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des débats  
(Hansard)**

**Thursday 17 June 2004**

**Jeudi 17 juin 2004**

Speaker  
Honourable Alvin Curling

Président  
L'honorable Alvin Curling

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LEGISLATIVE ASSEMBLY  
OF ONTARIO

Thursday 17 June 2004

ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

Jeudi 17 juin 2004

*The House met at 1000.*

*Prayers.*

**PRIVATE MEMBERS'  
PUBLIC BUSINESS**

SAFE STREETS STATUTE LAW  
AMENDMENT ACT, 2004  
LOI DE 2004 MODIFIANT DES LOIS  
EN CE QUI CONCERNE  
LA SÉCURITÉ DANS LES RUES

Mr Lalonde moved second reading of the following bill:

Bill 58, An Act to amend the Safe Streets Act, 1999 and the Highway Traffic Act to recognize the fundraising activities of legitimate charities and non-profit organizations / Projet de loi 58, Loi modifiant la Loi de 1999 sur la sécurité dans les rues et le Code de la route pour reconnaître les activités de financement des organismes de bienfaisance légitimes et organismes sans but lucratif.

**The Deputy Speaker (Mr Bruce Crozier):** Pursuant to standing order 96, Mr Lalonde, you have 10 minutes to lead off.

**Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell):** I'm pleased to start off the debate today on my private member's Bill 58, the Safe Streets Statute Law Amendment Act, 2004. I decided to introduce this bill after receiving letters from municipalities and volunteer firefighters' associations and many calls from non-profit organizations such as the Optimist Club, the Knights of Columbus, the Lions Club and many other charities affected by the current legislation.

I would also like to thank my colleague from Essex, Bruce Crozier, today's Speaker of the House, who also inspired me to introduce this important piece of legislation. Twice before, the member for Essex has introduced similar legislation. The member for Essex first introduced Bill 64, the Safe Streets Amendment Act in April 2000, and then a year later he introduced Bill 26, the Charity Fund-Raising Activities Act.

To give you a brief history, the Safe Streets Act, Bill 8 when it was first introduced in 1999, was mainly intended to make the streets of Ontario safer. Bill 8 was a piece of legislation that addressed a wide range of issues by amending the Highway Traffic Act to regulate certain activities on roadways. For instance, Bill 8 amended the Highway Traffic Act to prohibit solicitation in an aggres-

sive manner. "Aggressive manner" was defined as follows: threatening the person solicited with physical harm by words, gestures or other means; obstructing the path of the person solicited; using abusive language during the solicitation; soliciting a person who is waiting at a taxi stand or a public transit stop; and soliciting a person who is in or on a public transit vehicle. Furthermore, this bill also prohibited people from disposing of broken glass and new or used needles in public places. This bill dealt with a broad range of issues, from prohibiting people to dispose of needles in public places to outlawing hitchhiking in Ontario.

I am not here today to defend or question the merits of the Safe Streets Act. That's a debate in itself. However, I am here because one section of the Safe Streets Act is causing problems in my riding and all across the province.

Allow me to quote Bill 8, the Safe Streets Act: "No person, while on the roadway, shall stop or approach a motor vehicle for the purpose of offering, selling or providing any commodity or service to the driver or any other person in the motor vehicle." It probably sounds harmless, but it's not. This amendment, in lame terms, finds any charitable organizations that conduct roadside events guilty of an offence; in other words, against the law. Charitable organizations, such as volunteer firefighters who raise money for muscular dystrophy, with a track record of fundraising for the past 50 years that's both accident- and injury-free, can be and have been shut down under the current law.

Lorsque je parle de la campagne de prélèvement de fonds pour la dystrophie musculaire, les pompiers volontiers se faisaient un plaisir de participer à cette campagne. Les pompiers, d'une façon totalement volontaire, sollicitaient sur les coins d'une rue principale de leur municipalité afin de ramasser des fonds pour en faire la présentation lors du téléthon Jerry Lewis.

C'est devenu un grand défi. Je parlais ce matin au chef des pompiers de la ville de Rockland. Il m'a dit que chaque année, on ramassait 10 000 \$ à 12 000 \$ avec ce prélèvement de fonds. L'an passé, par exemple, après 30 minutes seulement, on avait ramassé au-delà de 1200 \$, mais soudainement, la sûreté provinciale est arrivée sur les lieux et leur a dit, « Vous n'avez plus le droit de solliciter sur les coins de rue. La loi, the Safe Streets Act, vous le défend. » Donc, immédiatement, on a cessé l'opération, et toute la province a été affectée après cette arrestation.

I know it seems unbelievable, and some of my colleagues might be saying, "You know, this has never

happened in my riding.” Well, I can tell these colleagues that it has been happening all over the province and that it can happen in your riding. It’s just a matter of time. We all know that police officials sometimes turn a blind eye to this type of solicitation, but all it takes is one complaint from somebody who’s having a bad day and doesn’t feel like being charitable. If fundraising events are closed down here and there across the province, it all adds up. I can tell you, it all adds up for the non-profit organizations such as muscular dystrophy, which estimates losing three quarters of a million dollars a year, and many other organizations that have lost hundreds of thousands of dollars because of the Safe Streets Act that we have at the present time.

#### 1010

The intent of Bill 8, the Safe Streets Act, 1999, surely wasn’t to shut down volunteer fundraising events. This is why this bill, Bill 58, the Safe Streets Statute Law Amendment Act, 2004, is very straightforward legislation that would lift the current ban on roadway fundraising. Bill 58 does not interfere with any part of the Safe Streets Act.

Allow me to elaborate on the bill we are debating today. Officially, Bill 58 is entitled An Act to amend the Safe Streets Act, 1999 and the Highway Traffic Act to recognize the fundraising activities of legitimate charities and non-profit organizations. What Bill 58 does is to allow fundraising activities on the roadways if they are conducted by a charitable organization recognized by Revenue Canada, are conducted by a non-profit organization on a roadway where the maximum speed limit is 50 kilometres per hour, and are permitted by a bylaw of the municipality. Simply adding these three subsections to the Safe Streets Act would make a world of difference for so many charities and, more importantly, for so many Ontarians who benefit from these charities.

Although my opinion might be somewhat biased, I can see only benefit from this bill because, technicalities aside, this bill would put an end to the confusion surrounding legitimate fundraising on roadways for members of Parliament, police officers, municipal councils, residents of Ontario, and yes, the charities themselves, that have been so badly hurt by the unexpected and, dare I say, unwilling consequence of the Safe Streets Act.

I respectfully call upon members from all three parties to rally together and support Bill 8 for the benefit of all charities in Ontario and for the benefit of the people whom these charities help and serve so well.

**Mr Jeff Leal (Peterborough):** I rise today in support of my good friend the member for Glengarry-Prescott-Russell in full support of Bill 58, an amendment to the Safe Streets Act.

As we have learned, it has had a detrimental effect on charities’ fundraising efforts throughout the province of Ontario. When it was passed in 1999, it was known as the squeegee bill and its intent was to prevent panhandling in Ontario. However, it forced police services into an awkward position. Police could have shut down charitable organizations running roadside fund drives under the

current law through the complaint of just one person. Some police forces have looked the other way and allowed these fundraising drives to go ahead. However, this puts police officers in a very compromising position. It is not their job to pick and choose which laws they should enforce. Bill 58 would eliminate this confusion and would ensure that charities are not breaking any laws in this province.

This bill, if passed, will allow charities to resume holding fundraisers on roadways where the speed limit is not more than 50 kilometres an hour. It is simple and straightforward. It should be passed promptly.

The Muscular Dystrophy Association of Canada is one organization that overwhelmingly supports this bill. Firefighters from across the province raised \$750,000 for muscular dystrophy every Labour Day weekend. The Muscular Dystrophy Association of Canada expects to lose this amount each year because of the way the current bill reads. But it’s not only the Muscular Dystrophy Association of Canada that will continue to suffer under this legislation in its current form. Shinerama, a student-run street campaign for cystic fibrosis, collected hundreds of thousands of dollars across Ontario.

Just last weekend, I attended the Special Olympics spring games in my riding of Peterborough. It was a marvellous event that brought together hundreds of athletes from across the province. The Special Olympics program culminates in the winter, spring and summer games. Athletes are given a chance to compete in such sports as skating, swimming, bowling, and track and field. During these spring games, I was able to witness first-hand the excitement of the athletes experiencing and participating in these games. The athletes’ hard work and dedication that brought them to the games was truly inspiring. I am sure many friendships were formed during the games.

None of this would have been possible without the Special Olympics program. Often set up through our schools, the program gives children and adults with intellectual disabilities a chance to try different sports. This may not seem so out of the ordinary—a child trying out sports is a very common thing—but for the Special Olympics, it is not just about sports. It is about becoming empowered. It’s about becoming more involved and better integrated within our communities. Without the Special Olympics fundraising efforts, the dream would be an unattainable goal.

Fundraising drives such as the Law Enforcement Torch Run contribute valuable funds to the Special Olympics. This bill will ensure Special Olympians will continue to participate in sports in their hometowns, as well as take part in such events as the spring games. This bill will ensure funding will continue to flow to research for muscular dystrophy and cystic fibrosis. This bill will ensure our minor hockey organizations, our soccer leagues and our schools won’t be penalized for their fundraising efforts.

I would urge quick passage of Bill 58. I’m sure we all know someone personally who has benefited from the

work of these charitable organizations. Let's not take away the ability of our charities to fundraise.

**M. Gilles Bisson (Timmins-Baie James):** Premièrement, je veux dire de la part du parti néo-démocrate qu'on va appuyer ce projet de loi mis par mon ami M. Jean-Marc Lalonde. Nous savons tous que M. Lalonde, quand ça vient parfois à parler de ces dossiers qui sont importants pour les plus démunis dans cette communauté de l'Ontario, a toujours été une personne qui comprend l'importance pour l'État de jouer un rôle positif envers ces individus.

Il faut mettre un peu en contexte ce qui est arrivé. Il faut prendre l'opportunité; après tout, c'est un débat politique qu'on a ici aujourd'hui. Vous savez, monsieur le Président, que ça ne fait pas tellement longtemps—ça fait, je pense, quatre ou cinq ans, quand le gouvernement conservateur était au pouvoir sous la direction de M. Mike Harris—qu'ils ont introduit un projet de loi qui a interdit aux individus, les sans-abri de nos communautés et autres, comme on voit au bout de la rue Yonge ou sur le Gardiner, d'arrêter les autos quand elles étaient à un stop et de demander de l'argent à ces individus-là quand ils passaient avec leurs autos.

Le gouvernement a dit, « Mon Dieu, regarde ça. On a tous ces sans-abri. Que faire? Ils sont en train d'achaler le public. » Comme vous le savez, le gouvernement, à la place de mettre en place des programmes pour aider les sans-abri qui pourraient, supposons, avoir des problèmes d'alcool, des déficiences mentales ou d'autres problèmes, à la place de mettre des programmes en place pour assister ce monde-là à ne pas être sur les rues, des programmes qui pouvaient les supporter, on disait, « On va arranger le problème en faisant contre la loi l'habileté de ce monde-là de quêter auprès des individus qui passent avec leurs autos sur les rues de l'Ontario. »

Moi, j'ai pensé dans le temps, et je pense que les libéraux ont pensé dans le temps, que ça, c'est un mal. Le gouvernement aurait dû plutôt trouver une réponse au problème et regarder comment on peut rectifier le problème en s'assurant qu'on est capable d'aider les personnes sans abri à trouver un emploi, que les prévenir de quêter. Après tout, moi, j'ai pensé, « Imaginez-vous qu'un gouvernement conservateur qui croit à l'idéologie de ce qu'on appelle le marché ouvert et l'entreprise privée n'alloue pas à un individu lui-même l'habileté de faire sa vie à quêter. » C'est une forme, je pense, des plus naturelles et des plus directes qu'on voit sous le système d'entreprise privée. Je trouvais très intéressant qu'un gouvernement conservateur avait passé une loi contre.

Mais l'effet de cette loi a dit que, si les pompiers à Hearst ou à Kapuskasing ou à Timmins décident qu'ils veulent faire un prélèvement de fonds pour assister une organisation ou une autre dans notre comté, les pompiers n'ont pas le droit, comme ils font parfois, de mettre en place ce qu'on appelle des « roadblocks » pour être capable d'arrêter le trafic et leur rappeler, « Eh, on est en train de soulever l'argent important pour les groupes à but non lucratif dans nos communautés. » La loi a eu l'effet de rendre contre la loi l'habileté de ces organ-

isations d'arrêter les autos sur les routes municipales afin d'assister avec le prélèvement de fonds. M. Lalonde, à travers son projet de loi, essaie d'une manière concrète de réparer le problème qui était créé par le gouvernement conservateur quand ils ont introduit ce projet de loi.

**1020**

Je veux dire droit au début du débat que nous, les néo-démocrates, allons supporter ce projet de loi. On pense que c'est bon. Je sais que M. Lalonde aurait pu se pencher sur la question, « Est-ce qu'on a besoin d'une telle loi en premier lieu? » « Est-ce qu'on doit arrêter les sans-abri? » Moi, je dis non. À la fin de la journée, la pauvreté, ce n'est pas quelque chose qu'on peut balayer sous le tapis en disant, « Écoute. Ce n'est pas bon qu'ils viennent quêter, puis on va rendre ça contre la loi. » Je pense que c'est une manière pour nous autres de mesurer jusqu'à quel point notre État est en train de répondre aux fléaux de notre société et que, si on voit des sans-abri sur nos rues en train de quêter, ça veut dire possiblement que nous avons un problème avec nos programmes sociaux et que ce qu'on a besoin de faire, c'est de répondre au problème en nous assurant qu'on prend des pas concrets pour assister ce monde.

On sait que, quand on se promène sur Bay, sur Yonge et autres rues à travers les cités de l'Ontario et nos villes, on va voir des sans-abri. Mais la plupart de ces sans-abris, comme on le sait, sont du monde qui ont été renvoyés d'institutions mentales, qui n'ont pas de traitement, qui sont schizophrènes, qui sont déprimés mentalement ou qui ont un problème des fois même physique, et qui n'ont pas l'assistance du gouvernement fédéral ou provincial. Ils n'ont aucun choix, autre qu'aller faire du quêtage sur les rues. Autrement, c'est qu'une personne a un problème avec l'alcool ou avec les drogues.

Ce n'est pas que nous, le gouvernement provincial, devons prendre l'approche, « Écoute. On va aider ceux qui ont des problèmes avec les drogues et avec l'alcool », mais il faut réaliser que c'est une maladie, et pour traiter les effets de ces maladies, il est mieux de nous assurer qu'on a des programmes pour les assister.

Je crois que le pas qu'on manque dans ce projet de loi, et on pourrait possiblement en parler une fois qu'il arrive au comité, c'est qu'on doit éliminer entièrement la loi que le gouvernement conservateur avait mis en place et regarder comment on peut assister les sans-abri qui se trouvent sur nos rues.

Je veux aussi prendre l'opportunité, monsieur Lalonde, de vous introduire à des amis qui sont ici aujourd'hui. On a des étudiants de Hearst directement en arrière de moi, la belle communauté de Hearst, communauté francophone à 99 %. Ils sont ici aujourd'hui avec nous autres de l'École Saint-Louis, et si vous avez une chance tout à l'heure, 10 h 30, monsieur Lalonde, moi, je vais être en bas avec ce groupe, puis si vous voulez venir dire « Allô », cela serait très apprécié.

I want to take an opportunity to take a stab at my Conservative friends.

**Mr Garfield Dunlop (Simcoe North):** Oh, be quiet.

**Mr Bisson:** I have to. I'm sorry, Garfield; I must. I noticed you weren't listening to the translation, so I have to say this in English at this point, so you know where I'm coming from.

**Mr Dunlop:** You're wearing your blue shirt.

**Mr Bisson:** I've got my blue shirt and my blue tie, but it's not to appease you, I guarantee it, Garfield.

Mr Speaker, through you to the Conservative caucus, I want to remind them that way back—

**Mr Dunlop:** We have some Conservative kids up here too.

**Mr Bisson:** Some Conservative kids there? I can't believe that children are Conservatives. They say they are born as New Democrats and when they become cynical and old they become Conservatives. That's what I understand.

Mr Speaker, you'll remember it wasn't that long ago—because you were here, as I was—that we had a debate in this House by the former Conservative government. I believe Mike Harris was the Premier. The government said, "We are having problems with too many people on the street begging and stopping cars at the bottom of Yonge Street and on other streets across the province of Ontario. To fix that, we're going to make it illegal for people to go stick out their hand and stop a car as it comes around the corner on to Yonge Street off Lakeshore or wherever it might be."

I remember thinking at the time, "My God, what a dumb response to a social problem." The problem is that we have people on the street. Why? Because we've depopulated our mental institutions. We have people on the streets that are schizophrenics, people that are depressed, people with all kinds of different problems, which is why they end up on the streets in the first place. Or they are sick from alcohol or drugs. It seemed to me that people on the streets begging was a symptom of a problem in our society, and that government should take the position of saying, "If there's a problem, do we think we have a responsibility?" I understand the Conservatives. One thing that I understand about Conservatives is where they're coming from. They tend to believe that, no, that is an individual problem—

**Mr Dunlop:** Right, we keep a promise.

**Mr Bisson:** Well, you do keep your promises. I won't argue about that. I would argue that some of those promises were kind of stupid, but that's another story.

I want to say to my Conservative friends that I understood where your government came from. In many of those issues, Conservatives don't believe that there's a societal responsibility to respond to those social problems. I understand that. But on the other hand, I'm not saying—

**Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):** Get real. Don't stereotype us.

**Mr Bisson:** Mr Tascona, I want to be very nice to you and just point something out to you.

*Interjection.*

**Mr Bisson:** Well, listen, I didn't think it was very political when you guys were doing what you were doing.

But my point here is this: You guys have a particular ideological belief. The belief was that, at the end of the day, the government doesn't have a social responsibility when it comes to certain issues. I understand that, but I think you were wrong. I think that if you see people on the streets, it's a signal that there's a problem within our institutions and there's a problem about how we respond.

There are two approaches, in my view. One is the approach that your government took, which is that you deal with this by trying to take it off the streets, by making it illegal for people to beg on the corners.

There is an opposite view, a view that all my colleagues in the New Democratic Party share, and that is that we do have a societal responsibility, and it's not by sweeping it off the streets by making it illegal to beg that we're going to be in a position to deal with what the problem is. I just want to say, let's recognize where we are.

Now Mr Lalonde comes with his bill, and in this bill he's saying, "I'm going to deal with the aspect around those charities or organizations out there that were trying to fundraise" by what we call roadblocks. For example, you'll know that in your communities, firefighters and others for a long time have gone out and set up roadblocks to stop cars to fundraise for local communities.

Now, there's a bit of an argument. In some communities, they've continued to do that and municipal police forces actually have not charged the fire department or other organizations. For example, about two weeks ago I was driving down Algonquin Boulevard and a bunch of kids from the school were waving and stopping cars to pull into a particular parking lot to wash cars for \$5 for a fundraiser they were doing for their school, actually for one of these school trips we see coming down today.

Municipal police forces, as I understand it, didn't really look at the law from that perspective in some communities. But Mr Lalonde is attempting to resolve the issue by making it clear, by saying there shall be no sanction against a charitable organization that is out there trying to fundraise by way of stopping people as they come in off the streets and doing what they've got to do. I understand that.

I want to make this point: I will vote for this bill, because I think it's the right thing, but I think we do need to send it to committee. There are two things that we've got to look at. The first thing is—

*Interjection.*

**Mr Bisson:** That's where I'm going. The first thing is that we need to take a look at whether this bill goes as far as it should. I remember the Liberals voting with me, as a New Democrat, in opposition to the Safe Streets Act when the Tories brought it in. I have to ask myself the question, why does the bill not repeal the entire act? I would like Mr Lalonde to respond to that issue when he gets an opportunity to respond in debate. That's the first thing I want to hear from Mr Lalonde, and it's an issue I think we've got to deal with in committee.

The other issue we've got to take a look at—I don't know if we can actually deal with it through this bill—is,

what is the responsibility of the state when it comes to this issue? If we're going to take a position that, no, it should not be illegal for somebody to beg—I believe we shouldn't make it illegal to beg—what kind of recommendations do we want to make? I realize that's not the purview of your bill, but I think it would be interesting for the committee to spend a bit of time on this. What do we do with those people who find themselves in the situation of being on the street? I believe that the majority of people on the street are not there because they're lazy and just want nothing to do other than beg. Many of them are sick. That's why they end up on the streets. What is our response to that particular issue?

I want to say, as I said upfront, that I will support the bill. It certainly makes a good step forward in trying to deal with this issue. I would like to hear from Mr Lalonde why he did not do an entire repeal of the Safe Streets Act. I imagine there's a reason, and I look forward to that response.

**Mr Norm Miller (Parry Sound-Muskoka):** On a point of order, Mr Speaker: I would like to welcome St Peter's School from my beautiful riding of Parry Sound-Muskoka, the grade 8 class of Christine Duncan, who are in the west public gallery.

**The Deputy Speaker:** That's not a point of order, but we welcome them nevertheless.

Further debate?

**Mr Dunlop:** I'm very pleased to rise today. I'd like to welcome this class as well. They're in my neighbouring riding. Of course, Parry Sound-Muskoka is the second-nicest riding in Ontario, because I think Simcoe North is the nicest riding, with Lake Simcoe, Lake Couchiching and all those sorts of things. We're very proud of our part of the province, and it is great to see so many school classes coming down to Queen's Park to visit.

1030

I want to say from the beginning that I will be supporting Mr Lalonde's bill. First of all, I would be very much opposed to what the member from Timmins-James Bay mentioned when he talked about repealing the whole act. I think it's a valuable act, and as a member of the government that brought that legislation in, I think it works and works well. But there is this particular area of concern around some of the volunteer organizations.

I think what's fair about the bill—and I will just read the explanatory note. I wasn't here for Mr Lalonde's introductory remarks. "The bill amends the Safe Streets Act, 1999 to provide that the prohibition in subsection 3(2) of the act does not apply to fundraising activities that are conducted by registered charities or that are conducted by non-profit organizations on roadways where the speed limit is not more than 50 kilometres per hour." I think that's a very fair area to work with.

No question, the groups we're probably most concerned about are our volunteer firefighter organizations throughout the province. Volunteer firefighters, as we know, have become a very controversial subject, with the two-hatters, as well as this piece of legislation. In my riding, there are the six townships, the city, two towns—

Midland and Penetanguishene—and we have two First Nations volunteer fire departments as well, so we're talking 11 or 12 volunteer fire departments. There are some professional firefighters in there as well. The bottom line is that they raise a lot of money for their communities. I live in the township of Severn, and I can tell you that when the muscular dystrophy fundraising campaign is on, our guys are all out there. I feel a little guilty that they're actually breaking the law if they're on the street. Surely there's a way we can work around that with a piece of legislation. I know we talked about that in the previous government. It was always a discussion at our caucus meetings about why this wasn't really legal or whatever as we looked at amending the legislation.

Now it's been brought up again, and I'm one person in this House who would support some kind of movement in that direction. In our government it was the Attorney General at the time, Jim Flaherty, who brought in the legislation. I don't know if you've had a chance to review this with the new Attorney General, Mr Bryant, or if he's had an opportunity to make amendments to this legislation. But I think it's important that we do, primarily because I think the volunteer organizations are under enough stress as it is. Any roadblock they find in their fundraising activities will hurt other organizations as well. Based on that, we have to take a serious look at it.

The member for Timmins-James Bay brought up the point that the only people out on the streets begging are people with mental—

**Mr Bisson:** Not all, but a big part of them.

**Mr Dunlop:** My understanding as you were talking and commenting in your discussion—I picked up that you thought it was mainly a mental health issue as to why people were out there. But we do still see the odd, what I would call, squeegee kid. We still see them out there in the odd community, certainly around the GTA and downtown, but we don't see the numbers we saw previously. I can tell you of cases and examples that came to me where these were full-time jobs for people. People actually came from the suburbs to act as squeegee kids downtown and raised a lot of money; they were paid in cash, of course, and who knows if they declared that cash? I'm not so sure they were all people who had mental health disorders.

Overall, the bill works well. Mr Lalonde has introduced in the past—although we're on different sides of the House and don't agree on policy in a lot of areas, the one thing we would have to agree on more than anything is that Mr Lalonde has brought some pretty important pieces of legislation through this House. One is his francophone flag bill, with the Ontario emblem and the Quebec—the francophone emblem on it as well.

**Mr Lalonde:** Francophone, not Quebec.

**Mr Dunlop:** OK. The green-and-white flag bill is how I'll just refer to it. That was an important bill. A number of communities in my riding actually have that flag. Communities like Lafontaine, Perkinsfield and the town of Penetanguishene fly that flag on different occasions, and I know they're very proud of that. It's thanks to Jean-Marc that that actually happened.

Overall, I think this bill will work well for the province. I hope we can make the amendments fairly simply without actually repealing the whole bill. I don't think that would be the right move. Again, it's a bill that our government was very proud of. We think it works and look forward to seeing how far we can actually make this bill work.

One of the things we see in private members' business is a lot of very interesting legislation coming forward. It is unfortunate that more of it doesn't get put through and passed into law, but it's all part of the House leaders' agenda, all part of the strategy that the government has to work with to pass legislation. Maybe as we look toward democratic renewal, Mr Bryant, in his legislation, will allow a lot more private members' business to proceed in a timely manner.

With that, I'm going to turn it over to my colleague, who will finish up for our caucus. Mr Tascona loves to debate on Thursday mornings in private members' hour, and I want to make sure he has lots of time on this particular bill.

**Ms Monique M. Smith (Nipissing):** On a point of order, Mr Speaker: I'd like to take this opportunity to welcome the students from Mapleridge Senior Public School. The grade 8 class, with Mr Jeff Cox, is visiting from Powassan today. We're very excited to have them with us today.

**The Deputy Speaker:** That's not a point of order, but we welcome the students, obviously.

**Mr Phil McNeely (Ottawa-Orléans):** I'm pleased that the member for Glengarry-Prescott-Russell has brought forward this private member's bill, Bill 58, An Act to amend the Safe Streets Act, 1999 and the Highway Traffic Act to recognize the fund-raising activities of legitimate charities and non-profit organizations.

When this bill came in, the Flaherty homeless and mental health policy bill, it impacted a lot of firemen in Cumberland, in the area where I live. The firemen in Cumberland had been raising money for muscular dystrophy probably going back 20 or 30 years. I know in the province this has in fact gone on for 50 years. It impacted them a lot because they wanted to help out in this very, very significant cause.

Everyone knew that the homeless and the squeegee kids were taking over this province, and the bill was necessary—necessary to clean up our streets so that well-heeled citizens would not have to see the results of Tory social policies. This was probably the most progressive piece of social policy that members on the other side brought forward or that they could have ever dreamed of.

In Cumberland, Terry Morrow, Ivan Tanner, Phil Muggleton, Phil McWha, Kevin Rockliffe, Jeff Marier, Scott McLachlan and Don McNeely, my nephew, all had been chairmen of fundraising for Muscular Dystrophy Canada and had been very successful at it. They raised from \$12,000 to \$20,000 per year. These are the same firefighters who are very much part of our communities. We are very proud of them.

We're dealing with this bill today that would permit charities like the MDC drive to let firemen take up this

fundraising again, and it's not too late. There's been a critical loss in funds raised across the province by the firemen. Some of them have gone to back alleys and parking lots, but it's not the same. What we're asking today in this bill is that we support the fireman's boot asking for a donation.

This legislation was brought in to hide the impact of the Tory social legislation, but at the same time it gave the boot to the fundraising of the MDC. Attempts by MDC to have this law changed have not been successful, although I understand, Mr Speaker, that you have done a lot of work in this way.

#### 1040

Roadways, according to the Solicitor General in the year 2000, were not places to be used for solicitation. This gave the boot to the firefighters' fundraising. They retrenched, but they have not been as successful.

The firefighters of Ontario have offered their support to find a route to amend the Safe Streets Act. The Conservative government had the opportunity to change this bill, but refused. We have the opportunity now, in this private member's bill, to do so.

I read from something I received from Muscular Dystrophy Canada just yesterday:

"The reality is that over \$200,000 has been lost over the past three years, and it is estimated that tens of thousands of dollars will continue to be at stake in future development opportunities. This greatly restricts available funding to 11,374 Canadians living with neuromuscular disorders serviced by MDC that are in vital need of equipment and education programs (to assist them in their daily lives). Additionally, it limits the opportunities to researchers who continue their quest for the cause, treatments and cures for over 100 neuromuscular disorders."

Today, if this private member's bill passes, we will be able to assist the good-natured, benevolent, energetic and competent firefighters who want to raise money for muscular dystrophy. This is important. This is a charitable effort that they do very well. They do it on streets that are not busy. I know that near my home I always got caught—I used to say get "caught"—by the stop at Dunning Road and Old Montreal Road. It was a stop street. It was busy enough to collect funds, but certainly it was done very safely.

The MDC, in terms of their fundraising, suggest, "If you have difficulties getting approval, discuss other ways of fundraising for MDC with your district coordinator." That's where they are at with this present legislation. "We have had some success in reversing decisions due to continued efforts of firefighters presenting their cases to municipalities, proving Bill 8 is difficult to interpret for councils and law enforcement bodies.

"Ask all firefighters to send letters to their local MPP stating Bill 8 is a concern. It is important to send it to your own MPP as constituents, for it has more impact!" That's what they're doing. They're trying to help the firefighters get back into the business.

“As constituents,” they suggest, “present a petition to your local MPP.” But I think it would be much more proactive for all of us on all sides of this House to support this bill and make sure we help the firemen to help those in such need.

I say, let’s get on with this change in the legislation by approving wholeheartedly this private member’s bill.

The last line on the publication MDC gave me was, “Please help MDC to effect change to allow firefighters to continue the fight against neuromuscular disorders!”

**The Deputy Speaker:** Further debate? The member from Dundas—

**Mr Jim Brownell (Stormont-Dundas-Charlottenburgh):** Stormont.

**The Deputy Speaker:** Stormont-Dundas-Charlottenburgh.

**Mr Brownell:** Thank you, Mr Speaker. It is a mouthful, but certainly we’re proud of Stormont-Dundas-Charlottenburgh and the fire departments who work so hard in those communities in the riding.

It gives me great pleasure this morning to stand in support of my good colleague from Glengarry-Prescott-Russell in his efforts with Bill 58, an amendment to the safe streets statute law.

Every year, it almost seems like a rite of spring to see the fire departments in my riding, especially in my home community of Long Sault, out on Moulinette Road, the street I live on, with smiles on their faces working for Jerry’s kids.

We know that in that Labour Day campaign millions of dollars are raised to support muscular dystrophy, and the firemen of this province are indeed proud of the work they do. Their boot drive is a most fundamental and necessary project that they’ve taken on for many, many years. If memory serves me right, for 50 years we’ve had communities working to aid programs such as muscular dystrophy and whatnot in similar drives. I know that, in my community of south Stormont and at Long Sault, I can’t count the number of years the firefighters have been out raising these necessary funds.

The bill that’s before us today is not a new bill. We saw in this province, and certainly Parliaments before us saw, that charities were bothered. I think it was in Niagara that my good colleague from Niagara Centre saw it in his riding. He saw that in their work on muscular dystrophy firefighters were bothered. The words of an Attorney General that charities would not be bothered and that they would still be able to carry on their activities were false.

We saw something happen here in the province. We saw that it was necessary for somebody to lobby and to work here in the House to get something done. We had bills put forward: Bill 64 in April 2000; Bill 26 in April 2001; and then the third party introduced Bill 51, also in April 2000, to do the very thing my good friend from Glengarry-Prescott-Russell is doing, bringing this forward to amend it and to allow those who wish to aid those charities in Ontario to use roadways.

It’s spelled out here that roadways that have limits of under 50 kilometres per hour established may be used for those charities to raise the necessary funds. I certainly give it full support. We have seen in our communities that firefighters are not pushing their cause. They stand there with smiles on their faces. It is well advertised. They advertise in the newspapers before and even out on the roadways. They advertise what they are doing, and they do not do pushy solicitation on the street. They allow you to drive up and make the donation at your will.

I continue to support the work. I do not think our law enforcement should be put in the predicament of having to choose which law they want to enforce. Therefore, I think we should amend this bill so that we can support the charities that support the people of our province.

**Mr Tascona:** I’m pleased to join in the debate with respect to the amendment to the Safe Streets Act, 1999, and the Highway Traffic Act. Certainly what is being proposed by the member is worthy of review by the Legislature. When it was introduced in 1999, there were concerns. A review now, in 2004, is warranted with respect to what is going on.

I have just one comment to make with respect to the language that is in here. I find it a little confusing and I don’t think the intent is to make it confusing. It says:

“(3) Subsection (2) does not apply to fund-raising activities that meet the following conditions.

“1. They are conducted by a charitable organization recognized by Revenue Canada.”

That’s simple enough, but then it goes on to say:

“2. They are conducted by a non-profit organization on a roadway”—and that’s where it’s qualified—“where the maximum speed limit is 50 kilometres per hour.”

I would think, and my friend may know better, that a charitable organization recognized by Revenue Canada would also be a non-profit organization. Maybe it’s not, but maybe what he is trying to accomplish is to have two different types of organizations, one where it’s a charitable organization recognized by Revenue Canada, and also a non-profit organization. If that’s the case, then I would recommend that he put that in number 1 so it’s clear that he is covering both types of organizations. Then number 2 can still be where these activities are conducted “on a roadway where the maximum speed limit is 50 kilometres per hour.”

#### 1050

There are three conditions here. I think the first condition should be clear enough so that it recognizes charitable organizations recognized by Revenue Canada and/or non-profit organizations. Leave number 2 to be the speed limit where these organizations can do their activities, so that it’s very clear. One could argue that charitable organizations recognized by Revenue Canada can do it wherever they wish and at whatever speed limit. I don’t think that’s really the intent, so there’s the caveat with respect to what’s permitted by the municipal bylaws.

I offer those as constructive comments, in terms of making it very clear who is going to be able to do these

fundraising activities and which charity organizations they are. I think it's very important to be able to do that.

Also, looking at the activities that can be conducted and the different organizations mentioned, there are lots of organizations that get out there. Every fall you see Georgian College students in my riding looking to do activities that raise money for the cause they're supporting. The firefighters in my community are always out there doing charitable work, along with the work that the police association is doing, as well as a number of other organizations that decide to do their fundraising, whether it's in an enclosed building or on a roadway.

What we have here is a lot of information. I think the member is correct to bring this back for review. The organizations want to be considered in that regard, in terms of being able to do their activities without being put in a position—I don't know whether the member has looked at this, but it says, "They are permitted by a bylaw of the municipality." I don't know what research he's done, what particular municipalities do with respect to this type of activity, whether it's permitted or not.

If it's permitted, then what conditions are it permitted under? That's what is essentially important, what conditions they are permitted under. It may be that we put this in place, but the bylaw of the municipality will not allow it. I don't know whether that applies to any municipality. I really wouldn't know. That's something he may want to do some research on. He may not want that to stand as a condition if it causes some problems. At the end of the day, these organizations may end up having to go to the municipality to allow their activities to go ahead.

We can perhaps assume that there isn't going to be an issue, but obviously by putting that as a condition there may be an issue with respect to a municipal bylaw. I guess that will be the condition that may not allow this particular activity to happen. What's going on here is that the municipality may have the final say. Maybe that's correct. Maybe they should have the final say in terms of what activities they're going to allow on their roadways.

I guess it depends on the community in terms of what the speed limit is, but he's put a speed limit of 50 kilometres per hour. I guess it depends how different municipalities deal with that. Some municipalities might have 60 kilometres per hour, so obviously that would be permissible in terms of what they could drive at. Others may be at 30 kilometres per hour. Those roads would have to be identified.

So there are some issues here in terms of making sure that the member is working with different municipalities. Maybe they could be put on notice that this is what's going to be happening. They may want to comment if this goes to public hearings in terms of what the municipal sector would view as fair, and one that wouldn't do the same thing for these kinds of activities.

When you talk about a non-profit organization, there may also be the qualifier that it's a non-profit organization that is incorporated under the Business Corporations Act of Ontario or the federal legislation. You may

want to specify that. I don't think you really intend this to apply to a private club. Maybe you do. But non-profit organizations, even social clubs, generally are incorporated in that regard. That may be something you want to look at in terms of which non-profit organizations you want to be there, whether it is a private club or ones that are incorporated. That is another thing that I would offer constructive observations on in terms of making sure that everybody understands who qualifies for this and what activities can be done and where those activities can be done.

**The Deputy Speaker:** Further debate? I'm not sure if there's—

**Mr Bisson:** There is.

**Mr Michael Prue (Beaches-East York):** Two minutes.

**The Deputy Speaker:** Yes. Further debate, the member for Beaches-East York.

**Mr Prue:** Thank you very much, Mr Speaker. I was advised there were a couple minutes left.

I will be supporting this bill, but I have to tell you at the outset that this bill was made necessary because of the Safe Streets Act, 1999. When it was passed, it was an act that in effect became a sledgehammer. It was decided that we had to stop the squeegee kids and the panhandlers from getting money on the streets and darting in and out between cars and asking for that kind of stuff. But the reality is, it didn't stop the squeegee kids. Who it stopped, in the end, were the firefighters and the charities. The original act was a useless act, and now we are here today trying to amend a useless act to help the very people we never intended to harm in the first place. That's the reality.

There I was, a city of Toronto councillor in those days. We watched from afar as this Legislature debated it. Very much was said in this Legislature about how this was going to protect the drivers, the motorists and the general public, that it was a safety issue because the squeegee kids and the panhandlers, whoever, were out in the roadway and the traffic were somehow going to come to harm. I'm sure that was meant all well and good, but the reality is that I don't believe any of them were ever harmed in any meaningful way. Nor do I believe that any people working for the fire departments or anyone else are going to be harmed by the enactment of this law. That was a bogus statement made back in 1999. I think it was launched because there was public anger at begging on the streets.

The reality, though, is that we have to help the charities. Short of getting rid of the original bad law, which would solve it all, I guess this is the next best thing we can do, and therefore I will be supporting Mr Lalonde's bill to do exactly that. I commend him for putting it forward. I know he had another bill in mind today but went with this one. It is a thoughtful idea. It is an idea whose time has come. And perhaps the Legislature can start thinking about not having to have bills like this but getting rid of the original problem rather than putting a Band-Aid on it.

**The Speaker:** Mr Lalonde has two minutes to reply.

**Mr Lalonde:** I would like to thank all those members who spoke in favour of the bill: the members from Peterborough, Timmins-James Bay, Simcoe North—and I would just like to clarify for the member for Simcoe North, who referred to my previous bill, which has passed third reading, that the fleur-de-lys that appears on the francophone community flag is not a Quebec emblem but a worldwide francophone emblem—and also the members for Ottawa-Orléans, Stormont-Dundas-Charlottenburgh, Barrie-Simcoe-Bradford and Beaches-East York.

I'd just like to bring to the attention of the member from Barrie-Simcoe-Bradford that, yes, section 2 of this bill amends subsection 177(3), which was amended by Bill 8. There are three reasons. First of all, you could be officially recognized by Revenue Canada as a non-profit organization, but you could also have a non-profit organization that is not officially recognized by Revenue Canada because the organization does not have the money to have its charter approved by Revenue Canada. Just this past weekend, an Optimist Club from St Isidore, Ontario, applied for a liquor licence for the 125th anniversary. The official Optimist International has a charter, but the local organization, which is known as a non-profit organization, did not have a charter. We have the Catholic Women's League, the Kiwanis Club and the Kinsmen Club that really are not locally recognized by Revenue Canada, but they are definitely non-profit organizations.

So there are only two sections. I do believe in Bill 8. I do believe in the Safe Streets Act.

1100

FIRST NATIONS RESOURCE  
REVENUE SHARING ACT, 2004

LOI DE 2004 SUR LE PARTAGE AVEC LES  
PREMIÈRES NATIONS DES RECETTES  
TIRÉES DE L'EXPLOITATION DES  
RESSOURCES

Mr Bisson moved second reading of the following bill:

Bill 97, An Act respecting the sharing of resource revenues for First Nations / Projet de loi 97, Loi concernant le partage avec les Premières nations des recettes tirées de l'exploitation des ressources.

**The Deputy Speaker (Mr Bruce Crozier):** Mr Bisson has moved second reading of Bill 97, An Act respecting the sharing of resource revenues for First Nations. Pursuant to standing order 96, you now have 10 minutes to lead off.

**Mr Gilles Bisson (Timmins-James Bay):** First of all, I want, through this debate, in the 10 minutes I have, to point out to members exactly what this bill does.

First of all, the problem: What currently exists and has existed in Ontario and across Canada for years is an inequity that is beyond belief, quite frankly, in a civilized society like ours. If, for example, in the communities of Sudbury, Kenora, Timmins or wherever it might be, you

were to find and try to develop a mine within the boundaries of the municipalities, and even outside the boundaries, there is a mechanism for those municipalities to exact municipal assessment, a tax, to collect revenue from that project, be it a mine, a lumber mill, a car plant or whatever, so they are able to get money to pay for such things as roads, water-sewer, arena projects, the projects that are important to sustain the community's basic infrastructure.

All members of this assembly will know that even though we're always looking for more for our communities, non-aboriginal communities, cities like Timmins and others, do fairly well. We have very well established infrastructure that allows our communities to function: so our kids have a place to go, we have arenas and swimming pools; and to make sure our cars have a place to drive and we don't bust an axle every time we go down the road, we have paved roads. In First Nations communities, that's not the case. If you go into communities like Ogoki, where my good friend Mr Prue was with me about two or three weeks ago, that community has no paved roads. I don't have a community, one single First Nations community, one reserve in the riding I represent, that has any paved roads.

And in most communities you can't drink the water. Water plants were put in place; unfortunately, the federal government doesn't provide money for training and the maintenance of the water plants so we have the funding we need to make them operate. Some are better than others, but we still have a problem.

In many cases, the sewer systems are not adequate to build the expanded housing needed in those communities. For example, in Attawapiskat, if you want to do an expansion of new housing, desperately needed in that community, one of the things that's holding up the building of houses beyond federal funding is the issue that the water and sewer systems are not strong enough. Well, the water is, but the sewer system is inadequate and has not been expanded in such a way that we can deal with the needs of the community to expand.

So what we've now got are First Nations communities that are truly without even some of the basic services that we take for granted in our communities. What's exacerbating the situation is that the federal government never really transfers the amount of money those communities need to deal with their needs. But what's really frustrating is that you see a company like De Beers, which is coming up to start up a diamond mine near Attawapiskat, and it's estimated that the construction portion of that project alone—get a load of this—is \$700 million, but there is absolutely no mechanism for the First Nations community, by law, to make sure they get some kind of assessment from that project when it is up and running. That mine will be operating for at least 15 years. You have to believe it's going to make more than \$700 million because they're spending \$700 million to build a mine.

Now, in fairness to De Beers and Attawapiskat, they have gone through a very difficult process of negotiations

over the last four or five years to put in place a revenue-sharing agreement between the Attawapiskat First Nation and the De Beers mine, and it's just about to be finalized. But the point is this: Why should every community, every time there is a development to go on, have to go cap in hand to the mining company or the forestry company, be it what it is, to negotiate what should be a right? If you open a diamond mine in and about Timmins, the city of Timmins knows what to do. De Beers would know what to do. They would pay municipal assessment to the municipality.

If the mine was opened outside of our municipality, I know what my municipal council would do: We'd annex it. We'd do an expansion of the city of Timmins, as we did when Kidd Creek Mines, which is now the largest employer in Timmins, was started up. Because it fell outside of municipal boundaries, the city of Timmins said, "We're going to expand the municipal boundaries so they're in our city." That was a pretty smart thing to do. As a result of that, we have money from those mines to be able to build things like the Archie Dillon Sportsplex and many other projects that the city has built since Kidd Creek opened operations in Timmins.

So what Bill 97 tries to do is simply this. I don't presume to pretend to know what a revenue-sharing agreement should contain. Nobody in this House, I think, can do that at this point. I don't pretend to know that even First Nations communities clearly understand what should be inside a revenue-sharing agreement. I don't pretend to know that government or industry knows. All I'm asking for in this bill is a very simple process: that 90 days after this bill is passed, there is a direction given to the government of Ontario, over a three-year period, to sit down with First Nations communities and the mining and forestry companies to work out what a revenue-sharing agreement should look like for all projects that are developed up in northern Ontario that would be affected by this bill.

At the end of the day, we may decide it doesn't make sense to have municipal assessments for First Nations, for whatever reason. Maybe what we do is deal with some form of provincial tax that is directly transferred back to the community. Maybe there's another mechanism that we haven't thought of. But the point is, let's start the process.

I'm hoping that if members vote for this particular bill, what it's going to do is create a table that First Nations can come to, along with the mining companies and the government, to sit down and figure out where we go forward. Why is this good? It's obviously good for First Nations, because it means, for example, De Beers or Attawapiskat would not have had to go through what they've gone through in the last five or six years when it comes to negotiating a revenue-sharing agreement.

But, I will argue to members of this assembly, it's a good thing for mining companies and a great thing for forestry companies. As I sit and talk to mining operators and others, they want to know what the rules are. One of the impediments for development north of 50 is that we

don't know what the rules are. It's not the government's fault. You didn't create this problem. It's a problem that's existed there for years. What this does, if at the end of this we get a process of developing what revenue-sharing is, is say to mining companies that when they want to go develop a mine around Constance Lake or around Attawapiskat, Fort Albany, Great Bear Lake, Ogoki—whatever it might be—they'll know what the rules are.

You know what? They open mines all the time in places like Timmins, because they know what the rules are. They know they've got to pay municipal assessment to the city. All the mine does, like Placer Dome, is say, "Is this an economically viable project?" They look at the cost of developing the property. They look at the strength and size of the ore body and how rich it is. They look at all costs associated with operating, including paying municipal taxes. Then they put that in a bottle and say, "We have or we don't have an economic project."

All I want is the same for First Nations. It is unacceptable that in this day and age we, the province, who control natural resources, don't have a mechanism. It's our responsibility. It's not the federal government's. The federal government does not run natural resources; we do, as a province. So if it's our responsibility to organize and manage natural resources in the province of Ontario, it's then incumbent upon us to find a mechanism to allow First Nations to share in the wealth of those projects that will be developed.

It would go a long way. It would not only mean that First Nations would have some money to build badly needed infrastructure, but it would allow First Nations to start looking at how to deal with other issues. We all talk about wanting to break the cycle of dependency. You know what? There's not a person in Attawapiskat, Ogoki or Great Bear Lake that wouldn't love to have a situation where we didn't have welfare, where people actually had jobs, went to work and made money.

But in those communities there is no option. Some people would say, "Oh, well, just get on the plane"—because there are no roads—"and fly all the way down to Timmins or Thunder Bay and find a job." Well, if you grow up in Attawapiskat or any other community, you may not want to come. Imagine if I were to say to my good friend Mr McNeely, who lives, I believe, in Ottawa, "Well, I say to you that if there's no work in Ottawa, then too bad. Pack up your bags, shut down the town and move to Toronto." People wouldn't like that. Why should we do that to First Nations?

#### 1110

If we're going to break the dependency, we have to build the tools to allow that to happen, and one of the tools they need is a mechanism to revenue-share when projects happen in their area. The other thing it will do is put First Nations in the position of saying, "We want development," because it's going to mean money for them and jobs for their people. What we need to do is find some way to make First Nations a front-line player when it comes to developing resources in northern On-

tario, when it comes to mining, forestry, mushroom farms or whatever it might be. And at the end of the day, whatever revenue-sharing looks like, it shouldn't be presumed to be created by me—I don't have the exact answer; I have some good ideas—but it should be given to that table of industry, First Nations and government to deal with.

The other thing is—I sent an invitation—that we should refer this bill to a standing committee and we should travel to northern communities this summer, four or five of them. Go to Attawapiskat, members of the assembly. You'll be fascinated when you get there: wonderful people but desperate conditions. Let's go to Great Bear Lake. Let's go to some of the reserves in northern Ontario and a couple of communities like Timmins and others that are affected by this, so we can hear from both industry and First Nations what they think of this bill and how it could be made better—because I don't pretend to have gotten the draft perfect—so we can then move forward and help First Nations prosper in Ontario.

**Mr David Oraziotti (Sault Ste Marie):** I'm pleased to rise in the House today. I will be speaking in support of ballot item number 28, Bill 97, An Act respecting the sharing of resource revenues for First Nations. I commend Mr Bisson, the member from Timmins-James Bay, for bringing this bill forward.

I will be sharing my time with the member from Stormont-Dundas-Charlottenburgh, Mr Brownell, and the member from Brant, Mr Levac.

This is an incredibly important issue. I can tell you as a northerner that there are about 172 First Nation communities in this province and about 130 First Nation reservations in northern Ontario. If you travel through First Nation communities and take the time to visit with them, you can see the conditions and the economic despair that exist in many First Nation communities across this province. They are truly not sharing in the wealth and opportunity this province has to offer. I think this bill is a demonstration of a step that will take that action and help First Nation individuals share in the potential revenue and wealth of this province.

Our government is making a commitment to aboriginals and First Nation residents in this province to build a new relationship with them and improve their quality of life. We made good on a commitment to follow through on a public inquiry with respect to the Dudley George case. The handling of that in the past has been a dismal reflection of the provincial government's relationship with aboriginal communities. We've agreed to a proposed land claim settlement with the Rainy River First Nation, signalling a new era in aboriginal relations. We have invested \$166.5 million over five years in the aboriginal healing and wellness strategy that will be directed to a range of programs and services that provide improved health and family healing in aboriginal communities. We've also announced the opening of a native child and family services agency here in Toronto to protect vulnerable aboriginal youth in Toronto.

If you take a look at the quality-of-life indicators that First Nations people experience in this province, whether it's mortality rates, suicide rates, substance abuse rates, teenage pregnancy rates, cancer rates, diabetes rates, they are all exceptionally higher than those of Ontarians who do not live on First Nations reservations. In speaking to First Nations individuals, it is incredibly frustrating as they watch the wealth in their communities leave without the opportunity to share in that wealth and improve their own socio-economic status in this province. So I commend Mr Bisson for bringing this forward.

I also acknowledge that this is not something we will do with respect to First Nations communities in a way that does not include or involve their participation. I certainly support the fact that this needs to go to a committee. It needs to have all of the stakeholders meet together, be present and discuss this particular issue. I also like his suggestion that we take the time to travel to First Nations communities, to involve first-hand the people who live in these communities, gather their input and ascertain what may be the best way to develop a revenue-sharing agreement.

First Nations individuals want to share in the wealth of this province. They want to be part of the growth of this province. They're not able to do that at this time with respect to our treatment of aboriginals and the relationship that our government currently has with First Nations individuals.

I had the pleasure last Saturday morning of speaking to national Chief Phil Fontaine and Anishinabek Chief Earl Commanda, who were in Sault Ste Marie with our Lieutenant Governor, James Bartleman, at the opening of the Shingwauk University Centre of Excellence. The Shingwauk school was a residential school in Sault Ste Marie and is now Algoma University College. This was a major step forward, having the aboriginal community in the Sault Ste Marie area play a tremendous role in supporting their own culture, background and academic opportunities.

If you take a look at the history of this country, it has been shaped in much part by the role and strength of the aboriginal people in this community. It is something that has been forgotten and not included in many of our history textbooks that we use in schools today. The centre that was opened in Sault Ste Marie will allow greater research to take place, and a greater understanding of the involvement that First Nations have had in communities like Sault Ste Marie and, quite frankly, across Ontario.

I'm very pleased to support this bill. Hopefully it will help to develop a very productive relationship with the aboriginal community, improve that relationship and allow them to share in the revenues that will flow from their First Nations.

**Mr Norm Miller (Parry Sound-Muskoka):** It's my pleasure to join in the debate today on the member for Timmins-James Bay's private member's Bill 97, An Act respecting the sharing of resource revenues for First Nations. If passed, the bill will require the government of

Ontario to develop, in consultation with First Nations and resource companies, a mechanism for ensuring that First Nations share in the revenues from resource extraction projects within their traditional territories in northern Ontario. This mechanism would apply to all resource revenue sharing projects and avoid the costly and complicated individual negotiations process in place now.

First, I would like to say that the overall purpose of this bill is something that is very important. Financial compensation for resources extracted from lands within First Nation territories is an important step toward improving the living conditions of remote communities that rely on this land for their well-being. I agree with this. This is something that has been done in the past. It has been done on an individual basis between resource companies and local First Nations. Any discussion about economic development in the north should involve the role of the First Nations. For too long they've not had a place at the table.

This bill aims at setting up the process that would get us to a mechanism that will be used as a permanent framework for revenue sharing in the north. I believe this to be important. However, I have concerns with the details of the bill, particularly how the term "traditional lands" is defined. The explanatory note says, "A procedure is established by which resource companies that intend to extract natural resources from First Nations traditional lands in northern Ontario will negotiate a comprehensive revenue sharing agreement with the First Nations and the government of Ontario."

Section 1 of the bill defines the term "traditional lands" by stating, "'Traditional lands' means lands that were traditionally travelled across or made use of by a First Nation, whether or not they fall within a reserve occupied by that First Nation." It seems to me that this term is far too vague for the purposes of becoming law. My concern is that there is no clear definition of how far back in history are traditional lands, or how much did the land have to be used to be considered part of traditional First Nation lands?

Out of that question naturally comes, who will decide what is traditional? Will it be the courts? In reality, with this bill it will be as ad hoc as it is now. It will open up the definition each time a new piece of land is used. If this bill concerned designated lands, I would be able to support it. However, given the inevitable questions that will come out of vague definition of "traditional lands," I cannot support this bill.

**1120**

However, I think we have to be careful not to throw the baby out with the bathwater. We should note that the overall purpose of this bill, which is revenue sharing, is worthwhile. This is something that resource companies and First Nations have realized already. They already engage in resource-sharing agreements. The member for Timmins-James Bay made the comparison of a municipality and municipal tax. I agree with that comparison. As with any tax, you have to be careful that the tax level

is not so high that it's a detriment to doing business and has the opposite effect of what is intended.

I would point out, based on his comparison with a municipality, it has defined borders and it's very clear. If it's the municipality of Timmins, it's very clear where those borders are. That is a real difference with this bill. As the representative for Parry-Sound Muskoka, I would like to point out that he considers northern Ontario as starting at the French River. As you know, the government in its budget last week has made changes to the definition of northern Ontario to take half of my riding out of the north. In fact, I am presenting the balance of 6,000 petitions today from the constituents of Parry Sound-Muskoka who object to that because it's going to negatively affect them. This bill being put forward by the member for Timmins-James Bay completely excludes the seven First Nations within my riding.

I'd like go back to Muskoka being out of the north—part of the budget that was brought down on May 18—because that is going to negatively affect the First Nations in the Muskoka part of my riding. A huge success story in the Moose Deer Point First Nation is the joint venture which has created Niigon industries. Niigon is wholly owned by the First Nation, which provided land, human resources and \$2 million for the project. In its start-up phase, Niigon focused on making small, high-end components for the automotive electronics industry. It now has a 14,000-square-metre facility and it does plastic injection moulding. All of Niigon's profits will go into a band-controlled trust to reinvest in sustainable community projects. That was made possible in large part because Muskoka is, or was, considered part of the north. So there was substantial money from the northern Ontario heritage fund and, in total, I think over \$6 million of Ontario provincial government money went into this project. Now they will be excluded.

The Wahta First Nation has successfully developed a dried cranberry processing plant. That was assisted by the northern Ontario heritage fund. They will no longer be able to access that.

As well, the health concerns of First Nations in the Muskoka part of my riding will be negatively affected because funding for the hospitals in Muskoka, which they use, will decline. Access to some of the specific programs will be denied to those First Nation residents who live in Muskoka. I've noticed that I've been receiving petitions from First Nations people in the Muskoka part of the riding.

This bill that we're talking about today, though, completely ignores the seven First Nations in Parry Sound-Muskoka, including Henvey Inlet First Nation, Shawanaga First Nation, Magnetawan First Nation, Dokis First Nation, Wahta First Nation, Moose Deer Point First Nation and Wasauksing First Nation. Because it ignores my riding, and because of the vague definition of traditional property, traditional territory, I cannot support this bill. I commend the member for bringing forward the bill and I think it has a very worthwhile purpose. I wish him well with it.

**Mr Michael Prue (Beaches-East York):** I rise in support of the bill. I am, I have to say at the outset, a Toronto boy. I have lived my whole life in this city, with the exception of one year in Ottawa. To me, going to First Nations reserves in southern Ontario was always sad. It was sad to see the poverty. It was sad to see people living on traditional lands and in traditional styles and not sharing in the benefits of Canada.

As a young man, I went to the University of Toronto and to Carleton University—hence my one year in Ottawa—and studied anthropology, amongst other things. I was fascinated by native Canadians and their culture, their history and tradition in this country. But in those days, when you studied that, it was to study a people who, sadly, were in decline. The federal Indian Act, as it was then known and called, was an act based on paternalism going back to the 19th and 18th centuries, where the federal government provided all of the resources, spent all of the money, and told native Canadians how they were to live and under what conditions they were to live. Those living conditions resulted in, quite frankly, poverty. They resulted in drug and alcohol dependency, they resulted in abuse, they resulted in family breakdowns, and the whole dismemberment of native culture.

I'm glad to say that over the past 30 years, since those were my study days, I have seen some profound changes, changes for the better. I have seen governments at the federal level and provincial level, particularly in British Columbia and in Quebec, start to treat native Canadians and their communities with respect. I have seen the transfer of funds and programs from the federal level to the provincial level so that native Canadians can be treated the same way under provincial statute as any other person living in those provinces. We have seen the bands, as well, begin to take charge and to change. We have seen a new generation of people with education—doctors and lawyers and dentists and teachers—taking charge of those band councils and leading them in a correct and appropriate direction, taking and seizing control of the daily lives of those bands. Those have all been very good things.

I have to say, since being elected to this House some nearly three years ago now, I have had an opportunity, first of all as the housing critic for the NDP, and latterly housing and Comsoc, among six portfolios of which I'm the critic, to travel with the member from Timmins-James Bay, and into the riding as well of the leader of the third party, to go to some of those reserves and actually see the conditions of the housing and the levels of poverty that continue to exist, the welfare rates and the problems they are having. I have to tell you, it's still sad to see very proud people—it's sad to see Cree nations, it's sad to see Ojibwa nations—in northern Ontario living in circumstances that should no longer exist in our country. It is sad to see housing in states of disrepair, the lack of sewage facilities. It is sad to see people without any real future.

Recently, I had an opportunity to go with the member from Timmins-James Bay to Ogoki, a little town I had

only seen on a map. We went there to talk to Chief Eli and his band council. It's a small community of about 300 or 400 houses. There is absolutely no industry. When we sat with the band council one evening and asked them what they wanted, what they would want to happen in Ogoki, they were united. It was crystal clear: What they wanted were some jobs. What they wanted was for some industry or someone to come into their community and would provide an opportunity for their young people to be educated, to work, to stay in the community and to help those who were living there. And to do that, they required one thing. They thought a road would be a nice idea, that a road could run 90 miles north from where it drops off now in another community and would allow for transportation. The road would bring in jobs. The road could bring in tourists. The road could even allow all of the groceries that they have to bring in by transport plane twice a week to be trucked in, saving them enormous amounts of money.

I would ask the members, if you ever go to these northern communities, to go into the northern store and see how much things cost: \$10 for a bag of potatoes—remember, a lot of these people are on welfare—\$1 for a can of Coke, things that we take for granted. You know, kids might want a bag of potato chips that we would buy for 97 cents in the store; they are \$10 there. A road into some of these communities would be a great asset, so that's what they talked about. They want the jobs; they want the resources; they want their people to stay at home; they want to be able to have communities that stay together.

They want that for a reason. It's not that they are isolationists; it is that they are very proud of who and what they are. They are starting to teach their children the Cree and Ojibwa languages again. They are starting to teach their children that it is good to stay at home and to develop their communities in traditional and non-traditional ways.

#### 1130

I think that's all we can offer and all we should be offering, and that's all that is in this bill. Give them the opportunity to get the money. Give them the opportunity to participate, let them make their own decisions, and see a true flowering of our native people in this country. If this bill can do this, then I am going to support the bill. If there are any flaws about the boundary line, as the member from Parry Sound-Muskoka said, let's take it to committee and change that boundary line, but please do what British Columbia has done, please do what Quebec has done: Recognize these northern communities and these northern people and give them an opportunity to share in the wealth of this province and of this country. This bill will go a long way to do it. It is long past due.

I commend the member from Timmins-James Bay for bringing it forward. He tried unsuccessfully in the last Parliament to bring it forward, but I'm sure there is a better will in this House today on this than there was then.

Native Canadians deserve the right to participate in the richness of this land, particularly in their own traditional

communities. Those traditional communities have to go beyond what is defined in the reserves. There are many communities, and I think the most obvious one is Moose Factory, which do not fall into traditional reserves but are traditional communities all the same.

The member from Timmins-James Bay should be commended for what he is doing. We have an obligation, a right and a duty to make sure that all Ontarians, including those who are native Canadians, share in the wealth of our province.

**The Deputy Speaker:** Further debate? The member for Stormont-Dundas-Charlottenburgh.

**Mr Jim Brownell (Stormont-Dundas-Charlottenburgh):** You've got it, Mr Speaker, and you're doing a great job there.

It certainly is a pleasure for me to stand in support of Bill 97, An Act respecting the sharing of resource revenues for First Nations. We certainly heard some eloquent words from the honourable member for Sault Ste Marie and just now from the member for Beaches-East York. He made comments that he is a city boy from Toronto. Well, I'm from the far east; not a city boy, but certainly from the far east, not having the greatest knowledge of the far north. But being asked to speak on this bill has given me a chance to delve into some of the issues of the far north, of the northern region of Ontario.

I'd like to pick up on comments made in some dialogue that the member from Timmins-James Bay sent to all members of the House when he asked for support of this bill. In his last paragraph, he commented about inviting the committee that will study this bill to the north, to those remote First Nations communities in the north, to visit and to understand. Perhaps it's important for all members of this House, not just the committee members studying it, to travel to the north. I think I will take up the invitation of the member from Timmins-James Bay and do a little more exploring. I've always been interested in taking the Polar Bear Express, I believe it's called, as far north as I could get. I'd love to do that. It's always been in the back of my mind, but it's to take the time.

In speaking in support of this bill, I truly believe that those inhabitants, the people who live in those First Nations communities, want to be front-line players in all aspects of community life; here we're talking about natural resources, but in all aspects. Although I've had many chances to dialogue with the First Nations people of Akwesasne in my riding, it was two weeks ago that I had an opportunity of touring the Akwesasne First Nation, and they talked about the economic disparity they have felt through life. They alluded to the fact that in my riding right now there's a study going on to provide for a low suspension bridge across the St Lawrence into Akwesasne. They talked about the revenue that has developed in businesses north of that bridge in the city of Cornwall, the economic corridor in the city. With that high suspension bridge coming down to a low suspension bridge, what they want to see now is that that economic corridor down in their nation continues over the bridge and on to their lands.

That's very much like what's being debated here today, that they benefit from what we have benefited from in our communities.

It's wonderful that the member from Timmins-James Bay is taking the initiative once again to bring this forward, that we have a chance. But I think too that we have to look across Canada and think that what we're doing in Ontario should be done for all First Nations in Canada. I know we have to work with our federal counterparts. We have to work with our communities, aboriginal and non-aboriginal. We have to work together to make sure they get what they rightfully deserve—and that we know they rightfully deserve.

That's why it did not take long for me to agree to stand in this House today and speak in support of this bill. I stand down, but I stand up for the people in our First Nations.

**Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):** I'm very pleased to speak on the bill from the member from Timmins-James Bay.

The bill in itself seems straightforward enough, but I guess the issue is with respect to the details. As the member from Parry Sound-Muskoka commented, there are some issues. One of the most fundamental ones is because what's being proposed here is a procedure.

The first point I want to comment on is, there is a procedure for arbitration where there's no agreement reached. As we know, the Attorney General is currently undergoing a process of review of all of the Arbitration Act per se. I would caution the member from Timmins-James Bay that he may want to take that into consideration in terms of his own drafting as to what the Attorney General comes out with with respect to his review. Because the Arbitration Act, for those who are familiar with it, is a fairly simple act. It's not a very long act, but it would appear that the government of the day has some concerns with arbitration itself.

What's being put forward here is essentially an arbitration procedure. Whether this arbitration procedure can contract out of the current Arbitration Act may be well and fine, but if, on review or because of any changes to the Arbitration Act, you find that it will change, then what is being proposed by the member may not be fine.

What we have here is also an issue with respect to the imposition of this agreement. Now the government of Ontario is at the table, along with the First Nations—they're the recognized parties—and any other parties that are mutually agreed to.

The second point I want to make is in terms of what role the Legislature plays here. It would appear that under subsection 3(4) the arbitrator can impose a "comprehensive revenue-sharing agreement that shall be deemed to have been arrived at by the parties."

When you look at section 4, it says, "The comprehensive revenue-sharing agreement shall be presented to the Speaker of the Legislative Assembly, who shall cause it to be laid before the Legislative Assembly." The arbitrator imposes an agreement on the parties. Then it comes before the Speaker and is laid before the assembly.

The question is, what is the assembly to do? Is the assembly to ratify this agreement in terms of making it official and something that the Legislature approves of, or is this just something that is for appearances' sake? We have annual reports, for example of the Privacy Commissioner, that are laid before the Speaker and the Speaker reports to the Legislature that these have been done by the Privacy Commissioner. That basically is a reporting function on behalf of the House by the Speaker.

1140

That question really needs to be decided, because I don't know on my reading of it that if you have an agreement that is imposed on the parties, you would essentially have an agreement. There's an agreement reached between the government of Ontario and the First Nations, and that would be something that would be legitimate, that could be acted on. But by putting in this provision, where it's put before the Legislative Assembly, are we saying there's another step? If there is another step, it should be clearly set out in terms of what the Legislature is required to do, because by imposing the agreement, in effect the Legislature's role would appear to be implicitly taken away, and it has been taken away because of the fact that the arbitrator can impose an agreement by the parties.

If the Legislature is to have any role in this, I would think that in terms of dealing with this, this is technically a money bill. This is definitely a piece of legislation that's going to involve money. Whether it's legitimate that it be before here is another question. Maybe the Speaker is going to have to make that decision. But certainly this will involve dollars and cents because it says that it is a "revenue-sharing agreement," and it's something between the government and the First Nations. I would think you would really expect the Legislature to have some role in this with respect to where the monies are going to go and how that's going to impact on the government.

It's a question that I think has to be looked at, something that is important, because the legal effect of this agreement on the Legislature is fundamental. Whether it has a role or not is to be decided, as I caution the member. When you look at the definition section in this act, you have a number of definitions. One of them, as was pointed out by, I believe, the member from Parry Sound-Muskoka, is "traditional lands," which "means lands that were traditionally travelled across or made use of by a First Nation...."

I would think that if you're going to have an agreement, you're going to need to have something much more clear and concise in terms of what lands are going to be the lands for this agreement. I think you would be looking at designated lands, as to what the deal is between the parties, because when you look at the definition for "comprehensive revenue-sharing agreement," it "means an agreement, including draft legislation, that will provide a comprehensive policy by which First Nations will receive benefits from natural resources extracted from their traditional lands, no matter what form those benefits take."

Now that's about as open-ended as you possibly can have. Whether the government wants to enter into this will be their decision, because quite frankly, they have the majority. They're going to have the say on whether this passes today, whether it goes to committee, or whether it even becomes law. So that's something that is important.

The reference in the definition of "comprehensive revenue-sharing agreement" that involves "including draft legislation"—I don't know where that's coming from, because I haven't seen any draft legislation on this at all. I don't know what that means. What we have here and what the member is putting forth is a procedure, and nothing more. Obviously, public hearings on this will be very important.

The other aspect that may not have been raised is the constitutionality of this. I don't know whether this is even constitutional, because the federal government is responsible with respect to the First Nations under the Indian Act in terms of how the government system they're putting in—I believe it was revamped and I think it is law, and I stand to be corrected, in terms of how federal jurisdiction plays over this, and especially whether federal jurisdiction, if there is federal jurisdiction, maintained over Indian lands is something the province can intercede on. So that's a question that will have to be looked at.

**Ms Monique M. Smith (Nipissing):** On a point of order, Mr Speaker: I'd like to take this opportunity to welcome the students from Silver Birches public school in North Bay who are visiting with us today. In both galleries, we've got the students from Silver Birches. On behalf of the members here, I'd like to welcome them.

**The Deputy Speaker:** That is not a point of order, but we welcome them nevertheless.

**Mr Dave Levac (Brant):** You'll have to forgive my voice, but I'll do the best I can. I want to comment on the bill because I think it's extremely important to get on the record about the issue the member from Timmins-James Bay is bringing up.

I had a different opening, and I want to switch because the member from Barrie-Simcoe-Bradford gives us an example of exactly why we're in some of the malaise and the mess we're in: more interested in the legalese; more interested in finding out whether or not we can delay this or shoo this or shoo that; go in different directions and talk about the law and forget about the fact that we've got people living in this province who don't even have a water source, that we've got people living in this province who don't have septic systems.

I, for one, am upset with the tone that people take; I'm disappointed that this is the type of talk we get. That's why our First Nations people are in such disarray. They get put down by law, they get put down by delay, they get put down by so many things, and yet they still persist in being partners with us. I so admire that people, the fact they have for so long put up with the kind of talk that's been going on about how they're going to take care of them, yet they're looking for the simple things in life.

All of us have to look in the mirror when we hear this kind of talk. The largest population of First Nations in Canada is the Six Nations along the Grand River, the territory. You want to know something? Listen to this. We've got 312 homes that have no water supply. We've got 559 homes that have to truck in their water. We've got 1,449 homes with individual wells that don't get tested. We've got 375 homes with piped water, 301 residents connected to a sewer system and 2,442 residents with individual septic systems. Get this: 312 homes with no service at all. That's our Ontario today for our First Nations people, just in this area.

I admire the member for bringing this up. I admire the fact that he's looking for our First Nations people to be served justice. That's all it is, to be served justice. We need to take this issue seriously. We have far too many First Nations people in Ontario who don't have the basic services that people take for granted. No water supply? No septic systems? That's not my Ontario, and I know it's not ours.

I ask us all to take a step back from political parties and ask ourselves, in Ontario, in 2004, should there be any resident without a source of water? Should there be any resident without a septic system?

Forgive my outburst. I do not want to turn this into a shouting match. I apologize to this House, but I will not apologize for the challenge the member has brought forward. The member is asking us to get over the legal stuff, to get over the arguments of why we can't do it, to get this thing to committee so we can hear the stories.

My brother worked in BC on a territory. He brought me to visit. I saw the stuff that was going on in BC. I've been to the north and I've seen some of those things. We would not let our relatives live like that. The First Nations people are our relatives. We cannot stand by and allow a citizen of Ontario not to have a water source and not to have a septic system. Any way we can correct this must be taken.

I applaud the member for coming forward with an idea that deserves our attention. I challenge each and every one of us to ask the simple question, are there people in the province of Ontario today who do not deserve a water source, who do not deserve a septic tank? I say no.

1150

**Mr Howard Hampton (Kenora-Rainy River):** I'm pleased to be able to speak to this private member's issue today. I want to congratulate Mr Bisson, the member for Timmins-James Bay, for bringing it forward. I want to spend my time putting this in context.

What Mr Bisson is really talking about here is development that is very likely going to happen north of the 51st parallel. I say it's development that's very likely going to happen, and going to happen soon, because if we look at the forest maps across northern Ontario, northern Ontario is facing a wood supply gap, and by that I mean the mature forest, which was there before many of the non-native communities in northern Ontario were established. That mature forest is gradually being harvested. There is a new forest that's growing, but in many

locations that new forest will not be ready for harvesting by the forest industry for another 20 or 30 years. So there will be a gap. The mature forest will be harvested before the next forest is ready for commercial use. The only place where we can go to harvest additional forest is further north, north of the 51st parallel, where, by and large, there are no non-aboriginal communities. They're virtually all aboriginal communities. You might find the odd non-native nurse, teacher or pilot, perhaps even find Mr Bisson flying around, but otherwise virtually everything north of the 51st parallel is aboriginal communities.

There's also pressure from the mining industry, the discovery of diamonds and, of course, the diamond development at Attawapiskat. Any given day now, flying across the far north, north of the 51st parallel, you'll find De Beers diamonds and a number of other large, international mining companies out there, flying specially equipped airplanes, looking for the latest big find, whether it's gold, diamonds, titanium, tantalum or any of the so-called new-age minerals. There's huge pressure to move forward in terms of mining.

There's also huge pressure in terms of hydroelectric development. Much of our remaining falling water potential to develop hydroelectricity is in the far north. There's going to be huge pressure to develop. The question is, will this development be on a co-operative basis with First Nations, where First Nations benefit socially, economically and environmentally, or will it be as much of the development has happened in the past, that is, companies simply walk in, take out the resources and, often, have no involvement of First Nations in the economy and leave behind a polluted environment? That's the issue.

Mr Bisson has been very straightforward: What has happened in the past hasn't worked. In fact, what's happened in the past has very often been a disaster, environmentally, economically and socially. We cannot allow that to happen again.

In putting forward this resolution, Mr Bisson has actually done some research on what's happened in Quebec, Manitoba, Saskatchewan and British Columbia. In fact, Ontario is behind all of those other jurisdictions.

A couple of years ago, the Cree nation of Quebec and the Quebec government signed a comprehensive agreement on land use planning, environmental protection, resource utilization, training, education, and revenue-sharing for any mining, forestry or hydroelectric development which happens now and into the future in northern Quebec.

In Manitoba, the government of Manitoba has signed an agreement with some of the Cree nations there, that where there's going to be future hydroelectric development in Manitoba, the First Nations will be complete partners. First Nations people will be trained to do the construction work, the operating work, and they will share in the revenues that come from any future hydroelectric development.

In northern Saskatchewan, you've seen huge mining development. In almost every case, there's been a com-

prehensive agreement signed whereby First Nations have control over the mining. They have land use protections and control over environmental issues. Their people are trained to do the construction work, the mining operation work and all of the ancillary services, and they share in the revenue.

It's the same thing in British Columbia, but here in Ontario we lag behind—far behind.

Some would say, "Oh, well, just let the forestry companies and the mining companies work out one-on-one agreements with First Nations." In fact, if we look at our own history in this province, that's what went on before. If you look at much of what I call the near north, where I grew up or where Mr Bisson grew up, the First Nations there, yes, were included in the initial forest industry, so when the red pine and white pine sawmills opened, a lot of the people who worked in those mills were aboriginal people. They were the mainstay of the river drives, so in a lot of the romantic, historical pictures you see of people pushing wood down the river, a lot of those people were aboriginal people.

But when we ran out or ran short of red or white pine, and we moved on to other kinds of forest products, guess who the first people were to lose their jobs? Aboriginal people. And guess who the last people were to be trained for the new jobs and, in many cases, not trained at all? Aboriginal people. When, for environmental reasons, we stopped the wood drives going down the river and said all wood would now be trucked to the mills, guess who lost their jobs and were never trained to be reemployed in the new jobs? Aboriginal people. When we moved from using swede saws and horses to skid the wood, and moved from power saws to the very sophisticated equipment that you see now, wood processors, guess who lost their jobs in the forest industry and weren't trained for the new technology jobs? Aboriginal people.

So saying, "Well, just let the companies and individual First Nations work it out," is not satisfactory. Our own history shows us that, in fact, that process resulted, to a large extent, in aboriginal people being excluded from the economy in much of what is now known as the near north. That is why this kind of process is needed.

I would even argue that what Mr Bisson has put forward here is actually a good beginning, a very good beginning, but what we need are comprehensive agreements dealing with land use planning, dealing with environmental protection, dealing with issues like training and work experience and then, finally, jobs, as well as the revenue sharing. But this good, modest beginning is something that I think we need to adopt today.

I say to Liberal members, the last time Mr Bisson put this forward, Liberal members voted for it. I hope you will vote for it today, even though now this will place some responsibilities on your government.

**The Deputy Speaker:** Mr Bisson has two minutes to reply.

**Mr Bisson:** I want to make a couple of points very quickly, but before I do that I want to thank Kate Mulligan, the legislative intern who worked in my office. She worked quite hard on this, consulting along with me.

Kate is up there, and I'd like to acknowledge the work she has done. I've got to put a plug in for the legislative internship program. It is a wonderful program that interns and members and the public benefit from. So, Kate, I want to thank you for the work because you've worked quite hard on this.

**Mr Hampton:** Talking about free labour.

**Mr Bisson:** Free labour, right. That's what my leader says. Well, she'll be a summer student this year. Don't worry about it.

I want to say a couple of things. The member from Parry Sound-Muskoka, I still hope you vote for the legislation, that you change your mind. As you recognize, you did raise the points about what are traditional lands, and also the issue about First Nations south of 50. That's an issue we can deal with at committee. Let's at least refer the bill into committee. We'll have an opportunity to deal with it there.

I think the important part is—and Mr Levac hit the nail on the head. I want to thank him for the passion he showed in this debate, along with other members, but specifically Mr Levac. This is about trying to address what has been a long-time inequity. Mr Levac showed with passion, I think, what most Canadians feel deep inside. So let's not get held up if we don't like language in the bill. That's why we've got committees; we'll deal with it over there.

I want to thank the member from Stormont-Dundas—

**Mr Hampton:** Charlottenburgh.

**Mr Bisson:** Charlottenburgh. Sorry. I can't read my own handwriting. I want to thank you. The points you made were very good.

The member from Sault Ste Marie, you will find your dealings with First Nations probably among the best experiences you'll have here, as you started to indicate to me privately in discussions this morning. The member from Barrie-Simcoe-Bradford as well.

I just want to end on this note, and I think Mr Hampton, my leader, also pointed out what this is all about, and that is, let's finally get some common sense and let's finally get some equity to First Nations communities. It's not right that they can't participate in the development of wealth in their communities. This bill is an attempt to start that process, and I look for your support.

**The Deputy Speaker:** The time provided for private members' public business has expired.

SAFE STREETS STATUTE LAW  
AMENDMENT ACT, 2004

LOI DE 2004 MODIFIANT DES LOIS  
EN CE QUI CONCERNE  
LA SÉCURITÉ DANS LES RUES

**The Deputy Speaker (Mr Bruce Crozier):** We shall first deal with ballot item number 27.

Mr Lalonde has moved second reading of Bill 58, An Act to amend the Safe Streets Act, 1999 and the Highway

Traffic Act to recognize the fund-raising activities of legitimate charities and non-profit organizations.

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

**Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell):**

On a point of order, Mr Speaker: I would ask that this bill be referred to the standing committee on general government.

**The Deputy Speaker:** Agreed? Agreed.

FIRST NATIONS RESOURCE REVENUE  
SHARING ACT, 2004

LOI DE 2004 SUR LE PARTAGE  
AVEC LES PREMIÈRES NATIONS  
DES RECETTES TIRÉES

DE L'EXPLOITATION DES RESSOURCES

**The Deputy Speaker (Mr Bruce Crozier):** We shall now deal with ballot item number 28.

Mr Bisson has moved second reading of Bill 97, An Act respecting the sharing of resource revenues for First Nations.

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

**Mr Gilles Bisson (Timmins-James Bay):** First of all, I just want to thank all members. This has been a long time coming. I'm a bit emotional. I would ask that the bill be referred to the standing committee on finance and economic affairs.

**The Deputy Speaker:** Agreed? Agreed.

All matters relating to private members' public business having been dealt with, I do now leave the chair. The House will resume at 1:30 of the clock.

*The House recessed from 1201 to 1330.*

MEMBERS' STATEMENTS

GEORGE VICE

**Mr John O'Toole (Durham):** I was pleased to attend this morning the fire marshal's fire safety awards at the Royal York. More importantly, I was there on behalf of one of my constituents, George Vice. George Vice is a very well respected, well recognized leader in our community, with 50 years of service in the Rotary Club, as well as being the mastermind behind the fire safety house for Clarington Emergency and Fire Services. In fact, George single-handedly got this project off the ground with his personal contribution, and was joined by the Rotary Club of Bowmanville. Also in attendance were members of the fire safety community, Bill Hesson and Randy Reinheart, also showing respect for the work and considerable support that he has given the fire services in my riding of Durham.

Mr Vice is an outstanding community-builder. He is a former postmaster. He has a keen interest in local history and has published two books, one on his history as

postmaster of Bowmanville and one the history of the Rotary Club in Bowmanville. He holds the Paul Harris Fellowship Award, which is Rotary International's highest award, and he's a 50-year member of the club, as I said, and past president.

I'm confident that the members of the House will join me in congratulating Mr George Vice on his recent provincial fire safety award and his life-long service to our community. He is a community-builder. All of us should be happy to say—you know, the Rotary motto is "Service above self." George is a symbol for their very appropriate motto. I'm proud to have been a friend of George for many years, along with all of the community in Bowmanville and Clarington. They love George Vice, the fire safety award recipient.

CALABRESE CANADIANS

**Mr Rosario Marchese (Trinity-Spadina):** I want to take this opportunity to announce a week of Calabrian, southern Italian, events in Toronto, the GTA and Ontario. It is a full week of events promoted and organized by the Federation of Calabrese of Ontario, with the participation of various groups and companies from the region of Calabria.

The events bring people together under the rubric of "sapori and saperi," which literally means flavours, knowledge and learning; food, culture and identity. The words sapori and saperi—interesting, wonderful alliteration—are two words that sound the same but are different, yet inextricably linked. This is an opportunity for all to savour and enjoy the true taste of Calabrian history and culture and traditions. Calabrians are proud to be Canadians, yet very proud to celebrate their roots.

I want to take this opportunity to thank Centro Scuola, headed by Alberto Di Giovanni, who co-sponsored some of the events, and thank Tony Silipo, who is a former member from Davenport and currently the president, for his leadership of the Federation of Calabrese of Ontario. If people need more information, they can call me.

ORDER OF ST GEORGE

**Mr Kim Craiton (Niagara Falls):** It is with great pleasure that I rise in the House today and congratulate a special group in my riding of Niagara Falls. The first priory of the Knightly Order of St George in North America was consecrated last year at Christ Church in Niagara Falls.

I was honoured to be the guest of the priory at the third investiture dinner held just a few months ago and had the good fortune of sitting with Lieutenant Colonel Gareth Green, the lord prior of the Knightly Order of Saint George here in Canada.

The Order of St George has had a continuous existence for the past 700 years. Originally a military and charitable order founded in 1326, military service is no longer an absolute requirement. The purpose of the Order of St George is to make a difference in the world of its members through compassion and the support of various

charities. I am proud that this order has been established in Niagara Falls and I commend all members of the Order of St George, under the leadership of Lord Prior Gareth Green, as they continue to do the good works of this distinctive group.

#### NINA BURNHAM

**Mr Toby Barrett (Haldimand-Norfolk-Brant):** I stand to recognize the achievements of a former Six Nations band councillor who, after years of devotion to serving her community, has recently received the top honour awarded by the Anglican Church, the Order of Huron. The recipient, Nina Burnham, is a member of St Peter's at Ohsweken.

This award is reserved for outstanding and selfless work, and over the years Nina Burnham has proven herself truly worthy. Whether it be her work as a dental hygienist for many First Nations reservations, including Moose Factory and Attawapiskat, or her duties aboard the medical ship C.D. Howe, which travelled to many Inuit settlements of the eastern Arctic to provide preventive dentistry, Nina Burnham has dedicated herself to helping others.

Nina Burnham was born on Six Nations, and it is there that she made some of her most important contributions as a member of the elected band council, where she served as a councillor for 18 years, up until 2003. Ms Burnham also served on the Ontario Board of Parole for six years and the Ontario Trillium board for three years, and continues to be an active member of the Six Nations veterans association.

As National Aboriginal Day approaches—that would be June 21—I would like to take this opportunity to recognize Nina Burnham on the occasion of her receipt of the Order of Huron.

#### SPECIAL OLYMPICS

**Mr Jeff Leal (Peterborough):** I rise today in the House to share with my colleagues a wonderful event I had the opportunity to participate in last weekend. My riding of Peterborough proudly hosted the Special Olympics 2004 spring games. More than 600 athletes and coaches converged on Peterborough for three days, from June 10 to June 12. The athletes competed in five- and 10-pin bowling, basketball, floor hockey, power lifting and swimming.

The Ontario Special Olympics serve an important purpose. It's not just about winning. The Special Olympics have created many lasting friendships over the years. Special Olympics programs within our schools get students with intellectual disabilities involved in sports and recreation. This builds on physical health, cooperation and self-esteem, and sets the athletes on a path of better integration within their community. Thank you to the many coaches, volunteers and sponsors who make events such as the spring games a possibility. I'd like to also commend the athletes for their spirit, courage and determination. It was truly inspiring.

Peterborough now has passed the torch to the Niagara region as the host of the Special Olympics summer games in 2005. Best wishes for a successful games.

#### LIQUOR LICENSING

**Mr Robert W. Runciman (Leeds-Grenville):** In a scrum this morning, the consumer minister suggested that his bring-your-own-wine legislation wouldn't pass this session because of the opposition. We're getting used to Liberal stretches of the truth, and this is just another example. The reality is that the government hasn't called the bill for second reading. They are sitting on it, not the opposition. When the Liberal government does finally call the bill, the Conservative caucus will insist on public hearings.

Minister Watson, in what has become a depressingly familiar pattern for McGuinty Liberals, broke yet another promise when he tabled the bill. He had assured groups like Mothers Against Drunk Driving and the hotel and restaurant association that he would consult them before bringing in legislation. Instead of keeping his promise, he blindsided them. The minister also had the audacity to suggest in response to a Liberal lob-ball question that MADD supported his announcement. That was below the belt.

The Conservative Party wants the people Minister Watson treated with such disdain to have an opportunity for input. Despite protestations otherwise, the McGuinty Liberals are the only ones playing political games with this legislation.

1340

#### SENIOR CITIZENS

**Ms Judy Marsales (Hamilton West):** I rise in the House today to pay tribute to all the seniors in Ontario this month. June is Seniors Month in Ontario. Hamilton West has many, many remarkable seniors. However, I would like to pay tribute to one. Today I will tell you about Dorothy Adler. She's an 88-year-old woman who was born and raised in Hamilton and has operated a family business, Adler Furniture, in our city for many, many years. She's currently living at Shalom Village in west Hamilton. I was recently at Shalom Village. She's been involved in so many community activities, so many, numerous committees and organizations that I don't have time right now to itemize them all.

Despite her health challenges, Dorothy has persevered through all her difficulties with her great positive thinking and her zest for life. Whether she's shopping at the various Hamilton malls, lunching with her friends or family, volunteering at socials and teas, or with her regular canasta games, she is very active indeed. Shalom Village residents regard Dorothy as the epitome of a modern senior. It's quite obvious that Dorothy has no intention of slowing down.

My visits to various seniors' homes in west Hamilton have resulted in warm and gracious welcomes, and it's

sometimes difficult to leave. The wonderful hospitality recently demonstrated at Villa Italia was something to behold; I was very overwhelmed.

I want to report to you that the provincial budget has been very well received by the seniors in west Hamilton.

**The Deputy Speaker (Mr Bruce Crozier):** Thank you.

### IMMIGRANTS

**Mr Tony Ruprecht (Davenport):** After listening to a lot of bitching, whining and complaining by the opposition, let me give you some good news of how Ontario Liberals are keeping another election promise.

Recently the Minister of Citizenship and Immigration signed a letter of intent with the federal government to begin negotiations on a federal-provincial immigration agreement. This is an important and long overdue step. Ontario is the only province that does not have an immigration agreement with the federal government.

For too long, Ontario's immigrants have not received the same attention as immigrants in other provinces because the previous government did not want to forge working relationships with other levels of government. Ontario receives many highly educated immigrants who, unfortunately, are unable to find jobs in their chosen profession. In fact, many can't make a living, as all of us know.

Will this federal-provincial agreement help new immigrants and internationally trained professionals? Yes. The agreement proposes a seamless integration of services that provide comprehensive one-stop shopping for newcomers and prospective immigrants in accessing settlement support.

I know the opposition doesn't like what I have to say, but I just want all of you to know that we're here to keep our promises, and this is one we intend to keep.

### RURAL ONTARIO

**Mrs Carol Mitchell (Huron-Bruce):** I rise today to speak about the report, Investing in People, which was commissioned by the previous government in 2002. I must say this report took a very negative view of rural Ontario.

There is a feeling of outrage in my community, in our rural communities. People feel slighted and devalued. This is a result of a column in the National Post, and I can tell you, they are in more need of life support than rural Ontario.

This report is not the report of our Liberal government. Our government is investing in rural Ontario and the north, including more than \$900 million for our municipal infrastructure. As well, as part of our government's commitment to rural communities, we are developing a rural plan to articulate our vision for our rural communities, and these consultations have already begun.

Rural Ontario has always paid its way. Investments have paid off, and people's hard work has built strong

communities. Our rural people, when ignored by the big financial institutions, turn to themselves to create solutions, and they invest by their own innovation. Credit unions, mutual insurance companies, independent phone companies: That's rural Ontario.

People in rural Ontario should be proud of where they are from. A healthy, prosperous rural Ontario benefits all of Ontario.

### REPORTS BY COMMITTEES

#### STANDING COMMITTEE ON FINANCE AND ECONOMIC AFFAIRS

**Mr John Wilkinson (Perth-Middlesex):** I beg leave to present a report from the standing committee on finance and economic affairs and move its adoption.

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

Bill 83, An Act to implement Budget measures / Projet de loi 83, Loi mettant en oeuvre certaines mesures budgétaires.

**The Deputy Speaker (Mr Bruce Crozier):** Shall the report be received and adopted?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the ayes have it.

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

*The division bells rang from 1345 to 1355.*

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

#### Ayes

Arthurs, Wayne	Fonseca, Peter	Peterson, Tim
Bartolucci, Rick	Hoy, Pat	Phillips, Gerry
Bentley, Christopher	Jeffrey, Linda	Pupatello, Sandra
Berardinetti, Lorenzo	Kular, Kuldip	Qaadri, Shafiq
Bountrogianni, Marie	Kwinter, Monte	Racco, Mario G.
Bradley, James J.	Leal, Jeff	Ramsay, David
Brotten, Laurel C.	Levac, Dave	Rinaldi, Lou
Caplan, David	Marsales, Judy	Ruprecht, Tony
Chambers, Mary Anne V.	Matthews, Deborah	Sandals, Liz
Colle, Mike	McMeekin, Ted	Smith, Monique
Cordiano, Joseph	McNeely, Phil	Sorbara, Greg
Craitor, Kim	Meilleur, Madeleine	Watson, Jim
Delaney, Bob	Milloy, John	Wilkinson, John
Dhillon, Vic	Mitchell, Carol	Wong, Tony C.
Dombrowsky, Leona	Oraziotti, David	Wynne, Kathleen O.
Duguid, Brad	Parsons, Ernie	Zimmer, David
Duncan, Dwight	Peters, Steve	

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

#### Nays

Arnott, Ted	Horwath, Andrea	Prue, Michael
Baird, John R.	Jackson, Cameron	Runciman, Robert W.
Barrett, Toby	Kormos, Peter	Sterling, Norman W.
Bisson, Gilles	Marchese, Rosario	Tascona, Joseph N.
Chudleigh, Ted	Martel, Shelley	Wilson, Jim
Dunlop, Garfield	Martiniuk, Gerry	Witmer, Elizabeth
Eves, Ernie	Miller, Norm	Yakubuski, John
Hardeman, Ernie	O'Toole, John	

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 50; the nays are 23.

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

Pursuant to the order of the House dated Thursday, June 10, 2004, the bill is ordered for third reading.

## INTRODUCTION OF BILLS

### BLIND PERSONS' RIGHTS AMENDMENT ACT, 2004

#### LOI DE 2004 MODIFIANT LA LOI SUR LES DROITS DES AVEUGLES

Mr Martiniuk moved first reading of the following bill:

Bill 103, An Act to amend the Blind Persons' Rights Act / Projet de loi 103, Loi modifiant la Loi sur les droits des aveugles.

**The Deputy Speaker (Mr Bruce Crozier):** Is it the pleasure of the House that the motion carry? Carried.

**Mr Gerry Martiniuk (Cambridge):** This bill extends the Blind Persons' Rights Act to all persons with disabilities if a guide dog is of assistance. Currently the law only protects guide dogs for the blind. These dogs are truly amazing. They can help with seizure assistance, open doors, push a help button, physically alert a deaf person if there is a baby crying or a phone ringing, and assist those with autism.

I'd like to thank Heather Fowler, founder and executive director of National Service Dogs, for all her hard work and assistance in this bill.

1400

### KEY AIRCRAFT SERVICES INC. ACT, 2004

Mrs Jeffrey moved first reading of the following bill:

Bill Pr7, An Act to revive Key Aircraft Services Inc.

**The Deputy Speaker (Mr Bruce Crozier):** Is it the pleasure of the House that the motion carry? Carried.

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

## MOTIONS

### STANDING COMMITTEES

**Hon Dwight Duncan (Minister of Energy, Government House Leader):** Mr Speaker, I believe I have unanimous consent to put forward a motion regarding standing committees.

**The Deputy Speaker (Mr Bruce Crozier):** Is there unanimous consent? Agreed.

**Hon Mr Duncan:** I move that the orders of the House dated December 2, 2003, respecting committee member-

ship and meeting times be rescinded, and that notwithstanding standing order 106, the membership of the following committees be appointed for the duration of the 38th Parliament:

(a) standing committee on justice policy: Mike Brown, Jim Brownell, Bob Delaney, Kevin Flynn, Tim Hudak, Frank Klees, Peter Kormos, David Oraziotti and Mario Racco;

(b) standing committee on social policy: Ted Arnott, Ted Chudleigh, Kim Craitor, Peter Fonseca, Jeff Leal, Rosario Marchese, Ted McMeekin, Khalil Ramal and Kathleen Wynne;

(c) standing committee on general government: Marilyn Churley, Vic Dhillon, Brad Duguid, Jean-Marc Lalonde, Deb Matthews, Jerry Ouellette, Shafiq Qadri, Lou Rinaldi and John Yakabuski;

(d) standing committee on estimates: Wayne Arthurs, Caroline Di Cocco, Andrea Horwath, Cameron Jackson, Kuldip Kular, Phil McNeely, John Milloy, John O'Toole and Jim Wilson;

(e) standing committee on finance and economic affairs: Toby Barrett, Mike Colle, Pat Hoy, Judy Marsales, Phil McNeely, Carol Mitchell, John O'Toole, Michael Prue and John Wilkinson;

(f) standing committee on government agencies: Lorenzo Berardinetti, Ernie Parsons, Michael Gravelle, Andrea Horwath, Laurie Scott, Monique Smith, David Oraziotti, Joseph Tascona and Elizabeth Witmer;

(g) standing committee on the Legislative Assembly: Donna Cansfield, Kim Craitor, Bob Delaney, Ernie Hardeman, Linda Jeffrey, Rosario Marchese, Norm Miller, Mario Racco and Mario Sergio;

(h) standing committee on public accounts: Laurel Broten, Jim Flaherty, Shelley Martell, Bill Mauro, Julia Munro, Richard Patten, Liz Sandals, Norm Sterling and David Zimmer;

(i) standing committee on regulations and private bills: Gilles Bisson, Marilyn Churley, Jeff Leal, Gerry Martiniuk, Bill Murdoch, Tim Peterson, Khalil Ramal, Maria Van Bommel and Tony Wong; and

That all standing orders which currently apply to the standing committee on justice and social policy shall apply to the standing committee on justice policy and the standing committee on social policy; and

That the bills currently referred to the standing committee on justice and social policy stand referred to the following committees: standing committee on justice policy, Bills 78 and 88; standing committee on social policy, Bills 55, 57 and 71; and

That notwithstanding standing order 115, the Chairs of the standing committees shall be apportioned as follows: Members of the party forming the government shall chair five standing committees; members of the party forming the official opposition shall chair three standing committees; a member of a recognized party in opposition to the government shall chair one standing committee; and

That the following schedule for committee meetings be established for this Parliament:

The standing committee on justice policy may meet on Wednesday and Thursday mornings;

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

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

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

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

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

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

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

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

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

#### STANDING COMMITTEE ON GOVERNMENT AGENCIES

**Hon Dwight Duncan (Minister of Energy, Government House Leader):** I seek unanimous consent to put forward a motion without notice regarding the standing committee on government agencies.

**The Deputy Speaker (Mr Bruce Crozier):** Mr Duncan has moved that a motion be put forward without notice regarding government agencies. Agreed? Agreed.

**Hon Mr Duncan:** I move that, notwithstanding standing order 106(e), selections made from certificates that are deemed referred to the standing committee on government agencies and are received June 11, 2004, and June 18, 2004, may be made by any one member of each recognized party.

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

#### HOUSE SITTINGS

**Hon Dwight Duncan (Minister of Energy, Government House Leader):** I move that, pursuant to standing order 9(c)(i), the House shall meet from 6:45 pm until 9:30 pm on Thursday, June 17, 2004, for the purpose of considering government business.

**The Deputy Speaker (Mr Bruce Crozier):** Is it the pleasure of the House that the motion carry?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the ayes have it.

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

*The division bells rang from 1407 to 1412.*

**The Deputy Speaker:** Order. Mr Duncan has moved government notice of motion number 134.

All those in favour will please stand one at a time and be recognized by the Clerk.

#### Ayes

Arthurs, Wayne	Hoy, Pat	Phillips, Gerry
Bartolucci, Rick	Jeffrey, Linda	Pupatello, Sandra
Bentley, Christopher	Kennedy, Gerard	Qaadri, Shafiq
Berardinetti, Lorenzo	Kular, Kuldip	Racco, Mario G.
Bountrogianni, Marie	Kwinter, Monte	Ramsay, David
Bradley, James J.	Lalonde, Jean-Marc	Rinaldi, Lou
Brotten, Laurel C.	Leal, Jeff	Ruprecht, Tony
Bryant, Michael	Levac, Dave	Sandals, Liz
Caplan, David	Marsales, Judy	Sergio, Mario
Chambers, Mary Anne V.	Matthews, Deborah	Smith, Monique
Colle, Mike	McMeekin, Ted	Smitherman, George
Cordiano, Joseph	McNeely, Phil	Sorbara, Greg
Craiton, Kim	Meilleur, Madeleine	Watson, Jim
Delaney, Bob	Milloy, John	Wilkinson, John
Dhillon, Vic	Mitchell, Carol	Wong, Tony C.
Dombrowsky, Leona	Oraziotti, David	Wynne, Kathleen O.
Duguid, Brad	Parsons, Ernie	Zimmer, David
Duncan, Dwight	Peters, Steve	
Fonseca, Peter	Peterson, Tim	

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

#### Nays

Arnott, Ted	Horwath, Andrea	Ouellette, Jerry J.
Baird, John R.	Jackson, Cameron	Prue, Michael
Barrett, Toby	Kormos, Peter	Runciman, Robert W.
Bisson, Gilles	Marchese, Rosario	Sterling, Norman W.
Chudleigh, Ted	Martel, Shelley	Tascona, Joseph N.
Dunlop, Garfield	Martiniuk, Gerry	Wilson, Jim
Eves, Ernie	Miller, Norm	Witmer, Elizabeth
Hardeman, Ernie	O'Toole, John	Yakabuski, John

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 55; the nays are 24.

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

#### VISITORS

**Mr Cameron Jackson (Burlington):** Mr Speaker, on a point of order: I'd just like to indicate, for the former members of the House, that a young page who was here a year and a half ago accompanied her father to the Legislature. Lauren Jackson is here today.

**The Deputy Speaker (Mr Bruce Crozier):** That's not a point of order, but we welcome her.

**Mr Jim Wilson (Simcoe-Grey):** Mr Speaker, on a point of order: I would ask members to help me welcome Olive and Fred Cheron from Scarborough, great friends of mine, and also Rick and Nancy Archdekin from Wasaga Beach.

**The Deputy Speaker:** That's not a point of order, but we welcome them.

## DEFERRED VOTES

## ADAMS MINE LAKE ACT, 2004

## LOI DE 2004

## SUR LE LAC DE LA MINE ADAMS

Deferred vote on the motion for third reading of 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.

**The Deputy Speaker (Mr Bruce Crozier):** Call in the members. This will be a five-minute bell.

*The division bells rang from 1417 to 1422.*

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

## Ayes

Arthurs, Wayne	Gerretsen, John	Parsons, Ernie
Bartolucci, Rick	Horwath, Andrea	Peters, Steve
Bentley, Christopher	Hoy, Pat	Peterson, Tim
Berardinetti, Lorenzo	Jeffrey, Linda	Phillips, Gerry
Bisson, Gilles	Kennedy, Gerard	Prue, Michael
Bountrogianni, Marie	Kular, Kuldip	Pupatello, Sandra
Bradley, James J.	Kwinter, Monte	Qaadri, Shafiq
Broten, Laurel C.	Lalonde, Jean-Marc	Racco, Mario G.
Bryant, Michael	Leal, Jeff	Ramsay, David
Cansfield, Donna H.	Levac, Dave	Rinaldi, Lou
Caplan, David	Marchese, Rosario	Ruprecht, Tony
Chambers, Mary Anne V.	Marsales, Judy	Sandals, Liz
Colle, Mike	Martel, Shelley	Sergio, Mario
Cordiano, Joseph	Matthews, Deborah	Smith, Monique
Craitor, Kim	McGuinty, Dalton	Smitherman, George
Delaney, Bob	McMeekin, Ted	Sorbara, Greg
Dhillon, Vic	McNeely, Phil	Watson, Jim
Dombrowsky, Leona	Meilleur, Madeleine	Wilkinson, John
Duguid, Brad	Milloy, John	Wong, Tony C.
Duncan, Dwight	Mitchell, Carol	Wynne, Kathleen O.
Fonseca, Peter	Oraziotti, David	Zimmer, David

**The Deputy Speaker:** All those opposed will please stand and be recognized by the Clerk.

## Nays

Arnott, Ted	Hardeman, Ernie	Runciman, Robert W.
Baird, John R.	Jackson, Cameron	Sterling, Norman W.
Barrett, Toby	Martiniuk, Gerry	Tascona, Joseph N.
Chudleigh, Ted	Miller, Norm	Wilson, Jim
Dunlop, Garfield	O'Toole, John	Witmer, Elizabeth
Eves, Ernie	Ouellette, Jerry J.	Yakabuski, John

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 63; the nays are 18.

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

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

## ORAL QUESTIONS

## HEALTH CARE SERVICES

**Mr Garfield Dunlop (Simcoe North):** My question today is for the Premier. The revelation that some of the

money collected from your new health tax will go toward water and sewer piping is alarming, to say the very least, especially following your expensive taxpayer-funded radio ads. It's unfortunate that construction associations didn't know this in the pre-budget consultations, or they might have been at some of those hearings asking for more money for health care.

Premier, you keep telling Ontarians that your new government will improve health care in this province.

**The Deputy Speaker (Mr Bruce Crozier):** Question.

**Mr Dunlop:** When you say this, people naturally assume that you're referring to the improvement of direct, front-line health care services, like getting an MRI or even getting an appointment with a chiropractor.

**The Deputy Speaker:** Question.

**Mr Dunlop:** Tonight we will vote on the most regressive budget in the history of our province—

**The Deputy Speaker:** The member's time has expired. Premier?

**Hon Dalton McGuinty (Premier, Minister of Inter-governmental Affairs):** I appreciate the—I think it was more of a short story than a question. But let me take the opportunity once again to give the facts on this particular issue.

The premium this year will raise an additional \$1.6 billion. We will, by means of this budget, spend through the Ministry of Health and Long-Term Care an additional \$2.2 billion. Every penny raised by this premium will be invested through the Ministry of Health in better quality health care for the people of Ontario.

**The Deputy Speaker:** Supplementary?

**Mr John Yakabuski (Renfrew-Nipissing-Pembroke):** My question is also for the Premier. It's not a laughing matter, but you do need a sense of humour to listen to this. The Premier and the health minister have been all over the map on this. Day one, "Yes, we're spending it on infrastructure, but it's a good idea because it's going to improve the health of Ontarians." The next day the Premier says, "No, because the \$1.6 billion, that's really only going to health care." The next day the Premier and the Minister of Health are back on the infrastructure. They're all over the map.

It's been proven and documented by doctors and scientists that laughter is good for your health. Now, using that logic, can we expect that if we're investing taxpayers' health dollars in sewer pipes, the Minister of Health will soon be making an announcement that they will be making a health care investment in Yuk Yuks comedy club?

**Hon Mr McGuinty:** We'll try to ground this in reality. I'll do my best for the members opposite.

If I may make reference to our recently released budget, on page 43 it tells us that there are new investments to the tune of roughly \$2.2 billion to be made through the Ministry of Health and Long-Term Care this year to improve the quality of care for the people of Ontario—2.2 billion additional new dollars for the Ministry of Health and Long-Term Care.

What we're doing in part, so we have sufficient funds to make that investment, is asking the people of Ontario to invest in their health care system by means of a new premium. That premium only generates \$1.6 billion, even though the total investment through the Ministry of Health and Long-Term Care is \$2.2 billion. Again I say to the members opposite, every single penny that's generated by the new premium will be invested through the Ministry of Health and Long-Term Care in better quality care for the people of Ontario.

**Mr Yakabuski:** Again, the answers change every day. It's in infrastructure; it's not in infrastructure. We know where those health care dollars are not being spent. They are not being spent on physiotherapy, they are not being spent on chiropractic, and they are not being spent on much-needed eye exams. They're being spent on sewer projects. I can just see it: Walking down the street in Toronto, you're going to see all kinds of confused people standing around when a backhoe is working and there will be a sign up there, "Your Health Care Dollars at Work." They're not going to understand it. They understand health care dollars as MRIs and other health procedures.

Will you come clean with the people of Ontario? Back off on this idea; it's a bad one. Come clean, and come up with something better.

1430

**Hon Mr McGuinty:** Again, the members opposite don't want to allow the facts to get in the way of their particular story. This additional fund, raised by means of the premium, will contribute toward the improved quality of health care for Ontarians.

In addition to new MRIs and CTs—in fact, nine—I recited this list before, and it's worth hearing again: 36,000 more cardiac procedures; 2,300 more joint replacements; 9,000 more cataract surgeries; 8,000 more full-time nursing positions; 78,600 more Ontarians receiving mental health support in their communities; \$406 million more for long-term care; 150 family health teams—the list goes on and on but time does not permit. I'm proud to say that every single penny generated by this new premium goes into better-quality health care for the people of Ontario.

**The Deputy Speaker:** New question.

**Mrs Elizabeth Witmer (Kitchener-Waterloo):** My question is also to the Premier. The demonstration, the rally today, demonstrates that people in this province continue to be very angry about your decision to delist health services such as chiropractic, eye exams and physiotherapy.

We now find that there was never any pre-budget consultation about the delisting of services. There was no opportunity to meet with the chiropractors. Requests for meetings with the minister were refused. In a recent survey, 70% of Ontarians opposed your move to delist chiropractic care.

Curt Harnett, the silver- and bronze-medal cyclist, states about your decision, "My sense is that and statistics will show that delisting will have a negative impact

on health care and cost the government more because people will only go to general practitioners to seek alternative care."

I would ask you, Premier, based on that statement, based on the fact that we know health care costs are going to increase, why you did not consider the consequences of this short-sighted decision to delist chiropractic services.

**Hon Mr McGuinty:** With the delisting of chiropractic services, we have now joined the majority of Canadian provinces, which no longer publicly fund these services.

The former minister well understands what I am about to describe. This is some of the nature of the challenge before us. When I got here 14 years ago, health care consumed approximately one third of the budget. Today it is just under one half of the budget. Notwithstanding that, we're investing an additional \$2.4 billion in health care this year.

So you have to make some tough decisions along the way about what we are doing at present that we think we could deliver by means of higher priorities. So we said, for example, that from our perspective shorter waits, when it comes to radiation, chemotherapy, cardiac surgery and cataracts, are of greater importance to the people of Ontario than chiropractic. Hence, the reason we made that difficult decision.

**Mrs Witmer:** The reality is, Premier, that the decisions you have made will hurt people.

You mentioned eye disease. I would say to you that the decision you have made to delist eye exams for people between the ages of 20 and 65 is extremely short-sighted. You are the Premier who said you were not going to privatize health care, that you would not introduce two tiers. I can tell you there are eye diseases that are going to go undetected if people do not have eye exams—for example glaucoma, macular degeneration, and we know that diabetes is often diagnosed because someone has the opportunity to go for an eye exam.

I say to you, will you do the right thing? Will you demonstrate that you have compassion, that you're concerned about the possibility of people going blind, and will you reverse your decision to delist eye exams?

**Hon Mr McGuinty:** The former Minister of Health will also know that all medically necessary eye examinations will continue to be covered regardless of the patient's age. So if an Ontarian feels they have some problem with their eyes, then they'll go see their doctor and the doctor examines them; if the doctor feels it warrants a referral to a specialist, then that referral is made. This is all about primary care.

Beyond that, of course, we're investing significant new dollars in expanding primary care throughout the province of Ontario with 150 new family health teams.

**Mrs Witmer:** You mentioned that medically necessary eye exams will still be covered. Surely you know that individuals in this province are not aware when they have a serious eye problem or disease. I recently heard about a young person who went to have an eye exam because of your delisting and he wanted to make sure he

could have this paid for. I can tell you, his optometrist discovered a condition that he was totally unaware of and that could have caused blindness.

I ask you again, do you fully understand the consequences? People don't know when they have glaucoma. They don't know that they have diabetes. They don't know that maybe they have macular degeneration. Will you reverse your decision and relist eye exams?

**Hon Mr McGuinty:** Again, the former minister raises the spectre, practising the politics of fear here, when she should know better.

*Interjections.*

**Hon Mr McGuinty:** This is important. The members opposite may not want to hear this. Ontario was the only province that provided coverage for routine eye exams for adults between ages 20 and 64. For quite some time now, every other province in the federation has provided this kind of delisting and this kind of more limited coverage.

It is important for me to confirm that all medically necessary eye examinations remain covered through the public service. That is important. Notwithstanding anything the former minister might put forward to the contrary, we're still covering all medically necessary eye examinations.

#### HEALTH CARE FUNDING

**Mr Howard Hampton (Kenora-Rainy River):** My question is to the Premier. I want to read you your promise again that you're playing on the radio airwaves of Ontario: "I'm Dalton McGuinty, and I want you to know that every penny of Ontario's new health premium will go to health care." Then you turn to page 12 of your budget, and it shows that next fiscal year, 2005-06, you will take in \$1.6 billion more in dedicated health care taxes and revenue, but you will invest only \$600 million more in health care services. In other words, you will invest \$1 billion less in health care services than you're taking in through your health tax and that you're getting from the federal government. Can you tell the people of Ontario, Premier, what happened to your promise?

**Hon Dalton McGuinty (Premier, Minister of Intergovernmental Affairs):** Again, nothing has changed, including the questions I'm getting from the members opposite.

Every penny we generate by means of this new Ontario health care premium will be invested in better health care for the people of Ontario. It's as simple and as straightforward as that.

**Mr Hampton:** Turn to page 12 of your own budget, because what it clearly shows is this: You're going to get \$800 million more from your aggressive and unfair health tax, \$800 million more than you're getting this year, and you're going to get \$800 million of dedicated health care funding from the federal government. That's what your budget shows. But then you look at the Ministry of Health line and their expenditure only increases by \$600 million. In other words, \$1 billion that

you're taking in either from the federal government through dedicated health care funds or from your health tax isn't going to health care services.

I call that a broken promise, Premier. What do you call it? Just another day?

1440

**Hon Mr McGuinty:** I would call it ineffective NDP spin. Here are the facts: This particular year we'll raise \$1.6 billion by way of the premium. We'll spend \$2.2 billion in health care. Next year we'll raise \$2.4 billion by way of the premium and spend \$2.8 billion in health care. Every single penny generated by the premium will go into better health care for the people of Ontario.

**Mr Hampton:** Do you remember those days when you used to point at the Conservatives and say, "You're getting this dedicated health care funding from the federal government, but you're not spending it on health care"? When you add up what you're going to take in through your very unfair and regressive health tax and what you're going to get from the federal government—and it's all delineated; some of it's for vaccination, some of it is for primary health care reform, some of it is for MRIs, CAT scans and those kinds of things—when you take in both the health tax money and the federal money, you're not spending all of that money on health care services.

So either you're doing what the Conservatives used to do, taking the federal money and spending it somewhere else, or you're using the health tax money and you're spending it somewhere else. Which is it? What happened to your promise? Did it go the way of all your other promises—broken?

**Hon Mr McGuinty:** What can I say except the same thing again? Every single penny to be generated by way of the premium will be invested in health care for the people of Ontario. More than that, I'm sure the member opposite recognizes that close to one half of the revenues that we have right now are going into health care.

So not only is our premium money going to go into health care, a lot of the sales tax money goes into health care; a lot of the corporate income tax money goes into health care; a lot of the personal income tax money goes into health care; a lot of the liquor tax goes into health care; a lot of the gas tax goes into health care.

We're looking for as much money as we can. Nearly one half of the budget goes into health care. I can assure you that every single penny generated by the premium will go into health care as well.

**The Deputy Speaker (Mr Bruce Crozier):** New question.

**Mr Hampton:** To the Premier again: Simply add up the numbers. Your budget delineates all the numbers. When you add up the federal money, when you add in the health tax money, you're spending \$1 billion less on health care services than you're taking in through the taxes and the dedicated federal funds. I want to add to that. At the same time, though, that you're taking in a billion dollars in health tax revenue that you're not spending on health care, you're going to cut chiropractic

services, physiotherapy services and optometry services. This sounds to me like two promises broken. You promised before the campaign that you would not cut health services, but here you go, taking in tax money and not spending it on health care, and at the same time you're cutting health care services. To me, that sounds like two broken promises. What is it to you?

**Hon Mr McGuinty:** Again, we're going to invest an additional \$2.2 billion this year through the Ministry of Health and Long-Term Care, next year an additional \$2.8 billion. The member asked what it is that we are getting in return. I can return to the list, but we are absolutely determined to reduce waiting times for the people of Ontario.

More than just putting more money into health care, more than making record investments in health care, we're going to get record results. We're talking about shorter wait times, whether it's for cataracts, hip replacements, knee replacements, cardiac surgery, chemotherapy or radiation. We're also doing a lot more to expand primary care throughout the province of Ontario, with 150 family health teams. More than that, we're investing in home care, we're expanding the quality of services offered in our nursing homes. All of that is the result of the investments that we are making in health care, including the contribution that the good people of Ontario are making to their health care system by way of their premium.

**Mr Hampton:** The Premier now wants to talk about health care spending over two years. OK, you can talk about health care spending over two years, but then you have to take into account the dedicated federal revenue over two years and the health tax over two years. When you do that, you'll be investing \$1.5 billion less in health care than you're getting from the health tax and the federal revenue. So if you try to do it that way, your health care credibility gap grows to over \$1 billion.

Quit trying to shuffle. Just admit to the people of Ontario that all the money that's coming in through the health care tax isn't being spent on health care services. Admit, as you did the other day, that a lot of it's going to be spent on sewer pipe, on water pipe. But those aren't health care services, are they?

**Hon Mr McGuinty:** The leader of the third party just cannot possibly accept good news. There's good news here for the people of Ontario. We're investing significantly more in health care on behalf of the people of Ontario. Every single penny of the new premium that we are getting from the people of Ontario will be invested in better quality health care for them. Finally, for the first time we're bringing a results-based approach to the way that we budget for health care. It's more than a matter of just putting more money into health care. We want better results with shorter wait times, more family health teams, better quality care in our nursing homes, more home care available to seniors who want to stay in their homes. Those are the kinds of things as a result of investing more money in health care for Ontarians.

**Mr Hampton:** Premier, Paul Martin wants you to know that all of your back and forth on your health tax

and on cutting chiropractors, physiotherapists and optometrists is not being received as good news out there. In fact, he says it's not good news at all, because here's what happens: You're going after modest- and middle-income families. You're going to lift over \$2 billion from their pockets, but they don't see the corresponding health investments. A modest-income parent, a single-parent mom with an income of \$30,000, sees her provincial income tax go up by 24%, yet you're cutting optometry, cutting physiotherapy and cutting chiropractors. Tell the people of Ontario how that's good news, and tell Paul Martin how that's good news.

**Hon Mr McGuinty:** Just so we're clear about how progressive this premium is, in Alberta, if you're earning \$22,000, your premium is \$528. In BC, if you're earning \$24,000, your premium is \$648. In Ontario, 48% of our seniors pay nothing, 43% of all Ontario tax filers pay nothing, and 37% of all Ontario families will pay nothing. That's how progressive this premium is.

Notwithstanding those many exemptions, we're going to get the money necessary to improve the quality of health care, and in particular reduce wait times, which will benefit all Ontarians.

## ONTARIO BUDGET

**Mr John O'Toole (Durham):** My question is to the Minister of Finance. You know that the committee on finance and economic affairs was forced to meet over the last six hours, actually. It was a time-allocated Bill 86. Actually, the members of the committee from all parties listened respectfully to the many stakeholders that were given absolutely no notice; Friday afternoon they were called to appear sort of on Tuesday morning. But in the short time, we heard from many, many unsettled people—chiropractors, optometrists, physiotherapists and their patients. These are people suffering from pain and disease, potential risks to their lives. We heard from CUPE and OPSEU labour leaders. They are very concerned about the new health tax and its lack of progressivity.

Your committee voted against every thoughtful amendment that we put forward. In fact, they disallowed all of the NDP amendments. Minister, could you tell me what you achieve with these hearings—

*Interjections.*

**Mr O'Toole:** Admit they were a sham. Name one single thing you're prepared to do after all these hearings.

**Hon Greg Sorbara (Minister of Finance):** I know that my friend was very active in the hearings. I'm wondering why in his question he didn't mention that representatives of the Ontario Medical Association came before the committee and said they were very supportive of the budget and its measures to reduce waiting times for critical surgeries, and in home care and primary care. It is interesting as well that physiotherapists came before the committee and said, to paraphrase their comments, that the delisting that is provided in our budget really was preordained from changes that were made to the way in

which they were funded during eight and a half years of underfunding by the Progressive Conservative government.

1450

**Mr O'Toole:** I fully understand that you had an opportunity to put some of your spokespersons as presenters in the committee. They're at all your fundraisers. We understand that. But who you neglected to hear from were the people of Ontario. Their hearts are broken and they are suffering in pain. Even members of your own caucus know that this delisting is a tragedy. It's the privatization of health care. It's a sham. You were never even prepared to listen to one of the amendments, after listening to the stakeholders. More importantly, it's not just the doctors and chiropractors, it's the victims, those persons who depend on the health care system to be there the way we provided it. I think really the whole deal here is that you have to force this bill through so that you can increase the taxes on July 1.

**The Deputy Speaker (Mr Bruce Crozier):** Question.

**Mr O'Toole:** Tell the people just one change out of all the hearings that you're prepared to make. Give them one glimmer of hope that you're prepared to listen to one, single change. Cancel the premium. Relist optometry.

**The Deputy Speaker:** Question.

**Mr O'Toole:** Relist chiropractic, physiotherapy.

**The Deputy Speaker:** Minister.

**Hon Mr Sorbara:** We are prepared to move this bill through as quickly as we possibly can after the hearings, and given what we've heard, so that we can begin to reinvest in our public education system; so that we can give seniors in our communities, those living on fixed incomes, a 25% increase in their property tax credit; so that we can move ahead with a \$25-million investment in children's public health; so that we can start to reinvest in home care again; so that we can start to have a decent level of long-term care in our community.

We are going to move this budget through so that we can start to bring this province back to financial health, so that we can have the revenues and manage our expenses and get ourselves out of the terrible debt spiral left by the previous government during eight and a half years.

## HEALTH CARE SERVICES

**Ms Shelley Martel (Nickel Belt):** I have a question to the Premier. Your decision to cut OHIP funding for chiropractic services makes no sense and neither does your decision to cut eye exams from OHIP. What makes even less sense, though, is to require a patient to get a referral from a doctor in order to get access to a medically necessary eye exam.

There are over three million people in Ontario today who see an optometrist every year and they don't need a doctor's referral to do that. They have direct access to these important primary health care providers. Premier, it's going to cost the health care system more to force patients to see a doctor to get a referral to get a medically

necessary eye exam. Why don't you just do the right thing and cover eye exams by optometrists under OHIP?

**Hon Dalton McGuinty (Premier, Minister of Intergovernmental Affairs):** The Minister of Health.

**Hon George Smitherman (Minister of Health and Long-Term Care):** I have had the great privilege and fortune of answering this question a few times in the House. I'm happy to do it one more time for the honourable member.

First off, I think it's very important to note that our government was stuck with some difficult decisions around this, made more difficult by the fact that those two parties, while in government, did not do anything to increase the fees for physiotherapists or for optometrists, which meant that we were faced with an enormous unfunded liability in the form of extraordinary pressures on their fees.

People will know that optometrists themselves were lobbying for the changes that were brought forward. But the fact of the matter is that we have, with the changes we offer up on optometry, reached out deliberately to protect those in our society who are most vulnerable because we believe they deserve more protection.

**The Deputy Speaker (Mr Bruce Crozier):** Answer.

**Hon Mr Smitherman:** People under 20, people with medical conditions and our seniors will continue to enjoy the benefit of these services.

**Ms Martel:** I would remind the minister that it's your government that's cutting OHIP funding for eye exams altogether. That's your legacy, Minister. I also want to point out that it makes no sense at all to force patients to see a family doctor to get a referral to see an optometrist. They are highly trained, highly qualified primary care providers. You don't need a referral to get access to their care today. Forcing patients to get a referral for an eye exam to be covered under OHIP is going to cost the health care system more. Those people who don't have a family doctor will end up in an after-hours clinic to get a referral or will end up in the emergency department, and that will cost the health care system more.

These cuts to OHIP services make no sense. Minister, will you reverse your decision and cover visits to an optometrist under OHIP?

**Hon Mr Smitherman:** To those 800,000 or one million Ontarians who don't have a family doctor, they have that party to thank because it was that party, when they were entrusted with the responsibilities of governing in our province, that thought the way to deal with—

*Interjections.*

**The Deputy Speaker:** Order.

**Hon Mr Smitherman:** They thought the way to deal with health care costs was to eliminate the family doctor, so they stopped producing them. And this is the wisdom that is supposed to direct us.

I want to say very clearly that primary care means providing access to people with a team approach that can enhance the quality of the care they provide. This is our model. They prefer to operate in the silo world, where everybody goes to a different player. But the fact of the matter is that most Ontarians trust their family doctor.

**The Deputy Speaker:** Answer.

**Hon Mr Smitherman:** They trust that relationship with their doctor to provide them with advice about what other care they might require. The honourable member has already decided that every person needs to go to an optometrist, and the fact of the matter is—

**The Deputy Speaker:** Thank you, Minister. New question.

#### CLASS SIZE

**Mr Brad Duguid (Scarborough Centre):** My question is to the Minister of Education. An essential part of the McGuinty government's agenda for change is the effort to reduce class size in the all-important early years from JK to grade 3. We know that students do better in smaller classes, and helping them succeed in the early years will put them on track toward success for the rest of their lives.

Constituents of my riding of Scarborough Centre are supportive of the McGuinty government's initiative, but they want details. What resources has the province put in place to reduce class sizes, and what is the Toronto District School Board doing to ensure that class sizes are reduced starting this September?

**Hon Gerard Kennedy (Minister of Education):** To respond to the member on behalf of his constituents, he should know that those selfsame constituents had their children neglected by the previous government. Fifteen percent of the children in this province are educated by the Toronto District School Board, and they were left to be lost in the crowd in classes of 30 and 40, inordinately high class sizes. They have received \$12 million, with which they have now engaged or are about to engage 161 new teachers just for the public board in Toronto. It will change the conditions of learning for literacy and numeracy. It will make it more possible to get individualized attention.

Finally, this province is moving forward again with progress for our youngest children, progress that was denied to them for too many years under the previous government.

**Mr Duguid:** We all know that this is not just a Toronto issue. Parents, educators and students are concerned about ensuring smaller classes in schools right across this province. They want us to do all we can to improve student achievement. Frankly, that starts in the early grades. What steps are school boards across Ontario taking to reduce class sizes in the all-important early grades starting this September?

**Hon Mr Kennedy:** The members of this assembly may not be aware, but today we have 134,000 students trapped in classes where their individual needs and opportunities can't get attention paid to them the way they should, classes of 26 or larger.

All across the province there are in excess of 1,000 teachers being hired. For example, in the Thames Valley District School Board there are 35 teachers being hired at 38 schools. The Keewatin-Patricia District School Board

is hiring additional teachers. The Bluewater board is hiring 12 teachers. The two boards in Ottawa are hiring 60 teachers.

There is more professional assistance coming forward to help kids be able to learn. We know that if a basic acquisition of literacy doesn't happen by eight years old, then it can be a problem for the rest of the life of that young child.

So help is underway in the province of Ontario. Thanks to the decisions by the finance minister and the Premier of this province, there will be excellence for all students in this province.

1500

#### ONTARIO BUDGET

**Mr Toby Barrett (Haldimand-Norfolk-Brant):** To the Premier: You tell us that people of Ontario asked for and supported your health tax budget, but in the finance committee testimony yesterday, the Ontario Federation of Labour, through their president, Wayne Samuelson, told us your direction was "politically stupid." Considering that your popularity, at 9%, is falling almost as fast as your promises, would you agree with Mr Samuelson's assessment?

**Hon Dalton McGuinty (Premier, Minister of Intergovernmental Affairs):** No.

**Mr Barrett:** Further to that testimony, the OFL, the Ontario Federation of Labour, testified that the health premium is really a tax. We know that in the legislation itself the two words are used interchangeably. The OFL testified that it's a very regressive tax, disproportionately borne by low- and middle-income people.

Considering that close to half the Ontario budget is spent on health care and half the taxes these people pay to the Ontario government go to fund health, will you follow the OFL advice and fund health care on a progressive basis? If you won't, would you keep your word and give Ontarians a chance to vote on this in a referendum?

**Hon Mr McGuinty:** It's certainly a remarkable day in this Legislature to have a member of the Conservative Party acting as a champion of the Ontario Federation of Labour. It's interesting to witness this new alliance.

The member mentioned in his first question that this was not good politics. I am going to seize this opportunity to make a very important statement again. This is not about politics; it is about the people of Ontario and doing what is absolutely essential to improve the quality of their health care. And we can't wait. We've got to do two things at the same time: We've got to clean up their financial mess, dig ourselves out of this hole they left behind, and at the same time we've got to make investments that improve the quality of care. I'm talking about shorter waits. I'm talking about more primary care. I'm talking about better nursing-home care. I'm talking about more home care. I'm talking about vaccinations. I'm talking about doing what is best for the people of Ontario, and not us, in terms of our short-term political interests.

## ELECTRICITY RESTRUCTURING

**Mr Howard Hampton (Kenora-Rainy River):** My question is for the Premier. The big private energy corporations can hardly control their glee over your hydro privatization scheme. In fact, Andrew Kuske, an analyst at UBS investment research, says that Brascan, Cameco and TransCanada are absolutely giddy. Why are they so happy? Well, Kuske says, "a supply-demand climate that favours higher power prices" has a lot to do with it. They're very happy because they know your hydro privatization is going to make them very rich.

The question you have to answer is, how much is it going to add to the average consumer's hydro bill?

**Hon Dalton McGuinty (Premier, Minister of Intergovernmental Affairs):** To the Minister of Energy.

**Hon Dwight Duncan (Minister of Energy, Government House Leader):** What the leader of the third party forgot to note is that the Consumers Council of Canada has endorsed our policy. He is alleging, in his own inimitable style, that our policy inevitably will lead to higher prices, and he's opposed to bringing on new supply.

We have a plan for bringing on supply that maintains public ownership of our heritage assets and that will regulate the price at a stable rate going forward.

Groups as diverse as the Ontario Energy Association, the Ontario Clean Air Alliance, the Consumers Council of Canada and the Ontario Water Power Association have all endorsed our government's policy. This policy is going to correct the 40% increase in prices his government brought about in electricity, under the NDP, and it's going to serve the people of this province well going forward, so there will be no more summers like last summer and the summer before.

**Mr Hampton:** I'm not surprised that the Premier ducked the question, because it was the Premier who, during the election campaign, said he believed in public power, that the private market was dead—another promise by the wayside, just another day for Dalton McGuinty.

The minister says that, oh, the consumers council has recommended his approach. Well, let me tell you, they recommended Jim Wilson's approach and then hydro prices skyrocketed. That means absolutely nothing.

The reality here is that people, on their hydro bill, will pay for a 15% profit, they will pay for the Eleanor Clitheroe-style, out-of-this-world salaries, they will pay the higher interest costs of a private sector borrower. That means at least a 20% increase. We know that the private energy companies can't control their glee over this. When is the Premier going to tell the consumers of Ontario how much it's going to cost them, how much their hydro bill is going to increase?

**Hon Mr Duncan:** It's good to see the leader of the third party and the Tory energy minister getting along, because they have one thing in common: They both dropped the ball on electricity and left this province in an absolute mess.

Let's talk for a moment about the Howard Hampton credibility gap. Let's talk about it in terms of coal. In his NDP platform, he said he would shut down coal-fired generating stations by 2007, and then, this March, he said it's just not realistic. In terms of supply, what did his government do? He talks about public power. His government cancelled Conawapa, renewable water electricity. Why? Because they said we wouldn't have the demand. In terms of private power, he says in his book, "There will be important roles for the private sector to play in the future of our electricity system, as there always have been." He even advertised it in the flyers for the book.

Premier McGuinty's government is addressing the energy deficiency left by his government and that government in a responsible fashion that will give us adequate supply at stable prices and help ensure the future economic prosperity of this great province.

## FAMILY HEALTH TEAMS

**Mr Kuldip Kular (Bramalea-Gore-Malton-Springdale):** My question is for the Minister of Health and Long-Term Care. Minister, our government has said that its first priority is to ensure the viability of our province's health care system. As a family physician, I applaud our commitment to our province's health and well-being, but many of my constituents are unsure about how to access the 150 new family health teams that our government will be funding for this coming year. Minister, could you please explain the important role family health teams will play in our communities across the province and how they can access them?

**Hon George Smitherman (Minister of Health and Long-Term Care):** I think the fact that so many communities in our province are interested in family health teams—and I've had interest expressed by many members in the House—is evidence of how badly needed they are. That's why we're so pleased that it has received so much support in our recent budget.

An additional \$600 million will be spent over the next four years on the development of our family health team proposal. This is in addition to existing expenditures related to the delivery of primary health care. It's an essential element of our transformation strategy. It's very consistent with the values of Romanow and the recommendations that he made. What we're looking to do in communities is take a family doc, a nurse, a nurse practitioner, a pharmacist and other health care providers to work together and provide a team approach to individual Ontarians who are seeking out primary care.

The fact of the matter is that for the last number of years, we've been asking our hospitals to do too much through a failure of investments at the community level. Our budget is about five significant community-based investments, and family health teams are but one significant example of that.

**Mrs Carol Mitchell (Huron-Bruce):** Minister, people in my riding were very pleased to hear that family

health teams will be a priority. As you know, there are doctor shortages, along with a need for quality front-line care, which has been lacking in my rural riding, along with others like it. Many of my constituents are faced with the fear of not having a family doctor. Minister, how will the creation of family health teams help my constituents and those who live in rural areas?

**Hon Mr Smitherman:** The way they're going to help communities, including those in rural Ontario, is by offering an interdisciplinary approach, which takes a doctor and brings a team of health care providers around the doctor.

The honourable member from Simcoe-Grey is pretending that he's the father or the grandfather of family health teams, but nothing could be further from the truth. Our model is distinct, because it's going to provide communities with the opportunity to tailor a team of health care professionals to meet the population needs that are found in those communities. What I can assure you is that the advantage here is for doctors, who will be able to focus more of their time on providing care and worry less about the administration and the like.

So what I'm pleased to say is that in large communities and small, all across our province, family health teams, 150 of them, will be rolled out over four years and will dramatically enhance the quality and quantity of primary care to be provided in communities.

1510

#### HEALTH CARE SERVICES

**Mr Norm Miller (Parry Sound-Muskoka):** I have a question for the Premier. I would like to read from a letter I recently received from a constituent:

"Dear Mr Miller,

"I was alarmed to learn that the government has cut chiropractic funding and eye exams from the budget.... I need continued access to chiropractic services to keep my joints from seizing up and I can't do this without chiropractic services that are partly funded by OHIP. What do you expect me to do, go to my family doctor? He can't unseize my joints. Go to emergency? They can't help either."

Premier, can you advise my constituents what they should do now that they can't afford chiropractic services?

**Hon Dalton McGuinty (Premier, Minister of Intergovernmental Affairs):** The Minister of Health.

**Hon George Smitherman (Minister of Health and Long-Term Care):** I think the first point that's worth noting is that it was your government that began with a reduction in the fees that were available, in other words, the amount of money available to Ontarians for these services. They were reduced from \$220 to \$150. That's the maximum amount that any Ontarian could benefit from OHIP coverage. That aggregates out to almost \$100 million.

The fact of the matter remains that it was a difficult decision but a decision based on our recognition that there were other priorities that we felt were essential to

support, priorities like reducing wait times for people who require cancer surgery. The fact of the matter is that after years of neglect, we have to make investments, including \$190 million this year, in expanding our capacity with respect to public health.

The point of the matter is that governments are charged with the responsibility to make priorities. I believe that the investments that we've made, that we've highlighted, are the appropriate investments for this time.

**Mr Miller:** Premier, not only are you delisting important and cost-efficient health services for the people of the province, but for those in the district of Muskoka, like the constituent I referred to, you're taking away even more. By removing the district of Muskoka from the north, you are taking away their ability to access the northern medical specialist program, the health recruitment tour subsidy, the locum program for specialists and the incentive grants for family physicians. One of the hospitals in Muskoka estimates they could lose \$500,000 to \$600,000 a year as a result of no longer getting access to the northern Ontario heritage fund.

You promised better access to health care, and the people aren't getting it. Why are you reducing access to health care for my constituents? Premier—if I could have a page here, please—I would like to deliver the second batch of 3,000 petitions, bringing it up to 6,000 petitions from my constituents to get Muskoka back in the north.

**Hon Mr Smitherman:** If we read the honourable member's question back, as we look at Hansard, we've now heard from the member from Parry Sound-Muskoka, who has defined access to health care on the basis of services that are therapeutically beneficial, but not even covered in the Canada Health Act. We as a government have said that, forced with the responsibility to choose priorities, we've chosen our priorities. Our priorities are clear: more home care; better long-term care; primary care reform; vaccinations for our kids; to shorten wait times for people suffering from cancer and in need of cardiac surgeries.

Those are our priorities. Those are medically necessary services as protected by the Canada Health Act. While difficult choices were made, we stand by them because we're investing in the things that the people of his riding desperately need for survival.

#### AUTISM SERVICES

**Ms Shelley Martel (Nickel Belt):** I have a question to the Premier. Today, Clare Lewis said this about autistic children: "I believe it is unconscionable that hundreds of autistic children 'aged out' of the program without ever receiving services, many after waiting for over 18 months." It was and it is unconscionable that even today this is still happening under the Liberal government.

Your government has no plan to ensure that these older children finally get the IBI services that they need; nor has your government ended its discrimination against autistic children over the age of six, who, when they turn six, arbitrarily have their IBI services cut off. Premier,

why does your government continue to discriminate against autistic children over the age of six?

**Hon Dalton McGuinty (Premier, Minister of Intergovernmental Affairs):** To the Minister of Children and Youth Services.

**Hon Marie Bountrogianni (Minister of Children and Youth Services, Minister of Citizenship and Immigration):** I thank the honourable member for the question, and I'd like to thank the Office of the Ombudsman of Ontario for his report. My ministry has already begun to respond to his recommendations.

One of the points he also made in his report was that the former government may have announced monies for children with autism, but didn't have the plan to implement the programs. We have announced the funding—in fact, we have doubled the funding—and we also have announced the plans. We are on target in educating more IBI therapists so that children do not age out, so that they do get the IBI therapy they need.

Many children were waiting just for the assessment to see if they were eligible for IBI, and sometimes just waiting for the assessment took two years. We are streamlining that approach. They don't have to wait as long for the assessment as well, and we have added \$10 million for children with autism under the age of six for these services.

**Ms Martel:** The question had to do with this government's discrimination against autistic children over the age of six. I remind the Premier of the promise he made on September 17 to Nancy Morrison, whose son, Sean, is five and has autism. You wrote to her and said, "I also believe that the lack of government-funded IBI treatment for autistic children over six is unfair and discriminatory. The Ontario Liberals support extending autism treatment beyond the age of six."

But today, children who turn six are arbitrarily cut off their IBI treatment under your government, Premier, despite your promise. Many children who turn six and who never got government-funded IBI still will not receive any treatment under your government. You made a very specific promise to parents with autistic children over the age of six. Your discrimination against these children is wrong; it's immoral. When are you and your government finally going to end your discrimination against autistic children over the age of six?

**Hon Mrs Bountrogianni:** The McGuinty government will support children with autism right from the diagnosis, from preschool age, right through to the high school years. We have increased by \$40 million a year the spending for autism, and we will have the plans to implement those programs by the fall. The working group has recently told me that by the fall every school board will have an ABA therapist attached to it in order to get those kids the proper social skills they need to live in today's world.

#### CLEANUP OF BROWNFIELDS

**Mr Dave Levac (Brant):** My question is for the Minister of the Environment. I was encouraged by

today's announcement that our government is putting in place a regulation that will promote the cleanup of brownfields. As you know, brownfields in my riding are a great concern, and indeed across the province. Not only are brownfields eyesores, but the soil that lies beneath them is laden with toxins which make them a safety concern for the people who live around them and vandalism and such.

The Greenwich-Mohawk brownfield site in my riding is a prime example. It is three interconnected sites with a total area of 52 acres and is one of the worst in Brantford. The sites are plagued by squatter businesses, unpaid taxes, unpaid rents, absentee landlords, and liabilities such as chop shops and other dangers that we know exist. Even a tax sale on these sites has proven fruitless, but there are some legitimate operations within.

Part of the reason why these sites remain untouched is that there has been a lack of clarity around brownfield property owners' environmental liability. How will the new regulation overcome this problem?

**Hon Leona Dombrowsky (Minister of the Environment):** I am delighted to have an opportunity to address what I think is a very important issue and also a very important move on the part of this government. We have heard from brownfield site owners. They are concerned about any move to remediate the property that they would be liable for to cover the cost of environmental orders.

What this regulation does is assure them that when they follow the regulations—that is, when they would be able to demonstrate that they have an appropriate cleanup plan, that they are going to engage responsible and qualified site managers—we will then not move forward with provincial orders.

We think that brownfield redevelopment is a means of revitalizing our communities and preventing sprawl on agricultural land as well. These are serviced lots within our communities, and we think this is a very important move that municipalities will welcome.

**1520**

**Mr Levac:** I thank the minister for that commitment, and I want to say that while in opposition, when I sat on Bill 56, it was a reminder to the previous government that that was going to be a problem, and they didn't remediate it. I'm awfully glad you did that, because it does make sure that the municipalities move to the next phases that are necessary in brownfield redevelopment.

Cleaning up brownfields is not only an environmental benefit issue; it's not only a health and safety issue. It's also one that makes economic sense. Two levels of government, indeed three levels of government, have been able to take monies from those properties when they were up and running for decades and decades. I see this as an investment in our communities, and what our government is planning to do in the next phase encourages me immensely, particularly those people who are working extremely hard in brownfields across the province.

Lands are currently sitting idle, such as 52 acres containing Greenwich-Mohawk. They become lands of great productivity and opportunity. Minister, can you tell

the House when these regulations will take effect so that our municipalities and the province and federal government could get to work on this project?

**Hon Mrs Dombrowsky:** The announcement today is our government fulfilling its commitment that was made during the recent budget. The regulation is going to be implemented in two phases. The first phase involves the framework for completing the filing of records of the site condition. That will come into force on October 1 of this year. The second phase will be the filing of the record of site condition to the environmental site registry, and it would be voluntary until it becomes mandatory in 2005. We believe this provides the owners of brownfields with a good deal of notice and flexibility so that they can move forward to redevelop these critical sites.

#### TRILLIUM FOUNDATION

**Mr Norman W. Sterling (Lanark-Carleton):** I'll ask this question to the Premier, because the Minister of Culture is not here. Mr Premier, why did you cut \$5.5 million out of the Trillium Foundation budget?

**Hon Dalton McGuinty (Premier, Minister of Intergovernmental Affairs):** To the Minister of Finance.

**Hon Greg Sorbara (Minister of Finance):** One of the real challenges that we had as we were putting together the budget was to put together a four-year financial plan that would get us out of a terrible debt spiral that we inherited when we were elected last October. Part of that financial plan involves holding the line on expenditures in some 15 ministries right across the government. It allows us to make additional expenditures in health care and to make historic new investments in education, but there are some areas where we simply have had to hold the line, and in other areas we have actually had to cut the level of expenditures. That's all part of running a more efficient and more effective government and one that finally soon will have a balanced budget.

**Mr Sterling:** Mr Speaker, you will know, and the Legislature knows, the Trillium Foundation was set up by the previous government to compensate charities, non-profit groups, because their ability to raise funds was diminished by the fact that we have charity casinos and other gaming opportunities run by the province and profited from by the province. So they were given \$100 million a year to hand out to various different charities and groups across our province.

The funding decisions are made by unpaid local volunteers who know first-hand who are the groups that are most deserving in their communities. This indeed is a slap in the face to local volunteers who have worked so hard to allocate this money. This is a slap in the face to charitable groups, non-profit groups, that have received this money. In eastern Ontario alone, the Trillium Foundation has supported projects for seniors, youth and many others.

Will you reverse this decision and give back \$100 million to all of these very worthwhile groups across

Ontario because they no longer can have local bingos, lotteries and raffles?

**Hon Mr Sorbara:** I am overwhelmed at the tone and quality of my friend's question. First of all, he knows full well that the Trillium Foundation continues to be well funded. We are fully aware of the volunteer efforts there.

**Mr Sterling:** You cut it by \$5.5 million.

**Hon Mr Sorbara:** He says we cut it by \$5.5 million. Let's compare that to what happened when he and his party were elected in 1995, what they cut: welfare payments, 21%; second-stage housing eliminated in July 1996; fired one third of the Ministry of the Environment staff; slashed the budget by 42%. He was a Minister of the Environment.

I'm sorry to lose my temper, but the fact is that that party left us in financial circumstances that were less than favourable: \$6 billion in the hole. We have made modest cuts—

**The Deputy Speaker (Mr Bruce Crozier):** Thank you, Minister.

**Hon Mr Sorbara:** —where we felt they were appropriate. The good news is, we will balance our books.

**The Deputy Speaker:** The time for oral questions has expired.

#### PETITIONS

##### PROPERTY TAXATION

**Mr Jerry J. Ouellette (Oshawa):** I have a petition to the Legislative Assembly of Ontario.

"Whereas many owners of seasonal trailers kept at campgrounds have raised their concerns over the impact on property taxes on seasonal trailers and the unfairness of imposing a new tax on persons who use minimum municipal services;

"Whereas this new tax will discourage business and tourism opportunities in Ontario and will cause many families to give up their vacation trailers altogether;

"Whereas the administration of this tax will require a substantial investment in staff, time and resources across the province of Ontario;

"Whereas some representatives of the recreational vehicle industry, campground providers and trailer owners have suggested an alternative sticker or tag system to establish fees for seasonal trailers;

"Therefore, we the undersigned respectfully petition the Legislative Assembly of Ontario as follows:

"That the Parliament of Ontario immediately abandon the assessment and taxation of recreational trailers used on a seasonal basis in 2004, and that the government of Ontario consult with all stakeholders regarding the development of a fair and reasonable sticker or tag fee that would apply to recreational trailers used on a seasonal basis."

I affix my name in full support.

**Mr Jeff Leal (Peterborough):** "To the Legislative Assembly of Ontario:

“Whereas recreational trailers kept at parks and campgrounds in Ontario are being assessed by the Municipal Property Assessment Corp (MPAC) and are subject to property taxes; and

“Whereas owners of these trailers are seasonal and occasional residents who contribute to the local tourism economy without requiring significant municipal services; and

“Whereas the added burden of this taxation will make it impossible for many families of modest income to afford their holiday sites at parks and campgrounds;

“Therefore, we the undersigned respectfully petition the Legislative Assembly of Ontario as follows:

“That these seasonal trailers not be subject to retro-active taxation for the year 2003, and that the tax not be imposed in 2004, and that no such tax be introduced without consultation with owners of the trailers and trailer parks, municipal governments, businesses, the tourism sector and other stakeholders.”

I have 10 petitions here and I'll affix my name to them.

#### HEALTH CARE SERVICES

**Mr John O'Toole (Durham):** Today on the front lawn of Queen's Park there were literally thousands of chiropractors and their patients who presented these petitions to me. As the birthplace of chiropractic is the riding of Durham, I'm presenting them respectfully on their behalf. They read as follows:

“To the Legislative Assembly of Ontario:

“Whereas the Dalton McGuinty Liberal government has broken faith with the people of Ontario by increasing taxes and allowing deficits and adding \$12 billion to the provincial debt during their mandate; and

“Whereas the McGuinty government has brought in a substantial new health care tax while actually reducing some health care services such as chiropractic treatment, eye examinations and physiotherapy; and

“Whereas the new tax-and-spend initiatives threaten the Ontario economy as well as burden the hard-working citizens of Ontario;

“Therefore we, the undersigned, respectfully ask the Legislative Assembly of Ontario to reject the 2004-05 Ontario budget presented May 18 and bring in a”—real—“budget that respects the wishes of Ontario citizens by keeping their promise of no”—cuts to health care and no—“increased taxes.”

I'm pleased to support and endorse this on behalf of my constituents in the riding of Durham and present it to Jason, the page.

#### DISTRICT OF MUSKOKA

**Mr Norm Miller (Parry Sound-Muskoka):** I have thousands more petitions to keep Muskoka part of northern Ontario. They read as follows:

“To the Legislative Assembly of Ontario:

“Whereas the district of Muskoka is currently designated as part of northern Ontario; and

“Whereas the geography and socio-economic conditions of Muskoka are very similar to the rest of northern Ontario; and

“Whereas the median family income in the district of Muskoka is \$10,000 below the provincial average and \$6,000 below the median family income for greater Sudbury; and

“Whereas removing the district of Muskoka from northern Ontario will adversely affect the hard-working people of Muskoka by restricting access to programs and incentives enjoyed by residents of other northern communities; and

“Whereas the residents of Muskoka should not be confused with those who cottage or vacation in the district; and

“Whereas the federal government of Canada recognizes the district of Muskoka as part of the north; and

“Whereas this is a mean-spirited and politically motivated decision on the part of the McGuinty government;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That the McGuinty government maintain the current definition of northern Ontario for the purposes of government policy and program delivery.”

I support this petition and affix my signature to it.

1530

#### CHIROPRACTIC SERVICES

**Mr Kevin Daniel Flynn (Oakville):** I have in my hand a petition signed by 348 members of the Oakville community. I'm tabling this petition, in which they ask the provincial government to maintain OHIP coverage for chiropractic services.

**The Deputy Speaker (Mr Bruce Crozier):** Petitions?

**Mr Ernie Hardeman (Oxford):** I have a petition to the Legislative Assembly of Ontario that concerns chiropractic services in Ontario under the Ontario health insurance plan. It reads as follows:

“Re support for chiropractic services in the Ontario health insurance plan;

“Whereas elimination of OHIP coverage will mean that many of the 1.2 million patients who use chiropractic service will no longer be able to access the health care they need; and

“Those with reduced ability to pay—including seniors, low-income families and the working poor—will be forced to seek care in already overburdened family physician offices and emergency departments; and

“Elimination of OHIP coverage is expected to save \$93 million in expenditures on chiropractic treatment at a cost to government of over \$200 million in other health care costs; and

“There was no consultation with the public on the decision to delist chiropractic services;

“We, the undersigned, petition the Legislative Assembly of Ontario to reverse the decision announced in the May 18, 2004, provincial budget and maintain OHIP

coverage for chiropractic services, in the best interests of the public, patients, the health care system, government and the province.”

I affix my signature to this petition as I totally agree with them.

**Mr Garfield Dunlop (Simcoe North):** This is to the Legislative Assembly of Ontario.

“Re support for chiropractic services in the Ontario health insurance plan.

“Whereas elimination of OHIP coverage will mean that many of the 1.2 million patients who use chiropractic will no longer be able to access the health care they need; and

“Those with reduced ability to pay—including seniors, low-income families and the working poor—will be forced to seek care in already overburdened family physician offices and emergency departments; and

“Elimination of OHIP coverage is expected to save \$93 million in expenditures on chiropractic treatment at a cost to government of over \$200 million in other health care costs; and

“There was no consultation with the public on the decision to delist chiropractic services;

“We, the undersigned, petition the Legislative Assembly of Ontario to reverse the decision announced in the May 18, 2004, provincial budget and maintain OHIP coverage for chiropractic services, in the best interests of the public, patients, the health care system, government and the province.”

I will sign my name to that as well.

**Mr Jerry J. Ouellette (Oshawa):** I have a petition as well from the demonstration on the lawn. I have pages and pages of names in regard to chiropractic.

“Whereas over 1.2 million people use chiropractic services every year in the province of Ontario; and

“Whereas those who use chiropractic services consider this an important part of their health care and rely on these services, along with the OHIP funding in order to function; and

“Whereas the elimination or reduction of chiropractic services would be viewed as breaking the promise not to reduce universal access to health care; and

“Whereas by eliminating or reducing OHIP coverage of chiropractic services, where the patient pays part of the cost, will end up costing the government far more in additional physician, emergency department and hospital visits;

“Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

“That the Parliament of Ontario does not delist chiropractic services from the Ontario health insurance plan, and that assurance is given that funding for chiropractic services not be reduced or eliminated.”

I affix my name in full support.

#### MOTORCYCLE INSURANCE

**Mr Norm Miller (Parry Sound-Muskoka):** I have a petition from my constituents from Parry Sound-Muskoka to protect Ontario’s motorcyclists.

“To the Legislative Assembly of Ontario:

“Whereas tens of thousands of responsible motorcyclists are being hit with huge increases in insurance or are being denied coverage because of the type or age of the vehicle they ride; and

“Whereas the premiums for the mandatory insurance coverage for motorcyclists have increased on average over 40% in the past two years; and

“Whereas many responsible riders can no longer afford to insure their motorcycles due to high insurance costs; and

“Whereas sales of motorcycles in Ontario have dropped over 7% year-to-date this year, a figure attributed directly to higher insurance rates; and

“Whereas many businesses and individuals in the motorcycle industry are suffering due to the loss of sales and decreased employment that high insurance rates are causing;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That the McGuinty government take steps to make motorcycle insurance more affordable and ensure that motorcyclists are treated fairly and equitably by the insurance industry.”

I support this petition and affix my signature to it.

#### TILLSONBURG DISTRICT MEMORIAL HOSPITAL

**Mr Ernie Hardeman (Oxford):** I have here a petition from my riding. It’s signed by in excess of 6,000 people.

“To the Legislative Assembly of Ontario:

“Whereas the Tillsonburg District Memorial Hospital has asked for ministerial consent to make capital changes to its facility to accommodate the placement of a satellite dialysis unit; and

“Whereas the Ministry of Health and Long-Term Care has already given approval for the unit and committed operational dollars to it; and

“Whereas the community has already raised the funds for the equipment needed;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That the Minister of Health and Long-Term Care give his final approval of the capital request change from the Tillsonburg District Memorial Hospital immediately, so those who are in need of these life-sustaining dialysis services can receive them locally, thereby enjoying a better quality of life without further delay.”

Again, I affix my signature as I totally agree with this petition.

#### SEAT BELTS

**Ms Laurel C. Broten (Etobicoke-Lakeshore):** I have a petition to the Legislative Assembly of Ontario:

“Whereas most school buses and almost all tour buses operating within the province of Ontario are not equipped with seat belts for the safety of the passengers; and

“Whereas this situation poses a real danger to all said passengers; and

“Whereas, as the result of an accident which occurred on July 29, 2003, on Highway 401 in the vicinity of the Pearson International Airport, just west of the municipality of Metropolitan Toronto, one woman died of her injuries and 41 other passengers of a tour bus, all senior citizens, were seriously injured; and

“Whereas we value the lives of all passengers on said vehicles; and

“Whereas the fatality and some of the other injuries to the rest of the passengers might not have occurred if the said vehicle had been equipped with seat belts;

“We, the undersigned, petition the province of Ontario Legislative Assembly to enact legislation requiring it to be mandatory for all school buses, no matter what size, and all tour buses, no matter what size, operating in the province of Ontario to be equipped with safety seat belts.”

#### CHIROPRACTIC SERVICES

**Mr John Yakabuski (Renfrew-Nipissing-Pembroke):**

“To the Legislative Assembly of Ontario:

“Re support for chiropractic services in Ontario health insurance plan:

“Whereas elimination of OHIP coverage will mean that many of the 1.2 million patients who use chiropractic services will no longer be able to access the health care they need;

“Those with reduced ability to pay—including seniors, low-income families and the working poor—will be forced to seek care in already overburdened family physician offices and emergency departments;

“Elimination of OHIP coverage is expected to save \$93 million in expenditures on chiropractic treatment at a cost to government of over \$200 million in other health care costs; and

“There was no consultation with the public on the decision to delist chiropractic services;

“We, the undersigned, petition the Legislative Assembly of Ontario to reverse the decision announced in the May 18, 2004, provincial budget and maintain OHIP coverage for chiropractic services, in the best interests of the public, patients, the health care system, government and the province.”

I agree with this petition and affix my name to it.

**Mr Garfield Dunlop (Simcoe North):** I'd like to present these on behalf of some residents and chiropractors. It says:

“To the Legislative Assembly of Ontario:

“Re support for chiropractic services in Ontario health insurance plan;

“Whereas elimination of OHIP coverage will mean that many of the 1.2 million patients who use chiropractic will no longer be able to access the health care they need; and

“Whereas those with reduced ability to pay—including seniors, low-income families and the working poor—

will be forced to seek care in already overburdened family physician offices and emergency departments; and

“Whereas elimination of OHIP coverage is expected to save \$93 million in expenditures on chiropractic treatment at a cost to the government of over \$200 million in other health care costs; and

“Whereas there was no consultation with the public on the decision to delist chiropractic services;

“Therefore, we, the undersigned, petition the Legislative Assembly of Ontario to reverse the decision announced in the May 18, 2004, provincial budget and maintain OHIP coverage for chiropractic services, in the best interests of the public, patients, the health care system, government and the province.”

I'm pleased to sign my name to that.

#### CORMORANT POPULATION

**Mr Jerry J. Ouellette (Oshawa):** I have a petition to the Legislative Assembly of Ontario.

“Whereas cormorant populations in the Great Lakes basin have increased to over 450,000 birds over the past several years, are continuing to grow, and are significantly depleting fish populations; and

“Whereas numerous scientific studies have clearly shown the serious negative impact on fish stocks and freshwater habitats; and

“Whereas the Ministry of Natural Resources continues to study the impact of cormorants and possible management strategies; and

“Whereas the Ministry of Natural Resources has committed to experimental control of cormorants at specific sites;

“Therefore, be it resolved that we, the undersigned, respectfully petition the government of Ontario and the Ministry of Natural Resources to immediately begin to significantly reduce cormorant populations in areas where they are having a demonstrably negative impact on local fisheries through managed culls.”

I affix my name in full support.

1540

#### ORDERS OF THE DAY

##### EMPLOYMENT STANDARDS AMENDMENT ACT (HOURS OF WORK AND OTHER MATTERS), 2004

##### LOI DE 2004 MODIFIANT LA LOI SUR LES NORMES D'EMPLOI (HEURES DE TRAVAIL ET AUTRES QUESTIONS)

Resuming the debate adjourned on June 9, 2004, on the motion for second reading of Bill 63, An Act to amend the Employment Standards Act, 2000 with respect to hours of work and certain other matters / Projet de loi

63, Loi modifiant la Loi de 2000 sur les normes d'emploi en ce qui concerne les heures de travail et d'autres questions.

**The Deputy Speaker (Mr Bruce Crozier):** Further debate?

**Mr John Milloy (Kitchener Centre):** It's a pleasure to stand here in the House today and speak on Bill 63, an important piece of legislation. I'd like to notify the House at the outset that I'll be sharing my time with my colleague from Etobicoke North.

As you know, Bill 63 is an important piece of labour legislation. It deals with an end to the 60-hour workweek. At the same time, it contains provisions to increase awareness of workplace rights for labourers and also provides for more rigorous enforcement of employment standards.

I'd like to spend a few minutes this afternoon talking about each of those provisions, but before I do that, I thought I'd take a few minutes to talk about what this act symbolizes. I think, if you see it, especially within the context of other government policies and programs that we put forth, what it symbolizes is balance and respect. When all of us have approached many of the social issues and problems here in our province, those have been the two key watchwords of this government. When I make reference to our party policy, I also want to point out that Bill 63 is an election commitment. It's yet another way in which we've come forward. We promised something in the election—I heard about this at the doors—ending the 60-hour workweek, and we brought it forward. But as I said, it's about balance and respect.

It's about balance because I think our whole approach to labour issues is refreshing. A few weeks ago, I had an opportunity to speak on a companion piece of legislation, Bill 56, which dealt with compassionate leave. At that point, I spoke about a speech that the Minister of Labour had made in my region several months ago. During that speech, he talked a bit about the history of government labour relations over the past number of years in this province. As we look back to when our colleagues in the New Democratic Party were in power, you had a government which was clearly pro-labour. Then we moved on to the Progressive Conservative Party. When they were in power, they openly identified themselves as being pro-business.

The message that the Minister of Labour brought when he came to my area and addressed the labour organization was that we were going to stop looking through that lens. We weren't going to start thinking about what's best for unions; we weren't going to start thinking about what's best for business; we were going to start thinking about what was right for both sides to create the kind of prosperous economy and prosperous community that we need. He delivered that message. It was a labour audience that he was speaking to and he by no means pandered to them in any way. Instead, he spoke about government's role as being an honest broker between business and labour; about government's role in bringing both sides to the table to work out the types of

agreements and the types of compromises that are needed for us both to succeed. It's just as much in the interest of labour that business succeeds as it is in the interest of business that labour succeeds.

As I pointed out in my speech at that time, when the minister concluded his remarks, every single person in the room—and there were some pretty experienced, savvy union leaders—got to their feet and gave the minister a round of applause because he had brought forward a rather refreshing view that had not been seen in this province for many, many years.

What this bill does is it reflects it. It reflects the balance. It looks through the lens of what's right, because, on the one hand, it says to workers, "You have the right to refuse to work over 48 hours," but at the same time, it says to businesses, "You can ask your workers to work those hours, and here is the process by which they can apply for it, a process that is agreeable to both sides."

The other side of the coin, as I mentioned, was the whole issue of respect. By coming forward with a bill such as this, by removing the 60-hour workweek, we're showing respect for working men and women in this province. It's interesting. I'm a novice, as you know. I was only elected a few months ago. I've learned that with a lot of the problems, a lot of the frictions that existed with the last government, yes, many of them had to do with the funding cuts, but they also had to do with not respecting individuals. Within our community, we have many people who contribute. It's not just the owner of the large business, it's not just the factory owner who employs hundreds of people; it's also the labourer on the floor, who may not speak or understand English as well as or be as sophisticated as the owner, but they contribute. It's about respecting them, about respecting the fact that workers in this province make an incredible contribution.

The rights of labour is not a particularly sexy issue, but it's an important issue. I recently attended a conference. It was called Catholics in Public Life. It was a very interesting conference. It was put on at St Jerome's University, just outside my riding. It's associated with the University of Waterloo. There were a number of Catholics who sat around and discussed the whole issue of morality and ethics and public life, and as you probably guessed, they got on to all the usual social questions.

Then I put up my hand and said, "You know, there's more than sort of these two or three hot-button issues to morality and ethics in public life." I had knocked on hundreds of doors during the election, and no one said to me, "I have a strong religious background, and I want to vote for a government that believes in the rights of workers, that believes in the rights of the poor." Yet in many ways that message permeates all religions, and it's part of the whole basis of public morality. So to come forward with a bill like this that shows respect for working men and women is, I think, showing not only balance, but a certain ethic toward the people of Ontario.

There's a more practical side to it, too. The whole issue of people working overtime, of being forced—there's nothing wrong with working overtime. This bill is not meant to take away that opportunity for people. But what it is meant to do is give people the right to say no. The fact is that the direct cost of absenteeism—and that's what often happens when you force workers to go on and on—in Canadian workplaces, according to some studies, has been shown to be between \$3 billion and \$5 billion per year.

But it's not only the cost in dollar terms. One recent measurement suggested that over 466,000 Ontario employees worked 50 or more hours in a week in 2003, but the figure could be higher. Think of the stress that's putting on people's personal lives. Think of the stress that's putting on their families. Think of the stress that's putting on their physical well-being. We often talk about the health care system, how so much of our health care is aimed at the sick, not at preventing the causes of sickness. Forcing individuals into a working situation where they have to work long hours, and they don't feel they can refuse their boss because there's no oversight, there are no tools, in a sense is putting them under tremendous stress, which could affect them in all aspects of their life.

How does this bill work? What the bill does is that, first of all, it asks that employers explain to employees what their rights are under the law. We have an initiative, a strategy by the Ministry of Labour, whereby employees who don't speak English, who are not familiar with this system, will be provided with the type of information, the type of education so that they're going to know their rights. Then the employee and the employer agree that that employee is going to work the required amount of overtime, over 48 hours a week. That has to then be filed with the Ministry of Labour, which in turn will provide the proper oversight to make sure the employee is doing it voluntarily, that the employee knows their rights and that they're moving forward.

**1550**

This is certainly not a bill that's anti-business. It allows for a process, and I should point this out, where the employer can apply for this on-line or by fax. There are no fees associated with it. It's something that, as I said—I see the Minister of Labour is entering the room.

As mentioned earlier in his speech, we're playing the honest broker. We're taking employees who may want to work overtime hours, we're taking employers who are interested in asking their employees to work those hours, and we're sitting down at the table and coming out with a fair process, a process that respects the employees and their rights to refuse. It makes sure they don't have that stress, and fear, quite frankly, that their employer is going to somehow push them, that their employer might fire them if they don't work those long hours. It's about balance. It's about respect. It's not about being pro-union or pro-labour. It's about being pro-Ontarian.

In conclusion, I want to say that I think this is an excellent bill. It's a bill that has been asked for. It was certainly asked for during the election. It removes an

impediment the previous government brought forward that I think was, in a sense, perhaps a bit mean-spirited. It certainly did not serve any purpose in trying to build better relationships with the working men and women of Ontario. I'm pleased to support this bill, which I think is going to make a positive difference to our province.

**Mr Shafiq Qadri (Etobicoke North):** First of all, as a member of the government caucus, as a member of the McGuinty government, it's a privilege, an honour and, I must say, it's high time that we as a government and the Legislature of Ontario actually came up with a bill such as this one, Bill 63, on the Employment Standards Act.

I'd like to salute the Honourable Christopher Bentley, the Minister of Labour, for bringing forth this and other improvements to the general labour scene in Ontario. Whether it's dealing with the Employment Standards Act and letting employers and the employed know their full rights, whether it's raising the minimum wage or a host of other initiatives, we'd like to commend the minister and his ministry.

This bill is particularly about balance between management and labour, an aspect of having respect for labour and the fundamental protection of their rights; for example, a worker's right to choose. I would also like to say, with respect, that the previous regime, the previous government, in their move in 2001 to create this 60-hour workweek—it was just another measure, another sign, another echo of the crony capitalism that was being practised by the previous regime. Essentially it was a gift to corporations, a gift to, let's say, the landed gentry. It was a gift to the employers, and that's why we in this government are moving to help to further protect the most vulnerable.

With that, I'd like to share with this House and the people of Ontario an extended quotation from an individual who understood labour relations, who understood deeply the dignity of men and women and their place in society, but who understood the constant need for vigilance and balance that ultimately comes from laws, and that is the former President of the United States, one Abraham Lincoln, who said, "Labour is prior to, and independent of, capital. Capital is only the fruit of labour, and could never have existed if labour had not first existed. Labour is the superior of capital, and deserves much the higher consideration. Capital has its rights, which are as worthy of protection," but labour predominates.

What that particular quotation highlights, from a man who is eminently qualified and lived those words, is the respect that we as legislators must extend to both parties, to both sectors.

Why is the government actually introducing this bill? We made a commitment to end the 60-hour workweek, which was introduced, as I mentioned earlier, by the previous government. We want to restore a worker's right to choose whether to actually work more than 48 hours in a week or not, and it's in this manner that we will ensure the prosperity and well-being of our province.

One of the things we know here in the government is that Ontario's hard-working employees deserve to be able to balance rewarding work lives, as well as meaningful and healthy personal lives. So, for example, as a result of the previous government's legislation, some employees have been essentially too worried about their jobs to actually say no to an employer's request to work up to 60 hours a week.

It is kind of a glaring deficiency, I would say, in the current labour relations regime that there is no government oversight to actually support an employee's choice. That is a fundamental deficiency that we are working to correct. For example, one of the fundamental protections that has existed for decades within the Ministry of Labour, this idea of approving of a workweek of 48 hours, was actually removed by the previous regime. Again, that was an echo of the crony capitalism that was being practised in this and many other sectors, as you'll appreciate. This is not right. This was not fair, and this is actually what we're attempting to correct.

One of the things that's especially important is that if a worker feels that he or she has actually been coerced into working those long hours—that they did not want to work, for a variety of reasons—until this legislation has come forth, there has been essentially no recourse, no remedy, no ability for them to seek correction of this state of affairs. That's why we, as the government, can and must fulfill this wish of Ontarians to have the fairest workplaces in the world.

Specifically, what exactly is in Bill 63? First of all, this bill would restore protection for vulnerable workers that has existed for decades, but it also does so in a way that is fair and respects the need of business to compete effectively with a profit motive in today's economy. It would provide government oversight by requiring employers to actually apply to the Ministry of Labour to have employees work more than 48 hours in a week. Employers would also have to have the written agreement—not implied, not simply gestured, but actually the written agreement—of employees to work those excess hours.

This bill, therefore, deals with the freedom of choice around averaging hours of work for overtime purposes. In essence, we are restoring the requirement that ministry approval be obtained for averaging of any overtime, a protection that was removed in the Employment Standards Act, 2000, by the previous regime. We must ensure, therefore, that employees are agreeing to overtime averaging for the right reasons, without undue pressure from their employer.

What are some of the benefits that will flow to employees with this bill? It would restore that protection, but it would also require that, before they actually sign any agreement, employees be provided with an information sheet produced by the Ministry of Labour that would inform them of their right to refuse any hours over 48 hours per week, and also—and this is very key—of their right not to face any kind of retribution, punishment or reprisal should they choose to not do so, to not follow

their employer's bidding. They would be able to freely choose to work those excess hours because the government, for the first time since 2000, would actually be able to provide oversight.

One of the things that's very important is that we as a government will provide workers with information on these rights and responsibilities through this Employment Standards Act, not only in Canada's official languages, English and French, but also in a number of other languages which the workplaces require, as a multicultural mosaic that certainly Toronto and Ontario has become.

Why is this especially important? I can tell you that from my own riding, from the riding of Etobicoke North—and we've raised this issue with the Minister of Labour and his ministry directly—there are, unfortunately, a number of individuals, often new Canadians, who may not be entirely fluent in English or French, who may not be entirely fluent with the laws of the land and their own particular rights and privileges.

Unfortunately, there have been a number of instances in which unscrupulous employers have sought to essentially exploit the workers' deficiency in language or their familiarity with the Canadian milieu, with the Canadian scene. I'm very proud of the fact that our government is taking the initiative not only to better inform all Ontarians of their rights and responsibilities in, of course, the usual standard English and French but also in other languages as well.

**1600**

What are some of the benefits to employers? There are a number. Part of this bill is actually a comprehensive strategy about real changes to employment standards and practices, and this of course will benefit both parties. It would ensure that Ontario businesses have the necessary flexibility to compete nationally as well as internationally. The legislation would therefore level the playing field for all employers.

In essence, this bill is about balance, respect for labour, respect for fundamental protections of rights and privileges on both sides, and really restoring the worker's right to choose. In particular, it is a remedy, a righting of the previous regime's practice of Tory crony capitalism, particularly with a view to our most vulnerable, our workers who are, let's say, of new Canadian descent.

Thank you for this opportunity to support the Employment Standards Amendment Act, Bill 63.

**The Acting Speaker (Mr Joseph N. Tascona):** Questions and comments?

**Mr Garfield Dunlop (Simcoe North):** In a few minutes I'll be speaking as part of our caucus's leadoff on this legislation. I'd like to say a few words on the comments made by the member from Kitchener Centre and the member from Etobicoke North. I know they're trying to make this bill seem like it's a wonderful piece of legislation and they're getting away from "Tory crony capitalism," as I think I just heard the member from Etobicoke North say. But quite frankly, I've talked to quite a few people about this bill and tried to get some interest generated in it. You know what? Nobody cares—

that's the bottom line—as they didn't care about our bill bringing in the 60-hour workweek. No one cared about that either. I had one call in four years on it. One person I met at a fair brought it up. That's all I heard on it. And I've heard nothing about this particular piece of legislation since you introduced it. So I know you need something sort of warm and fuzzy to talk about to the people of Ontario, but this is not it. People really don't care about this.

I talked to one of the largest employers in my riding. I made a quick call to the human resources manager and asked how it was going to affect them. He says it's just more bureaucratic; we've just added more bureaucracy. He says, "We know we have to put up with that. It's a Liberal government. We know they're going to be more bureaucratic, so why wouldn't we expect that?" He said, "It's no big deal. It's just bureaucratic."

I'll be able to say a few more words in a couple of minutes and look forward to this wonderful debate on this very exciting legislation.

**Ms Andrea Horwath (Hamilton East):** I listened with rapt attention to the members for Kitchener Centre and Etobicoke North talking about this particular piece of legislation that's been tabled, and I can't quite fathom where they're coming from. I've taken my time to look through it. In fact, I've had some experience in this, having done some work in legal clinics in one of my past lives, dealing with employment standards issues, as a matter of fact. To my shock and dismay, I see that there is no balancing of any playing field whatsoever in this legislation.

I would have to agree with the previous speaker in regard to the fact that it looks like a matter of simply putting some more rules around things like averaging of hours of work for overtime purposes over several weeks, which is a problem that the previous government put in place and that still continues to be in this act. It looks like there's no redress or no recourse really for workers who will be put under duress to work longer hours than they want to be working. Quite frankly, the power remains with the employer, not with the employee. I don't see anything in here that really gives any recourse to workers who do not want to work these hours. Quite frankly, the upper hand is with the employer, no matter what. Perhaps there are some rules, some regulations, some words around how a worker might be able to determine they don't want to work these hours, but nothing really, I think, that has any real teeth in it in regard to giving workers the right to refuse extra work. The bottom line is, if you want the job, you're going to have to work the hours.

I can remember the days when we were talking about hours of work that were more appropriate to a decent quality of life for people living in this province. Obviously, the government that is in power now is not interested in making those kinds of changes, and that really is a true shame, because true Employment Standards Act amendments need to come forward so people in this province

have a decent quality of life and have a balance in the workplace to be able to refuse excessive hours of work.

**Mr John Wilkinson (Perth-Middlesex):** We just heard from the opposition that we're absolutely bang-on with this bill, because what we're talking about is restoring the balance between the employer and the employee. And what we heard from the opposition, approaching two different parts of the spectrum on this, is that we got it all wrong on both sides. That is the greatest testament that we must be restoring the balance that has to be there. Government's role is being the referee.

As a business person, I want you to know that I've always felt that you're only as good as the people you hire. I think most people in business understand that, that the people who work for them are their greatest resource. I know I believe that. But there are employers—and I agree with the member for Hamilton East—who abuse their employees, and so it is the role of government, the righteous role of government, to be that referee. That's why there must be a balanced, level playing field. The member for Hamilton East is correct: The employer who writes the cheque does have an inordinate amount of power. But if it's a far-sighted business, they understand that the workers are a resource to be invested in and not a resource to be depleted.

One of the reasons I support the bill is the fact that each and every employee in this province from now on will have to receive a document, produced by the Ministry of Labour, outlining their rights as employees. There are so many people in our province who are unaware of their rights under the Employment Standards Act. I think this is a forward-thinking move, and I would hope that both opposition parties would agree with us, that it is necessary. I can't understand how anybody would be opposed to that.

The other part, for the referee, is to actually have enforcement. I've learned from the minister, who's a great Minister of Labour, that the previous government was very weak on enforcement, and I'm so glad we're strengthening that.

**Mr Lorenzo Berardinetti (Scarborough Southwest):** I want to take this opportunity to congratulate the speakers today, both the member for Kitchener Centre and the member for Etobicoke North, for their well-thought-out words regarding this legislation.

When I first heard this legislation was coming forward a few years ago, I was somewhat surprised, because I thought we had made a number of improvements over the past century, or past several centuries, in terms of workers' rights. It wasn't too long ago that we had people working who were under the age of 16; we had people working in unsafe conditions; we had people working in all sorts of situations which were dangerous to employees. I can think about what happened about 40 or 50 years ago in the York Mills and Yonge Street area where a group of immigrants were trapped under a tunnel. They were left there for several days, and a few of them ended up dying. As a result, I think it was the Conservative

government at the time that brought in legislation, to their credit, to protect workers so that such situations could not occur in the future.

This legislation today addresses another right that workers have, and that is that their work hours should be limited. It's protecting workers so that the 60-hour workweek does not exist. It's actually going forward one step and not going backwards. I would imagine that as we evolve, and as we see this government evolve over the next several years, we're going to see a number of pieces of legislation that would protect workers' rights and also allow the private sector businesses to thrive and work effectively.

I fully support this legislation. I think the speakers thrashed out the main concerns addressed in this legislation, and I look forward to it being approved and put into effect.

1610

**The Acting Speaker:** Response?

**Mr Milloy:** I'd like to thank members for Simcoe North, Hamilton East, Perth-Middlesex and Scarborough Southwest for their responses. I've got to tell you, I think that the member from Simcoe North in particular very much exemplified what I said in my speech, that unfortunately, these very, very important issues just aren't the flavour of the day. They're not sexy. He was dismissive about the rights of workers in this province, and I'm concerned about that. I'm concerned that more and more, our elected officials are starting to lose sight of the reality.

My colleague from Etobicoke North spoke very passionately about individuals in his riding who may not understand English or French, who come from different legal regimes, who find themselves in a situation where they are being asked to work overtime, and although they might somehow realize that technically they could refuse, deep down they fear for their jobs. They fear for their future. They fear for their families. So they end up having to work hour after hour after hour, but, "We don't care." We hear from the member from Simcoe North: "Oh, who cares? It's not a big deal. It's not a big deal for workers who are out there, who are surviving on very modest wages." Thank goodness we brought up the minimum wage.

I care about them. The people of the Liberal Party—and you heard it from my two colleagues who spoke—care about them. We care about the rights of workers. We care about protecting the less fortunate, who don't have the sophistication and perhaps the language skills that they need, under the 60-hour workweek, to fight it. We support their right to say whether they want to work overtime or not. That's what this bill is about. It reflects Liberal principles. It reflects principles that, thank goodness, have been finally brought to this Legislature, and I'm quite frankly upset that the Conservative Party says it's a nothing bill. For us, it's a very important bill.

**The Acting Speaker:** The Chair recognizes the member for Simcoe North.

**Mr Dunlop:** Mr Speaker, we'll now be doing our leadoff time that we had deferred before, and I'll be sharing it with the member for Durham, the member for Kitchener-Waterloo, who, of course, is a former Minister of Labour, the member for Parry Sound-Muskoka, and the member for Renfrew-Nipissing-Pembroke.

I'd like to say just how disappointed I was with the response just in the last couple of minutes from the member for Kitchener Centre, when he said I was being dismissive. The fact of the matter is, when I made my earlier comments, I talked based on the kinds of concerns I have in my riding. I always judge a bill by the type of response I have. I have not had one call on Bill 63, not from anybody. So I've had to make calls to business people. I've had to make calls to large employers and small employers. No one has responded to this bill. No one has sent me a letter, an e-mail or a fax, or asked for an appointment.

As I said earlier—and that's what he was referring to as being dismissive—when I said it was a nothing bill, in the riding of Simcoe North, with the 60-hour workweek legislation under the Employment Standards Act, I had only received one complaint. That was a verbal complaint at a fall fair about the 60-hour workweek, and that was from a gentleman whose wife actually worked at one of the Wal-Mart stores. I believe maybe it was the Wal-Mart store in Midland. So the problem I have is that, although I'm going to go over the bill summary, we really haven't had a lot of concerns and a lot of complaints.

Now, I have to say that in my riding of Simcoe North, we have a very diverse economy. We have a lot of agriculture. We have a lot of construction. We have organizations like the casino, a lot of civil service with the Ontario government, with the correctional centre, with the mental health centre, with the only regional centre with the Ontario Provincial Police Association and the general headquarters of the OPP. So maybe it's not a big issue in the riding of Simcoe North, and maybe this is a very important issue in other parts of our province. I have to say upfront that, as I said earlier, it hasn't been a concern in my riding, but it may very well be in other ridings, particularly—I think he mentioned something about where there's a high immigration level in a particular part of a riding.

What I have heard from the small business people when I made some specific calls over the last few days before we made any comments on this bill, I have been told by employers that the bill was very bureaucratic, and that's really the only difference, because it still allows people to do basically the same things as the previous legislation had before.

I want to read into the record our response on Bill 63, An Act to amend the Employment Standards Act with respect to hours of work and certain other matters. That is, of course, referred to as the hours of work act, Bill 63. My understanding from our briefings and from going over the bill is that currently approval from the director of employment standards is required only if the hours in

the workweek would exceed 60. This bill would prohibit employers from requiring or permitting employees to work more than 48 hours in a workweek unless the employees have agreed to it in writing and the employer has been issued an approval by the director of employment standards.

If an employer has applied for an approval and the director has not yet made a decision on the application, employees may begin working the additional hours, up to a maximum of 60 hours in a week, 30 days after the application has been made. The background of this is fairly clear. The bill really does very little to change the relationship between the employer and the employee in relation to hours worked. The Liberals advertised this as bringing an end to a 60-hour workweek. This was somehow imposed by the previous government. In fact, the 60 hours remain, but now, to achieve these hours, the employer must comply with regulatory requirements. That's what I refer to when I talk about the bureaucracy it has added to business. I know that this particular government has no concern about the small business people. They're more concerned about how they can raise taxes and monies from small business people to support some of their bureaucratic spending.

The substance of the bill: Section 1 in Bill 63 amends section 2 of the Employment Standards Act and requires a poster containing information about this bill to be placed in a very prominent place in the workplace. That I can understand.

Section 2 amends section 15 of the act, which deals with the retention of hours-of-work agreements by the employer.

Section 4 amends section 17 of the act and provides for the situation where an approval to go beyond 48 hours has been sought and not received. Workers are allowed to work the increased hours for 30 days. That's our understanding of it.

Clause 17(1)(b) sets out the 48-hour requirement.

Subsection 17(4) sets out the criteria which will allow for a 60-hour workweek even if approval from the ministry is not received within a 30-day period after the application.

Section 17.1 provides the mechanism for the employer to apply to the director for approval, allowing some or all employees to work a 60-hour week. So he's still allowed to do it. It can be made by electronic means. The application is to be posted in the workplace.

In subsection 17.1(8), the director has the option to grant or refuse the application, taking into consideration the past performance of the employer, the health and safety of employees, and other relevant matters.

In subsection 17.1(9), the approval applies to new employees as well as all existing employees. Of course, that's just some housekeeping work.

In subsection 17.1(11), the approval is posted in the workplace.

In subsections 17.1(15), (16) and (17), the approval may be subject to conditions or it may be revoked.

In subsections 17.1(19) and (20), the application may be refused, with no need to provide a reason.

In 17.3, the director may delegate his or her powers.

Section 5—and again, I'm going back to our summary of this particular piece of legislation—amends section 21 of the act and requires the director to publish a manual setting out the rights and obligations of employers and employees.

Sections 6 and 7 amend section 22 of the act and allow employers and employees to continue to make written agreements to average hours of work for overtime pay purposes, but employers are still required to obtain approval for averaging. Currently, approval is only needed if averaging exceeds four weeks. Averaging can take place for two weeks while awaiting approval. The existing averaging agreements are valid, but are subject to a requirement to obtain an approval. The approvals may be revoked on reasonable notice, or applications may be rejected. There is no requirement to provide reasons.

#### 1620

Section 9 amends subsection 138.1(1). It allows a director to publish the name of a person who is convicted of an offence under this act. That's standard housekeeping work as well.

Section 11 states that the bill comes into force on January 1 of next year. So we'll have lots of time for the government and the Ministry of Labour to implement this particular piece of legislation if it's passed before the end of this session, or possibly sometime in the next session. I don't think the government is counting on this bill going through right now. We're not going to support this bill, but we're not going to put up a large fight over it either. They are the government, they won the election and they can do what they want.

I want to add some critical comments to the bill. The bill adds a paper burden to an employer and does nothing to help employees. That's what I've been hearing from the people I've called in the last couple of days when I asked them what they thought of this bill. They said it's nothing more than bureaucracy and a lot more paperwork is required. It does not reduce the workweek. That's what it's all about. You can still go ahead and do what you want. It militates against flexibility in industry and certainly is not good for small businesses in our province.

What will be the increased bureaucratic cost of implementing this scheme? There's nothing wrong with the system established by our government. The bill adds another form to be filled out, just another form. Employees want flexible hours and some want to work overtime. The government has put a roadblock in the way. The bill is reform without meaning or purpose. Who will enforce this? More bureaucrats. They'll need more staff. The bill contains no requirement to give reasons if the employer's request is rejected. There is also no appeal mechanism and that, of course, is wrong as well.

What's important, as we go through this legislation and this debate on Bill 63, is the fact that the government is trying to force through some little pieces of legislation. As the member from Kitchener Centre said earlier—he tried to think I dismissed this bill. But the fact of the

matter is, what's most important to the working family in Ontario today, what they're most concerned about—I told you a little earlier that my riding is very diverse. I talked to people in the agriculture community, people who work at casinos, in all different sectors of society, many in construction, because we're having a lot of building up in our part of the province and a lot of people work on cottages. Do you know what they're really concerned about? They're not worried about Mr Bentley's Bill 63 and the 60-hour workweek and how we're going to appeal it. They're worried about the health care premium. That's what they're saying.

I went outside today and listened to the chiropractors. I'm telling you, everyone should have seen that today. I'm guessing close to a thousand people showed up in a rainstorm to talk about the delisting of the chiropractic services. I talked to almost all the chiropractors from the riding of Simcoe North, because there were many out there. Not one of the chiropractors talked about Bill 63. Bill 63 wasn't an issue with them. They weren't concerned about somebody working 60 hours a week and how it affected their back or their legs. They were concerned about the delisting of the services. They were concerned about the government ramming through this bill tonight.

**Interjection:** Ramming it through.

**Mr Dunlop:** Ramming it through.

As I said today to the media and to the people at the chiropractic demonstration—I shouldn't call it a demonstration, because chiropractors don't demonstrate; they're too busy to be down here. They were trying to draw attention—not one person was there from the government.

We had a couple of McGuinty spies. I know the guys who work in the Premier's office. They were out there with their little cell phones, sending messages back to the cabinet room about what these guys were saying. But it was really nice, because the spokesperson for the chiropractors today was Curt Harnett, a medallist in the Olympic Games. He spoke on behalf of the chiropractors and even acted as the emcee. I've seen Curt at other occasions and have had the chance to meet him a few times. Of course, he sent the message home loud and clear, and it was all about the health care premium and how the government will not listen. If there's anything the government can do for employees in this province, if there's anything they can do for people who are concerned about a 60-hour workweek or a 30-hour workweek or a 48-hour workweek, it's to get rid of this health care premium. It's the most abusive tax we've seen in decades in the province of Ontario.

The fact that we're delisting services—I was interested today to think who's going to make all the announcements on government projects from now on. I know that the Minister of Public Infrastructure Renewal was planning on doing sewer and water projects, but now I think it's going to be done by the Minister of Health. I believe that's who will be doing it, because under this health care premium, it will be the Minister of Health who will be doing this.

As we go along here, this has become a real issue, because we've been led down the garden path in this particular budget. To think that never before in its history has a government tried to sneak something in this way. They've tried to sneak in sewer and water projects. They're trying to confuse everybody in the province. They're trying to confuse all the different ministries with a health care premium that includes all types of different projects from different ministries. So in the end, you confuse the whole issue.

Are people concerned about the 60-hour workweek today? I don't think so. When this bill receives third reading, even if it passes before the end of this session, I think people are not going to be worried about this. There might be a handful here and there. There might be a few people. The minister's office will line up a few people to make some positive comments about it. They'll talk about the former PC draconian legislation and all these sorts of things they like to do and they like to spin.

But I think what is really important is the fact that the people who are involved in construction jobs who do like to put in long hours and get lots of work because the winters in Ontario and Canada are not quite as—it's not like working in California. You don't have the conditions in the winter to do a lot of construction work outside, so you don't get the ability to work in the winter months. I don't think they care about this. They want to be able to work as many hours as possible, sock away the money for the winter months. That's what they're most concerned about. And I think they're most concerned today about the health care premium.

Of course, we're hearing over and over again as we carry through this legislation and every other piece of legislation—and again, we'll be debating this tonight when we talk about the Budget Measures Act. When we finish debate and finally vote on this draconian piece of legislation, tomorrow the people in Ontario will continue to not worry about a 60-hour workweek; they'll be concerned about the health care premium and Greg Sorbara and Dalton McGuinty's budget. It's been a huge step backward for the citizens of our province.

Mr Speaker, I said earlier I was going to share some time with some of my colleagues. Mr O'Toole, are you ready at any time?

**Mr John O'Toole (Durham):** Yes, absolutely.

**Mr Dunlop:** I just want to make sure. He's very shy, as you know, Mr Speaker. It's not often he gets a chance to say something in this House, so when he does, we want to prepare him for his ability to stand up and discuss. I do hope he'll acknowledge some of the people in his riding, because he never seems to do that either, and makes sure he talks to people about the construction workers and construction companies and all these folks who are putting in these long hours and are so in favour of this particular piece of legislation.

With that, Mr Speaker, I'm happy to sit down, and I'll turn it over to my colleague the member from Durham, who will carry on in this one-hour leadoff time.

**Mr O'Toole:** It's a pleasure to rise this afternoon to speak on Bill 63. Just to bring a bit of focus to my

comments over the next hour, I would only say that, first of all, it's important to note that the Speaker today, the member for Barrie-Simcoe-Bradford, is actually a labour lawyer. He can listen to this whole debate rather objectively. I don't think he's practising right at this moment, but I know he stays current on the issues. Of course, one of the important issues that he'd be dealing with on a fairly regular basis in his informal consultations, shall we call them, would be the Employment Standards Act. I have to draw that to the attention of the members who are listening here. There are other members here, I know, with a background, and some of them happen to be on the government side.

**1630**

When I was first elected in 1995—I have time to unravel this great mystery, the journey of life sort of thing—I was fortunate to have worked for General Motors for 31 years. In that time, I spent some time in personnel and labour relations, but mostly I worked in a production environment, and I spent some time working in the systems environment as well.

I was struck by the importance of having rules in the workplace. Quite often at General Motors—the CAW was one of the main partners when I was a supervisor in the plant, a general supervisor, and the various positions I held there as an employee. I was an employee too and there were conditions of employment for me, as well as for all the persons who worked with me. I soon learned that it was a team effort and that there are sets of rules. It's important to note that any legislation that attempts to usurp those collective agreement rules would be a regressive step. I'm pleased to say that in my cursory review, Bill 63 doesn't override collective agreements, although it does provide some unnecessary duplication and red tape.

I represent the riding of Durham. It's a wonderful riding. It's part of Oshawa. But I might say that, just visualizing my riding, I'm so proud to represent the riding. Tomorrow I'm attending the long-awaited, many times announced cancer treatment centre; they're having the actual official opening. It represents a huge construction project, along with the redevelopment of the Lakeridge Oshawa site, a \$400-million construction project. It's sort of in the heart of Oshawa.

There again, this is a construction project that has timelines. We have cancer waiting lists in Ontario. So to get to the importance of how that relates to this bill, it's important to recognize that there are projects, Mr Speaker—the Speaker doesn't seem to be paying attention at the moment. It's important that we recognize there are timelines on these projects. Often in construction projects with pressing timelines and seasons and bad weather—it rains and there's nothing they can do; the next day they have two days of sun and they try to make hay when the sun shines—they need flexibility in some sectors. Let's just leave it at that. I think the viewer today understands that and I think that's important.

If I drive up Simcoe Street in north Oshawa into my riding, the north part, there's one of the largest con-

struction projects in all of Canada: the building of the newest university in Canada, the University of Ontario Institute of Technology. There's some discussion on the project, but I am confident that the leadership there—Gary Polonsky is the president of the university. I was there about a week ago at the commencement—

*Interjection.*

**Mr O'Toole:** Absolutely, and the board worked so hard. The community supported it and raised money. This project is one of the largest construction projects. They're building student residences, they're building faculty space, and they're building teaching and learning space. They're trying to stay on time and on budget, and I'm sure under the wise leadership of Gary Polonsky and the board, they will come in on time and under budget.

There again, the idea I'm introducing here is that there are sectors in any part of the economy that need a set of rules, and those are usually in contract language. I don't think this bill should in any way interfere with that. But even if I look broadly, the broader issue here is that it's very important to have labour place rules that protect workers. I completely agree, having worked for over 30 years in a variety of positions, mostly, as I said, at General Motors, but I was in South America and Quebec and I saw different workplace rules in different parts of the organizations I worked in.

When I worked in systems, we had the same kind of project work: a big reprogramming. Think of the Royal Bank, I think it was, that just went through the failure in their invoicing system. Imagine the hours those systems maintenance people worked to recover the data records. They must have worked endlessly to correct it. The customer service people would be working, the programming people, the systems and telecommunications people working feverishly, the accountants working feverishly. This kind of workplace, with inflexible rules that are somewhat suggested here, are maybe not workable in today's economy. But I think it's important always, if you have a reasonable employer and a reasonable employee, that they have agreements, formal and informal agreements, on what is required to get the job done.

Overarching all of that is that it's important to have a competitive economy where you have job creation. We don't need an unrealistic set of rules that prohibit a person's right to work. I'm not going down the road of right-to-work legislation, and I do respect the Rand formula, which is the dues checkoff provisions within the collective bargaining system that we have in most of Canada.

I do look at my riding in all things. As the member for Simcoe North said in his remarks, very appropriately, in construction and home renovation, seasonal, people working in the horticultural industry—but we as legislators have to look at the entire province—the mining and forestry sector. In my riding, the agricultural sector is extremely important. You look at the work they do and the short period of time they are allowed to plant the seeds and then later on to harvest the crops. I think of the horticultural business. I think of the apple and blueberry

industries. They have a harvest. The fruit is ripe and they have got to work the number of hours.

This may not seem related. Many people will just read the explanatory notes in the bill. It is a bit language-heavy and, as this is a legal document, it should be. But to get back to the essence of this bill, it's important to stress a couple of things. This bill really deals with the hours of work in a workweek. That's very simply stated. The intent here—I am reading directly from the introductory notes: “Employers are prohibited from requiring or permitting employees to work more than 48 hours in a workweek unless the employees have agreed to do so....”

There is no change there. When we introduced the previous amendments to the Employment Standards Act, it had to be agreement of employee and employer. They had to agree before it could be artificially enforced. But here is where the real stickiness gets into it: “in writing.” In other words, now we've got the red tape and the bureaucracy coming in.

“In writing”; that's fine. It's a local thing. Then it says they've got a mandate to file them, to keep these documents or permits on record—more red tape.

It goes on to say, in the next paragraph, “If the employer has applied for an approval and the director has not yet made a decision on the application, employees may begin to work the additional hours,” immediately. That's because they're even admitting now—I can just visualize it. There will be some little clerk sitting at the phone waiting to answer the phone or the fax machine. Then they'll say, “A fax isn't an original document,” so a Purolator will show up with a big bundle of paper and some clerk will go through this. He won't know where the company—for instance, in my riding it could be GlobalTech, it could be Detox or it could be St Marys Cement. It could be any of the employers who are very respected and have great relationships with their employee groups. For this red-tape event to occur—by some clerical person using their sense of authority or duty to read every word of it and maybe send it to the legal staff to spend another 500 bucks on nothing to see if it's OK, when they may have a collective agreement locally where the union president, the plant president or the head of labour relations has agreed, and in fact they're already doing it. The whole idea of red tape is clearly throughout this bill. It's a minefield of barriers here to just getting on with getting the job done.

Imagine a farm business, or a business in construction that's waiting for some clerical person way up in some office that might even be here in Toronto, and they may have the weekend off, and they're busy trying to get the forms so they can get the footings poured. Do you understand? There's no flexibility here. As a matter of fact, I'll read the next section.

**1640**

It says, “The section of the act that states that a provision in the employment contract that provides a greater right than an employment standard prevails over the employment standard cannot be used to circumvent the requirements respecting approvals if employees

would be working more than 48 hours in a week.” What it's saying here is that it can't get less. I agree we should have employment standards that set a standard that no employee should be expected to work under. Whether it's workplace safety, hazardous materials, workplace committees on safety and all that, I fully agree. At the end of the day, I think employers do have a responsibility to have safe workplaces and a reasonable working relationship.

Now, the employer who's sort of saying, “If we don't get this contract out by the end of the month, we fail the contract,” and he's waiting for some clerical person up there to get the fax or the Purolator envelope—if they miss the contract, the employees are out of jobs and the employer is out of business. So you have to have some common sense in this thing.

I think the other thing is that respecting traditions in employment is important. I learned very quickly that seniority is an important provision. Seniority rights prevail, really, over a lot of other rights, which sometimes is a very complex issue. Seniority in overtime entitlement is another issue.

If you want to get to the skilled trades person, depending on how the collective agreement is worded, you may have to have five people who don't know how to run a numeric control device or a PLC or some kind of complex robotic equipment to get to the person who actually knows how to do it. The way the seniority's structured, you have to have five people there before they get the person they really need who knows how to fix that machine, the millwright. That's another complication, and it's not particularly in the bill.

But I'd just say that if the government really wants to move forward—and Minister Bentley is actually young and seems a very respectful minister, a practising lawyer. It's my understanding he's not practising at the moment, but he certainly brings a lot of insight into the legal jungle of contracts to this issue. I think he should look progressively forward on setting new entitlements for employee-employer groups, employee-employer relationships, contract, off-site, home work, all those things. There's much more work to be done in those areas, because that's the evolving future. A lot of work, as you know, can be done, whether it's through—teaching now could be done through distance education. The workplace itself is changing. We don't have the assembly line jobs that we did have once.

I do drive most of my comments—always, as the member from Simcoe North said—to my own riding of Durham. It is predominantly an agricultural riding and a very successful and diverse value-added riding. In that, I want to mention a couple of families that, to me, set a very high standard.

**Mr Dunlop:** Ten more minutes, John.

**Mr O'Toole:** Ten more minutes? I'll get to mention every person in my riding.

The point I'm trying to make is, it's Fred and Sandy Archibald, and I'd encourage anyone just to drive down Highway 401, take the exit at Liberty Street and go

straight north. I drive by thinking it's an apple orchard. Surprise. It's a destination. They have fruit. They make fruit into fruit wines. They now have hybrid grapes that they use in mixes that produce excellent—they provide a lot of community support in relationship with Big Brothers and Big Sisters. The events they have there include a cuisine event. Now they've opened a small golf course on the property. You talk about value added, talk about entrepreneurship; it's a tourism destination, and I encourage the people listening.

Now, if you think that's the end of it, if you want to visit a riding—and it's not me. I just happen to live there. I'm very fortunate to be the representative. In fact, I'm now asking for their support in the next election, because the dates are fixed. It's in 2007, unless Dalton changes his mind. But you just keep driving north; you go to Port Perry. If you're in Port Perry, you've got to know that—

**Mr Dunlop:** Port Perry's a great riding.

**Mr O'Toole:** Well, Port Perry, as somebody mentioned, is the home of chiropractic. Dr David Palmer—there's a park called Palmer Park. It's almost like a postcard. I'm sort of visualizing it now. If tears come to my eyes, you'll understand. Palmer Park is on Lake Simcoe. They have Canada Day there. It'll be coming up, and I'll be there. I'll be on the stage and bringing greetings from Queen's Park: Palmer Park, with a big bronze statue there.

There's a young entrepreneurial person who has just launched a tour vessel on Lake Simcoe, another wonderful destination. They have dinners and moonlight tours. It's spectacular. This creates jobs, and these are tourism jobs, destinations. They're entrepreneurs. Let's not put barriers in front of them. At the same time, send clear messages that there are standards, and make them understand that and give employee rights.

I'm just touring around. I look at the Mitchells, at Daphne Mitchell on the main street in Port Perry. It's called Settlement House. Drop in. They have a little restaurant at the back. On Settlement House, Daphne Mitchell was the retailer of the year in Canada, not just Durham, not just Ontario, but the entire country. Joel Aldred lives there and he's a great guy, actually a great supporter, really. Just drive down and his town hall project—then you go down just around the other side, Lakeridge 23. You're going to see another marvellous entrepreneurial agricultural value-added business. It's called Ocala wines. Ocala wines is another destination you should visit. This guy, Irwin Smith, and his wife Alissa are equivalent to the Archibalds in their inventiveness in creating opportunities for themselves, for employees and for the community. They're great fundraisers and very much philanthropist-type citizens.

I was there the other morning for the awards for chamber of commerce business of the year. There were three. There was Brock's. There were two or three other businesses. Pardon, I forget their names; I don't have any notes with me. The Brock family business on the main street in Port Perry has been there for years and years—excellent spot. The Brock family was there. There was

Irwin Smith serving breakfast. There he is. He's a winemaker. He owned a music store. He's a very talented musician.

I'm back on the track here in my riding, but this act does apply to these people, because they're creating the economy that creates wealth for this province. Every time they take an apple or a bunch of grapes and apply knowledge and skill to make it into a product that has more value, and add some of what I call the aesthetics around that—the place, the destination, the tourism, the bus—all of this is adding value, which is all taxed, which comes to the province of Ontario, which helps to pay for health care.

These are the people we've got to champion, and this bill should not interfere with the creating of wealth that we all share. So I've brought you full circle here on the importance of having reasonable employment standards in a multitude of workplace settings: agriculture, construction, software development, emergency cases, persons working in seasonal and contract-type employment, home work.

I'm going to read one of the sections of the bill because I got carried away, and for those viewing, my signing-off statement on Durham, my riding, is to come and visit. It's right off the 401, Lakeridge 23, Lakeridge Road, or anywhere, Simcoe Street, Liberty Street. You can get into it. Once you're into it, you'll never leave. It's one of the fastest growing.

The home construction business is a whole other deal. Drive down Taunton Road. You can hardly find space. Really, it's all spontaneously linked here, because now I'm looking at Bill 26, the Planning Act, and Bill 27, which is the greenbelt act. The implications of John Gerretsen's bill—John, as a former mayor of Kingston, should know better, actually. That bill has caused the prices of lots in my riding to double and triple.

*Interjection.*

**Mr O'Toole:** No, I don't want to mention members, because it could get them in trouble here. They've got to understand the economic circle here, how it works. Those people who are buying a house—the value goes up, the lots double. What that means is the \$200,000 mortgage or plus is over 30 or 40 years, and when you put \$10,000 or \$20,000 on the end of that, you pay about \$100,000 over 10 years on a mortgage.

Now they're talking about—they've got conversations going on the development charges. The homebuyer pays for it. The young couple with the young family who are trying to work and save for the children's university are being forced by this drying up of serviced lots. They're going to pay for it in their mortgage. It comes out of their pocket after working hard, and they're putting another barrier saying he or she can't work.

**1650**

As I get into these things, I still think they're tinkering seriously with the economy. They've raised taxes. We understand that is their privilege. They've broken the law. I've accepted that—well, I haven't accepted it, but get over it.

I sat for two days on a time-allocated bill where they never accepted one reasonable amendment to the bill. It was a charade. They want to say they had public consultations. Name one change they made if you had the consultations. They had their mind made up. Their mind was frozen in time, right from October 2, when they changed everything they said prior to October 2—but I digress.

Going back to the bill, I could go on, because this bill affects all of my constituents' lives. When I think of people lives, it's my duty to stand up on their behalf and speak as long as possible. I think of the work I've done with the CAW 222, the Power Workers. I look at the Power Workers. I'm just going to digress for a moment, because the Power Workers, the electricity producers in this province—

*Interjection.*

**Mr O'Toole:** Bill 100? Can't wait until that one starts, because I have a fair understanding of what's going down there.

This is a report you all got this week. I'm drawing it to your attention. Please look at it; it's important. It's Bruce Power. You've got it, so I will just help you a little.

**Mr Ted Chudleigh (Halton):** That's a private company, isn't it?

**Mr O'Toole:** We're not getting into that, Mr Chudleigh.

Speaking of Chudleigh and agriculture, your brother was named this past week to the Ontario Agricultural Hall of Fame. The Chudleigh family are all over the world. Congratulations. You should have been the Minister of Agriculture. You should have been the minister. We did some things right.

Here are some facts on Bruce Power. This is worth knowing: They have 3,700 employees, a very complex 7-day-a-week, 24-hour-a-day operation, a nuclear plant. You tell me how they're going to send some piece of paper from this bill to some clerk in Toronto to tell them they can or cannot work, when there is safety and other overriding decisions that the clerical person—I say "clerical person" because if you read this, do you know what it says? "The director's authority to issue approvals for ... work in excess of 48 hours a week and approvals for averaging may be delegated to any Ministry of Labour employee."

Anybody. It's your turn on the desk. Can you imagine? It's right in the bill: "any Ministry of Labour employee." I was amazed. I think you should amend that section. I propose that amendment almost now, Minister of Labour. I told you there is a little weakness here in the bill. They should not delegate to "any Ministry of Labour employee." That's ridiculous. It could be the sweeper or something.

Size: 932 hectares. It produces 65% of the world's cobalt. And this plant has operated with an absolute zero accident record in the last number of years since the Bruce people took over. They are to be commended, the whole workforce. I hear Duncan Hawthorne all the time, championing the working relationship with the Power

Workers, their shareholders. It's a success story this bill needs to have respect for, because that's the changing environment of the future.

This is another one too on the energy thing that tells me about construction projects. It says: "The restart of the B system"—I follow this stuff—"there are more than five million hours invested in the project." Imagine that. What project management, a megaproject with the minutiae of who works how many hours and unions and contracts. They may have four contractors on-site, there may be a project management team, there could be several contacts on the site, and they're going to have some clerk picking up the phone in Toronto to approve that they can work. I guess not. I think it's fine in industrial settings and various things like that, but there's a weakness there.

This project is just one clear illustration we all have that Ontario's economy is built on flexible, strong rules, and employment standards should be just that, not another layer of bureaucracy, red tape, filling in forms, and e-mailing, faxing and Purolating. Let's get on.

I have a very diverse riding. I have the Darlington nuclear plant, which is one of the heritage sites. It's fully functional and is operated by OPG. I'm very proud to work with them—an excellent safety record. They generate enough power at that plant—I think it's the largest nuclear plant in the world. It could be the second, but I think it's the largest. I think there's an application to expand that site, so I'll be talking to Dwight Duncan to try and make sure that we do the right thing there.

In respect to this bill, there's some substance in it. We need to have standards that protect all employees. We need to have flexibility in some sectors, specifically construction, software, outsourcing and new models of work relationships, and moving forward in that respect. Having worked in that area for 30-some years, I would be supportive.

I'm going to give up the rest of my time—reluctantly, of course—because I want to hear from the member for Kitchener-Waterloo. When I came here in 1995, I think Mrs Witmer was Minister of Labour. I was asked to join her advisory committee and learned of the passion and commitment she brought to the ministries that she was in. I'm very proud to work with her. In health she was a leader. George Smitherman should speak to her respectfully. I'm sure she will work with him. I know Doris Grinspun, head of the RAO, yesterday in committee complimented Minister Witmer as being a leader and a visionary in nursing practices in Ontario. Get a copy of the Hansard. If you want it, I'll send it to you.

I would say there are some members who haven't been here long enough to know—I won't mention names, Jeff. It's a long afternoon and I am at this point in time trying to signal that perhaps the former minister would be ready to pick up her speech.

In the meantime, there are other things going on in Durham as well. Tomorrow morning—do you want to know more about the riding, Mr Speaker? The riding of Durham is worth visiting. It's a growth riding, it's a

diverse riding and it's about 50% urban and 50% rural. It's an absolutely perfect place for a pilot project. I'm just going to bring this up. We had a meeting the other night in Port Perry. I think of Mayor Marilyn Pearce of Scugog council, a leader—her council, working with Dr Stewart. As well, George Zegarac from the Ministry of Health was there; Dr Stewart and several other experts—no politicians. Marilyn Pearce herself did not sit on the panel. There was standing room only. I think about 1,500 to 2,000 people were in the Scugog community centre. You couldn't get in.

The issue they brought forward—I believe George Smitherman should listen. It would be an excellent teaching site in rural health. All the doctors work collectively and co-operatively there. They cover emergency seven days a week, 24 hours a day. There's a community there that's right and ready to be a model site to work in partnership with the University of Toronto, to have a rural health faculty complement the University of Toronto. Even the hospital is a very good place.

When you look at workplace rules—seven days a week; 24 hours a day; heavy lifting; difficulties; the highest incidence of workplace injury is in nursing; lifting and transferring patients—there's a lot of work to be done. I challenge Minister Bentley to get on with it. I don't think your government is prepared to call this bill. I think it's just being delayed. Most of the relationships—I've not had a single call on Bill 63. And even when we implemented the 60-hour workweek—I understand that Wayne Samuelson has a different job. The Federation of Labour gets people upset, Conservatives, whatever, but you actually never hear any complaints. I never heard a single complaint. I have well-organized, mostly unionized workplaces that have worked out their differences. In the case of General Motors, Michael Grimaldi is the president there. He's got a wonderful relationship with the CAW. They respect one another. They have different roles, but that operation runs seven days a week, 24 hours a day, building great cars, and 95% of them go to the US. So workplace rules and standards are important.

There could be 12 minutes left. I'm anxious to hear from the member for Kitchener-Waterloo. Minister Watson is over talking to her because she has so much wisdom to share.

There are other sections of this bill that should be read. Here's one that's quite interesting. It's meant as a positive comment. It's in the third-last paragraph and it says, "Employers are required to retain copies of employee agreements to work hours in excess of the limits in the act, and employee agreements to average hours of work for overtime pay purposes, for three years after work was last performed under them"—so three years.

You have these industries today that come and go. Because they're all amalgamating, merging and changing, you've got boxes of paper to carry around, disks, software and systems upgrades. Who's got the paper? This is really quite unnecessary. They are filing the document. The document's there and the Ministry of Labour already has a copy. Keep it. Forget all the paperwork on the industries that may come and go.

I respectfully mean it when I say that the member for Kitchener-Waterloo is a person who brings value in judgment and contribution to this place and I'm anxious to hear her comments as a former Minister of Labour on how to make this bill better.

Thank you for listening to my long story today.

1700

**The Acting Speaker:** The Chair recognizes the member from Kitchener-Waterloo.

**Mrs Elizabeth Witmer (Kitchener-Waterloo):** I want to congratulate my colleague from Durham. Once again, he has presented a wonderful interpretation of the impact of this bill. He has brought into it some very colourful and interesting stories about people and places in his riding, the impact that this bill has and also the impact that some of the legislation this government is bringing forward has.

I also want to congratulate the member from Simcoe North, who spoke to this bill. He was our leadoff speaker. He's undertaken to do that on many occasions this session. We need to really appreciate the hard work he has put into researching different bills and making sure he puts on the record the opinions and the input he receives, not only from people in his own riding but people throughout Ontario.

I'm pleased to say a few words—I'm not going to be speaking for a long time. I had the opportunity, I guess the good fortune, to have been Minister of Labour in 1995. I can tell you that at that time we were making sure that the Employment Standards Act was going to continue to be updated to reflect the working environment of today. I think we all recognize that the environment today is certainly much different than it was years ago. You need to continue to meet with both employees and employers, you need to identify the issues and you need to make sure that the legislation responds to the priorities.

We have here today the hours of work act, Bill 63, An Act to amend the Employment Standards Act, 2000, with respect to hours of work and certain other matters. I will tell you that this change to the act actually doesn't do much; certainly not what it purports to do. This does not bring an end to a 60-hour workweek. It doesn't do much to actually change the relationship between the employer and the employee in relation to the hours worked. In fact, the 60 hours will remain, but now, if you're going to achieve those hours, the employer is going to have to jump through some hoops in order to comply with regulatory requirements. It's important to put that on the record, that there is not a lot of change. It doesn't end the 60-hour workweek at all.

Subsection 2(1), for example, amends section 2 of the Employment Standards Act and requires a poster containing information about the bill to be placed in a prominent place in the workplace.

Section 2 of the bill amends section 15 of the act, which deals with the retention of hours-of-work agreements by the employer.

Section 4 amends section 17 of the act and provides for the situation that, where approval to go beyond 48

hours has been sought and not received, workers are allowed to work the increased hours for 30 days. Clause 17(1)(b) sets out the 48-hour requirement.

Subsection 17(4) sets out the criteria that will allow for a 60-hour workweek even if approval from the ministry is not received within the 30-day period after application.

Section 17.1 provides a mechanism for the employer to apply to the director for approval, allowing some or all employees to work a 60-hour workweek.

I think you can see that this in no way, shape or form does what this government said it would do and eliminates the 60 hours of work in a week. That's what this government advertised would be happening. They tried to portray us as forcing workers to work 60-hour weeks, and of course that's not so. The 60-hour workweek remains but there is a different regulatory regime that is now put in place.

What this bill does as well is add a paper burden to the work that is to be undertaken by an employer. That does not help the employees. It reduces flexibility in the industry for small businesses. As I say, there is more paperwork that needs to be undertaken, forms to be filled out. I think today in our workplaces, employees and employers are all looking for flexibility. People don't work from 7 to 4 o'clock. There's flexibility; there are flex hours. A lot of people are working at night or working whatever hours they want to work. It's a matter of getting the work done that needs to be done. I know in my community of Kitchener-Waterloo, if you take a look at employees who are employed in the high-tech sector, most of them are working very flexible hours. And we know there are many people today who choose to and want to work overtime.

If you take a look at the budget bill that's been introduced by the Liberal government, because people are now going to have to pay the health tax if they're making over \$20,000 a year, in order to make up the money that is going to be lost, I would think there may even be more people than ever before who are going to be looking for some extra hours so that they have the same leftover amount of money in their paycheque to support their family.

I can tell you that the health tax and the delisting of health services has caused more anger, frustration and disappointment in this province than any other piece of legislation that I can remember. We had a rally here today. We had chiropractors here today, we had patients of chiropractors here today, and they were talking about the impact that the delisting of chiropractic services was going to have on them as patients. They were so disappointed that this government had broken its promise to the people of Ontario. They had violated their most sacred election commitment, and that was not to raise taxes. They made a commitment to improve health care services, to improve access to services, yet the same government that promised to improve access to front-line health care services has now totally delisted chiropractic services, eye exams and physiotherapy. That is re-

grettable. When it comes to eye exams, there will still be coverage for those who are under the age of 20 or over the age of 65, but the reality is, eye disease, eye problems, can impact you. They can cause problems at any age. I had an example of a young person who talked to me, someone probably about 25 years old, who just recently went to the optometrist because he knew that if he didn't go now, he was going to have to pay out of his pocket. He was diagnosed with a problem that he knew nothing about and that now is going to be treated.

#### 1710

I can tell you, this bill that we have in front of us, this 60-hour workweek bill, is not what people in the province are talking about. People in the province are talking about the breaking of the promise not to raise taxes. People are now going to be much more eager and willing and wanting to work overtime because of the fact that they are going to have to pay for their eye exams, chiropractic services and physiotherapy, and they are going to have to pay for the new health tax. If you make over \$20,000 in this province, you are now going to have to pay this health tax, and it's going to cause a lot of hardship.

Our government isn't going to say much more on this bill. We recognize that the government in power has the opportunity to ensure the passage of this bill, but I would just point out that the bill does not purport to do what it was advertised as doing, and that is, bringing an end to the 60-hour workweek. Our changes provided flexibility. This bill is going to put in place more red tape in the province. I will just quote Len Crispino, the president and CEO of the Ontario Chamber of Commerce, who said, "We're less than happy with what appears to be an excessive reliance on enforcement."

Certainly, as I say, there hasn't been a lot of support for the bill. Even the Ontario Federation of Labour acknowledges that this does not mean the end of the 60-hour workweek.

**The Acting Speaker:** The Chair recognizes the member for Hamilton East.

**Ms Horwath:** I want to take the opportunity on behalf of New Democratic Party members in the House to respond to the comments of the members for Simcoe North, Durham and Kitchener-Waterloo.

It's very interesting for me to hear the comments because I agree in many respects that this bill does nothing. It is a do-nothing bill. It's another example of how this government ran on a platform of change and of making some real, significant changes to the previous government's actions. Particularly, they talked about labour issues. Here we have this bill that really doesn't do anything at all except tinker with some of the regulatory framework around an Employment Standards Act that was put in by the previous government and one that is not positive for workers.

Quite frankly, I find that when you look at the combination of what is being proposed and what exists currently in legislation, you really have nothing. You have zero. You have a number of initiatives that simply

add bureaucracy to a system that's already bad. What we really need is progressive labour legislation. We need progressive changes. We need a framework that's going to allow workers to have a quality of life where they are not enslaved by their jobs, where they actually have opportunities to have a quality of life spending time with their families.

Perhaps if we start looking at the wages that workers earn, we can have hours of work that are more appropriate for a balanced lifestyle. Unfortunately, this government is not going down that road. Instead, they are saying that it's OK to work 60-hour workweeks. Not only that, it's OK to work that 60 hours and not get paid for overtime as long the employer can manipulate the hours of work for which those 60 hours are being put in over a two-week period. That's not appropriate. Although I disagree philosophically with the speakers who were speaking on the bill previously, I do agree with one thing, and that is, this is a do-nothing bill. It doesn't change the framework and it doesn't do anything for the working people of Ontario.

**Mr Wayne Arthurs (Pickering-Ajax-Uxbridge):** It's a pleasure to take a couple of minutes on the bill, and I certainly want to recognize the minister. He's been here diligently listening to the debate from the members opposite so that he has a full understanding of the concerns they might have.

I must say I am a little surprised at the approach, the attitude that this is a do-nothing bill. It's interesting that when you have had traditionally, for many decades, a maximum workweek of 48 hours—and think of that in the context of eight- or 10-hour days; that's virtually five 10-hour days out of a seven-day week or six eight-hour days—and then the former government increases that to a 60-hour workweek, that's six 10-hour days. That's virtually the whole week. So that's a substantive change back to a more reasonable expectation about what workers can expect.

It's appropriate that we're debating the bill at this time. I appreciate the comments from the members opposite that they'd rather be debating the budget. Frankly, so would we at this point. But the structure we have requires us to debate bills at various points in time and bring them on stream to get all the debating hours in when people are available.

I was driving in to the Legislature this morning and listening to the news, and there were comments about worker safety related to young people. It's that time of year when both high school and university students are out in the workplace, either just starting or they've been out there for a month or so. This legislation, Bill 63, is about protecting those workers' rights so they're not being abused from the standpoint of work hours and opportunities for overtime payment with averaging provisions. So it's a good time to be debating the bill, to acknowledge that workers do have rights, that young people have rights in the workplace, and that the employer has an obligation to those people, both permanent employees and the young people working during the summer months.

**Mr Howard Hampton (Kenora-Rainy River):** I was listening to the discussion earlier, and I will have more to say about this bill in a few minutes. Allow me just to say this at this point: This is another one of those bills where much was promised and not much has been delivered. In fact, in my view, there is more in the press release than there is in the bill. I suspect that's really what was going on here: The government wanted to generate a press release and hoped that people out there who don't know a lot about this would perhaps be impressed for a while. But people who have been around this issue for a while know there is not very much here. That's why I say there was probably more in the press release than there is in the bill.

I suspect we're going to see quite a few of these over the next while, where the government said before the election that the legislation the Conservatives brought in was terrible and it has to be changed. They'll announce that they are changing it, and it will sound from the press releases that they are changing it, and then you read the bill and you discover not much has changed at all.

Another recent example: The Conservatives pursued hydro privatization. The Liberals, when they were in opposition, said, "We're opposed to hydro privatization. It's got to be public power. The private market is dead." Yet what did we see in the announcement of the Minister of Energy yesterday? The same hydro privatization strategy the Conservatives trotted out, except the Liberals put a little bit of red wrapping on it and now want to pretend it's something different.

That's very much what happened with this bill. It doesn't make fundamental changes to what existed before; it simply puts a little bit of red Liberal wrapping paper on it and the government then will pretend it has somehow done something substantive.

**Mr Jeff Leal (Peterborough):** It is a delight to have an opportunity to make a few comments on Bill 63. I just want to set the table here. In Ontario in May: 30,800 new jobs, 9,200 in manufacturing. What a success story. I hear the doom and gloom. I'm happy I'm going back to Peterborough tonight, because here all week I hear the doom and gloom from the folks opposite and it really is depressing, and when I hear that Stephen Harper, if he happens to become Prime Minister—no help for the auto industry in Ontario; Oshawa, a ghost town. Workers in businesses in Peterborough like Ventra Plastics, Merit Precision, Fisher Gauge, all dependent on the auto industry, won't have their jobs because of what Mr Harper might do.

**1720**

I better get on to the bill here, Bill 63. I meet quarterly with members of the Peterborough and District Labour Council. They see some great, positive initiatives in this bill, particularly targeting inspections of workplaces, focusing on high-risk employers for compliance, all aspects of the ESA—great stuff; I salute this minister—stricter enforcement, including prosecutions where warranted. It won't be this business that you phone somebody for an inspection; there will be somebody on-

site to make the inspection, to root out those bad workplaces that may exist in Ontario, to protect workers as they should be protected. When they leave at 8 o'clock in the morning, there is the expectation that a wife or husband or significant other should come home at 5 o'clock, and this Minister of Labour is going to make sure that happens in Ontario through this bill.

The other thing is, in the high-technology world we are going to have a new, modern Web-based opportunity so people on a daily basis can get information about their workplaces, and this is under the leadership of this Minister of Labour.

**The Acting Speaker:** Response from the member for Simcoe North.

**Mr Dunlop:** I'd like to thank the members from Hamilton East, Kenora-Rainy River, Pickering-Ajax-Uxbridge and Peterborough for their comments on the comments made by myself, the member from Kitchener-Waterloo and the member from Durham, who all spoke and brought out a lot of really good points.

I think the comments, the Qs and As, that I found the most exciting and I guess the most hilarious were those from the member for Peterborough. This government, elected last fall, if there's anything wrong in the province today, if there's anything at all wrong, always blames it on the previous government, plain and simple. If there are not enough MRIs, it's Tony Clement's fault. If there's something wrong in the education system, it's Janet Ecker's fault or Elizabeth Witmer's fault. But when there are new jobs created, suddenly they think they are going to take credit for the new jobs. Of course there are new jobs being created. There will be new jobs created for at least the next year, and do you know why? It's because of the base we put in place.

**Interjection:** No.

**Mr Dunlop:** Absolutely. That's why there are 31,000 new jobs. In about 18 months from now, when the manufacturers of Ontario and the workforce realize, that's when they are going to understand exactly what Dalton McGuinty has done. An example is the health care premium we're going to vote on tonight. So I'm glad you acknowledge the fact that the Harris-Eves government created 31,000 new jobs in the month of March. It's because of our economic policies that it's happening. Give yourselves a year, and we'll watch the numbers very carefully when they trickle off and there are more people on welfare. That's what we'll see in Ontario. I am fearmongering, but the fact of the matter is, that's the path this government is taking the province of Ontario down.

**The Acting Speaker:** The Chair recognizes the member for Kenora-Rainy River.

**Mr Hampton:** I said a few minutes ago that I would have more to say about this bill, and indeed I am going to say a few things about this bill now.

The government said, when they were in opposition, that the Conservatives' 60-hour workweek was atrocious. It was terrible. It was something that would have to be removed immediately in Ontario. They said that before

the election and they said it all through the election. I think they even said it in their throne speech. So it's interesting now to see what they've produced in the bill and compare it to their rhetoric before the election and after the election.

A reasonable person reading this bill would expect that there would be no provisions for a 60-hour workweek. But alas, employers can still have their workers work a 60-hour workweek. That's not gone. Apparently Liberals didn't mean what they said before and during the election campaign, that a 60-hour workweek was atrocious, that it was taking us back to the 19th century. Apparently those were just words while Liberals were trolling for votes, because indeed, when we look at this legislation, this proposed law, there would still be 60-hour workweeks. This is even worse than the Conservative legislation, because in fact under this legislation, Liberal legislation, employers can get workweeks even longer than 60-hour weeks—even longer. If the Conservatives were taking us back to the 19th century, it now appears that the Liberals want to go back to the 18th century.

**Mr Peter Kormos (Niagara Centre):** The 13-hour workdays.

**Mr Hampton:** The 13-hour workdays. I wonder where someone's going to find time for their family with 13-hour workdays. I wonder where someone's going to find time to participate in the community with 13-hour workdays. I wonder where someone is going to find the wherewithal to be able to protect their health and safety with 13-hour workdays.

I've been in situations where you're working shift work and at the end of an eight-hour shift your replacement doesn't come in, so they say, "Can you stay for another two or three hours while we find the replacement?" I know what happens after you've been on the job for 10 or 11 hours, particularly if you happen to be working the midnight shift. For the last couple of hours you sort of wander around the job in some kind of stupor. Some days, when you finally do get to leave the factory or the plant, you go home saying to yourself, "My God, I'm lucky I didn't kill myself. I'm even luckier that I didn't kill somebody else. Here I was, 10 or 11 hours on the job, and the last couple of hours I was barely alert. I barely knew what I was doing."

But the Liberal government, which criticized the Conservatives' 60-hour week, is now prepared to allow employers to demand workweeks that are longer than 60 hours, prepared to allow employers to insist on a 13-hour workday. So I say again, if the Conservatives were trying to take Ontario workers back to the 19th century, Liberals are happy to go back to the 18th century, having promised that they were going to eliminate the 60-hour workweek.

The only thing I can think of is that voters should have asked for the fine print. They should have asked for the fine print because what the Liberals meant when they said, "The 60-hour workweek is atrocious," was that it's not long enough. That's what they meant: It's not long

enough. If it's a 10- or 11-hour day, it's not long enough. Let's go for a 13-hour workday.

As I say, I think this is another regular day in the life of Dalton McGuinty. It's another broken promise. Another regular day in the life of Dalton McGuinty: Just break another promise.

I remember when the Conservatives introduced the 60-hour workweek. They said, "This is in keeping with the modern world." I've heard rhetoric from some of the Liberals here who are now trying to say that the longer-than-60-hour workweek is in keeping with the modern world, and the 13-hour workday is in keeping in the modern world. Then how come the standard workweek in British Columbia is 40 hours, Saskatchewan is 40, Manitoba, Quebec, Newfoundland, Nunavut, Yukon and Northwest Territories?

I'm thinking Alberta. It's Alberta. You're after Ralph Klein. You want to imitate Ralph Klein. That's where you find the extra-long workday and the extra-long workweek. If you look at other provinces in Canada, 40-hour workweeks. None of them are interested in a 60-hour-plus workweek or a 13-hour workday.

**Hon Christopher Bentley (Minister of Labour):** You're mixing it up.

**Mr Hampton:** The minister says I'm mixing it up. I know what the rhetoric was from Dalton McGuinty and the Liberals before and during the election. Now I see the reality here. You obviously meant that the 60-hour Conservative workweek wasn't long enough. This provides for a workweek longer than 60 hours. All the employer has to do is apply.

Some are going to say, "The workers don't have to agree." I ask people across Ontario who work in a workplace without a union, what happens if the employer comes to you and says, "Look, I want you to work a 65-hour workweek and I want you to work six 13-hour workdays"? What happens if you refuse? What happens if you say to the employer, "I don't want to do it and I'm not going to do it," and you don't have a unionized workplace, you don't have a union to protect you? I know what happens in those situations. You either don't get called in to work or you suddenly find that you get to work at the worst times, times that the employer perhaps knows are completely inconvenient for you because you have an issue like child care or other family responsibilities, or you simply find that you're not wanted any more, directly.

1730

In fact, workers have no power. They have no capacity to say no to an employer unless they have a union. If the employer demands, "I want you to work a 60-hour workweek," there is nothing workers can do. And this bill certainly doesn't help or do anything for those workers. Why? There are no additional enforcement resources. We know one of the things the Conservatives did shortly after becoming the government, shortly before they introduced the 60-hour workweek—which now looks progressive when you compare it with this, the longer-than-60-hour workweek—they radically cut the number

of enforcement officers at the Ministry of Labour, they radically cut the number of inspectors, so there are very few workplace inspectors and enforcement officers who are out there in unorganized workplaces policing what is happening.

Did the government increase the number of inspectors or enforcement officers with this bill or complementary to this bill? No, not at all. There is no added enforcement. There is no added level of inspection. Workers who do not have a union to represent them do not have any additional resources as a result of this legislation or anything complementary to this legislation. They're on their own, which means they face the same circumstances they faced under the Conservatives. If the employer wants a longer workweek, employees, workers don't have anybody on their side. If they refuse to accept, they will very quickly find themselves getting the short end of the stick.

I want to point out that there are some other things the Conservatives did in their legislation that the Liberals said they were going to remove. Conservatives brought in overtime averaging. People might wonder what overtime averaging is. Well, overtime averaging is like this—and overtime averaging is a big gift to employers: In the Employment Standards Amendment Act, 2000, it allows overtime to be averaged over up to four weeks, rather than being paid after 44 hours in one week. So an employer could say, "I want you to work a 60-hour week this week, a 60-hour week next week, maybe less than that the following week and less than that the following week, and then we average it over four weeks." If it comes out at less than 44 hours a week, averaged, no overtime.

What happens here? What happens here is that in fact those provisions enacted by the Conservatives aren't disturbed at all. So what does it mean? What it means is workers can still be told, "You're going to come in and work a 60-hour workweek this week and a 60-hour workweek next week. The week after that you may work somewhat less, and the week after that you may work somewhat less," and they still don't get paid any overtime because the Liberals are going to allow the same kind of overtime averaging the Conservatives have allowed. I was positive the Liberals said before the election and during the election that they weren't going to allow that any more. But, lo and behold, here it is.

One of the other things that was said at the same time this legislation was announced was the government said they were going to be more proactive in inspecting workplaces. We did a little research, and how can you be proactive if there's already a backlog, in other words, complaints that have been raised with the Ministry of Labour, that reaches not a backlog of 100, not a backlog of 1,000, but a backlog of several thousand?

What does the government mean by being proactive? I guess what they mean is that in the case of those people who have already been wronged in their workplace, those workers who have already been taken advantage of and somehow have had the temerity to complain to the employment standards branch of the Ministry of Labour,

they won't investigate those. They'll use the inspectors and enforcement staff to do, as they call it, out-in-front investigations, or as they say, investigations without a complaint. What happens to those workers who have already complained?

**Hon Mr Bentley:** They're dealt with too.

**Mr Hampton:** When? The Minister of Labour says everybody gets dealt with. With the same enforcement staff, the same number of inspectors the Conservatives had, if you already have a backlog in the thousands, I don't understand it. Anybody can add up two and two. I don't think anybody can understand how you can deal both with the backlog of complaints you've already received and actually go out and do forward-looking inspections—

**Hon Mr Bentley:** Proactive.

**Mr Hampton:** Proactive inspections, as the government wants to call them. Somewhere, somebody gets shortchanged. Either the 2,000 proactive inspections that were advertised amount to a drive-by inspection, "Hi, I was here. Now I can mark you down as an inspection," or the people who have already complained about their workplace get short shrift.

I think what it comes down to is this: There was more in the press release than there is in the bill. In fact, there was much more in the press release than there is in the bill, so this was another Liberal advertising project. You advertise that you're going to do something, you advertise that you're going to do something, you announce that you're going to do something, you re-announce that you're going to do something, and you hope that after the advertising, the announcements and the re-announcements, the public believes you, and then you produce virtually the same legislation the Conservatives produced.

*Interjection.*

**Mr Hampton:** The Minister of Labour's shaking his head over there and says I'm wrong. You stand up and tell the people of Ontario that employers can't have a workweek longer than 60 hours. You stand up there and tell them that. You stand up and tell people that the 60-hour workweek the Conservatives put in place is now eliminated, no longer here. You stand up and tell people that. I want you to stand up and tell people that, so we can make a good issue of this. We can go around and around. Stand up and tell the people that there are going to be more enforcement officers, that there are going to be more inspectors, because we know there aren't.

The cuts the Conservatives put in place in terms of enforcement officers and inspectors are the same under the Liberal government. What we may see under the Liberal government is some privatization or contracting out of the inspections. This is the latest rumble we're starting to hear with respect to Liberal plans.

What are workers to do? I invite workers across Ontario to read the bill. The minister says, "Read the bill." I invite workers from across Ontario to read this bill, because you will find that as a result of this bill you may end up working a week that is longer than 60 hours.

What you will find is that the employer can ask for, and get, a workday of 13 hours under this bill, and that there is no more inspection. There is no greater enforcement under the Liberals than existed under the Conservatives.

1740

The government has made a big to-do about how they're going to make this information available on Web sites and in several different languages. Since it doesn't fundamentally change what the Conservatives put in place, since it doesn't provide any more protections to workers and since it doesn't provide any more enforcement for workers, why spend the money? Why spend all the money on promotion, when in fact substantively the law really hasn't changed? If anything, this will potentially make it more strenuous, more difficult for non-unionized workers than even the Conservative legislation. My advice to the government would be—I'd go back to the drawing board. If the best you can do is to make Conservative legislation worse, if the best you can do is to in fact extend what was the Conservatives' 60-hour workweek into an even longer workweek, if the best you can do is to say to workers, "We've now made provision for a 13-hour workday," I suggest you take the bill and go back to the drawing board and try to come up with something at least a little better.

If you can't do that or if you won't do that, would you at least increase the number of labour inspectors, the number of enforcement officers, so that the several thousand workers who have made complaints to the employment standards branch will at last have their complaints addressed? But please don't tell people that you're going to be making 2,000 proactive inspections with the same number of enforcement officers and inspectors who already are having to deal with a backlog in the thousands of cases. That just doesn't add up; that doesn't work. I suspect that the more workers find out that that is the reality, in contrast to what is being promised—they'll soon understand that this isn't going anywhere.

I actually look forward to some response from the government. This doesn't do away with the Conservative 60-hour workweek; this makes it worse. This potentially allows employers to gather something more than a 60-hour workweek: a 13-hour workday.

**The Acting Speaker:** The Chair recognizes the member for Etobicoke-Lakeshore.

**Ms Laurel C. Broten (Etobicoke-Lakeshore):** I'm pleased to have a chance to respond to my friend opposite, who always likes to take an opportunity to tell a good scaremongering story. We wouldn't want the facts to get in the way of that story. This legislation is a government commitment to end the 60-hour workweek and is aimed in response to that commitment. As my friends have said before, we're bringing some balance back into the workplaces across Ontario. With this legislation we are going to let workers empower themselves to have an opportunity to decide how many hours they will work in a week, to make sure they're familiar with their rights by ensuring that information about rights is posted in the workplace in many different languages.

This bill, if passed, restores protections that workers had for decades, frankly, likely under the government that my friend opposite was a member of. Those protections existed before 2001 and were removed in 2001. What we are doing is going back to a time when we respected the rights of workers and acknowledged the importance of workers balancing their work life with their family life. This bill is part of an overall strategy to raise employment standards in this province through awareness, outreach and enhanced enforcement strategies and it's a key part of protecting our workers, workers who live in each of our communities and who work hard each and every day.

The difference between our government and the scare-mongering tactics of my friend opposite is that we believe in a balance between workers' rights and businesses that need to prosper in our province. We're making sure that employers won't have a difficult time living up to the new expectations that we're imposing on them, because we're going to make it easy to have balance in our workplaces that will benefit both our employers and our employees.

**The Acting Speaker:** The Chair recognizes the member for Simcoe North.

**Mr Dunlop:** Yes, Mr Speaker, what a surprise. I finally made it into the House this week. Four days left, eh?

I'm pleased to rise and respond. Again, I think we said it earlier today and, as I mentioned, I made some calls to some of our largest employers because I wanted to hear the impact of what people were saying in our ridings. Again, I don't speak for all of the province but I believe I do speak for people in my riding. I asked them what this bill really meant to them, because I think they're concerned. Any time a bill from the Ministry of Labour goes through, I think it's important that we acknowledge our employers and our employees. I've got to tell you that it's almost an unheard-of bill. People don't even know it exists in my part of the province. Maybe in London or Windsor it's a huge issue, and I'm not hearing that. I speak on behalf of the residents of the riding of Simcoe North and they say it doesn't really matter.

It's a very diverse economy. We have a very diverse group of employers as well as employees in that part of the province, and a lot of the work is seasonal, so people expect to put in a lot of hours in the summer months, in the good weather, because they know they'll likely get an opportunity for layoffs in some of the construction-related jobs as we go toward some of the bad weather in December, January and February.

As I said earlier, I applaud the minister for bringing it forth. He thinks he's doing what is right, and I applaud any minister for doing that. But the bottom line, what I'm hearing in my part of the province, is that it's not a very important bill. I haven't had a letter, an e-mail, a fax or even a phone call on it, so it's really not important to my constituents at this point.

We look forward to further debate and comments from the minister himself, as he sits over there smiling at me.

**Mr Tony C. Wong (Markham):** I'd like to respond to the member for Kenora-Rainy River with respect to the issue of what a genuine choice is. We want to not only let workers have the right to choose whether to work for more than 48 hours; it's actually more than that. I think they not only deserve, but have the right, to balance a rewarding work life with their personal life. It is easy for us to say, "Let's limit it to 40 hours or 48 hours, and then no overtime, period." We will not be doing them a favour; in fact, we'll be doing them a disservice, because there are employees who want or need to work more than 40 or 48 hours to pay the rent or put food on the table. So this is the choice; this is the balance we're putting forward.

I want to talk about my riding of Markham. In Markham we have many high-tech companies. They excel. We are called the high-tech capital of Canada, and they can excel because they are working around the clock. They are competing against time. To be able to lead the cutting edge of high technology, you have to put in long hours. Many employers and employees agree and they take pride in doing so. That is why, in striking this balance, this bill is able to (1) provide this balance, and (2) provide the employees with the genuine right to make a choice of whether or not they want to work more than 48 hours. In addition to that, it provides flexibility for both the employers and employees, especially in areas such as high-tech, to be able to put in the long hours. Of course they will be rewarded accordingly, whether in terms of payment or time in lieu of work afterward.

**The Acting Speaker:** Response? The Chair recognizes the member from Kenora-Rainy River.

**Mr Hampton:** I want to thank members for their contribution. I want to say that some of what was said, though, sounds like it comes out of a Charles Dickens novel, where we must make the children work faster because the machine demands that we make the children work faster, that some people need to work a 63-hour workweek, that people need to work 13 hours a day, because the economy demands it.

**Mr Qaadri:** Choice.

**Mr Hampton:** Some of the Liberals say, "Oh, that's choice." Bull. That is what happens when you don't have adequate legislation protecting workers. That is what happens when you leave workers open to exploitation.

The minister said a while ago that this would help workers, that there was adequate enforcement. I just want to remind the minister that last year there were 15,000 claims, complaints against employers, and only one prosecution was started; that we have had claims for \$214 million in workers' wages; that 73% of the monies the government has ordered employers to pay workers has gone unpaid in the past eight years. The government failed to address how it would go after deadbeat employers, who from 1995 to 2003 owe over 63,000 workers their wages.

Is the government going to improve enforcement? No. Is the government going to add to enforcement? No. The government says that by permitting 13-hour workdays

and workweeks in excess of 60 hours a week somehow the lot of workers is going to be improved. My God, you guys aren't just conducting Conservative legislation; you're going further, worse.

**The Acting Speaker:** It being almost 6 pm, this House stands adjourned until 6:45 pm tonight.  
*The House adjourned at 1753.*  
*Evening meeting reported in volume B.*

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Elgin-Middlesex-London	<b>Peters, Hon / L'hon Steve (L)</b> Minister of Agriculture and Food / ministre de l'Agriculture et de l'Alimentation	Markham	<b>Takhar, Hon / L'hon Harinder S. (L)</b> Minister of Transportation / ministre des Transports
Erie-Lincoln	Hudak, Tim (PC)	Mississauga Centre /	
Essex	<b>Crozier, Bruce (L)</b> Deputy Speaker, Chair of the Committee of the Whole House / Vice-Président, Président du Comité plénier de l'Assemblée législative	Mississauga-Centre	Fonseca, Peter (L)
	Cansfield, Donna H. (L)	Mississauga East /	
		Mississauga-Est	
		Mississauga South /	Peterson, Tim (L)
		Mississauga-Sud	
		Mississauga West /	Delaney, Bob (L)
		Mississauga-Ouest	
		Nepean-Carleton	Baird, John R. (PC)
		Niagara Centre /	Kormos, Peter (ND)
		Niagara-Centre	
		Niagara Falls	Craitor, Kim (L)
		Nickel Belt	Martel, Shelley (ND)
		Nipissing	Smith, Monique M. (L)
		Northumberland	Rinaldi, Lou (L)
		Oak Ridges	Klees, Frank (PC)

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Oakville	Flynn, Kevin Daniel (L)	Stoney Creek	Mossop, Jennifer F. (L)
Oshawa	Ouellette, Jerry J. (PC)	Stormont-Dundas- Charlottenburgh	Brownell, Jim (L)
Ottawa Centre / Ottawa-Centre	Patten, Richard (L)	Sudbury	<b>Bartolucci, Hon / L'hon Rick (L)</b> Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Ottawa South / Ottawa-Sud	<b>McGuinty, Hon / L'hon Dalton (L)</b> Premier and President of the Executive Council, Minister of Intergovernmental Affairs / premier ministre et président du Conseil exécutif, ministre des Affaires intergouvernementales	Thornhill	Racco, Mario G. (L)
Ottawa West-Nepean / Ottawa-Ouest-Nepean	<b>Watson, Hon / L'hon Jim (L)</b> Minister of Consumer and Business Services / ministre des Services aux consommateurs et aux entreprises	Thunder Bay-Atikokan	Mauro, Bill (L)
Ottawa-Orléans	McNeely, Phil (L)	Thunder Bay-Superior North / Thunder Bay-Superior- Nord	Gravelle, Michael (L)
Ottawa-Vanier	<b>Meilleur, Hon / L'hon Madeleine (L)</b> Minister of Culture, minister responsible for francophone affairs / ministre de la Culture, ministre déléguée aux Affaires francophones	Timiskaming-Cochrane	<b>Ramsay, Hon / L'hon David (L)</b> Minister of Natural Resources / ministre des Richesses naturelles
Oxford	Hardeman, Ernie (PC)	Timmins-James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Parkdale-High Park	<b>Kennedy, Hon / L'hon Gerard (L)</b> Minister of Education / ministre de l'Éducation	Toronto Centre-Rosedale / Toronto-Centre-Rosedale	<b>Smitherman, Hon / L'hon George (L)</b> Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée
Parry Sound-Muskoka	Miller, Norm (PC)	Toronto-Danforth	Churley, Marilyn (ND)
Perth-Middlesex	Wilkinson, John (L)	Trinity-Spadina	Marchese, Rosario (ND)
Peterborough	Leal, Jeff (L)	Vaughan-King-Aurora	<b>Sorbara, Hon / L'hon Greg (L)</b> Minister of Finance / ministre des Finances
Pickering-Ajax-Uxbridge	Arthurs, Wayne (L)	Waterloo-Wellington	<b>Arnott, Ted (PC)</b> First Deputy Chair of the Committee of the Whole House / Premier Vice-Président du Comité plénier de l'Assemblée législative
Prince Edward-Hastings	Parsons, Ernie (L)	Whitby-Ajax	Flaherty, Jim (PC)
Renfrew-Nipissing-Pembroke	Yakubuski, John (PC)	Willowdale	Zimmer, David (L)
Sarnia-Lambton	Di Cocco, Caroline (L)	Windsor West / Windsor-Ouest	<b>Pupatello, Hon / L'hon Sandra (L)</b> Minister of Community and Social Services, minister responsible for women's issues / ministre des Services sociaux et communautaires, ministre déléguée à la Condition féminine
Sault Ste Marie	Oraziotti, David (L)	Windsor-St Clair	<b>Duncan, Hon / L'hon Dwight (L)</b> Minister of Energy, Chair of Cabinet, Government House Leader / ministre de l'Énergie, président du Conseil des ministres, leader parlementaire du gouvernement
Scarborough Centre / Scarborough-Centre	Duguid, Brad (L)	York Centre / York-Centre	<b>Kwinter, Hon / L'hon Monte (L)</b> Minister of Community Safety and Correctional Services / ministre de la Sécurité communautaire et des Services correctionnels
Scarborough East / Scarborough-Est	<b>Chambers, Hon / L'hon Mary Anne V. (L)</b> Minister of Training, Colleges and Universities / ministre de la Formation et des Collèges et Universités	York North / York-Nord	Munro, Julia (PC)
Scarborough Southwest / Scarborough-Sud-Ouest	Berardinetti, Lorenzo (L)	York South-Weston / York-Sud-Weston	<b>Cordiano, Hon / L'hon Joseph (L)</b> Minister of Economic Development and Trade / ministre du Développement économique et du Commerce
Scarborough-Agincourt	<b>Phillips, Hon / L'hon Gerry (L)</b> Chair of the Management Board of Cabinet / président du Conseil de gestion du gouvernement	York West / York-Ouest	Sergio, Mario (L)
Scarborough-Rouge River	<b>Curling, Hon / L'hon Alvin (L)</b> Speaker / Président		
Simcoe North / Simcoe-Nord	Dunlop, Garfield (PC)		
Simcoe-Grey	Wilson, Jim (PC)		
St Catharines	<b>Bradley, Hon / L'hon James J. (L)</b> Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs		
St Paul's	<b>Bryant, Hon / L'hon Michael (L)</b> Attorney General, minister responsible for native affairs, minister responsible for democratic renewal / procureur général, ministre délégué aux Affaires autochtones, ministre responsable du Renouveau démocratique		

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

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

Continued from overleaf

### THIRD READINGS

<b>Adams Mine Lake Act, 2004, Bill 49,</b> <i>Mrs Dombrowsky</i> Agreed to .....	3019
--	------

### OTHER BUSINESS

#### Visitors

Mr Jackson .....	3018
Mr Wilson .....	3018

## TABLE DES MATIÈRES

**Jeudi 17 juin 2004**

### AFFAIRES D'INTÉRÊT PUBLIC ÉMANANT DES DÉPUTÉS

<b>Loi de 2004 modifiant des lois en ce qui concerne la sécurité dans les rues, projet de loi 58,</b> <i>M. Lalonde</i> M. Lalonde .....	2997, 3005
M. Bisson .....	2999
Adoptée .....	3014
<b>Loi de 2004 sur le partage avec les Premières nations des recettes tirées de l'exploitation des ressources,</b> projet de loi 97, <i>M. Bisson</i> Adoptée .....	3014

### PREMIÈRE LECTURE

<b>Loi de 2004 modifiant la Loi sur les droits des aveugles,</b> projet de loi 103, <i>M. Martiniuk</i> Adoptée .....	3017
---	------

### DEUXIÈME LECTURE

<b>Loi de 2004 modifiant la Loi sur les normes d'emploi (heures de travail et autres questions), projet de loi 63,</b> <i>M. Bentley</i> Débat présumé ajourné.....	3050
---	------

### TROISIÈME LECTURE

<b>Loi de 2004 sur le lac de la mine Adams, projet de loi 49,</b> <i>M<sup>me</sup> Dombrowsky</i> Adoptée .....	3019
--	------

# CONTENTS

Thursday 17 June 2004

## PRIVATE MEMBERS' PUBLIC BUSINESS

<b>Safe Streets Statute Law Amendment Act, 2004, Bill 58, Mr Lalonde</b>	
Mr Lalonde .....	2997, 3005
Mr Leal .....	2998
Mr Bisson .....	2999
Mr Dunlop .....	3001
Mr McNeely .....	3002
Mr Brownell .....	3003
Mr Tascona .....	3003
Mr Prue .....	3004
Agreed to .....	3014
<b>First Nations Resource Revenue Sharing Act, 2004, Bill 97, Mr Bisson</b>	
Mr Bisson .....	3005, 3013
Mr Oraziotti .....	3007
Mr Miller .....	3007
Mr Prue .....	3009
Mr Brownell .....	3010
Mr Tascona .....	3010
Mr Levac .....	3011
Mr Hampton .....	3012
Agreed to .....	3014

## MEMBERS' STATEMENTS

<b>George Vice</b>	
Mr O'Toole .....	3014
<b>Calabrese Canadians</b>	
Mr Marchese .....	3014
<b>Order of St George</b>	
Mr Craitor .....	3014
<b>Nina Burnham</b>	
Mr Barrett .....	3015
<b>Special Olympics</b>	
Mr Leal .....	3015
<b>Liquor licensing</b>	
Mr Runciman .....	3015
<b>Senior citizens</b>	
Ms Marsales .....	3015
<b>Immigrants</b>	
Mr Ruprecht .....	3016
<b>Rural Ontario</b>	
Mrs Mitchell .....	3016

## REPORTS BY COMMITTEES

<b>Standing committee on finance and economic affairs</b>	
Mr Wilkinson .....	3016
Report adopted .....	3017

## FIRST READINGS

<b>Blind Persons' Rights Amendment Act, 2004, Bill 103, Mr Martiniuk</b>	
Agreed to .....	3017
Mr Martiniuk .....	3017
<b>Key Aircraft Services Inc. Act, 2004, Bill Pr7, Mrs Jeffrey</b>	
Agreed to .....	3017

## MOTIONS

<b>Standing committees</b>	
Mr Duncan .....	3017
Agreed to .....	3018
<b>Standing committee on government agencies</b>	
Mr Duncan .....	3018
Agreed to .....	3018
<b>House sittings</b>	
Mr Duncan .....	3018
Agreed to .....	3018

## ORAL QUESTIONS

<b>Health care services</b>	
Mr Dunlop .....	3019
Mr McGuinty .....	3019, 3020
Mr Yakabuski .....	3019
Mrs Witmer .....	3020
Ms Martel .....	3023
Mr Smitherman .....	3023, 3026
Mr Miller .....	3026

<b>Health care funding</b>	
Mr Hampton .....	3021
Mr McGuinty .....	3021

<b>Ontario budget</b>	
Mr O'Toole .....	3022
Mr Sorbara .....	3022
Mr Barrett .....	3024
Mr McGuinty .....	3024

<b>Class size</b>	
Mr Duguid .....	3024
Mr Kennedy .....	3024

<b>Electricity restructuring</b>	
Mr Hampton .....	3025
Mr Duncan .....	3025

<b>Family health teams</b>	
Mr Kular .....	3025
Mr Smitherman .....	3025, 3026
Mrs Mitchell .....	3025

<b>Autism services</b>	
Ms Martel .....	3026
Mrs Bountrogianni .....	3027

## Cleanup of brownfields

Mr Levac .....	3027
Mrs Dombrowsky .....	3027

## Trillium Foundation

Mr Sterling .....	3028
Mr Sorbara .....	3028

## PETITIONS

### Property taxation

Mr Ouellette .....	3028
Mr Leal .....	3028

### Health care services

Mr O'Toole .....	3029
------------------	------

### District of Muskoka

Mr Miller .....	3029
-----------------	------

### Chiropractic services

Mr Flynn .....	3029
Mr Hardeman .....	3029
Mr Dunlop .....	3030, 3031
Mr Ouellette .....	3030
Mr Yakabuski .....	3031

### Motorcycle insurance

Mr Miller .....	3030
-----------------	------

### Tillsonburg District Memorial

<b>Hospital</b>	
Mr Hardeman .....	3030

### Seat belts

Ms Broten .....	3030
-----------------	------

### Cormorant population

Mr Ouellette .....	3031
--------------------	------

## SECOND READINGS

### Employment Standards Amendment

<b>Act (Hours of Work and Other Matters), 2004, Bill 63, Mr Bentley</b>	
Mr Milloy .....	3032, 3036
Mr Qadri .....	3033
Mr Dunlop ...	3034, 3036, 3046, 3049
Ms Horwath .....	3035, 3044
Mr Wilkinson .....	3035
Mr Berardinetti .....	3035
Mr O'Toole .....	3038
Mrs Witmer .....	3043
Mr Arthurs .....	3045
Mr Hampton .....	3045, 3046, 3049
Mr Leal .....	3045
Ms Broten .....	3048
Mr Wong .....	3049
Debate deemed adjourned .....	3050

Continued overleaf