



No. 78B

N° 78B

ISSN 1180-2987

Legislative Assembly
of Ontario

First Session, 38th Parliament

Assemblée législative
de l'Ontario

Première session, 38^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Tuesday 26 October 2004

Mardi 26 octobre 2004

Speaker
Honourable Alvin Curling

Président
L'honorable Alvin Curling

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

Hansard on the Internet

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

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

Index inquiries

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

Copies of Hansard

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

Le Journal des débats sur Internet

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

Renseignements sur l'index

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

Exemplaires du Journal

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

Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY
OF ONTARIO

Tuesday 26 October 2004

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Mardi 26 octobre 2004

The House met at 1845.

ORDERS OF THE DAY

GOVERNMENT
ADVERTISING ACT, 2004

LOI DE 2004 SUR
LA PUBLICITÉ GOUVERNEMENTALE

Resuming the debate adjourned on May 11, 2004, on the motion for second reading of Bill 25, An Act respecting government advertising / Projet de loi 25, Loi concernant la publicité gouvernementale.

Mr Tim Hudak (Erie-Lincoln): I'm pleased to rise and offer comment on Bill 25, which aims to restrict government advertisements, but I think we've heard debate in this Legislature—quite often sensible debate—about the Mack truck clause. Members are familiar with the Mack truck clause in Bill 25, and the Mack trucks are driving right through it as we speak. You may think that's the subway going beneath us; it's actually the Mack trucks driving through the Mack truck loophole in Bill 25.

The Mack truck loophole is the way the government, Premier McGuinty, can still get his mug on TV, if he so chooses, despite the fact that he purports to end any kind of what he would describe as partisan government advertising. He could still, for example, buy advertisements in Buffalo, New York. If he was on Fox TV out of Buffalo, New York, it's picked up throughout southern Ontario and probably has a significant audience through our cable system, satellite or direct-antenna TV. Dalton McGuinty could still be on television through the Mack truck loophole as part—

Mr Jeff Leal (Peterborough): What's wrong with Buffalo?

Mr Hudak: The member asks, "What's wrong with Buffalo?" Actually, I like Buffalo a lot. I had the pleasure of growing up in a border town.

Mr Peter Kormos (Niagara Centre): Shop there often, Tim?

Mr Hudak: I would, from time to time, shop across the border. We have a duty to speak before the House honestly, and I will confess that like many folks from Fort Erie, Ontario, from time to time you shop across the border. Part of that shopping—

Mr Kormos: Beer doesn't count.

Mr Hudak: The member says beer doesn't count. Part of that shopping by nature is the occasional beer and chicken wings—

Mr Kormos: The Anchor Bar.

Mr Hudak: Of course, the Anchor Bar.

Mr Kormos: Frank and Angela's.

Mr Hudak: So you could be sitting having some wings at Frank and Angela's place at the Anchor Bar in Buffalo, New York, and there on the TV, in full compliance with Bill 25, would be Dalton McGuinty's face on TV, touting his accomplishments because he could, potentially, if this bill passes, unless significantly amended in committee, put his mug on TV extolling the so-called—in his mind—virtues of the McGuinty government's decisions.

To answer the query from my friend from Peterborough, I do like Buffalo. In fact, I'm back to see the Buffalo Bills this weekend, my favourite NFL football team. I've had the pleasure of going to a few games this year. We saw them—

1850

Hon David Caplan (Minister of Public Infrastructure Renewal): It's a painful year.

Mr Hudak: The member says it must be painful. It's not the kind of year that I remember in the days when I worked at the border at customs in the late 1980s, early 1990s, the four consecutive Super Bowl appearances.

Interjection.

Mr Hudak: Well, the member talks about Scottie Norwood and the infamous kick. I'm still very proud.

Mr Leal: He's from Oakville.

Mr Hudak: He's an Oakville boy, that's true.

Interjection.

Mr Hudak: Oh, Christie's from Oakville. Norwood was an American.

Interjection.

Mr Hudak: Well, it was Norwood who missed the big field goal against the New York Giants in that particular Super Bowl.

If Bill 25 were to pass, you could still see Dalton McGuinty's face on TV during the Super Bowl. If the Bills manage to turn their season around and are in the Super Bowl this year, in late January or early February 2005, conceivably Dalton McGuinty, who is, by the way, Mr Speaker—I don't know if you heard me say this before—really from a string of broken campaign promises—in fact, today we've calculated 37.

Mr Leal: Oh, no.

Mr Hudak: The member disagrees. He may know of more broken promises, because I think there are a lot of regional or local MPP promises. The candidate who took me on in Erie-Lincoln did say that he wanted to see the mid-peninsula corridor built immediately, by way of example, whereas now the government in office has slammed the brakes on the mid-peninsula corridor; in fact, I would say put it into reverse.

They may be redoing—I ask my colleague with greater verbosity than my own, is that the proper verb? They will be re-examining these studies, potentially doing the studies from scratch—the needs assessment, for example—meaning that it may be 10 years plus—who knows?—before the mid-peninsula corridor is built. In fact, I would argue that they're probably not committed to the mid-peninsula corridor at all and are simply hiding behind studies to delay making a decision and, at the end of the day, we won't see the highway proceed.

I know I have some colleagues across the floor—I know the Minister for Public Infrastructure Renewal is interested in building new roads and highways across the province, and I do encourage him in that. I think the minister has received very positive reviews about the documents he's brought forward, and I'll give him credit for that. I want to cheer him on. I want him to go to that cabinet meeting and take on those opposed to the mid-peninsula corridor and blow them away with your arguments in favour of the highway. If you want to have me as a guest in cabinet that day, I'll be glad to be there to support you in that cause.

Hon Mr Caplan: How about supporting Bill 25?

Mr Hudak: Talking about Bill 25, I would give greater credence to the government's sincerity in enforcing the provisions of Bill 25 if I knew they were keeping that promise to move forward with the mid-peninsula corridor immediately. Sadly, however, it has been over a year and no progress whatsoever, aside from a mention in the minister's report, which we're happy for, but in terms of any kind of commitments from his colleague the Minister of Transportation—none; in fact, the opposite, putting the mid-peninsula corridor into reverse.

Back to Buffalo and the member from Peterborough's question with respect to Buffalo, I do enjoy crossing the border from time to time. I think being born and raised in Fort Erie and being raised at a time before cable was widely available in our area—

Mr Leal: I bet you were a fan of Irv Weinstein.

Mr Hudak: Of course. Irv Weinstein was a legend and should be respected for what he did as an investigative reporter and then as the lead anchor on WKBW channel 7 news. Well-known. It's interesting the member from Peterborough says that. He's from Peterborough, and he's been living in Peterborough for some time now.

Mr Leal: All my life.

Mr Hudak: All of his life—well aware of Irv Weinstein, who was an icon of television journalism in Buffalo. This shows the reach of the American stations. If the member from Peterborough is just as familiar as some other members are here of Mr Weinstein, as I am, being

born and raised in Fort Erie, I think that illustrates the significant reach of Buffalo television stations.

Mr Ted Chudleigh (Halton): Hear, hear. Good point.

Mr Hudak: Thank you, and I appreciate the assistance from my colleagues opposite in coming to that point, which may not have occurred to me naturally. So I appreciate the contributions with respect to Mr Weinstein. If they're well aware of WKBW News, if Dalton McGuinty chose to advertise on television in Buffalo, New York, it would obviously have a widespread impact throughout southern Ontario. And I know I have some colleagues here from northwestern Ontario who, similarly, would receive broadcasts from Minnesota on a regular basis—

Mr Michael Gravelle (Thunder Bay-Superior North): Detroit, actually.

Mr Hudak: The member is very helpful, thank you—and from Detroit, Michigan. Of course, those from Sault Ste Marie and such would receive Michigan broadcasts, and some of us receive Pennsylvania broadcasts as well. So there's an array of American television and radio stations at the government's disposal, if they chose to do advertising on them, radio or television, and it would be exempt from the provisions of Bill 25.

Mr Chudleigh: Absolutely.

Mr Hudak: Absolutely.

Secondly, we find ourselves now in a position where in our mailboxes across the province of Ontario, whether in Thunder Bay, whether in Lanark-Carleton, whether in Oakville, we got the red—coincidentally, red—report on the progress of the Dalton McGuinty government to date.

Now, I would wager, I would put forth the conjecture that if this document were done in an unbiased manner, an unbiased analysis of the McGuinty government, it would not be a glowing report. I know my colleagues will extol the accomplishments of the government to date; we would state the opposite, quite frankly. We would probably list the significant broken promises, to list among the top ones: the major broken promise not to increase taxes, now a punishing tax hike on working families of up to \$1,000 each; an increase in taxes on business, which will be a restraint on growth of the economy; failing to stop the 8,000 houses you talked about stopping on the Oak Ridges moraine—that usually comes up in the Dalton McGuinty's greatest broken promises hit list; hydro, I would say to my colleague from Halton, would be another example of a key broken promise. So I would suspect if there were an unbiased author of a document about the McGuinty government's first year, a significant portion of that document would list the 37 or more broken promises, highlighting higher taxes, higher hydro fees, and a climb-down on the commitment to the Oak Ridges moraine, to name a few.

Mr Gravelle: But you wouldn't be unbiased, Tim.

Mr Hudak: I say to the member I think I would be biased and it would be a biased report. And I would suggest that if the government were to write this from a partisan level or encourage the civil service to be only on the positive side, there's an inherent bias in that. And I

think people from the outside, not just our colleagues in the House, but the media, have rightly criticized that document as having a partisan nature.

Interestingly, that piece now is out, despite the fact that Bill 25 is before the Legislature. And I wonder, if Bill 25 had been passed at this point, how that document would fare against the restrictions of Bill 25. I think it would be interesting to put that to the test, and maybe we'll have the opportunity to do so. Certainly, if they had used other media like television or radio from the States or the Internet as a media, it would not be caught up in Bill 25 because of the Mack truck clause. But they chose to put a document out, coincidentally, as I said, in red colouring, I think indicating—

Interjection.

Mr Hudak: I don't think that's a coincidence.

Hon Mr Caplan: It's my favourite colour.

Mr Hudak: It may be your favourite colour, but I would think the connection with the now Liberal government and the fact that this document is red in colour shows its purpose was as a partisan document to try to help adjust to a government, quite frankly, reeling from a reputation of broken promises and, I would suggest as well, a lack of accomplishments.

Hon Mr Caplan: No.

Mr Hudak: I think so. I think if you asked the average taxpayer in Niagara, living in Beamsville or Dunnville or Fort Erie, to name one of the key accomplishments of the Dalton McGuinty government, they would be hard-pressed to do so.

Mr Leal: The gas tax.

Mr Hudak: No, I think if you came from Lincoln, by way of example, the argument—and I appreciate Peterborough bringing this up—if you came from Lincoln, if you lived in Beamsville, Vineland, Campden, Jordan, Vineland Station, Jordan Station—

Interjection.

Mr Hudak: We'll get to that in a second. I'll be glad to talk about the greenbelt.

Interjection.

Mr Hudak: See, I'm getting more questions here than I ever did when I was on the cabinet side. I'll do one question at a time.

To Peterborough first: He asked me about Lincoln, and are they raving in Campden, for example, about the gas tax. I don't think so. People in Campden pay gas tax the same as they do in Peterborough or other parts of the province, those who go to the Petro-Canada on Victoria Avenue in Vineland or to the Beaver Gas on Ontario Street in Beamsville. It's the same rate of taxation that folks in Peterborough, by way of example, would pay, or in Mississauga or Toronto.

I'll ask you, if you care to reply, how much of that gas tax do you suspect is coming back to the municipality of Lincoln? The member for Lanark-Carleton guesses zero, goose egg, nada. The member for Peterborough?

Mr Leal: I never speculate on these things.

Mr Hudak: You don't want to speculate? You should respect the dean of the House, if you don't speculate.

Respect the dean; he's right: Zero; not a single dollar of gas tax is going back to the community of Lincoln. So if I were to ask your average citizen working in a greenhouse in Vineland if they would list as one of the top problems of the McGuinty government that no gas tax is coming home to their community, they would not respond positively to that particular choice of policy.

Granted, Fort Erie does receive some funds for transit. But I would argue that if the folks from Fort Erie had to put this on a ballot, if they had to decide and they were going to choose a preference, if they were to receive money from the gas tax directly back to the municipality for their local option, whether it's transportation infrastructure or transit or other infrastructure, they would go for that straight per capita transfer. And if you look at the gas tax fully implemented across the province, that grand pool, and divide it up on a per capita basis, it works out to around \$25 per capita. So Fort Erie, by way of example, would be \$750,000. Three quarters of a million dollars in an annual grant would be welcome. They would then, at that point, say that this is an accomplishment of the McGuinty government. But the decision was made to concentrate on transit and not to invest in transportation infrastructure in general or allocate the funding on a per capita basis.

Mr Kormos: So what happened to small-town Ontario?

Mr Hudak: As a result, small-town Ontario, to answer the member for Niagara Centre's question, was left out in its entirety. In fact there are a number of people, and I think probably some members opposite would hear this as well as we are hearing it—there's a great deal of upset that the gas tax is not coming back to municipalities that are paying the gas tax.

There's no doubt whatsoever that the municipalities that are receive the funding for transit will welcome that money finally flowing. They'll welcome that money finally flowing after about a year or so of the McGuinty government. But there are approximately 340 municipalities that will receive no gas tax funding whatsoever. So effectively, this policy choice by the Dalton McGuinty government creates two classes of municipalities: the transit haves and the transit have-nots. We wonder what the government's proposal is going to be to address those 340 municipalities, perhaps like Greenstone, that are not receiving gas tax at all.

I think at that point, Speaker, to express the frustration and anger in rural Ontario about the absence of gas tax coming back to municipalities, I move adjournment of the House.

The Acting Speaker (Mr Ted Arnott): Is it the pleasure of the House that the motion carry?

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

All those opposed will please say "nay."

In my opinion, the nays have it.

Call in the members. This will be a 30-minute bell.

The division bells rang from 1903 to 1933.

The Acting Speaker: All those in favour of the motion will please rise and remain standing while you are counted.

You may take your seats.

All those opposed to the motion will please rise and remain standing while you are counted.

The Clerk-at-the-Table (Mr Todd Decker): The ayes are 8; the nays are 31.

The Acting Speaker: I declare the motion lost.

The member for Erie-Lincoln still has the floor.

Mr Hudak: I'm pleased to be pleased to continue my debate. I know the CGAs, for example, are asking good questions about whether the most recent red booklet that was sent out by the government would be construed as partisan advertising. Maybe we'll put that challenge to the members across the floor, and I'd be glad to be proven wrong. If they would submit that piece to the Provincial Auditor and agree that if he finds it to be partisan advertising by its red nature or by its coverage, the funds will be paid, the costs will be reimbursed to the taxpayer and paid by the Ontario Liberal Party or whoever. I think that would be fair.

Interjection.

Mr Hudak: Maybe you did. I would ask the members opposite, has it been submitted to the auditor as of yet?

Interjections.

Mr Hudak: They're refusing to answer my question. And, as a supplementary, I'll ask them, are you considering submitting this to the auditor maybe next week? I fail to get a response from the members opposite.

If they really want to put their money where their mouths are, put the funds in the Ontario Liberal Party aside and say, "If the auditor, in his fair and unbiased judgment, sees this as partisan advertising, the Ontario Liberal Party will compensate the taxpayers dollar for dollar, penny for penny." If the auditor says, "No, it just happens coincidentally to be red," and sings the praises in its entirety of the Liberal government without offering any criticism, however even muted, if that's what the auditor says, fair game, and we'll look to the advertisements of Dalton McGuinty on American television or radio.

I had spoken a bit earlier about the various Mack truck clauses and the relationship of Mack trucks to gas taxes and how those will be spent in the province of Ontario. Because, as the Speaker will know, Mack trucks use a considerable amount of gas and pay a lot of taxes. Where those taxes will end up and in what municipalities I think is an interesting debate that I look forward to having in this Legislature.

One of the Mack truck loophole clauses is that government advertising attacking the opposition is fair game under Bill 25. Maybe this is an oversight and will be corrected in committee hearings. I hope so, because it would be consistent with what the government says this bill is about. But Bill 25, if I read it correctly, would allow partisan government attacks on either or both of the opposition parties. Certainly, if they sanctimoniously say they did not run a negative advertising campaign during

the campaign, they have certainly run a very negative government.

Mr John R. Baird (Nepean-Carleton): Talk about the Web site loophole.

Mr Hudak: Well, we talk about the Web site—if members are willing to give unanimous consent to continue speaking for an additional 20 minutes, I'd be glad to take that.

Interjection: Ask for it.

Mr Hudak: Mr Speaker, I seek unanimous consent to take another 20 minutes to speak to the Mack truck loophole clauses part of this bill.

The Acting Speaker: The member for Erie-Lincoln is asking for unanimous consent to continue speaking. I don't think it exists.

Mr Baird: On a point of order, Mr Speaker: One of the fundamental tenets of our standing orders is based on the British parliamentary system. I say to the member that he might want to get his standing orders out. When we're speaking to a bill, the mover of the motion, in this case the Chair of Management Board or the parliamentary assistant representing said individual, is to be present for the debate. That is a longstanding parliamentary convention, one that, as a former parliamentary assistant, I know. I was wondering if you might comment on that.

The Acting Speaker: I do not find that there is a point of order, but the member for Erie-Lincoln still has the floor.

Mr Hudak: Speaker. I'm pleased to continue debate on the bill.

Interjections.

Mr Hudak: Oh, they're shutting me down.

Interjections.

The Acting Speaker: Will the member please take his seat. Deputy House leader?

Hon Mr Caplan: I believe we're in questions and comments right now, Speaker.

The Acting Speaker: The time has almost expired. The member for Erie-Lincoln.

Mr Hudak: I just regret the tactics of the members of the government side who are shutting me down, despite my request to continue debate—

1940

The Acting Speaker: The member's time has expired. Questions and comments?

Interjections.

Mr Michael Prue (Beaches-East York): Mr Speaker, I think I'm going to wait until the House quiets a little though, with your permission. Mr Speaker, should I wait until they stop or try anyway?

The Acting Speaker: The member for Beaches-East York has the floor for questions and comments. I would ask all members of the House to listen to his presentation.

Mr Prue: Thank you very much, Mr Speaker. It is always a pleasure to stand up, even if you can hardly hear yourself think or speak, to comment on the member from Erie-Lincoln. He's very erudite and quite loquacious.

Mr Baird: Quite loquacious?

Mr Prue: Yes, loquacious. Good word, eh?

It took a long time for him to get to the issue tonight, though. But in the last few minutes of his speech, he actually started to talk about the nub of everything we need to talk about here tonight, and that is the Liberal booklet that came out here a couple of days ago or last week. What a disgraceful little booklet that is. You should be ashamed.

Mr Baird: Their dirty little secrets.

Mr Prue: The dirty little secrets. It is partisan, it is nothing but an advertisement. It is glossy, it is in your colours, it is convoluted, it is obtuse and, to tell you the truth, I consider it quite bilious. It's funny, if you actually open up the pages and look at what's inside, all it is is things they feel good about; not necessarily things that are correct, not necessarily things that are historically accurate, but things they feel good about.

I have to ask you, did any of these events actually happen in this Legislature? The reality is they did not. There is nothing in there about the health premium or what they did in order to get that health premium before this Legislature. There is nothing in there about their failure on the insurance bill. There is nothing in there about the rising costs of hydroelectricity. In fact, there is nothing there that most Ontarians are concerned about.

Mr Bruce Crozier (Essex): I just want to reply briefly to what the member from Erie-Lincoln said. I was also at the CGA reception—in fact, I have been a CGA since 1967—and they were not asking me about any little red book; they were asking me about the fiscal integrity of the former government. They were saying to me, “How could they possibly have left you with a \$5-billion deficit? How could they possibly have left you with a structural deficit?” This was a room full of accountants who couldn't understand why the former Conservative government couldn't add it up.

Mr Norman W. Sterling (Lanark-Carleton): It's amazing that when a member wants to prolong his speech—and he was giving a very good speech—the government members would shut him down.

Near the end of Mr Hudak's speech, he really came upon a very sore point with the Liberals. When the Liberals were in opposition, they talked about every kind of publication that the then Harris-Eves government would put out as being partisan advertising. So they brought forward Bill 25, which we're discussing tonight, as their defence.

And under section 5 of this act, it talks about a review by the Provincial Auditor of material they are sending out. When I received this particular booklet from the government in my MPP mail, I immediately phoned the auditor and I said to the him—any one of us has the right in the Legislative Assembly to talk to the auditor—“Have you reviewed this book under Bill 25? Because I am sure the government wants to live within the meaning and spirit of this act, even though it hasn't been passed by the Legislative Assembly.” The Provincial Auditor said no, but he'd like to have a look at it.

Mr Speaker, is it proper for me to put a motion that the government send this book for examination by the Provincial Auditor? Is there any way I can do that at this time? I guess I could do it by unanimous consent.

The Acting Speaker: I'm sorry, not on a question or comment.

Mr Sterling: But I could ask, by unanimous consent, if the Legislative Assembly would give me the right to put forward a motion without debate that the government of Ontario forward this booklet to—

The Acting Speaker: The member for Lanark-Carleton has sought unanimous consent. I think most of the members heard what he had to say. I don't believe there's unanimous consent.

One last question or comment.

Ms Andrea Horwath (Hamilton East): It's my pleasure to make comments on the previous debate regarding this particular bill, but I first want to say that I find it extremely interesting that mention was made of the CGAs who were downstairs all evening long. I was there, certainly for a little while, to welcome those learned people in our province, but I also spent some time this evening in between the bells to watch the news, which I thought was something of great interest to the members of this chamber. I suspect the things that came out first on the news were not what were expected by the government side when they thought about what might happen on the news tonight. The issues were quite interesting.

Nonetheless, we are here to make comments about the previous speech. I have to say that when I first learned about this bill and spent some time reading it, I heard people talking about how it was being considered the Mack truck bill. I said, what the heck does that mean? What does the Mack truck bill mean? I don't understand the context there.

So of course, I had a little bit of time to read the bill and to understand where the concerns were coming from. It's really quite apparent that although it appears to be a bill that tries to put into place some parameters around the use of public funds for partisan advertising, what it really does is provide opportunities to do that in a way that people might suspect was non-partisan because the specifics are not stringent enough. I think the member from Erie-Lincoln made some comments about that in his remarks, and I think it's quite true.

The frustrating thing is that the people who watch these debates and who tune into this channel will hear the government defending these kinds of things. Unless they actually have a chance to look at the details, they don't really realize, unless members like the one from Erie-Lincoln raise it, that it's all a bunch of fluff and there's really not a lot of reality when it comes to getting things done in this particular chamber.

The Acting Speaker: The member for Erie-Lincoln has two minutes to reply.

Mr Hudak: I appreciate the comments of my colleagues to my left and from across the floor. I'm very curious about what the member for Hamilton East saw on

the 6 o'clock news tonight. While I'm a baseball fan and excited about the Boston Red Sox, I would wager that the biggest highlight reel tonight is going to be the greatest hits of the member from Etobicoke North. I look forward to that highlight reel on the news. The member is on quite the winning streak here in the assembly. We'll see how that transpires at 11 o'clock, as well as 6. The person, I think, who will be the most upset about this will be the Attorney General.

Here's the day when he finally brings forward this much-vaunted pit bull ban, makes sure he gets his hair just right, rehearses that speech in front of the mirror over and over and over again. Then, whose face is on the TV screen? Etobicoke North. So I feel for the Attorney General. I know he worked hard on all that, the press conference and the speech, but more debate on that later.

The member from Essex talks about what happened to the little red book. It's a good question. What happened to Dalton McGuinty's little red book? Perhaps it's buried beneath those 6,000 homes on the Oak Ridges moraine. Maybe that's where Dalton McGuinty's campaign books went, because you don't hear much about them anymore. Maybe they're in the hands of one of those 1,000 police officers who were supposed to be hired across the province. Maybe they have the last few copies of Dalton McGuinty's campaign promises. Or maybe they're resting on the desk of one of those insurance agents who are giving out those promised 20% reductions in insurance rates. I would wager none of those three things is a reality, nor is there any reality left in the credibility of this government with respect to its campaign promises.

I appreciate Lanark-Carleton's remarks. I look forward to the government members' responses, because I think we should send this to the Auditor General for his judgment according to Bill 25.

1950

The Acting Speaker: Further debate on Bill 25?

Ms Horwath: I'm pleased to bring my remarks regarding Bill 25, An Act respecting Government Advertising. As I've already alluded to, there are some serious concerns with this bill. But in terms of some contextual issues, the government certainly did say during the election campaign, prior to being elected, that they were going to bring some accountability to taxpayers around taxpayers' dollars being used for partisan advertising. That's what they said. They said, in fact, that they would save \$50 million annually through this measure. Of course, what they didn't say was that the annual would come eventually. We're in what, year one already?

Mr Baird: No, year two.

Ms Horwath: We're finished year one; we're into year two. We'll see how long it takes to get those annual savings. Nonetheless, we'll see whether or not the \$50 million is realized.

We know that this government has an interesting track record when it comes to figuring out what numbers really mean. In fact, Mr Crozier mentioned a little bit earlier, in regard to the CGAs who were downstairs, the fact that he's a CGA. I couldn't quite understand the point he was

making. Considering that if he is a CGA, he should have been telling the government exactly where the books stood when they were making all those campaign promises, which they now say they can't fulfill because they didn't know what the real numbers were. I find it quite interesting that they can argue both sides of that point in terms of whether or not they knew and whether or not they had the capacity to know what numbers really mean.

Nonetheless, there's been a long history of debate in this chamber regarding government advertising. Of course, during the previous government's term in office, there was often criticism about taxpayer-paid advertising of government initiatives. I can remember, in fact, before I was here obviously, watching some of that advertising and reading some of that advertising and then feeling a little bit uncomfortable, quite frankly, about how that was coming forward.

I think the problem is that the act we have in front of us doesn't really focus in on the important pieces that are necessary to ensure the accountability that they claim they will gain with this particular bill. Instead of some of the broader issues that could have been included in this bill, instead of being quite broad in regard to definitions, in regard to the way that advertising would be reviewed in terms of whether or not it was in fact partisan, that's not being done; in fact, the focus is extremely narrow.

We only need to look at a bill that was, I believe, tabled in this Legislature by Peter Kormos, a member of my own caucus, who brought a bill forward to deal with this very issue several years ago. In 2001, a private member's bill was tabled by Mr Kormos and, in that bill, a broader set of issues was articulated. In fact, that bill included a number of guidelines over and above the narrow ones that are defined in Bill 25. Mr Kormos talked about the value for money that was part of the particular piece of advertising, the cost of government advertising and whether or not that is justifiable, particularly looking at the measuring stick of value for money. He talked in that bill about whether or not government advertising should deal with matters for which the government of Ontario has direct responsibility or whether it should not include those pieces. He talked about whether government advertising should not be designed to promote or have the effect of promoting the interests of the party forming the government but, rather, just be strict information; so not party-related at all. Also, part of that bill dealt with whether or not government advertising was accurate and factual with comment and analysis clearly distinguished from the factual issues.

Therefore, is this all a matter of spin? I believe my colleague beside me here already mentioned that in his comments. Was it a matter of the red book, the report card that was published recently? Was that spin or was it all factual? I'm sure that anybody who's read it knows the answer to that. This particular Bill 25 will not address those kinds of issues. However, there is a bill that has been tabled in this very Legislature, a private member's bill that deals exactly with that issue: Is it matter of spin or is it a matter of facts and figures?

Mr Baird: Whose bill is that?

Ms Horwath: Of course, that would be Peter Koromos's bill, which was tabled in this Legislature in 2001.

Nonetheless, the current advertising bill that we have in front of us is, I think, a step in the right direction, but the problem is, like so much other of the legislation that this government has been deciding to put forward, it only does a partial piece of the job. It only moves us a small measure. In fact, as a New Democrat, I'm not surprised by that. Oftentimes it has been said, and is said on every level, provincial and federal alike, that when Liberals run, they talk like New Democrats, but when they get into office they govern like Conservatives. I've got to tell you that these kinds of half measures, these kinds of bills, that only move you a little bit down the yardstick can be spun in a way that people somehow get a sense that, "Oh, gee, they're doing the right thing. They are going in the right direction." But people only need to look at the fine print or, in this particular case, the lack of fine print when it comes to the pieces of this bill that are missing, the pieces that would really constrain the partisan use of public taxpayer dollars on advertising.

Nonetheless, because of the extreme disappointment I have with this particular legislation and that I find it is rather difficult for me to continue to discuss because it is disappointing in so many ways, I would then move adjournment of the House.

The Acting Speaker: I say to the member for Hamilton East that her motion is out of order because we've already moved an adjournment of that nature, an adjournment of the House.

Ms Horwath: Mr Speaker, my understanding is that the other—

Hon Mr Caplan: On a point of order, Speaker—

Ms Horwath: If I could finish with my point of order, Mr Speaker: My understanding is that it is within my scope to be able to move adjournment of the House. We have not moved adjournment of the House as yet in this debate and my understanding is that that's in order. I'm sorry to challenge the Speaker.

Hon Mr Caplan: On a point of order, Mr Speaker: The standing orders are very clear. The ruling of a Chair is not debatable or challengeable by any member of this assembly.

Speaker, you have made your ruling. I look forward to further debate from the member for Hamilton East.

The Acting Speaker: Again, I inform the member for Hamilton East that she does not have a valid point of order.

Ms Horwath: I apologize, Mr Speaker, and will then take my opportunity to move adjournment of the debate.

The Acting Speaker: That motion is in order.

The member for Hamilton East, Ms Horwath, has moved adjournment of the debate. Is it the pleasure of the House that the motion carry?

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

All those opposed will please say "nay."

In my opinion, the nays have it.

Call in the members. This will be a 30-minute bell.

The division bells rang from 1958 to 2028.

The Acting Speaker: Will all those who are in favour of the motion please rise and remain standing while you're counted.

Any members opposed to the motion will please rise to be counted.

The Clerk-at-the-Table: The ayes are 36; the nays are 1.

The Acting Speaker: I declare the motion carried.

ELECTION STATUTE LAW AMENDMENT ACT, 2004

LOI DE 2004 MODIFIANT DES LOIS EN CE QUI CONCERNE LES ÉLECTIONS

Resuming the debate adjourned on June 23, 2004, on the motion for second reading of Bill 86, An Act to amend the Election Act, the Election Finances Act, the Legislative Assembly Act and the Representation Act, 1996 to provide for provincial general elections at intervals of approximately four years, to govern the timing of writs, close of nominations and polling day, to make modifications relating to the electoral readjustment process, and to make technical amendments / Loi modifiant la Loi électorale, la Loi sur le financement des élections, la Loi sur l'Assemblée législative et la Loi de 1996 sur la représentation électorale en vue de prévoir la tenue des élections générales provinciales à intervalles d'environ quatre ans, de régir le calendrier relatif à l'émission des décrets, à la clôture du dépôt des déclarations de candidature et au jour du scrutin, et d'apporter des modifications au processus de révision électorale ainsi que des modifications de forme.

The Acting Speaker (Mr Ted Arnott): When this House last debated Bill 86, one of the New Democrat members held the floor. I now turn to the government side for a speaker. Further debate?

I recognize the member for Nepean-Carleton.

Mr John R. Baird (Nepean-Carleton): I am most interested in this idea of fixed election dates here in Ontario, particularly with the bill that has been tabled by the government.

Hon David Caplan (Minister of Public Infrastructure Renewal): Have you read it?

Mr Baird: I read the bill. I guess it really just amounts to a promise to call an election, because under this bill, the Premier, on October 7, October 5, October 4—whatever, early October. It's not legal. It does not bind the Lieutenant Governor to call an election. The Lieutenant Governor can call an election whenever he or she pleases. This bill doesn't change that. If this bill was passed and proclaimed tonight, the Premier could still go and call an election tomorrow.

Interjections.

Mr Baird: It does. Have you read the bill? That's what it says. It does not bind the Premier from asking the Lieutenant Governor to dissolve the Legislature.

Mr Jim Wilson (Simcoe-Grey): Broken promise again.

Mr Baird: It's a broken promise again, the member for Simcoe-Grey says. If you think we're going to give quick passage to a bill—it's not that you could put a Mack truck through it; it's that you could put a Mack truck factory through this bill.

I was astounded that the Attorney General didn't consult the Jewish community on this bill. That is outrageous. The member opposite, the Attorney General, has a significant Jewish community in his own constituency. I will tell you that in Nepean we have a significant Jewish community, and this proposed—

Mr Tim Hudak (Erie-Lincoln): What did they say to this bill?

Mr Baird: What did they say? They weren't consulted.

If the Attorney General had gotten off this fascination with pit bulls and actually consulted the Jewish community, maybe the results of that consultation would be reflected in this piece of legislation.

So one of the things we're going to want to see happen is for this bill to go to committee. Those of us on this side of the House want to hear from the Jewish community. They should be consulted about the date of this election and whether it might keep the participation—either as candidates or as voters, electoral participants—in mind. We think that is a good idea.

Mr Wilson: It's disrespectful.

Mr Baird: "It's disrespectful," the member for Simcoe-Grey says.

I will tell you that we will do the work that you failed to do on this bill. We will consult with the Jewish community. We will not just consult with the Jewish community here in the city of Toronto. We'll consult with the Jewish community in York region, in Nepean, in the city of Ottawa and in the great riding of Ottawa West-Nepean, which, in my area, has a substantial Jewish community.

Mr Cameron Jackson (Burlington): David Young would not have done this.

Mr Baird: David Young would not have done this. You're correct. David Young, as a member of cabinet, would have stood up and said, "Stop the presses. Stop the debate about the pit bulls, and let's talk about democracy in Ontario."

My support for the Jewish community in Ottawa is very well known. On a variety of bills, I was a very enthusiastic supporter of the member for Halton's private member's bill. I've been a very strong supporter of the Tamir Foundation, which is a developmental disability organization which helps not just the Jewish community but the entire community, a strong supporter of the new Hillel Lodge; we were able to work with the Jewish community. Actually, my parents live on the location of the old Hillel Lodge on Wurtemberg Street in Ottawa.

Hon Mr Caplan: Did you kick them out?

Mr Baird: No. It was an old lodge. The community came together and said, "We could do better for our

seniors," and they built a new one. It's right on the Jewish community campus. The Tamir Foundation is there. The folks at Tamir can use the Jewish community centre, the fitness facilities and the pool there. The students from the Hillel Academy volunteer at the Tamir Foundation, helping people with developmental disabilities. The folks who live at the Tamir Foundation, at the group home on that campus, can use the synagogue at the long-term-care facility at the Hillel Lodge.

So it's a great example of community coming together, whether it's to help students, seniors or people with developmental disabilities, and actually mutually supporting one another.

Interjection.

Mr Baird: If the member opposite doesn't want me to talk about the Jewish community, I know he'll get up and intervene and put a stop to it.

With the Tamir Foundation, it's a great example of how the community really puts its wing over this group of vulnerable people.

I spoke to one leader in the Jewish community, and he said that when he's working out at the Jewish community centre and sees the people with developmental disabilities partaking in everyday life—the pride that it brings him and other members.

Anyway, we will want to consult the Jewish community and others on this bill.

One question I want to ask is, does this bill—and this is one of the questions I'd like to ask in committee hearings—say the date when the Premier calls the election? We know the date that it's called for. When he would promise it would be called for is included in the legislation. But he can call it 28 days before. When I first ran for Parliament, it was called 40 days before. We had a 40-day election campaign, then we had a 29-day campaign the second time and then a 28-day campaign the third time. Is the Premier going to maintain the divine right of when to call it and not just when it's going to be? That could allow all the Liberals to put out all their partisan advertising before the writ is dropped. They could say, "Guys, get all your partisan advertising out the door in 35 days, because 34 days before the election, we're going to drop the writ."

Mr Ernie Hardeman (Oxford): They wouldn't do that, would they?

Mr Baird: I think they would do it. That's one of the questions I'd like to ask the mover of this bill. But the Attorney General isn't here for me to ask him.

The Acting Speaker: The member for Nepean-Carleton knows full well that he can't make reference to the absence of another member.

Mr Baird: I'd like to ask the mover of this bill a question. Michael Bryant, the member for St Paul's, the Attorney General and minister responsible for democratic renewal—I'd like to ask him this question, so that in questions and comments he could stand up and answer it.

Mr Jackson: What about his PA?

Mr Baird: Who is his PA? Could you find out for me? Could you find out at the table? Is the parliamentary assistant for the Attorney General here?

There was a day in this House when a government House leader wouldn't dare call a bill if the minister—Norm Sterling, the member for Lanark-Carleton, wouldn't dare call a piece of legislation unless the minister or the parliamentary assistant was here. That's what these guys get, 12 grand, 15 grand, 10 grand—that's what they get: \$10,000 to be here when their bill is debated.

Mr Norman W. Sterling (Lanark-Carleton): Some of them get a limousine.

Mr Baird: Some of them get a limousine, apparently. One of them had a limousine, we know.

Interjection: For a short while.

Mr Baird: For a short while. He was relieved of his responsibilities as a parliamentary assistant after driving it to London. Apparently, there was a parliamentary assistant who showed up at an event with his minister. He arrived in a big stretch limo, and the Premier found out about it and fired him.

2040

Mr Bob Delaney (Mississauga West): That must have been under your government.

Mr Baird: No, it was under yours. I think we heard it from this gentleman, the same member who made the news, made the headlines today. He was the best-known Liberal in the province. He was the one who trumped Michael Bryant on the news tonight.

Boy, oh, boy. Michael Bryant will be angry, because Michael Bryant is a University of Toronto law professor. I think he went to Harvard. I thought, when Michael Bryant brought a piece of legislation—he brought in the pit bull legislation today. I thought Michael Bryant was going to be an Attorney General we'd put in the category with Roy McMurtry, Ian Scott and Norm Sterling, but instead the big priority of the Attorney General is to ban pit bulls. So he's going to go under the headline "Marion Boyd and Howard Hampton."

Howard Hampton said he slept through the entire five years and wasn't responsible. I like Howard. I'm not going to complain about Howard.

But I thought Michael Bryant, the author of this bill, was going to be someone of the stature of Norm Sterling, Roy McMurtry—

Mr Delaney: On a point of order, Mr Speaker: I respectfully request that the member for Nepean-Carleton refer to the Attorney General by either his title or his riding and not by name.

The Acting Speaker: I would appreciate it if he did that as well.

Mr Baird: The minister responsible for banning pit bulls—but here's a guy who's a University of Toronto law professor, from the U of T, one of the most highly regarded academic institutions in the world, and his big priority on becoming Attorney General is to ban a certain breed of dog. That is the biggest media hit.

Mr Wilson: It's a slippery slope.

Mr Baird: It's a slippery slope.

Mr Wilson: Pit bulls today, Dobermans tomorrow.

Mr Baird: Pit bulls today, Dobermans tomorrow, potentially Rottweilers, potentially the Minister of Health, who has been labelled a pit bull. The Attorney General, the minister responsible for pit bull banning, is running for the leadership of the Liberal Party to replace Dalton. The Minister of Health is going to be a leading candidate for that job, and this bid to ban pit bulls is a pre-emptive strike.

The Acting Speaker: A point of order. First of all, the member from Mississauga West.

Mr Delaney: On a point of order, Mr Speaker: Pursuant to standing order 23(b), I request the member for Nepean-Carleton to address the bill under discussion.

The Acting Speaker: I would ask the member for Nepean-Carleton to make reference to the bill that's being debated, which is Bill 86.

Mr Baird: In the last election, we had elected the member for Toronto Centre-Rosedale, who's 218?

Hon George Smitherman (Minister of Health and Long-Term Care): Yes, 218.

Mr Baird: I am 218 as well. I am in training, and I will figure out who can—

Hon Mr Smitherman: What are you training for?

Mr Baird: To lose weight, to be fit. I'm taking up the Smitherman challenge and the Bradley challenge to be—

Hon Mr Smitherman: Would you like to go and race down University Avenue?

Mr Baird: No, I don't want to step outside and race down—I can't jog. I'm not good at that.

Anyway, getting back to the bill, the minister responsible for banning pit bulls. He also has this bill on election reform. I was surprised—he has been Attorney General for a year and hasn't passed a single piece of legislation. I mean, even Marion Boyd could pass legislation. Even Howard Hampton could pass legislation. I'll bet you Alan Pope passed a piece of legislation in the two minutes he was Attorney General.

Mr Wilson: You're pushing it.

Mr Baird: OK, maybe I'm pushing it. Which category would Alan Pope be in? Would he be in the Marion Boyd or the Norm Sterling? I would not compare him—he wasn't half the Attorney General Norm Sterling was.

Anyway, so we have this bill, which is nothing more than a Dalton McGuinty promise act. Well, no one in the province believes Dalton McGuinty will keep his promise. I challenge any member—we'll go down to University Avenue here or to Yonge Street or Bay Street, or we'll go to Nepean, to Robertson Road or Brophy Road or West Hunt Club Road or Bayshore Shopping Centre, and we'll stop 100 people and ask them, "Do you think Dalton McGuinty keeps his promises?" I guarantee you that 99 of those 100 people will say, "No bloody way."

So this bill is just an act where Dalton McGuinty promises to have an election on a certain day. I don't even think he says which day he's going to call it. Do you know that, former Attorney General Sterling?

Mr Sterling: October 4.

Mr Baird: No, it's going to happen on October 4. Do you know what day he is going to drop the writ?

Mr Sterling: No, I don't.

Mr Baird: No, because that way they can get out their partisan advertising. They can get all the Liberals to get all their partisan taxpayer advertising out the door and then call the election five minutes later, because they won't pass—they promised to ban partisan advertising, and they're delaying their own bill. We were here debating it. The member for Erie-Lincoln was giving a wonderful speech on that bill. The member for Hamilton East also spoke to it. They shut down the member for Erie-Lincoln. He wanted to debate the bill, represent the good people of Crystal Beach, Fort Erie—

Mr Hudak: Wellandport.

Mr Baird: —and the great community of Wellandport. They shut him down. The Darth Vader of democracy over there shut him down. Speaker, you'll pardon us for being skeptical of this bill.

Mr Hardeman: We should be.

Mr Baird: "We should be," the member for Oxford says. They should be telling us what day they are going to call the election. I wish I could ask questions of the author of this bill or I wish, in the two-minute-hits part, they would. I'll tell you, when Norm Sterling was House leader, they never would have allowed a bill to be debated—I remember as a parliamentary assistant that I slipped out of this place for five minutes once and members of the opposition and the third party were up on points of order saying it was virtually unconscionable to debate a bill without the author or the parliamentary assistant available to answer questions, unheard of. That's what you're paid for. That's why you get the extra bucks, so you've got a responsibility.

Mr Jackson: So much for democratic renewal.

Mr Baird: So much for democratic renewal.

Interjection: Why have a debate?

Mr Baird: Why have a debate? They don't show up, and that is very unfortunate. This is important, because the date of when the next election will be—

Mr Wilson: The biggest change in our parliamentary democracy ever.

Mr Baird: The biggest change in our parliamentary democracy ever. The next election can't come soon enough for the single mother with two kids in my community who has a 24% Ontario tax hike. But the millionaire who goes to fundraisers for the Minister of Finance and for the Premier, do you know what tax increase he gets?

Mr Hudak: Is it 24%?

Mr Baird: It's not 24%, not 23%, not 22%, not 19%, not 18%, not 10%, not 9%, not 8%; it's a 1% tax increase for the millionaire. Now, where's the social justice in that? They said when they brought it in, "We thought about taxes but it's not a tax, it's a premium." These guys can't even raise taxes competently over there. Maybe they should have talked to Gerry Phillips. He could have done it competently, because Gerry knows how to raise

taxes. He was part of the Peterson Liberal government. There was a gang who knew how to raise taxes.

Mr Ted Chudleigh (Halton): They did it all the time.

Mr Baird: They did it all the time, and they became quite proficient at it—33 tax increases.

We also want the fixed election date because we need the Ottawa Hospital to get proper funding. The member for Lanark-Carleton and I are the only members from Ottawa who are prepared to stand up and fight for the Ottawa Hospital to get funding.

Mr Phil McNeely (Ottawa-Orléans): You didn't for years.

Mr Baird: Talk to anyone at the Ottawa Hospital. The last time I was there we gave them the biggest hospital budget increase in the history of public hospitals in Canada. It was added to the base budget, and it was announced by John Baird and Norm Sterling for that hospital. It was the biggest base budget increase ever for any hospital, and we couldn't even get a member from Ottawa to stand up in his place and speak to the bill and defend the Ottawa Hospital.

Mr McNeely: You closed beds.

Mr Baird: You bet your boots. We appointed a supervisor. We took responsibility and cleaned up the mess, and now there is no one—

Hon Mr Smitherman: You cleaned up your own mess.

Mr Baird: No, we cleaned up the mess of the previous board. We took responsibility for something.

I am disappointed that we can't get our questions answered by the mover of this bill, and as such I move adjournment of the House.

The Acting Speaker: Mr Baird has moved the adjournment of the House? Is it the pleasure of the House that the motion carry?

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

All those opposed will please say "nay."

In my opinion, the nays have it.

Call in the members. This will be another 30-minute bell.

The division bells rang from 2050 to 2120.

The Acting Speaker: All those in favour of the motion will please rise and remain standing while you're counted.

All those opposed to the motion will please rise now and be counted.

The Clerk-at-the-Table (Mr Todd Decker): The ayes are 8; the nays are 31.

The Acting Speaker: I declare the motion lost.

Mr Baird: On a point of order, Mr Speaker: I would like to ask for unanimous consent to pass Bill 105 for third reading without debate.

The Acting Speaker: The member for Nepean-Carleton is seeking unanimous consent to pass Bill 105 immediately at third reading.

It's my understanding that a government minister has to move the motion. He can seek unanimous consent to vote upon it.

Hon David Caplan: On a point of order, Mr Speaker: I seek unanimous consent to move Bill 105 for third reading without debate.

TAX TERMINOLOGY
HARMONIZATION ACT, 2004

LOI DE 2004 SUR L'HARMONISATION
DE LA TERMINOLOGIE FISCALE

Mr Caplan, on behalf of Mr Sorbara, moved third reading of the following bill:

Bill 105, An Act to revise terminology used in the French version of certain statutes / Projet de loi 105, Loi révisant la terminologie utilisée dans la version française de certaines lois.

Motion agreed to.

The Acting Speaker (Mr Ted Arnott): Be it resolved that the bill will now pass and be entitled as in the motion.

ELECTION STATUTE LAW
AMENDMENT ACT, 2004
(continued)

LOI DE 2004 MODIFIANT DES LOIS
EN CE QUI CONCERNE LES ÉLECTIONS
(suite)

The Acting Speaker (Mr Ted Arnott): The member for Nepean-Carleton still has the floor.

Mr John R. Baird (Nepean-Carleton): To think you people said I was not being constructive. I am shocked and appalled. As I told you, I am always here to help in any way that I can. But I still want to have the Attorney General here for my questions and comments, so I move adjournment of the debate.

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

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

All those opposed will please say "nay."

In my opinion, the nays have it.

Call in the members. This will be another 30-minute bell.

The division bells rang from 2123 to 2153.

The Acting Speaker: All those in favour of the motion will please rise and remain standing while you're counted.

All those opposed to the motion will please rise now and be counted.

The Clerk-at-the-Table (Mr Todd Decker): The ayes are 35; the nays are 3.

The Acting Speaker: I declare the motion carried.

LIQUOR LICENCE
AMENDMENT ACT, 2004

LOI DE 2004 MODIFIANT LA LOI
SUR LES PERMIS D'ALCOOL

Resuming the debate adjourned on October 25, 2004, on the motion for second reading of Bill 96, An Act to amend the Liquor Licence Act / Projet de loi 96, Loi modifiant la Loi sur les permis d'alcool.

The Acting Speaker (Mr Ted Arnott): When this House last met to discuss Bill 96, one of the Conservative members had the floor. He's not here now. I'll turn in the rotation to the New Democrats.

Further debate?

Mr Michael Prue (Beaches-East York): Mr Speaker, I just want to see how much time I have before I start. Could I be advised as to how much time I have? Is it 10 minutes, 20 minutes, an hour?

The Acting Speaker: You have 20 minutes for your presentation.

Mr Prue: This is a debate that I thought at one point I was going to welcome a great deal when I first heard about taking your own wine. I've done that in Montreal, and I've read about it having happened in many other places across the country.

Mr Richard Patten (Ottawa Centre): Thirty years.

Mr Prue: No; 30 years.

To some extent, I would think that it's probably a good bill. I'm not going to tell you that I don't think it is, at the outset, but—there's always a "but."

Taking your own wine to a restaurant is no different, I would put it to the majority of people, than going to the restaurant and buying that selfsame bottle of wine from the restaurateur. When you go into a liquor store, you can buy any number of wines in Ontario. In fact, as you all know, Ontario is the world's leading importer of wines from across the world. The LCBO has tremendous, tremendous advantage in what they do. You can buy literally thousands, maybe 5,000, 10,000—I don't know the exact number—various brands of wine in Ontario, ranging from some terrible plonk that you wouldn't want to put into your mouth, quite frankly—

Mr Tim Hudak (Erie-Lincoln): Name it.

Mr Prue: No, I'm not going to name it. I've had some pretty bad stuff over my life—to some exquisite bottles of wine, some of which are made here in Ontario but most of which come from France, quite frankly, and some very good ones from Australia, New Zealand, Chile, Argentina.

People determine what kind of wine they want themselves. Almost to a person, people buy their wine from the LCBO. In the majority of restaurants, if the restaurant is a good restaurant, they can get those selfsame bottles of wine that they enjoy at home or that they can buy from the LCBO in the restaurant.

The question is one of markup. How much does the restaurant charge to mark up that same bottle of wine that you buy for \$10 or \$12 at the LCBO? How much do they

charge when it, in turn, goes into the restaurant, and why do they charge that markup?

Many people are surprised to see their \$12 bottle of wine, which is grown in a field somewhere in south-western Ontario and which they come to enjoy, cost \$25 or \$30 or even more in a restaurant, and they wonder why that happens. I think that a great many people who saw this bill when it was being proposed thought, "Well, I can take that \$12 bottle of wine I buy at the LCBO into the restaurant, and I can save myself \$10 or \$12," or \$15 or \$20, or whatever the markup is. I think that those people who are looking at this bill as a panacea are going to be very sadly mistaken, because they are going to find out that when they go into the restaurant, the restaurateurs—if they agree to this particular bill—are going to mark up the wine the same or more than they already do. I would think that this is the problem we have with this bill. If the bill is going to be honest with the consumers, if the bill is going to tell them what is really going to happen, it is going to talk about the ability of the restaurateurs to effect a markup, a markup which the consumer may or may not wish to pay.

Consumers, of course, would have a much broader choice. Even the best of restaurants, even the very best in this city or anywhere across Ontario—

2200

Mr Hudak: Name one.

Mr Prue: Bigliardi's, where you go all the time.

Interjection.

Mr Prue: I just did.

Interjection: Say it again. George needs the business.

Mr Prue: George needs the business. All the Tories know that place.

I will tell you that even the best restaurants in Ontario have, at most, limited wine cellars. If a restaurant has a wine cellar of more than 100 bottles, they generally have a pretty good wine cellar, whereas the consumer, on the other hand, has the entire LCBO repertoire, which may run into 5,000 or 6,000 or 8,000—whatever the number is. It's enormous; it's huge. Therefore, giving the consumer that option is a good thing.

But since this bill was first introduced, we have heard from restaurateur after restaurateur that they have no intention of dropping the markup. In fact, many have suggested that they are going to have to increase the markup on wine or they are going to charge what is called a corkage fee that may be in excess of what they are charging today.

What that means for the consumer is that to enjoy that same bottle of wine which they go to the LCBO to buy, they then carry home, they then wrap and carry in the trunk of their car—because they're not supposed to carry it in the body of the car—and they take it from the trunk to the restaurant and put it on the table and some guy pops the cork, they are going to find that this will end up costing them a lot more money than they had counted on. That's what I think we have to be honest about in this bill. The restaurateurs are not going to just simply reduce the cost of the wine because you carry it there; in fact, in

all likelihood, your carriage of that wine will end up costing you more money.

In your local little pizzeria, you may be able to enjoy a bottle of Chateau Lafite Rothschild. You may be able to drink some fine old boire from 1895 or whatever else you can buy at the liquor store or Vintages. But the reality is that although your selection will increase, your costs will increase with it. This is the first problem that we have with the bill: The consumer has choice, but the consumer ends up paying.

We have a problem with this bill, as well, because of what the people from MADD have to say. They claim that they have not been consulted, and I have to take them at their word. They do not believe that they have been adequately consulted on this bill. I am not one who believes that someone who takes a bottle of wine from their home to the restaurant is any more likely to get drunk than someone who buys that bottle of wine at the restaurant. I don't know where the argument comes from. But I do know that the people from MADD have a lot to say, and what they have to say is important. We have had people in this province die, we have people in this province who have been seriously maimed, we have traffic accidents caused by people who are inebriated—and they need to have those fears assuaged. They need to have this government explain in some significant detail how the carriage of wine to a restaurant is not going to increase drunkenness or people driving under the influence. I think that needs to be done, and it probably needs to be done in committee.

For a third one, we have the problem, as exists in Quebec and in other jurisdictions, of restaurateurs not buying into the program. Therefore, they say that they are going to go through all of the work, they are going to go down to the local liquor stores, they are going to buy the wine or import their own wine or do whatever they need to do to fill those racks in the cellar of the restaurant—they are going to do that, and that's part of what they do—and that they do not want to run a restaurant which has a bring-your-own policy. The restaurateurs are nervous about this. They have not been consulted.

If we give them free rein to charge whatever they want, I guess one would say, "What's the difference? If the restaurateur can double or triple the price of wine, if you're going to carry it in, what's the difference whether they supply it or not?" That may be a fairly good question. I have to ask that question myself. But I am not hearing those kinds of answers coming from the government bench. I am only hearing the questions offered by restaurateurs—that they are not interested in this particular program. Because, as the members opposite will know, restaurateurs, by and large, do not make their money from the sales of food in Ontario. Although there are some restaurants that are able to exist on the simple sales of food, without a liquor licence, the majority of restaurants in this province make their money from the sales of alcohol, which accompanies the meals.

I have my own colleague here beside me, whose husband is a famous restaurateur in Hamilton. The name of the place is?

Ms Andrea Horwath (Hamilton East): It's 146 On The Terrace.

Mr Prue: It's 146 On The Terrace. I invite anyone in Hamilton to come out to that particular restaurant. She has confirmed to me that is exactly the case in that restaurant, as it is in so many others: the restaurateur does not make his money on the sales of the food as much as on the sales of the alcohol. They are very nervous about losing these sales. They are very nervous about the mark-up that the province may allow.

We have this government that is talking about priorities. We have this government that is talking about things that need to be done. I would agree that there are a great many things in this province that need to be done. I would agree with the government members sometimes that they are having a hard time with the deficit that may have been left to them, they are having a hard time finding the necessary monies to run the education programs, they are having a hard time running the programs in health and the myriad of other major items that are there. And then we have this one here. We have this one that has come upon us with virtually no public debate, with no buy-in from the restaurant interests, with no buy-in from the people from MADD Canada or from those who monitor drinking and driving. There's no buy-in from the police that I can see—and they have many, many questions to ask. There is certainly no buy-in for the consumers, when, in the end, the consumers, for the privilege of doing all of the work, are going to have to carry the wine themselves and see very large markups in those restaurants that will allow them to do so.

I don't know whether this is a bill whose time has come. I don't think it has, because I don't think we are prepared for it in this province. There are people out there who are saying, "Oh, terrific, terrific. I want to do it."

Hon David Caplan (Minister of Public Infrastructure Renewal): That's very paternalistic.

Mr Prue: It's not paternalistic.

Hon Mr Caplan: It is.

Mr Prue: Oh, it's paternalistic because I want to talk to somebody. It's not paternalistic to you, because you want to force it upon them. You want to force it upon them without even asking a single question of the police or of—

Interjection: Great social engineering.

Mr Prue: Yes, it's great social engineering. You're very good at that. It's too bad you're not much good at anything else.

Hon Mr Caplan: What's wrong with giving them the choice?

Mr Prue: The choice is a fine choice, provided that the people know there is a cost involved in that choice and that it may be much more than what they are paying now.

Since the members opposite are not too interested in listening to what I have to say, I would move adjournment of the House.

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

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

All those opposed will please say "nay."

In my opinion, the nays have it.

Call in the members. This will be a 30-minute bell.

The division bells rang from 2208 to 2238.

The Acting Speaker: All those in favour of the motion will please rise and remain standing while you are counted.

All those opposed will please rise and remain standing.

The Clerk-at-the-Table (Mr Todd Decker): The ayes are 8; the nays are 31.

The Acting Speaker: I declare the motion lost. The member for Beaches-East York still has the floor.

Mr Prue: In the seven minutes left to me, I have a couple other critiques of this bill that I think are important to be heard. The first one is that the bill does not distinguish between wines brought to the restaurant from around the world versus wines made in Ontario and/or Canada. If the government was intent upon helping the Ontario wineries then, quite simply, the bill could be tailored in such a way that those wines that could be brought must come from Ontario. That is not contained in the bill. What you are doing is inviting people to bring wine literally from anywhere. If you want to help the Ontario wineries, then I think you should come out and say that. But if you leave it wide open, you will find that the majority of the wines taken to restaurants will not come from Ontario, but in fact will come from literally anywhere in the world.

Ontario produces some of the finest wines, bar none, in the world. I have to tell you, I would not have said that 10 or 20 years ago, but now we are starting to see some world-class wines. The VQAs are starting to make their own. You will find that Ontario wines are now starting to compete and to show in places around the world, particularly in Europe, in France, Spain and Italy, and are starting to win awards. This is particularly true of the whites, of course, but even the reds are starting to win some international acclaim.

If this government is intent upon making a stronger niche for Ontario wines, then the bill should perhaps be tailored in that way to allow the wineries to make deputations at committee that would allow preferential treatment for their wines to be taken as bring-your-own bottles.

Mr Patten: It's against free trade.

Mr Prue: It may be against free trade, but I haven't heard people argue against free trade, and I certainly don't know whether the Americans will stand up opposed to this or not. I don't know if they're going to stand up or not. They stand up against softwood lumber, they stand up against shakes and shingles; they stand up against

literally everything. I suppose they'll stand up against this too. But we won't know until we try.

I haven't seen that this government is intent upon trying to assist the wineries, not only of Niagara, but the fledglings wineries around Picton and the area of Prince Edward County. I had an opportunity to go down and visit some of those recently and, although they're pretty small scale and tiny, even by Ontario standards, I was quite impressed that they are starting to develop their own wineries. They are starting to do some very unique things. Because the climate is colder and because the first couple years they tried it, they are now having to bury the roots of the vines and bury some of the actual vines themselves so they can winter. The wines produced there are pretty young and immature and are still in the experimental phase, but if you look back 10 or 20 years from now, you're going to see that this too is a fine wine-producing area of the country.

I think the Ontario government needs to do more to push the particular wineries from Ontario, and this bill does not because it does not differentiate between Ontario-based wines and world-based wines.

There's another problem with the bill here, and this affects about 15% of the people in Ontario and the wines they drink: 15% of the population of Ontario now make their own wine. Some of the people who make their own wine are pretty good at it. I have been to some competitions of people who make their own wine, and I want to tell you that some of the stuff is pretty decent indeed. It's a small cottage industry. People sometimes make it in their basements; people sometimes go to brew-your-own places. People experiment with things in the wine. I had a very nice Riesling once in which they put black peppercorns, and it really made all the difference in the world. The people are making wine with American and Limousin oak, and you can really taste the difference in some of the blends of the wines.

People make their own wine, and are content that it's as good as or better than the stuff they buy in the store. Certainly, they know that they have or have not added chemicals for the longevity of the wine. They know whether or not the sulphate contents are high. They know what they have put into the wine and whether or not it may cause them headaches if there is excessive tannin. They know all that stuff. If they're going to take their own wine and if they're going to be willing to pay the corkage, this bill will not allow them to do so.

So 15% of the drinkers of Ontario, who might think at first blush that this bill is a good thing, taking your own wine to the restaurant, had better read it again, because they cannot take the wine that they make in their house, and consume every single day, into the restaurant. I don't know whether you can't do it; I don't know what the legislation is or what the lawyers have said about this, but certainly there is a whole body of people out there who need to be heard about taking your own wine, the stuff you have made yourself, the stuff you have painstakingly and carefully prepared in order to meet your tastes and the standards you yourself set and, most importantly, that

you know has no chemical additives. That should be included in the bill. If it's not included in the bill, which I know it isn't, then those people need to be heard. This needs to go out to committee so that those people can be heard.

There are many wine societies in Canada. Probably the oldest one is the Opimian Society, of which I have been a member for some number of years, longer than I care to recount. They have not been consulted. I questioned some of the members of the Opimian Society based here in Ontario, particularly in Toronto, as to whether they had been consulted at all in this whole thing about the wine and about imported wine and whether the imported wine that they bring in—the Italian wine society imports wine directly from Italy. The Opimian Society brings it in from all around the world, and some pretty unique stuff from Ontario from time to time, as well. I don't know if that's included in this. Certainly, this government has not consulted with them, because what we see in the bill is that the wine has to be sold by the LCBO. Quite frankly, there is a lot of wine coming into this country by private import. You have not addressed that as well.

What I'm coming down to at first blush is, sure, Quebec has done it. Are there problems? Maybe a few, but maybe not that many. But what needs to be done before anything happens in this bill is we have to consult with the police, we have to consult with MADD, we have to consult with the wine societies, we have to consult with the restaurateurs, we have to consult with literally everybody. I have not heard this government talk about sending this to committee. I have not heard anything on this except that we want to pass it by Christmas, which would forgo all of that. If this government is really serious about doing a good job, then I would suggest you need to send it to committee. When you do that, I'll vote for it.

The Acting Speaker: Questions and comments?

Mr Patten: I must compliment the member from Beaches-East York. I find he's one of the least partisan persons in the House. He sticks to the issues. That's what debate is all about. I must tell you that I appreciate it.

Having said that, I would like to respond to a few of your arguments. I believe the point of the legislation to begin with is that this will help the sales of Ontario wines. The reason I say that is because a lot of restaurants do not have, as you might experience, many Ontario wines. They have a lot of French wines, as you have said, they have a lot of German wines, they may have Australian wines etc. People who know Ontario wines, and I like to include myself as knowing somewhat the quality, which is world-class in this particular province, know that this will help people bring a good bottle of Ontario wine, a Pinot Noir—I won't mention a particular brand because we have many estate wineries. But these are wines that have won international awards in Europe at international competitions. So I want to say that.

The other thing is the corkage fee. There is a category in this particular bill for restaurants that do not have a

liquor licence generally, and there will be a category to accommodate being able to bring a bottle of wine into those. Therefore, it is a plus. These restaurants in fact do make money off of food.

Mr Prue: Some do.

Mr Patten: Yes, they do. There are some that do not, and we can talk about that. But I just wanted to make that point. The choice is always there. The restaurant has a choice and the patron has a choice (1) as to whether the restaurant will accept this in their establishment and (2) for the person carrying the bottle of wine and what choice that would be.

2250

Mrs Elizabeth Witmer (Kitchener-Waterloo): I'm pleased to join the debate on this legislation. I would certainly concur with the comments made by the member for Ottawa Centre about the member for Beaches-East York. I have found him to be a very thoughtful member of this Legislature and I want to congratulate him on the comments he has made.

I think he has made some very important points regarding the need for further consultation on this legislation. Obviously, there are those on both sides of the bill, but I think we do need to make sure that people like MADD do feel, at the end of the day, if this is going to become law, that there has been ample consultation and that many of their concerns would have been addressed. I personally know many of the individuals who have been associated with MADD in the past, and many of them, as we know, are members because of having lost loved ones in traffic accidents. So we need to be sensitive to the fact that, although there may be a lot of support for this particular piece of legislation, there are those who obviously have some very legitimate concerns as well, and they need to feel that all of their concerns have been addressed.

I would certainly concur with some of the comments made about the wine in the province of Ontario. When you take a look at the past number of years, if you take a drive down to Niagara or you go down Leamington way or pretty well any part of the province now, you come across a new winery. We need to congratulate and support those people.

Ms Horwath: I too want to compliment and congratulate the member beside me for his very cogent and detailed review of the bill, particularly his sensitivity around the variety of issues, not just from the perspective of the restaurateur, but also the perspective of the consumer as well as the perspective of the winemakers of southern Ontario, particularly in the Niagara region, and also the people who brew their own in the province of Ontario. What he brings to the debate often, and certainly showed this evening, is his ability to understand that any piece of legislation always, by definition, affects a variety of stakeholders in our province. I think he has quite clearly indicated that, and that has been reflected in the comments of the other colleagues in the Legislature tonight.

He has indicated, through his discussion, how important it is for this kind of legislation, which some might slough off as being minor and not that great an issue—but certainly it is a great issue to very many different people in very many different ways. So I congratulate him on that. I think he's done an excellent job.

To no small effect is the fact that he's very well-read in the matter of wines. I was going to say well-drunk, but I wouldn't want to say that. But nonetheless he certainly does know his wine and he does know his restaurants and he does know his hospitality industry in Ontario. He brings all of that experience, as well as his real desire to have full debate on all the bills, as I think was mentioned by some of the government members. I congratulate him on an excellent speech and look forward to my own comments on this bill.

Mr Lorenzo Berardinetti (Scarborough Southwest): I too want to say that the comments from the member from Beaches-East York were quite detailed and quite good. I look forward to further debate. We still have an hour and five minutes. Hopefully, we can continue to debate this bill tonight. I look forward to hearing from the Conservatives and hopefully continuing the debate right through until midnight.

The Acting Speaker: The member for Beaches-East York has two minutes to reply.

Mr Prue: I thank all of the members for their very kind words, the members for Ottawa Centre, Kitchener-Waterloo, Hamilton East and Scarborough Centre.

I didn't start out to try to be an expert in wine, but I have to tell you that after more than 30 years as a member of the Opimian Society, going to wine tastings and trying to discover the difference between a Zinfandel grape and a Baco Noir grape, or the very slight difference between a Merlot or Cabernet Sauvignon, it's taken me all of my life to figure these things out.

It's also along the road of trying to find out how wine is imported or brought into Ontario, how the wineries in and around Beamsville or Niagara region or down on Point Pelee or in Prince Edward county—how the wine is made and marketed vis-à-vis how it is made and marketed into Canada from the outside. This is what I think is going to cause some consternation, some difficulty with the bill.

I'm asking the members opposite not to stop your bill, because it has been successful, as I said at the outset, in Montreal and Quebec. What we need to do is proceed expeditiously, but we need to consult. We need to make sure that what is intended in the bill actually happens, that the consumers are given the broadest choice so they can bring a Pinot Noir from Ontario if they want, but (a) that they don't get ripped off; (b) the restaurateur is happy to do it; (c) the wine is available; and (d) that wine that is generally imported by societies or individuals is also eligible. And we might want to even look at those people who prefer the wine they make themselves being allowed to bring it into the restaurant as well. Some of that is very airy in the bill itself.

I am asking the members opposite to do the right thing, to consult. It doesn't have to be long. Let's hear from those people, and the police and MADD too, and do the right thing.

The Acting Speaker: Further debate on this bill?

Mr Jim Wilson (Simcoe-Grey): I apologize from the beginning for having a bit of laryngitis, not only to my colleagues here in the House but also to viewers at home.

I'm pleased to spend a few moments this evening talking about Bill 96, An Act to amend the Liquor Licence Act. Just for the viewers at home who might not have heard exactly what the bill does, this is the bring-your-own-wine-to-restaurants bill. The purpose is to permit restaurant patrons to bring their own wine to licensed premises where the licensee permits. It is not mandatory. Not every restaurant is going to allow you to do this. It is where the licensee, the restaurant owner, the holder of the liquor and wine or beer licence—in this case wine—permits you to bring it. So that might be a bit confusing, which restaurants accept customers who bring their own wine and which don't. But the wine must be for personal consumption only.

The bill also contains amendments giving the registrar the power to issue immediate interim suspensions of licences in the public interest. It also prohibits persons who have been required to leave licensed premises by a police officer from remaining on the premises and from returning to the premises until the day after they left, unless authorized to do so by and accompanied by a police officer. The bill also doubles the minimum fines for offences related to liquor and persons under 19 years of age.

Just a little background: Wine in restaurants is currently only provided by the holder of the liquor licence. Patrons are restricted to purchasing only those wines that are provided and at the prices listed by the licensee, ie, the restaurant. Participation in this new legislation to bring your own wine is voluntary and it will likely be subject, in almost all cases, to a corkage fee. I see in the paper that Barberian's, a very good steakhouse on Elm Street, at Elm and Bay—or Elm and Yonge, depending on which direction you approach the restaurant from—say they will probably have a \$30 or \$40 corkage fee. I think a great restaurant owned by George Bigliardi on Church Street just south of Wellesley—I think it's the best steakhouse in Toronto, maybe one of the best in Canada—Bigliardi's probably will have a \$25 corkage fee. These are just a few of the restaurants I've been able to ask.

Locally, I am told, for the very few restaurants in my riding that are in favour of this legislation—I know that Kelsey's and most of the restaurant chains in Collingwood and Alliston have certainly written to me indicating they're not in favour of bringing your own wine. But should this legislation pass, and the government is trumpeting it as a major piece of important legislation for the people of Ontario—I would think that between now and Christmas, with 231 promises, the government would have something else to do, but this is their major priority,

with not at all unanimity across the province, not at all unanimity in my riding. In fact, I'm not sure at this moment as I speak on this bill, at 11 o'clock on Tuesday night, October 26, whether or not I'm in favour of the bill. I certainly know many of the chains are not in favour of the bill and that many of the local, smaller mom-and-pop restaurants in my riding aren't in favour of the bill.

2300

But should the bill pass, because the government does have a majority and they seem to think this is the most major pressing issue for the people of Ontario, there'll likely be corkage fees. I've done it in Quebec City many times and I've done it in Montreal many times over the years. I used to work for the federal government. By the way, when you're an assistant at the federal government, you pretty well live in Quebec City and Montreal because you have free plane tickets and everything, unlike us poor souls here. Unlike MPPs here, those guys and gals can fly all over the country. They make twice as much as we do and they have a pension. You get 64 points, and you can share those with your assistants. I was an assistant for three years. To go skiing in Vancouver on the weekend, which I never did—certainly to take your girlfriend for a week of French training in Quebec City is the norm in Ottawa, particularly among Liberal assistants, and certainly among MPs.

By the way, they're not FOIable. They're not subject to freedom of information, or they weren't at that time. I think they might be slightly now, but you never hear reported in the newspaper what the expenses are of MPs and their assistants, unlike ours: open, transparent and reported. I know the table clerks and a few other officers of the Legislative Assembly, like the Integrity Commissioner and that, make sure that everything is reported in a transparent way in this Legislature. But that's not what they do federally. Anyway, I digress, and I'm glad to get that off my chest.

Having done this many times, when I was on summer French-language training with my girlfriend in Montreal or Quebec City, we would often buy a \$6 bottle of wine. This was 1987 to 1990. I worked for the federal government as chief of staff at national defence and health and welfare for three years plus a day. I was required to go on these jaunts. I was required to work so hard and make sure I brought my wine and bought it appropriately. I would go to a Becker's type of store or its equivalent and we would buy a \$6 bottle of wine with no corkage fee. I think the most I ever got charged in Quebec City—again, it's almost 20 years ago—was \$2. If you're going to bring a \$16 bottle of wine, which at my level, given that we make \$85,000 a year—less than I did was an assistant, where I made \$93,000 a year plus an Air Canada card in 1987, plus a pension. But in my case now, I'd probably never spend any more than \$13 to \$16 on a good bottle of Ontario wine. I'm not going to pay a \$25 corkage fee; it's ridiculous.

I think some of these restaurants that are in favour of it, and some of the wineries—I don't know who's in favour of it, but I think some of them are actually going

to say this is ridiculous. You're going to get the odd wine collector who thinks this is great. They'll bring in maybe a \$100 bottle of wine and be happy to pay the corkage fee, but for the average Ontarian that I represent, this doesn't do anything for them. This just ticks off the restaurant. It puts that friction between you and the waiter, as he or she explains to you, "There's a corkage fee, Mr Wilson." I think people will be shocked.

And it's not a priority. I have no e-mails on this—it's the honest-to-God truth—no letters on it, except one from a Kelsey's restaurant on First Street in Collingwood. Since this was first announced, I just have the one letter. I'm not aware of any other letters from my constituents. I have been home a heck of a lot since this was announced by the government—I haven't taken any holidays—and I have no one coming up and talking to me about this being a priority for them or anyone else. The only letter I have is one against it.

I do have a riding association meeting, for all those interested, at the Angus Lions hall at 9 o'clock on Saturday morning. We usually get about 150 people out for breakfast every couple of months. I do very much want to consult my riding association, my riding executive and the good people who bother to participate and come out on a Saturday morning to support their MPP and the democratic process. I'm going to want to hear from them as to exactly whether or not they support this legislation.

One thing I do want to talk about is Mothers Against Drunk Driving. They're opposed to it, and I have a lot of respect for them. One of my co-campaign managers in 1990 and 1995 was Chris George, the communications guru for all of the MADD advertising—radio, TV, highways and that; Chris George with CG&A Communications in St Catharines. They also have offices in Toronto and Ottawa. Chris and his wife, Lisa, run that firm. They do all of the MADD advertising. I was in his wedding party years ago and we're very good friends. As I said, he has helped me in my campaigns. He's rather politically neutral now that his major communications client is MADD.

But they're not in favour of this. In fact, it's a setback. Mothers Against Drunk Driving very much feels that this is legislation is a setback. I can't understand a Liberal government that's into so much social engineering—for all the good that the Liberals say they will do for society, you're kind of socially engineering this one backwards, as far as I can tell, when you've got the major interest group that we all very much respect in this House—I hope we all very much respect Mothers Against Drunk Driving—bringing up some serious issues with respect to this legislation. I say you go against them at your peril, because certainly they're a highly respected group. As I've said, their communications people are some of the best individuals I've ever known, and they would not mislead us in terms of the direction we should vote.

I'll just read from a June 12, 2004, Globe and Mail article. It's called "Wine for the Table," and I think it gives MADD's argument quite well:

"MADD Canada, the anti-drunk-driving watchdog, has criticized Ontario's move to introduce corkage in restaurants. It says the legislation, given first reading on Thursday, will make restaurants less likely to cut off the supply of alcohol to customers who are drinking too much and will encourage customers to drink more. It also accuses Consumer Minister Jim Watson of breaking a promise to MADD about the timing of the new move.

"We don't know about the timing—imagine, a minister of Ontario's McGuinty government breaking a promise—but the arrival of corkage is welcome. It expands consumer choice without compromising the safety that MADD so rightly values."

It talks about how corkage is already permitted in Quebec, British Columbia and Alberta, and in jurisdictions in the United States. The Globe and Mail, which is usually in favour of freedom, talks about freedom of customers to bring their own bottle of wine. But it also points out, again, that MADD feels this will lead to more people drinking and driving, that there are questions about the half-empty bottle and whether or not—as I grew up, we weren't allowed to carry around half-empty bottles of liquor. I think the law was—and I used to be a park warden, so I used to enforce the Highway Traffic Act and the Liquor Licence Act and the Criminal Code.

Mr Patten: Tell us what you really did.

Mr Wilson: That's what I really did—for one summer, then they fired me. But it's OK. That superintendent, when I became an MPP, ended up in Timbuktu somewhere. So he's not around to talk about it any more. In fact, we just renamed that park on Saturday to the Bill Braden park, who was the assistant superintendent who was honest.

But anyway, I used to work at Earl Rowe Provincial Park and enforced these laws for a couple of summers. As I recall, at that time, if we saw any liquor within the purview or reach of the driver, with the laws in the mid-1980s, then it was an automatic charge. There was to be no discretion on behalf of the officer.

I think MADD points that out now too. They would prefer not to have people running around with half-full bottles of booze. They would prefer to have it locked up in the trunk and would prefer to make sure there's no booze within reach of the driver or passengers. You don't want it in reach of the passengers, either, because they can get a little silly.

I guess the point here is, if people only drink half their bottle, MADD's worried that if you don't—it's a Catch-22—allow people to bring their half-empty bottle of wine home, they might consume it all at the restaurant, get a little too tipsy and not be able to drive home, so that's not good. Secondly, if they bring the bottle home, and it is supposed to be sealed at the restaurant, what do you do if they get a little tempted on the way home? I guess the whole idea is that it should be put in the trunk. That should be clarified. I hope we're having public hearings on this. We need to enforce the responsible use of alcohol.

Mr Ted Chudleigh (Halton): It doesn't sound like a very good idea.

Mr Wilson: Mr Chudleigh, I agree. I don't know how to vote on this. As I said, I've had one letter on it and no e-mails. It's hardly a big issue. I'm not sure who's in favour of it. I would think that most of the people who support me couldn't give a hoot. It's certainly not a priority. They're more interested in why the government broke its promise and brought in the health premium, or the health tax. We were debating that in question period today. They're a little more interested in Dalton McGuinty reaching into their pockets than they are in the privilege of bringing wine to a restaurant.

2310

But those in support of this—I've seen the argument that perhaps we should be modernizing our liquor licensing laws. I don't know, folks. There are more cars on the highway all the times, it's busier, it's more dangerous. I'm the transportation critic and we're still waiting for a plan from the government to tell us how they're going to deal with gridlock, in particular in the GTA area. It's more dangerous than it was back when I was a park warden in the mid 1980s. The fact of the matter is that I think we should side with MADD until there is a good study or something that says this is an appropriate thing to do, an appropriate change.

As I said, I haven't seen it in expensive restaurants in Quebec. It's considered impolite, certainly in Quebec City, in a number of the expensive restaurants I've been in as a host of Jean Charest and others. You wouldn't bring your own bottle of wine; you wouldn't be caught dead. I've been to dinner with the Premier on a few occasions. Even if the corkage is \$60, it's just not done. You don't have your little mickey bag and walk into the restaurant, and then have the waiter explain to you that there's a corkage fee. It's just not a classy thing to do, if I may tell people that.

The only time I've done it was when I was a French-language student, because the tutor—if you were a federal government employee making \$93,000, more than an MPP, back in 1987, with full pension and Air Canada card, you would be sent for French-language training, and of course you have your own private tutor, male or female, depending on your choice. You spend the whole week with them, but they don't pay the tutors very much; I think they got minimum wage.

Mr Chudleigh: This sounds familiar.

Mr Wilson: I'm not trying to make any headlines here, Ted.

The tutor would always buy the \$6 bottle of wine and you'd go in. I'd always be a little embarrassed, thinking that was a bit cheap, but there was no corkage fee. The highest corkage fee I ever ran into, and again it was the 1987-90 period, was \$2. When we were heading for lunch, I think the tutor had an \$8 limit on the lunch they could have. It was l'école Érable, the Maple Leaf French school.

Mr Gilles Bisson (Timmins-James Bay): On a point of order, Mr Speaker: You would know that on the order

paper we have Bill 7, Mr Hudak's bill, An Act to authorize a group of manufacturers of Ontario wines to sell Vintners Quality Alliance wines. It's related to this bill and I would move unanimous consent that we accept this bill for second reading.

The Acting Speaker: Is there unanimous consent? I heard two or three noes.

I will return to the member for Simcoe-Grey.

Mr Bisson: Did you hear a no?

The Acting Speaker: Yes, I did.

Mr Bisson: OK, just checking.

Mr Wilson: Geez, I was on a roll. Thank you for Bill 7. That was very good. That was a good intervention. I think it brought another piece of business to the House.

I just want to stay that there is an example written by Jason Botchford in the Toronto Sun of June 28:

“Tory-Grit Split Over Booze Bill.

“Add BYOB restaurants to the list of things Liberal and Conservative voters can't agree on. Whether you're in favour of legislation allowing patrons to bring their wine into restaurants probably depends upon which political party you support.”

It's a very interesting poll that Sun Media did. The poll shows that Ontario Liberal voters are more likely to back the bill, with 50% in favour and 37% opposed, while 52% of Tory voters were against it and 34% in favour.

I think that shows there's a great division out there. I hope the bill goes to committee. I've only had one letter on it. Maybe after tonight, if anybody is still up this late watching us—because the Liberal government thinks this bill is so important, we're debating it at 10:15 at night.

I don't think this bill is important, I don't think it's a priority to the people of Ontario and I move adjournment of the House.

The Acting Speaker: Your motion is out of order.

Mr Bisson: On a point of order, Mr Speaker: We would know that under section 45 it says, “When a motion for the immediate adjournment of the House has been defeated, no other such motion shall be made unless some intermediate proceeding has taken place.”

That is a motion. Am I correct, Mr Speaker? I will read from Beauchesne, page 174, where it talks about “Types of Motions,” including, “Incidental motions are those which arise out of, and are connected with, other motions to which they relate as, for instance, motions for reading papers ... or for obtaining unanimous consent to dispense”—

The Acting Speaker: I've already ruled it out of order. Take your seat.

Interjection.

The Acting Speaker: Take your seat. Will the member from Timmins James-Bay take his seat. I've ruled it out of order. The member for Simcoe-Grey still has the floor.

Mr Wilson: How come when I adjourn the House it's out of order, and—I don't know—three or four times tonight it seemed to be quite in order? But I'll leave it up to all the experts. I've never figured this place out yet in 14 years and I doubt I'll ever figure it out.

Mr Bisson: It's on the order paper.

Mr Wilson: In the minute and 36 seconds I have left—

M. Bisson: Mais oui, Claude.

Mr Wilson:—and I appreciate the interventions from my NDP colleague—

Mr Bisson: On a point of order, Mr Speaker: I'd like to move another unanimous consent motion. I move unanimous consent in order to move Bill 1, which is to declare our right as a Parliament in this Legislature. I would ask that Bill 1 be accepted for unanimous consent at second reading.

The Acting Speaker: Is there unanimous consent? I hear a no.

The member for Simcoe-Grey has the floor.

Mr Bisson: On a point of order, Mr Speaker: I again rise on a point of order, this time a little bit different than the first one. If we go to Beauchesne's, page 175, it clearly states what various types of motion are. A motion is one that deals with—

Hon Mr Caplan: That's not a point of order.

Mr Bisson: Does the minister wish to get up in this particular debate?

I read again, "Motions may be divided into several categories: ... substantive motions—"

The Acting Speaker: You may take your seat. I've ruled it out of order.

The member from Simcoe-Grey still has the floor.

Mr Wilson: In the 10 seconds I have left, Mr Speaker, are you having a nice evening? That's about all I can think to say at the moment.

Anyway, I think the bill should go to committee. I think the people of Simcoe-Grey and others need a chance to comment on it.

The Acting Speaker: Questions and comments?

Ms Horwath: It's my pleasure to make comments on the debate we've just heard in the last 20 minutes or so regarding this bill. I think the member has done an excellent job of outlining some of the concerns people in the province might have around the details of this bill.

Although at first blush it appears to be a fairly harmless bill, we know very well that people in our communities across the province, people like Mothers Against Drunk Driving and others, have some concerns around the specifics and look forward to the opportunity to further review the details of the bill and further review what some of the specific ramifications may or may not be in regard to how this legislation is implemented once it comes into force.

I congratulate Mr Wilson on his excellent comments and on his ability to discuss not only the specifics around this one group but also around what the bill could mean for enforcement groups like the police, for example, and bringing into the debate some of the issues around how the open bottles of wine may or may not be transported in the province of Ontario, what effect that may or may not have on issues like impaired persons driving motor vehicles and various other concerns of that nature.

I think the debate deserves some further review in committee, and I believe that the comments of Mr Wilson have been quite important in that regard. I look forward to our members taking the opportunity to further discuss these issues. I again thank the member for his excellent commentary.

Mr John Wilkinson (Perth-Middlesex): I'm very glad to be here this evening. I just want to echo the comments of my colleague from Hamilton East about the member from Simcoe-Grey. I think this is one of the finest debates we've had in some time. I know that some people who have tuned into this have found a certain level of dysfunctionality in this House, particularly today and since we've gotten back. It's great to see this kind of collegial sense we now have, that we're willing to take these bills, particularly when you have someone with the experience—Mr Wilson has been here for many, many years and it shows in his comments, I must admit. It really does show in everything he says.

This is an important piece of legislation, so important that we would all be here, perhaps all the way till midnight, just to debate this bill, because it is important that we modernize our laws. We're the people who make the laws, but it's very important that we stay in step with our society.

2320

I've received many fine comments. The key thing about this piece of legislation is the voluntary nature of it. The government is not imposing this. What we're saying is that we can change the way the laws work here in Ontario so they're more accessible to people, that people will have that choice, and I agree with that.

I would be remiss tonight if I didn't thank my good friend the member for Don Valley West. Ms Wynne was able to cover for me so that I could go home this evening and surprise my youngest, my 10-year-old son, Breen, for his birthday. I just want that on the record. Breen is a remarkable young boy. It was just one of those golden moments that you get to have as a father. This is a hard place, as we all know, on your family. I want to thank the member for doing that. I really look forward to participating in the rest of the debate this evening.

Mr Cameron Jackson (Burlington): I too would like to join the chorus of praise for my colleague from Simcoe-Grey and his comments on this bill, which is of some importance to a few people in Ontario, I'm sure. What I find passing strange about this legislation is that it is considered one of the government's priorities for its fall sitting, as evidenced by the member for Perth-Middlesex's endorsement of the importance of the bill to the citizens of Ontario.

Frankly, with my years in this Legislature, and looking at the challenges facing the government today, I would have thought we would have dealt with issues like the \$45-million deficit at Sick Kids hospital. I consider that a very serious issue. I consider that a concern: a world-class health facility in our province; people from all over the world are coming here. But more importantly, it's an important resource to the children of our province. Yet,

that isn't worthy of the government's attention and debate. However, bringing your own booze to a voluntary restaurateur seems to be an important priority for the government, so much so that the government wants us to sit until midnight.

I must confess, to the member for Perth-Middlesex, you have my sympathies. I, as one who has been here for 20 years, remember serving in cabinet and only getting to two of my daughter's soccer games over a four-year period. This is a very unforgiving profession and a very inflexible environment for us. I would say shame on your House leader for not giving you the evening off. I think you richly deserved it, and your children are poorer for it.

Mr Bisson: This is a fascinating debate, one that I look forward to participating in. As my food friend from Hamilton East said, I'm also, as is my friend from Beaches-East York, a connoisseur of wines. In fact, you would know that my friend the member for Beaches-East York actually has quite a good selection. At one particular point, about a year ago, we had the opportunity to have him come and visit my great constituency of Timmins-James Bay and go to the chalet, as I call our cottage. They had a wonderful bottle of Madeira. Who around here would even know what Madeira is?

Interjections.

Mr Bisson: Oh, we've got one, we've got two, we've got three. All right. It was a 1930 Madeira. How many of you have a 1930 Madeira? I just want to say to all of you there that my good friend Michael Prue has a bottle of 1892 Madeira and he will only share it with his good friend Mr Bisson the next time he comes ice fishing up in Timmins. I just want members to know that. It's a very important point that he won't share it with you, that he'll only share it with me.

Mr Jackson: You know, I think your car stories are more interesting.

Mr Bisson: I just thought it was an interesting point.

In all seriousness, part of the problem I'm having with this bill is when I raise it with people in my constituency, there's been a rather interesting response. I have been at coffee shops in Fauquier and I raised it in Smooth Rock Falls, I've raised it in Timmins and I believe I raised it in Moosonee. And when I did, what was the comment that everybody came back with? It absolutely surprised me, because I haven't led this. They said, "Why are they doing this?" It's been the comment from everybody. They're saying, "Who's asking for this and why are they doing it? Aren't there other things the government can be doing?"

Mr Jackson: Why is it a priority?

Mr Bisson: Well, that's my point. Why is it a priority? I say bring your own wine into stores. I guess we need to send it to committee; there are a number of issues we have to deal with. I think it's problematic for the owners—

Interjection.

Mr Bisson: No, that was corner stores. That wasn't bring your own wine.

But I look forward to my participation in the debate on this one and I know you—

The Acting Speaker: Thank you.

The member for Simcoe-Grey has two minutes to reply.

Mr Wilson: I want to thank the member for Timmins-James Bay, Gilles Bisson, for his kind comments and for the very kind comments from the member from Hamilton East, Andrea Horwath, a very nice person. Very well done, and thank you for your comments. And thank you to the member for Perth-Middlesex, John Wilkinson, and my condolences to your family too. I can't help but laugh because you're a member of the government that's making us be here until midnight to do this ridiculous stuff. It must cost millions to keep this House sitting around night after night. I mean, how's your morale at that time? We don't care; we're in opposition. This is great fun for us. So keep up the good work, is all I can say.

I want to thank my colleague Mr Jackson from Burlington for his kind comments too. And Michael Prue, I just hope that if he's got a bottle of Madeira from the 1800s—what is your home address, Michael? That's what we want to know. He lives in Beaches-East York. I wouldn't encourage any B and Es myself. But for an NDP member, he's got an awfully expensive wine collection.

Mr Bisson: There's nothing too good for the working class.

Mr Wilson: Yes, there's nothing too good for the blue-collar folks in this place. It's much better than anything you'll find in my household.

I just want to echo what a number of colleagues have said here, that this bill should go to committee. I don't really understand why it's your top priority. I suspect you're trying to get the people of Ontario off on some tangent and away from your broken promises, your huge deficit and your health premium, or health tax. Boy, has that ever been a flip-flop from the government.

I would encourage the government to slow down and listen to MADD. They have had the respect of every Legislature across this province and the federal government. And why you would go ahead with a bill that you say is a priority, that's against Mothers Against Drunk Driving, has got me wondering. Therefore, I'm going to listen to MADD and I'm going to listen to my constituents before I decide how to vote on this bill.

The Acting Speaker: Further debate?

Mrs Witmer: I'm pleased to join the debate on Bill 96, the bill that is going to allow patrons to bring their own wine to licensed premises where the licensee permits. I would begin by echoing the comments of some of my colleagues, and that is, personally, I have not heard from a lot of people in Kitchener-Waterloo about this bill. However, having said that, the only people I have heard from are some restaurant owners who were very concerned about the introduction of this legislation. They were concerned about their own personal liability and some of the implications it could have for them and their establishment.

I would also say, and I have said it previously this evening, I am concerned that MADD, who, as many people have pointed out this evening, are a highly respected organization in Ontario, does not feel they have been adequately consulted on this bill. In fact, they were very critical when the Ontario government introduced this bill, and they have expressed that concern. They felt that the consumer minister had actually broken his promise to MADD about the timing of the new move. So I think it's important that we keep in mind the outstanding reputation this group has in Ontario, the efforts it has made to ensure that all people in this province of all ages drink responsibly.

2330

Some of the comments that have been made by MADD—they say that people are likely to drink more if the price is lower. They have a lot of concerns about this legislation. They really do not feel that the concerns have been addressed.

Again, I hope—and I know I echo the other speakers—we would have hearings on this legislation. I don't think the public really is aware of this legislation. It's not a priority for the public. I have to add that there are certainly much more pressing issues of concern for people. In my own community I hear concern about the health tax, concern about the broken promises. These are the issues that are important for people in my community.

I have here an article that was written by Eric Dowd on this particular issue, and I think it's rather interesting. It was written on July 24 of this year. As we know, he is an independent journalist here at Queen's Park. He makes a lot of noise here, saying that the government is boasting about this new drinking law. They say it's going to "make the province more civilized," but they are "being far from gentlemanly" in their "campaign to sell it." He refers to the fact that the Premier called it "very civilized," and a coming of age for the province, and that the consumer minister said it will modernize drinking habits. Despite that, I think we still need to keep in mind that, regrettably, there are individuals who, when they go to establishments, whether to a restaurant or a pub, tend to consume too much alcohol. Oftentimes it's difficult for other people to even be able to identify that fact. This legislation is actually going to put a lot of responsibility on owners of restaurants to identify those individuals.

Mr Dowd makes an interesting comment. He feels the reason this was introduced, in the opinion of some people, is that it's "an attempt to divert attention from the Liberals' problem of being unable to pay for election promises."

He goes on to say, "It also follows a pattern of Liberal gimmicks attempting to look modern and trendy, particularly one when they won government in 1985 and their only promise the public noticed was to allow beer and wine to be sold in small grocery stores," which, as we know, was never fulfilled. That is one promise I too can remember from the period in 1985.

Mr Chudleigh: There's kind of a pattern here.

Mrs Witmer: There is kind of a pattern here. There seems to be an obsession with doing something when it comes to making alcohol more readily available to people in the province of Ontario. But as I say, we have to also be mindful of the need to ensure that people remain responsible when they do consume alcohol.

He goes on to say that it's OK to do this, according to the minister, because they do this in Quebec, Alberta and New Brunswick. But then he also says that in those provinces, "only a few hundred among the many thousands of restaurants ... have opted to join." So I guess, even if this bill is passed eventually, it probably isn't going to have, as he states, "the civilizing effect the Liberals grandly predict."

It's interesting to see that in the other provinces, despite the fact that this has been made available, a lot fewer than they might have originally thought did decide to participate.

Then he makes a good point, and I think it's one we need to keep in mind. It's the one that was brought to my attention by the owners of restaurants. He says: "Restaurants turn out to have other reasons to oppose diners bringing their own booze. Courts hold them responsible for actions of people who drink on their premises, and they would have more difficulty knowing what diners drink and how much if they bring their own bottles."

Again, I think that is a legitimate concern. It is the liability that certainly can be incurred by restaurant owners.

We can see, despite the claim that this is a good initiative and that it's going to modernize the drinking laws in Ontario, that we do need to give further consideration to the concerns that have been raised by people who are going to be impacted by this legislation, whether it's restaurant owners or people like MADD.

Eric Dowd goes on to say that the government "also could be tackling more serious consumer problems, including the proliferation of late-night drinking dens ... which make neighbours' lives miserable, and loan stores that charge several hundred per cent a year in interest and fees."

You know what? That is true. It probably speaks to the fact that there are many other important issues.

Mr Speaker, I would like to adjourn the debate.

The Acting Speaker: Mrs Witmer has moved adjournment of the debate. Is it the pleasure of the House that the motion carry?

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

All those opposed will please say "nay."

In my opinion, the nays have it.

Call in the members. This will be a 30-minute bell.

The division bells rang from 2337 to 0007.

The Acting Speaker: All those in favour of the motion will please rise and be counted.

All those opposed, please rise and be counted.

The Clerk-at-the-Table: The ayes are 2; the nays are 4

The Acting Speaker: I declare the motion lost.

It being past 12 of the clock midnight, this House stands adjourned until tomorrow at 1:30 pm.

The House adjourned at 0008.

CONTENTS

Tuesday 26 October 2004

SECOND READINGS

Government Advertising Act, 2004, Bill 25, <i>Mr Phillips</i>	
Mr Hudak	3759, 3763
Mr Prue	3762
Mr Crozier.....	3763
Mr Sterling	3763
Ms Horwath	3763, 3764
Debate adjourned	3765
Election Statute Law Amendment Act, 2004, Bill 86, <i>Mr Bryant</i>	
Mr Baird.....	3765, 3769
Debate adjourned	3769
Liquor Licence Amendment Act, 2004, Bill 96, <i>Mr. Watson</i>	
Mr Prue	3769, 3773
Mr Patten.....	3772
Mrs Witmer	3773, 3778
Ms Horwath	3773, 3777
Mr Berardinetti.....	3773
Mr Wilson.....	3774, 3778
Mr Wilkinson.....	3777
Mr Jackson.....	3777
Mr Bisson.....	3778
Debate deemed adjourned.....	3779

THIRD READINGS

Tax Terminology Harmonization Act, 2004, Bill 105, <i>Mr Sorbara</i>	
Agreed to.....	3769

TABLE DES MATIÈRES

Mardi 26 octobre 2004

DEUXIÈME LECTURE

Loi de 2004 sur la publicité gouvernementale, projet de loi 25, <i>M. Phillips</i>	
Débat ajourné.....	3765
Loi de 2004 modifiant des lois en ce qui concerne les élections, projet de loi 86, <i>M. Bryant</i>	
Débat ajourné.....	3769
Loi de 2004 modifiant la Loi sur les permis d'alcool, projet de loi 96, <i>M. Watson</i>	
Débat présumé ajourné.....	3779

TROISIÈME LECTURE

Loi de 2004 sur l'harmonisation de la terminologie fiscale, projet de loi 105, <i>M. Sorbara</i>	
Adoptée	3769