. There were a lot of jokes that related to birth control and that sort of thing, but I'll spare the House those. In the community, they had some resonance.

There are a lot of important statistics around that, but I think what's really, really important is that that community, as in the member from Timiskaming-Cochrane's community, relied on an artesian well system, and there was a very real and legitimate worry that no matter what precautions were taken, we couldn't safely plan for it and protect the community; that the dump would be visually offensive; that the noisy machinery would be disconcerting; that the quality and quantity of groundwater would be altered; that leachate picking up contaminants, many of them potentially hazardous, had the very real potential, the experts told us, of leaching into the well system, the drinking system; that there was a fear of vegetation die-off; and that there was no discernible designation of predictable migration pathways that would have occurred. In fact, out at the Brow landfill site, we had a chemical called benzene, which I, upon doing some research, discovered was quite carcinogenic. Even the company's own consultant had said all of that.

Needless to say, the people in Greensville were absolutely horrified. The scary thing is, during their eight-year battle and all through a 19-month joint board hearing, the Ministry of the Environment refused to come to the table on one side or the other. Then when the board, to the surprise of many, made a decision to stand with the community—they in fact said, and I quote from their decision, that moving ahead would "pose an unacceptable risk to both local groundwater and surface water" and would "dramatically change the character of the area surrounding the quarry and that of the residents within the surrounding communities"—in spite of all of that, the company, through this process of political intrigue, was able to appeal it to cabinet, and the Ministry of the Environment stood with the company after just sitting right out of the whole issue for almost six years.

Mr Leal: Shocking.

Mr McMeekin: It was shocking. People couldn't believe it. No wonder people are so often cynical about government. This was an issue that literally tore families apart for six years. This little community group called GASP—Greensville Against Serious Pollution—had to raise over \$100,000 to fight that battle. They fought and eventually elected a mayor who happened to agree with their cause and was able to be an advocate at the region,

which up until that point hadn't really supported their cause. We raised some money, brought some people in and turned it around. Fortunately, that didn't proceed.

Interjection.

Mr McMeekin: He was a good mayor, that mayor.

Mr Leal: Can you tell everybody who the mayor was?
1640

Mr McMeekin: No, I'll spare the House that. The mayor worked hard, but more importantly, the community worked hard. There were families ripped apart through this whole process. Anyhow, it was a heroic battle. They fought for a long time and they eventually made it happen.

The point I want to make, given the retroactive look at history, is that leaving vital matters, like this matter was, to the discretion of a small group of powerful politicians, potentially in league with corporate interests, makes the rule of law little more than a joke. I think we've seen many of these particular qualities with respect to this decision.

So I'm in my place today remembering that unique piece of local history and the courageous efforts of my folk who want to stand in solidarity with the good people from Timiskaming and Cochrane and the wonderful Minister of the Environment. While I was in opposition, she called for a select committee, and since we've been elected government, she's called for the same. She has, to her everlasting credit, moved to create a body of people who will come together, stakeholders with a vested interest in doing the right thing, stakeholders who understand that to be a true environmentalist you have to plant trees the shade of which you may never sit under.

I rise in support of this legislation. It's appropriate; it's visionary; it's certainly timely. It's going to save a lot of wear and tear and grief on residents and, most important, or almost as important as the environmentally positive things that will accrue from it, it's going to go a long way to restoring the faith and confidence and hope and trust that the people of Ontario need to have in their government. Thank you, Madam Minister.

The Acting Speaker (Mr Ted Arnott): I would remind the members that you have to indicate that you're sharing your time with another member. I ask the member to rise again and indicate who he's sharing his time with.

Mr McMeekin: The minister had mentioned it in her opening remarks. I thought she had covered that. The member from Northumberland.

Mr Lou Rinaldi (Northumberland): It's a real pleasure to stand here today and support our minister introducing Bill 49. I think it's not only the right thing to do, but it's long overdue. When I stop and reflect on Bill 49 and its intent, I cannot help but reflect—even though it's way before my time—that we're suffering the consequences today on what our predecessors did some 75, 50, 100 years ago. They found it convenient to dump waste in wetlands, on water, just to reclaim it. We're suffering those consequences today. We're wondering what those people were thinking about. I'm sure it was the best thing to do at that time, but we recognize today

that we're paying for it. We're suffering those consequences today.

This is really a big initiative for this government and for the minister to take to look forward, because the intent of the Adams mine was to revert to what we were doing 50 or 75 years ago. It just doesn't make sense. To me, that's not progress.

I cannot help, as I speak today, to reflect on my riding of Northumberland and what some of our objectives were some 10, 12 years ago. We started a waste recycling facility. My predecessors, prior to me being on council in Northumberland county, had the foresight to see and understand the difficulties we had dealing with waste. In the village of Grafton, centrally located, there's a material recovery facility that employs some 50 people and handles roughly 1,200 tonnes of waste per month. This is waste that's not going to a landfill site. We need to do more and more of that.

On a global scale, when we recycle or get into the scenario of not burying the waste underground, we find better uses through emphasizing the 3Rs. On the recycling portion of it, I'd like to make this House aware of the importance, as I said before, of not burying that waste in the ground—out of sight, out of mind, and we suffer the consequences years down the road when the leachate contaminates our streams, our water and our environment.

I'd like to give you an example. Every tonne of steel cans that is recycled saves 1.36 tonnes of iron ore that we don't have to dig from the ground. Also, to produce steel from that iron ore, for that one tonne, we're saving 3.6 barrels of oil. Those are natural resources that we could use for other functions.

In the riding of Northumberland, in 2002 the waste recycling facility saved 832 tonnes of waste from going into the landfill site. Using the formula that I just indicated, we also saved on not using 2,203 barrels of crude oil. Part of the equation that we keep on saying is that every time we see a piece of paper in front of us, we're destroying some more trees, which are part of our environment. Out of that plant alone, which serves some 80,000 residents in the riding of Northumberland, in one year they saved over 50,000 trees from recycling paper.

We need to move forward. We need the bill that had second reading today. It's certainly the right direction to go, not only for the environment of those folks who are surrounded by the Adams mine, but it also sends a strong message that we're committed to what their government stands for.

I'll refer once again to the recycling facility in my riding.

"In 2002.... By selling its plastics to China,"—and this is recycled, reclaimed plastic—"aluminum to the United States and paper to Quebec plus more" of the recycling, the county of Northumberland was able to have 32,000 tonnes of this material, which brought in over \$1 million in revenue. This money would have just been buried in the ground.

I cannot emphasize enough the importance of not burying the waste in the ground, not in such a way where

Adams mine—from all of the reports that were done—was totally unprotected. It's certainly an area—not visited; just reading from the reports—that collected natural water. We had a natural lake made after the excavation from the mine. That's part of the natural resource, and to just fill that and bury it—I hate to think what our children and our grandchildren will think of us today, the legacy we will leave them.

I'm proud to say that in my riding, back at its inception, once again we were the leaders in recycling. We saw that back in the mid-1980s landfill sites were starting to get scarce. In the county of Northumberland, they spent \$2 million to investigate the potential of a new landfill site to deal with our waste. After spending \$2 million, they still didn't have a result, and that's when the concept of spending those resources on recycling came to fruition.

1650

In my riding, even though it doesn't sound like a very long period, under the present recycling conditions we have somewhere between 15 and 20 years in the life of our landfills. Yet in the mid-1980s, prior to the recycling project taking shape, we were talking a very few single-digit years. So there are ways out there that we need to investigate. We're in the 21st century and we need to move on to that.

Back in 2000, Northumberland was the number one community, serving some 80,000 people, that recycled about 31% of their total waste generated. We were the leaders. Another community that's part of my riding, the city of Quinte West, for which I share responsibility with the member for Prince Edward-Hastings, was third in Ontario recycling, with 26%. I'm also proud to say—and I guess it's a little bit of bragging—that I was part of that process. I'm really proud to say that in the riding of Northumberland, in Northumberland county, we produce the lowest amount of waste per household. I believe the education portion that we instilled in our residents is coming to fruition. So we need to educate about the importance of not burying waste in the ground. As I said before, once we bury waste, we really don't know what happens. Now we have the opportunity to do something about it.

Bill 49, I believe, as I said before, is definitely the right direction to go. It certainly wasn't the direction of some of the past governments that seemed to play political football with waste. One of the fears that we have is that we're going to be inheriting some of the waste from some other municipalities within the province of Ontario in the smaller rural areas where they still have some capacity for their own use. We need to come to a solution. Obviously, now that we know the Adams mine is not going to be an option, hopefully when this bill is passed, we need to move on and help our neighbours in the city of Toronto come up with a solution.

Just some of the history about waste and why the mine seems to be an easy solution: "Truck it up north. Put it in the ground. There's not a lot of population. Nobody will see it and we solve the problems." That was the previous government's way of dealing with waste. I'm just so

delighted that our minister has taken this bold step. It's very decisive and it moves forward by having some consultation on how we deal with waste in the future. I know at the end of the day—we have so many experts who are in the field and we have so many dedicated Ontarians who are prepared to help achieve our cause—we'll have absolutely no problem achieving this government's goal, the 60% reduction in landfill, and to recycle.

It's not very often that we get to applaud another party, but I certainly want to take the opportunity to applaud the members of the NDP for supporting this motion. I believe it's the right thing to do, and it's certainly the right direction. I'm very delighted that they're seeing the things we need to do.

I'm going to take the opportunity to let the member for Perth-Middlesex speak on this issue because I know how strongly he feels from discussions I had with him just prior to now. I know he has a lot to add to this. I encourage all sides of this House to support this bill right through. We need to move on. At this time, I would like to share my time with the member for Perth-Middlesex.

Mr John Wilkinson (Perth-Middlesex): I'm delighted to speak to the bill. I want to commend the members, particularly the two ministers, who spoke. It was many years ago that the Minister of the Environment and I went to the same high school, and I can tell you that she was a leader at that time.

I think, as the member from Ancaster-Dundas-Flamborough-Aldershot said, you have to take tough decisions in this job. I can tell you, as someone who's known the minister for so many years, that she is more than capable of making those decisions. I know how happy the Minister of Natural Resources is, how proud he is, to stand in this House and actually do something so positive for his community, so forward-thinking.

The reason I want to speak to this bill is a question of the common heritage I have with the Minister of the Environment. Of course in her riding there is the community of Marmora. Marmora is the hometown of my wife, Loretta. Her father, Stafford, who passed away last year, actually worked as a security guard at the Marmora-ton mine when it was open. It closed in 1978.

It was one of the largest iron ore deposits in southern Ontario. It was discovered by the geological survey just after the Second World War. It was owned by Bethlehem Steel. It is one of the largest holes I have ever seen. It's huge.

The iron in that facility was an open pit. The iron ore would be mined and then put onto container cars. It would go through my hometown of Trenton on its way out to Lake Ontario. Then it would take a laker to Bethlehem Steel in Pennsylvania. That mine closed in 1978.

Up until then, that mine was being pumped out. This is the point I want to make. Once they stopped pumping out the groundwater that was filling into that huge hole, it really became a lake. It reminds me of something that Robert F. Kennedy Jr said. Robert F. Kennedy Jr is an environmental activist of some renown on this continent. What he was saying at the time was quite simple: that an

open-pit mine that is not having groundwater pumped out becomes a lake. That's what it is. It's really a lake that's being pumped. If you have a hole that big in our natural environment, it's going to fill up. That's what's happening in Marmora. As a matter of fact, it's a tourist attraction. You can actually go out to the old mine site that was closed in 1978 and see this burgeoning lake as this huge hole fills up with water.

Could you imagine someone coming to us and saying, "What I want to do is take garbage and put it on a boat, take it out to the middle of a lake and dump it"? We wouldn't do that. We wouldn't allow people to do that. That is exactly what would happen at Adams mine unless the water were pumped out or, as the Minister of Natural Resources said, "If you actually used that pristine water under their proposal and constantly pumped out that water and treated the leachate that everyone agrees would come off 100 million tonnes of garbage."

I take my inspiration from Robert F. Kennedy Jr. I was reviewing a speech that he gave a few years ago in our province. He is a renowned leader about how we need to be active for the environment. What inspires him is this concept that we are just stewards of the land. I remember he was saying, "Environmental injury is deficit spending; it's passing the cost of our generation's prosperity and loading it onto the backs of our children." It's the same as deficit spending from a fiscal point of view. It's the same as deficit spending when you're not spending money on your infrastructure. It's also deficit spending to provide environmental injury to our natural resources.

He goes on further and makes what I think is a wonderful point: "There is a direct connection between democracy and the environment." In this House and in this bill, the will of the people is determining the fate of the Adams mine and all these other lakes. The will of the people is deciding whether or not we want that type of landfill to happen in this province. We're saying no. So it's the will of the people that's going to prevent that. It won't be the forces of the market that are going to prevent that. Oh, there's plenty of money to be made in these proposals, but it's the will of the people. So what Robert F. Kennedy said was, "There is a direct connection between democracy and the environment. The environment cannot be protected under a system that does not have democracy because the fishes and the birds and the environment can't vote, and they don't participate in the political process and neither do our children. The only way to give them a voice in the political process is by creating democratic mechanisms that allow people on the community level to speak up for them." I can tell you that our party, and I believe the New Democratic Party, heard loudly and clearly from the people what they wanted to have done in this matter.

1700

Mr Leal: They're with us in this matter.

Mr Wilkinson: They are.

"Where those mechanisms don't exist, you see huge environmental degradation. There is a direct correlation around the planet between the level of environmental

injury in specific countries and the level of tyranny." He goes on further to explain that when you look at the situation in the Republic of China and in the former Soviet Union, the environmental damage that's been done is going to be there for generations and generations because of the lack of a democratic process to rein in that tyranny. He goes on further to say, "One of the things that I've done over the past six years is to constantly go around and confront this argument: that an investment in our environment is a diminishment of our nation's health.

"It doesn't diminish our wealth. It's an investment in infrastructure, the same as investing in telecommunications, or road construction. It's an investment that you have to make if you want to ensure the economic vitality of our generation and the next." That's why I'm so proud to get up with my colleagues today, join in the debate and urge all of us in this House to vote for our children's future, to vote for what is best to protect our environment from tyranny, exercise our democratic right and vote for this bill.

The Acting Speaker: Questions and comments?

Mr Garfield Dunlop (Simcoe North): I'm pleased to rise today to make a few comments on the leadoff on second reading of Bill 49, the Adams Mine Lake Act. I was listening to the member for Perth-Middlesex, who said that we as a society wouldn't take our garbage out into the middle of the ocean and dump it in. We just wouldn't do that. The minister and the people at the Ministry of the Environment obviously feel that with the water that filters through the ground into the Adams mine, that that in fact is now a lake.

What really puzzles me about the act, along with all the things like the legal problems that I think exist with the act itself, is if you wouldn't dump your garbage out in the ocean and you certainly don't want to put it in the Adams mine lake, why would you put it in any parcel of land less than a hectare? Why would you do that? Why would you create a landfill anywhere at all where there is water? I simply cannot imagine why that part is in the act. You just don't mix water and garbage. I'll be really interested to hear what the explanation is. Why on God's green earth would you possibly do that? If you're interested in removing a mine from a landfill, why wouldn't you do anything? Why would anything exist where water mixes?

Hon Mrs Dombrowsky: Why did you do it?

Mr Dunlop: Don't blame the previous government. Give an explanation of why you would create a garbage dump, a landfill, out of any piece of land that includes water in it.

Mr Howard Hampton (Kenora-Rainy River): I've been listening to a number of the government members speak on this bill. Let me say first of all I'm glad that we finally see this legislation. As you will know, Speaker, there was some toing and froing in the Liberal caucus as to whether this was going to proceed and at what juncture it was going to proceed. I'm happy to see that this legislation has been introduced. But I'll be even more happy to see what I believe must be intimately attached

to this legislation. In the GTA section of today's Toronto Star the headline is, "Don't Dump On Us, Halton Pleads." Halton does not want Toronto's garbage, and in the continuing part of the story: "Nobody Wants Toronto's Trash."

The real challenge will be to see where this government goes from here. Will it pursue legislation with respect to reduction in a very serious way? Will it pursue legislation which mandates reuse in a very serious way? Will it pursue legislation which mandates recycling in a very serious way?

There's a part of this that hasn't been mentioned yet, and that part is that, ironically, there's a lot of money involved with garbage. The folks who wanted to promote the Adams mine site saw themselves making an awful lot of money. In the United States we know that, in fact, organized crime gets seriously involved in dealing with waste and garbage because a lot of money can be made there. So I'm interested to see how this government will deal with that aspect of it as well because some people do see this as a money-making opportunity. Thank you.

Ms Laurel C. Broten (Etobicoke-Lakeshore): I'm pleased to have a chance to speak to the Adams Mine Lake Act, 2004 which, if passed, would ensure that the Adams mine would never be used as a landfill. Bill 49 is also an important part of our government's plan to create clean, liveable communities across Ontario by making some tough, forward-looking and responsible decisions about what we do with waste in this province. In communities like Etobicoke-Lakeshore, which is part of our Toronto community, we must include a waste diversion strategy, and this legislation is part of a package with this overall vision that aims to divert 60% of Ontario's waste from disposal by 2008.

The government strategy also includes a commitment to release a discussion paper to examine such things as setting province-wide diversion objectives; looking at what could be achieved by supporting and improving municipal blue box programs and increased composting; accelerating and expanding centralized composting in Ontario's largest municipalities; and developing a financing strategy for centralized composting, including cost recovery mechanisms and municipal revenue generation.

My own community, that of Etobicoke-Lakeshore, is a leader, in the fact that we divert a lot of waste. Each week we put out our blue box, we put out our grey box and we put out our green garbage can and what is left, which we hope to reduce constantly, goes to landfill. All the rest of that waste is diverted. It takes time to educate and inform each of our own communities to participate in this, but a government that demonstrates leadership will be able to do it.

As this is Earth Week in Etobicoke-Lakeshore, my colleague Donna Cansfield and I are also having a community challenge to clean up our communities. We'll be doing that this Sunday. In Etobicoke-Lakeshore and Etobicoke Centre, we support waste diversion and we support this legislation.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I'm really pleased to join the other members with respect

to dealing with the Adams Mine Lake Act, 2004. I want to comment on it from a different perspective. The other members have been talking about recycling and garbage, and I'd just like to deal with it from a point of legal protocol in terms of the rule of law.

I think Murray Campbell wrote in the Globe and Mail quite pointedly with respect to the rule of law being basically overridden by the Attorney General, and this act in particular. What's offensive about it is not only that it's retroactive in the sense that it makes sure that any cause of action against the crown is extinguished—and it is very rare that you'll see retroactive legislation brought in place to deal with the rights of taxpayers in this province. Essentially what's happened here is retroactivity; people who did have rights with respect to this particular matter have had them extinguished, and quite forcefully, I would say. No legal proceedings can be commenced, and anything that's out there is restricted to expenses.

That's unprecedented. I think it may have been done one other time—that was mentioned in the article—in this province. I think the NDP was the government at that time, which dealt with retroactive legislation in terms of extinguishing rights. I think it's a dangerous precedent in terms of the rule of law. In this province, it is a seldom used tool, but the balancing of taxpayers' rights, the rule of law and what people can expect from their government is certainly taken away by this particular piece of legislation. I think the precedent that is set here in terms of basically disregarding the rule of law in the way they've gone about it is something that we should be noting as legislators.

1710

The Acting Speaker: The government has two minutes to reply. I recognize the Minister of the Environment.

Hon Mrs Dombrowsky: I'm very happy that we've had some very healthy debate on what I believe is a very important piece of legislation. We've heard from the Minister of Natural Resources, the member representing the area where the proposed landfill is located, the members for Ancaster-Dundas-Flamborough-Aldershot, Northumberland, and Perth-Middlesex, and the responses, of course, from the members for Simcoe North, Kenora-Rainy River, Etobicoke-Lakeshore and Barrie-Simcoe-Bradford.

In just the brief time I have there are a couple of points I'd like to pick up on that were made during the comment time. We heard the member for Barrie-Simcoe-Bradford speak about the rule of law. I would suggest that this government is not prepared to ignore the rule of nature that we believe takes some precedent in this particular situation. The member for Barrie-Simcoe-Bradford talked about a dangerous precedent. I would suggest to the honourable member that one of the most dangerous precedents that has been set during the tenure of the previous government with respect to the environment of Ontario was Walkerton. That is a precedent that this government will not turn away from. We will take

example from that, we will learn from that and we will do all that we can to ensure that our local environment is protected for the good of the people in the community and for the good of the people of the province of Ontario.

I'm very happy that my colleagues were able to reference such reputable names as Robert F Kennedy and David Suzuki, who, in reference to this particular proposal called it political terrorism. So this government is taking the responsible action, action that will fully compensate the proponent for his out-of-pocket expenses. I encourage all members of this House to support it wholeheartedly.

The Acting Speaker: Further debate?

Mr Toby Barrett (Haldimand-Norfolk-Brant):

Thank you for the opportunity to speak to this particular piece of legislation, curiously titled Adams Mine Lake Act, and better known on this side of the House as the "no landfill in federal ridings act." I'll speak more on that later. I say "curiously titled" because before last week, no one realized there was a lake at Adams mine. They were under the impression that it was an open pit mine, an iron ore mine developed by the Dofasco corporation. But of course, we're all learning under a Liberal government that words and promises take on different meanings and they take on different definitions. For example, ask a Liberal in Ontario what a tax is.

As I hope to explain, the Adams Mine Lake Act is more than simply another example of the dictionary according to Dalton. It also represents, in my view, a draconian attempt to take away rights of Ontarians—we heard mention of that quite recently—robbing citizens of this province of their fundamental right of action in sections 4 and 5 of this legislation.

Further, the proposed legislation epitomizes the not-in-my-backyard principle, the NIMBY attitude that this government has displayed since it first arrived at Queen's Park. It does raise questions about the future. It raises questions about the future of Toronto and area waste disposal, questions that Premier McGuinty and Environment Minister Dombrowsky have underlined recently as they look for suitable sites or, as a number of people worry, opposition ridings and sites to serve as a dumping ground for Toronto's trash.

Time permitting, I also wish to discuss what's going on in Michigan. In the first government hour, I really heard no analysis of the impact and what's going on in the state of Michigan and what the people in Michigan think about this, through their elected representatives and the environmental organizations that are representing the people in the state of Michigan.

I also wish to make reference to other issues, like recycling, composting, and landfilling itself. I didn't hear a lot on recycling across the way.

Before I begin to expand on some of these themes, however, I will first attempt to trace the steps that have led us to today's debate, beginning with the first Adams mine landfill proposal. That was 15 years ago. It was in 1989 that the Adams mine site, located six miles southeast of the town of Kirkland Lake, was first proposed as a

possible landfill for Toronto's solid waste. That's back when the Liberals were in power.

Two years later, Bill 143, the Waste Management Act, 1991, was introduced by the then NDP government. The long title gives a little insight into how a discussion of or a look at that 1991 legislation has relevance today, the title being An Act respecting Management of Waste in the Greater Toronto Area and to amend the Environmental Protection Act.

In 1992, the standing committee on social development engaged in debate over this issue. I would like to touch on some of the arguments that were made during those committee hearings in the context of what I consider the power-grabbing legislation we're considering here today.

One of the presenters at the witness table was Bob Gray, past president of the Federation of Northern Ontario Municipalities. He testified on February 17, 1992, and Mr Gray addressed the committee as a proponent of the Adams mine recycling project, as it was known, and the related idea of Rail Cycle North. Mr Gray concentrated mainly on the economic potential of this proposal for northern communities, and I'll make reference to several pieces of his testimony.

"The Adams mine recycling project was the first opportunity to bring product north for secondary and tertiary industrial development and economic stimulation so that we could break out of this primary industrial and primary economic phase we are in which produces nothing but a boom-and-bust economy and raw-products-extraction industries." In many ways, that is a stereotype of much of what we continue to see in northern Ontario.

I continue to quote Mr Gray: "It would have had some significant impact on the transportation infrastructure, on the economic infrastructure and on the research and development potential that I think so richly reposes in the north."

Mr Gray continued, "All the elements for this agreement were in place. We had an agreement between the GTA and willing hosts. We had the support of by far the vast majority of northern Ontario. We had an agreement between the ONTC," the Ontario Northland railroad, "and CN in place. We also had an agreement that would have had a salutary effect on all the communities of the north, in that North Bay," for example, "... is presently," and again, we're going back 20 years, "having a terrible problem trying to find a landfill site—they found one; they cannot get it approved." So North Bay would have been able to access Rail Cycle North, and others would have been able to access the services of this proposal as well, according to Bob Gray.

Of course, at the time, the NDP government had already kicked off the omnipotent attitude toward this issue that we're seeing today with the present Liberals. In fact, during his submission, Mr Gray told of his frustration: "There has been no response to our charges of denial of due process ... by circumventing the Environmental Assessment Act in this case and by refusing to allow an EA review of the Adams mine project."

During these same hearings, a Liberal MPP, David Ramsay, had his response to Mr Gray's presentation. Again, with all due respect, he is taking the NIMBY approach on this issue, certainly in recent years. But his comments in 1992 seemed, in a sense, to find Mr Ramsay agreeing in principle with the former northern federation president Mr Gray. I'll quote MPP Ramsay from Hansard: "It seems to me this government is not looking at waste in the modern context you have put out before us today—as a resource.

"In the north we have to keep bringing the point home that this is a resource and as northerners it is now our turn to have a shot at developing it for the economic betterment of all of us in northern Ontario."

1720

Ms Marilyn Churley (Toronto-Danforth): I do remember that.

Mr Barrett: You may have been sitting at the table. Times have changed, Ms Churley.

Today, the same Liberal Party of MPP Ramsay is trying to ram through an act that will take away that very "shot at development" that Mr Ramsay spoke so eloquently in support of.

A more recent measure of the Adams mine rail haul is described in a Northern Ontario Business article published quite recently, April 19 of this year. As I recall, it's quoting Mr Gordon McGuinty. He goes on to say that this project would be a huge economic boon to north-eastern Ontario. It would create 88 full-time jobs, provide 55 rail transportation jobs. The projected contract value, at minimum, over 20 years is \$1.1 billion, with landfill revenues coming in at \$575 million. Further, it goes on to say that rail revenues to the north would be \$160 million.

Very recently, Mr Gordon McGuinty put out a call for interest for heavy equipment rentals, general mechanical, mining, electrical, road building contractors, civil mining engineering services and aggregate crushing—all the things that would be needed to go forward.

The Keele Valley landfill is closed. Toronto now ships 1.1 million tonnes of trash to a subdivision in Detroit—actually to more than one landfill, as I understand. The majority of that garbage from Toronto ends up at Carleton Farms in Sumpter township. About 135 trucks a day carry 3,500 tonnes of trash from Toronto to Sumpter each day.

Again, in contrast to the efficiencies and fuel savings of rail haul, truck transportation, as we all know, does have some drawbacks—I think I'm putting that mildly—in comparison to rail haul. I would just like to present some information from communities that see this daily truck traffic fly by their doors from Toronto to the state of Michigan.

In the year 2000, Sarnia Mayor Mike Bradley said, "These garbage trucks bring absolutely no value to this community. The main issue is that Toronto should deal with its own waste." We've certainly heard that this afternoon. "There are already too many trucks on the road and if this garbage has to be transported, it should be done by rail."

London's Mayor Anne Marie De Cicco, "We frankly feel that if you have another 200 or 300 trucks (a day) without widening the lanes on the highway, it's going to have an impact and"—obviously—"an impact on traffic safety."

The London mayor is chairperson of the Southwestern Ontario Trash Coalition. This coalition has been pushing for Toronto to solve its garbage problem rather than shipping it to Michigan landfills. It's a coalition that includes Sarnia, Windsor, the county of Essex, Kitchener and Cambridge.

The mayor of London is quoted as calling the trash problem a "crisis that threatens to clog highways, create environmental risks and create more backlogs at the border."

Mayor Bradley of Sarnia even predicted that there will be Michigan legislation aimed at limiting what can be trucked across the border. This is concerning for me. Last year he stated, "They will craft legislation that will limit what can be taken across the border." He wasn't really too excited about the potential that move would have for the future of Toronto trash disposal. He felt that even a partial ban would trigger a chain of events that would see Toronto trash heading to area landfills. I know there's media today on the concerns in Halton region. He is reported as saying that filling area municipally owned landfills with Toronto trash is "a direct robbery of tax dollars" in those affected communities.

Ontario's mayors are not the only ones concerned. We'll take a look south of the border at a number of examples where elected officials oppose Ontario's trash convoy. The most recent example which can be found is Governor Jennifer Granholm, the Governor of Michigan, signing a package of legislation designed to curb the flow of trash into Michigan, just as Mayor Bradley had predicted. At the time, Governor Granholm told reporters and students, "Michigan's motto is, 'If you seek a pleasant peninsula, look about you.' It's not, 'If you seek a landfill, we have many available.'"

A year earlier, elected officials and area residents announced a petition drive aimed at stopping the importation of Toronto trash in Michigan. US Senator Debbie Stabenow said that they were sending a clear message with the petitions: "That Canada needs to take care of its own waste."

Even Democratic leader and presidential candidate John Kerry got in on the act, recently stating, "I don't like it... We shouldn't import trash from other countries. I plan to review this issue in the first 120 days of my presidency." We're making some assumptions there in reading this quote, but I put forward to our minister: 120 days, possibly a future President of the United States. He's not going to give us 15 years. George Bush would likely suggest that Mr Kerry might be putting the cart before the horse. But I think it's pretty clear when we look at these comments—and there is some support and some confidence that Mr Kerry will be the next President of the United States. But as a whole, people in the United States, in Michigan, the mayors of the Southwestern

Ontario Trash Coalition, these elected representatives, really are not keen on continuing the truck trash border arrangement we currently have for Toronto's waste.

It again begs the question, if not to Michigan, then where? I think this was raised this afternoon by the leader of the NDP. The act we're debating today makes it clear that the trash is not going to Adams mine unless there is some kind of an unforeseen successful legal challenge. Obviously, it would never go back to the Minister of the Environment's backyard. It does leave us with that question, where is it going to go?

We all know that Toronto city councillors voted in favour of sending its garbage by train to an abandoned mine site in Kirkland Lake. At the time, when they voted in favour, the concept was considered to be safe and creative. However, the idea sparked a great deal of debate and, as we all know, eventually the deal fell through. The result: Toronto trucks its trash to Michigan. This was a decision made by a city that has something in the order of a 25% rate of recycling.

1730

One aspect of this problem that I identify is, in a sense, fence-sitting, in my view. The Ontario Legislative Assembly should be considering a different approach. We should consider the advantages of rail haul for non-hazardous waste and non-recyclable solid waste. We should be considering and debating rail haul to distant, environmentally sound landfills, given the NIMBY factor, a principle that is being encouraged by the present government of Ontario. Urban landfills located close to homes and businesses are certainly a documented source of nuisance odours. They impact on the quality of life of nearby neighbours. Long-distance rail haul disposal of appropriate waste will go a long way to alleviating these kinds of problems.

I'd like to make reference to the Northeastern Ontario Municipalities Action Group. In November 2002, this organization passed a resolution that recognized the ongoing need to ensure that rail infrastructure in the north remains viable. Some excerpts from the resolution: "The rail haul of solid waste represents an environment and economic opportunity that will result in strengthening the rail infrastructure." We go on: "The rail haul of solid waste has the support of the corporation of the town of Kirkland Lake, and will provide significant economic and environmental benefits to that community, Timiskaming and northeastern Ontario, including educational opportunities, green power generation," and again, as Bob Gray explained a number of years ago before that standing committee, opportunities for research and development with respect to waste disposal, landfilling and recycling.

This is not to say that environmental concerns should be ploughed under in favour of the almighty buck. Instead, what was called for, and what the Mike Harris government implemented after 1995, was a regulated process examining resource potential, with environmental protection as an overriding goal, taking into consideration safety aspects, health aspects and environ-

mental and economic aspects. In fact, this is the protocol that the present government and the present minister follow as well.

I do point out that in 1996, Notre Development went back to the government with an environmental assessment, seeking approval to develop one of the three Adams mine pits as a landfill. I remind the House that under this proposal, the landfill would operate as a hydraulic trap whereby groundwater would flow into the landfill. After an extensive government review, the Minister of the Environment referred the hydraulic containment design part of the application to the Environmental Assessment Board for approval in December 1997, and directed that a decision be made by May 1998.

Time permitting, I would like to run through a bit of the history of this process. The board conditionally approved the hydraulic containment design in June 1998 and, as a condition of the EA approval, the board ordered additional borehole tests to confirm the suitability of the hydraulic containment design. The board required that the director conclude without reservation that hydraulic containment will be sustained in the south pit of the proposed landfill such that the environment will be protected. A certificate of approval was issued under the EPA in April 1999. The proponent's groundwater tests, accepted by the ministry's technical staff, confirmed the value of the hydraulic containment design.

As can be predicted, the anticipated project ran into another brick wall in October 2000 when, again, as we will recall, after months of raucous debate, Toronto councillors chose to truck all the municipal waste—that's about 1.46 million tonnes per year, maximum—across the border to Michigan.

Fast-forward a few years and we see the Liberals continuing their confusing changes and flip-flopping attempts at giving in to NIMBYs—on many occasions the NIMBY movement does have valid claims—but giving in to a group while attempting to maintain the guise of government by the people in representing all people. It's bizarre. It's a sequence of events that we can trace. The Liberals went from an election promise of closing the door on Adams mine to opening it again and then slamming it shut when the promise breaker call that this Liberal government now answers to forced the Liberal government's hand to take unprecedented action—we heard this earlier today—that has stripped the rights of citizens in Ontario, not only legal rights but property rights.

Hon David Caplan (Minister of Public Infrastructure Renewal): There are no property rights.

Mr Barrett: I hear a good point from across the way. We in the province of Ontario do not have property rights. That was taken away by the Charter of Rights and Freedoms.

Hon Mr Caplan: It never existed before.

Mr Barrett: It did exist before. I recall a private member's bill of eight years ago to attempt to restore property rights to the province of Ontario. I voted for it because I introduced the legislation.

After spending the previous month telling anyone who would listen that they would halt all development at Adams mine pending a full review of the project, the new Liberal government, once in power, turned around and issued a draft permit to drain Adams mine. That was just about 30 days after taking office. The permit set the stage for Adams Mine Rail Haul to begin pumping 25 million litres of groundwater out of the pit, the iron ore mine, every day for up to two years. When this draft proposal was posted for public comment on the Environmental Bill of Rights registry, more than 23,000 written submissions were received. This was for the draft permit to take water.

I would note that in the middle of February, the ministry was estimating that it would take months and months to review 23,000 written submissions—several months—and yet in a matter of two months, the minister was able to draw up and introduce legislation that made the recommendations and comments of 23,000 people moot.

How is it, Minister, that you could wade through 23,000 submissions, review their commentary and also do the legal legwork and research in drawing up the rights-removing act we're debating today? I suspect not all submissions were taken into consideration. I think that much of this decision had already been made. Again, I leave that for people to jump to their own conclusions—introducing draconian legislation and essentially, in my view, rendering the EBR process as nothing more than a public relations exercise.

At the same time the minister announced the Adams Mine Lake Act, she also announced her commitment to release a discussion paper this spring to consult on options for the 60% waste diversion target, including greater recycling—to date we've heard very little discussion on recycling from government members—developing new markets for recycled materials—very important—increasing organic diversion; composting; examining the expansion of central composting facilities—I doubt the minister is thinking of Adams mine for a central composting facility—and the role of new technologies. This is all to the good.

Again, what is the point of a discussion paper if the government is going to simply go ahead and prove that they're not that concerned about what people are submitting to them by ramming through the kind of legislation we're talking about today? In my view, it flies in the face of the much ballyhooed commitment to democratic renewal, ignoring the public and, as we now know, taking away their rights to legal action. But again, we're learning. It's a new approach in this particular government.

1740

I've given you a bit of history, time permitting. I hope this would serve as a bit of background for some of the themes that I wish to touch on in my opposition to this proposed legislation. As you've already heard, I feel that this legislation is a direct result of the Liberal government buckling under to NIMBY attitudes, the not in my

backyard attitudes that ensure they can maintain their pristine view of their immediate surroundings, ignoring the well over 100 tractor trailers of Toronto trash barreling down to the state of Michigan every day.

If you take a look at the Environmental Bill of Rights registry, which goes back to 1990, you will not see any Liberal legislation. The NDP and the PCs did the heavy lifting on introducing legislation. I could not name a Liberal environmental bill. I ask the minister to throw a name back, help out here. Maybe Ms Churley can name a Liberal piece of environmental legislation.

Interjection.

Mr Barrett: I didn't hear. I can't think of one that's been—

Interjection: The Adams Mine Lake Act.

Mr Barrett: I can't think of one that's been passed.

Interjection: You're inciting Jim Bradley.

Mr Barrett: We can't remember. Can anybody here name a Jim Bradley environmental bill? Anyone have a title? I see about 15 Liberal members here. I've got about 30 minutes to speak. I'll give you 30 minutes to name one Ontario Liberal piece of environmental legislation, one Liberal bill.

Mr Bill Murdoch (Bruce-Grey-Owen Sound): They've got this new lake one. They're not going to fill the lakes any more.

Mr Barrett: One that's passed.

Let's go back. The Ontario Liberals were in power previous to their present reign. We have half an hour. Get the researchers going and let's get the name of a piece of Liberal environmental legislation. I can't think of a Liberal bill. No one else here can as well.

Interjection: The Kyoto Accord.

Mr Barrett: Provincial Liberals.

Very clearly, Ontario Liberals are new at this game. They're new at the environmental game. They have no legislative track record. The minister has half an hour to present the name of a bill.

There's one concept that maybe those of us who have been involved in the environmental movement for the last 30 years will know. It's the acronym NIMBY, and it goes back to the 1980s.

Mr Murdoch: What does NIMBY stand for? Liberal?

Mr Barrett: What does NIMBY stand for? It stands for not in my backyard. A NIMBY, and I use that term respectfully, is a person who seeks to keep some dangerous or unpleasant feature out of his or her neighbourhood. As we know with so many issues, whether it's alcohol and drug issues, landfill, heavy industry or airports, NIMBY problems are ubiquitous, certainly with respect to locating landfills.

There is another term. I don't know whether the government members opposite are aware of some of these terms. The term is NIMTOO. I could throw out the question: What does NIMTOO stand for?

Interjection.

Mr Barrett: No, that's the wrong answer. Again, none of the Liberals know what NIMTOO stands for. It's an acronym well known in the environmental movement.

I feel NIMTOO could actually, now that I think of it, apply to Minister Ramsay and to Minister Dombrowsky. NIMTOO is an acronym for “not in my term of office.” As you can see, a NIMTOO, with all due respect, is a political NIMBY: very skilled in diverting the attention from the real NIMBYers, who are themselves. They use their political clout. A NIMTOO, for example, would use their political clout as a cabinet minister—we could say their “we say so” power—to make sure that landfill goes some place other than their own or their constituents’ backyards.

These expressions are catchy phrases that really exemplify the politics of self-interest so prevalent within the various environmental issues, certainly the issues that we are aware of in North America and throughout Europe.

Of course, everybody wants a solution but nobody wants it in their backyard. We’re seeing developing support for wind-generated green power; at the same time, we’re seeing objections to wind turbines. Almost anywhere is somebody’s backyard.

There is one other expression I’ll throw out. You’ll have to excuse me; I used to teach environmental science, so I get a kick out of trying to pass on a bit of information. I’ll leave one last label with you and then I’ll leave this alone: the expression LULUs. What’s a LULU? LULU is a term used for locally unwanted land uses which applies not only to dumps but to other issues—airports, for example.

Hon Mr Caplan: You don’t have any of those in Owen Sound.

Mr Murdoch: No LULUs.

Mr Barrett: What don’t you want in Owen Sound? What don’t you want?

Mr Murdoch: Nobody wants the garbage.

Interjections.

Mr Barrett: Mr Speaker, if I could interrupt for a minute, I’d—

The Acting Speaker: I’d like to ask all members of the House to allow the member for Haldimand-Norfolk-Brant to relate his comments to the House.

Mr Barrett: Thank you, Speaker. I appreciate the opportunity to sit down for a minute. I don’t know why, in my right mind, I agreed to speak for an hour on this issue.

We have some cabinet ministers here today. If we take a look at our newly learned acronyms, we have cabinet ministers who have earned their political NIMBY stripes, if you will, or should I say their NIMTOO stripes.

Early on in this session, our minister here rushed to ensure that the environment ministry’s appeal of a court decision ordering broader terms of reference in the environmental assessment stage of the Richmond landfill expansion was revoked. This was revoked soon after she took office. In fact, I think this was revoked the day our minister took office.

This Adams Mine Lake Act further entrenches our minister in the political NIMBY club, along with the previously mentioned Minister of Natural Resources.

When he realized which side of the fence he was on, the story has it, I’m told—or I understand—he threatened to resign.

Mr Murdoch: I don’t think he knows what side of the fence he’s on.

Mr Barrett: Well, I think we know now. I guess you can pass a law and it makes your position a little more clear. I understand he threatened to resign if this mine proposal went ahead.

There is little doubt that while this government is in power, Liberal backyards will be landfill-protected. The question remains: In whose backyard will Liberals choose to dump trash? Premier McGuinty has made it very clear that we need more landfills. He has taken on that responsibility. He has put that mantle on his broad shoulders. What Premier McGuinty—

Mr Murdoch: Peterborough; send our garbage there.

Interjections.

Mr Barrett: I hear references to my riding, and I can also give you some research on the inadvisability of that. When push comes to shove, we’re all NIMBYs. Anywhere you go in Ontario, you’re going to face local opposition to the location of waste disposal facilities. In many cases—

Interjection.

Hon Mr Caplan: What’s your answer?

Mr Barrett: Two words: Adams mine. If Hansard didn’t catch the question, Adams mine and rail haul are something worth looking at. Of the people who will oppose this government’s move in creating new landfills, many will have valid concerns. However, waste does not just disappear; it doesn’t just go off to another country. It must go somewhere, and I will state that not all of it will be recycled.

1750

On April 6, 2004, the member from Timiskaming-Cochrane, Mr Ramsay, announced the government’s plans to put forth the Adams Mine Lake Act. I’m coming up to recent history. At that time the member stated, and I quote, “This will mean no other community will have to go through what we went through.” Mr Ramsay went on to say that of course this will stop the Adams mine once and for all.

Again I raise the question, how does this legislation ensure that no other community may be subject to a landfill site? Garbage must go somewhere. There’s a great deal of merit in composting and recycling. There will continue to be objections, and I offer a bit of warning to the government on this one in particular now that this government has adopted the principle of NIMBYism.

The same day that Minister Ramsay made the announcement, Charlie Angus, Public Concern Timiskaming, said that the Adams mine has changed the politics of garbage in Canada. I agree. We’re back to the ongoing raucous debates of the NDP era, those times of the Interim Waste Authority—tough stuff. I’m suggesting to government members, hang on to your seats. You’re in for a rough ride.

One other thing: We don't need to read the Toronto Sun. The Northern Daily News did an interview with Kirkland Lake Mayor Bill Enouy. He stated the well-known fact that the Adams mine never was, never will be, a lake.

Mr McMeekin: Why don't you read the dictionary?

Mr Barrett: Again the dictionary is being rewritten. Again words are being redefined as we speak.

Mayor Enouy also said, "I can't believe Mr Ramsay would come to New Liskeard to make this announcement and not include Kirkland Lake or even give us forewarning." The mayor continued by saying that the government will be compensating the owners of Adams mine, and since the town of Kirkland Lake has also spent a great deal of money, time, as well as effort on the project—and this goes back to 1989—they want and deserve compensation as well. We've opened up a bit of a Pandora's box here, I'm afraid.

Everyone keeps telling us we have to diversify our economies in northern Ontario. Since the late 1980s, the town of Kirkland Lake has made a concentrated effort to be in the environmental solutions field. We all know and understand that siting for waste treatment and disposal plants has become a very controversial issue. Over the concerns lies ensuring the safe and efficient management of these facilities, and in the participation of the community in monitoring the operation. Again, fair and equitable compensation is in order.

So far in our debates today, government members did not address the Michigan issue. What this government is failing to publicize is that the citizens of Michigan, notably a network of what I would refer to as waste activists, believe Toronto garbage should be dealt with in our country and in our province, not in the United States. There is a group that call themselves Don't Trash Michigan. They say that Michigan's trash issues are worsening due to the increased amount of waste it imports not only from other states, but from Ontario.

In a Globe and Mail article titled "Toronto's Trash Raises Political Stink in US," journalist Jeff Gray visited the Carleton Farms landfill I made reference to previously, the landfill in Sumpter township. I have not visited that landfill, but he paints a picture for us: "Almost everyone who lives here immediately asks why Canada—land of open spaces—needs to send so much of its

garbage to a dump in Michigan." The people there say the dump smells. It smells like rotten eggs, and it's especially pungent on hot summer mornings and can waft across the countryside for miles. His article goes on to say that many people worry about water in their wells and say the garbage trucks clog their main road and cover it in mud and dust from the dump. There's an environmental group that distributed lawn signs that cover the country roads that the trucks use to go to the landfill. One large wooden homemade billboard reads, "Don't Trash Michigan."

These are some of the headlines on the front lines of a political battle between the waste industry, and in this case we're dealing with Republic Services Inc—people will know it's a major waste disposal company that runs Carleton Farms—and an array of state and local politicians and environmentalists. Toronto and Canada are caught in the crossfire, and this country's name is being dragged through the mud.

Interjections.

Mr Barrett: Worse yet, Speaker—

The Acting Speaker: Would the member take his seat. Order, please. We have about one minute and then I'll be able to adjourn the House.

I recognize the member from Haldimand-Norfolk-Brant.

Mr Barrett: Worse, if this campaign being waged both in the state capital of Lansing and in Washington is successful, Toronto could be forced to scramble for another place to put its garbage. One example of the tone of the debate is the trash-o-meter they have over there. It reminds me of the spend-o-meter that we used in a previous election. It's a piece of political gimmickry cooked up by the Democrats in the state's House of Representatives. Again, it displays in real time the growing number of tons of out-of-state trash being shipped to Michigan: including Toronto, all told, \$2.3 million. This trash-o-meter is adorned with garbage bags, trash cans and Molson Canadian beer logos, with a sign that reads, "To Michigan, Love, Canada." Thank you.

The Acting Speaker: Thank you very much. It being 6 o'clock, I now adjourn this House until tomorrow at 1:30 pm.

The House adjourned at 1800.

**STANDING COMMITTEES OF THE LEGISLATIVE ASSEMBLY
COMITÉS PERMANENTS DE L'ASSEMBLÉE LÉGISLATIVE**

Estimates / Budgets des dépenses

Chair / Président: Cameron Jackson
Vice-Chair / Vice-Président: Elizabeth Witmer
Wayne Arthurs, Ted Chudleigh, Kim Craiton,
Caroline Di Cocco, Cameron Jackson,
Kuldip Kular, Shelley Martel, Phil McNeely,
John Milloy, Elizabeth Witmer
Clerk / Greffier: Trevor Day

**Finance and economic affairs /
Finances et affaires économiques**

Chair / Président: Pat Hoy
Vice-Chair / Vice-Président: John Wilkinson
Toby Barrett, Mike Colle, Bruce Crozier, Pat Hoy,
Judy Marsales, David Oraziotti, John O'Toole,
Tim Peterson, Michael Prue, John Wilkinson
Clerk / Greffier: Katch Koch

General government / Affaires gouvernementales

Chair / Président: Jean-Marc Lalonde
Vice-Chair / Vice-Président: Vic Dhillon
Marilyn Churley, Vic Dhillon, Jean-Marc Lalonde,
Jeff Leal, Jerry J. Ouellette, Ernie Parsons, Lou Rinaldi,
Maria Van Bommel, Kathleen O. Wynne, John Yakabuski
Clerk / Greffière: Tonia Grannum

Government agencies / Organismes gouvernementaux

Chair / Président: Lorenzo Berardinetti
Vice-Chair / Vice-Président: Deborah Matthews
Lorenzo Berardinetti, Gilles Bisson,
Michael A. Brown, Deborah Matthews,
Ernie Parsons, Shafiq Qaadri, Laurie Scott,
Monique M. Smith, Joseph N. Tascona
Clerk / Greffière: Anne Stokes

Justice and Social Policy / Justice et affaires sociales

Chair / Présidente: Kevin Daniel Flynn
Vice-Chair / Vice-Président: Jim Brownell
Jim Brownell, Kim Craiton, Brad Duguid,
Kevin Daniel Flynn, Michael Gravelle,
Frank Klees, Peter Kormos, Richard Patten,
Jim Wilson, Kathleen O. Wynne
Clerk / Greffière: Susan Sourial

Legislative Assembly / Assemblée législative

Chair / Présidente: Linda Jeffrey
Vice-Chair / Vice-Président: Mario G. Racco
Donna H. Cansfield, Ernie Hardeman, Linda Jeffrey,
Jeff Leal, Rosario Marchese, Bill Mauro,
Norm Miller, David Oraziotti,
Mario G. Racco, Mario Sergio
Clerk / Greffier: Douglas Arnott

Public accounts / Comptes publics

Chair / Président: Norman W. Sterling
Vice-Chair / Vice-Président: Julia Munro
Laurel C. Broten, Jim Flaherty, Peter Fonseca,
Shelley Martel, Bill Mauro, Julia Munro, Liz Sandals,
Monique M. Smith, Norman W. Sterling, David Zimmer
Clerk / Greffière: Anne Stokes

**Regulations and private bills /
Règlements et projets de loi d'intérêt privé**

Chair / Président: Tony C. Wong
Vice-Chair / Vice-Président: Khalil Ramal
Bob Delaney, Rosario Marchese, Jerry Martiniuk,
Ted McMeekin, Phil McNeely, Carol Mitchell, Bill Murdoch,
Khalil Ramal, Tony Ruprecht, Tony C. Wong
Clerk / Greffier: Trevor Day

CONTENTS

Tuesday 20 April 2004

MEMBERS' STATEMENTS

Autism services	
Mr Arnott.....	1595
Community safety	
Mr Milloy	1595
Waste disposal	
Mr Barrett	1595
George Gross	
Mrs Cansfield	1596
Mental health services	
Ms Martel	1596
Poultry products	
Mrs Van Bommel	1596
Volunteers	
Mr Miller	1596
Righteous Among the Nations award	
Mrs Jeffrey.....	1597
Taxation	
Mr Dunlop	1597

FIRST READINGS

Day Nurseries Amendment Act, 2004, Bill 59, <i>Mr Lalonde</i>	
Agreed to	1597
Mr Lalonde	1597

STATEMENTS BY THE MINISTRY AND RESPONSES

Environmental protection	
Mr Ramsay	1598
Mr Barrett	1599
Tenant protection	
Mr Gerretsen.....	1598
Mr Jackson.....	1599
Mr Prue.....	1599

ORAL QUESTIONS

Taxation	
Mr Hudak.....	1609
Mr McGuinty	1609
Automobile insurance	
Mr Miller	1610
Mr Sorbara	1610
Mr Baird	1610
Mr Hampton	1611
Mr McGuinty	1611
Nuclear energy	
Mr Hampton	1611
Mr Duncan	1612

Waste disposal

Mr Barrett.....	1612
Mrs Dombrowsky.....	1612

Energy conservation

Mr Zimmer	1613
Mr Duncan	1613

Water quality

Mr Yakabuski.....	1613
Mrs Dombrowsky.....	1613

Sexual abuse of children

Mr Brownell	1614
Mr Bryant.....	1614

Bauer Nike Hockey

Mr Kormos	1614
Mr Cordiano	1615

Volunteer firefighters

Mr Dunlop	1615
Mr Kwinter.....	1615

SECOND READINGS

Adams Mine Lake Act, 2004,

Bill 49, <i>Mrs Dombrowsky</i>	
Mrs Dombrowsky.....	1616, 1624
Mr Ramsay	1618
Mr McMeekin	1619
Mr Rinaldi	1621
Mr Wilkinson	1622
Mr Dunlop.....	1623
Mr Hampton	1623
Ms Broten.....	1624
Mr Tascona	1624
Mr Barrett.....	1625
Debate deemed adjourned	1630

OTHER BUSINESS

Visitors

The Speaker.....	1595, 1600
------------------	------------

Holocaust Memorial Day

Mr Kwinter.....	1600
Mrs Witmer	1601
Mr Hampton	1602

Member's conduct

The Speaker.....	1602, 1609
Mr Hudak	1602
Mr Barrett.....	1604
Mr Kormos	1605
Mr Duncan	1606

TABLE DES MATIÈRES

Mardi 20 avril 2004

PREMIÈRE LECTURE

Loi de 2004 modifiant la Loi sur les garderies, projet de loi 59, <i>M. Lalonde</i>	
Adoptée	1597

DEUXIÈME LECTURE

Loi de 2004 sur le lac de la mine Adams, projet de loi 49, <i>M^{me} Dombrowsky</i>	
Débat présumé ajourné	1630