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of Ontario

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de l'Ontario

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**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Wednesday 15 December 2004

Mercredi 15 décembre 2004

Speaker
Honourable Alvin Curling

Président
L'honorable Alvin Curling

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Wednesday 15 December 2004

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Mercredi 15 décembre 2004

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

ATOMIC ENERGY OF CANADA LTD

Mr John Yakabuski (Renfrew-Nipissing-Pembroke): I recently had the opportunity to visit the Atomic Energy of Canada Ltd facility in Chalk River in my riding of Renfrew-Nipissing-Pembroke. It was a truly fascinating experience which I would recommend to each and every member of this assembly.

This is where Canada's nuclear program was conceived, with the first sustained fission reaction outside the United States on September 5, 1945. Since that time, AECL has been the world leader in nuclear technology. Its advanced Candu reactor is world-class, made in Canada, cost-effective and can be put in service over a relatively short period of time. There is no question that AECL is poised and ready to meet the demand for electricity in Ontario's future.

As part of my tour, I stood atop the NRU reactor, which produces over 60% of the world's supply of medical and industrial isotopes.

I wish to thank Paul Fehrenbach, Donna Roach, Neil Mantifel and the over 1,800 employees of AECL Chalk River, who made my visit so informative and enjoyable.

I encourage Minister Duncan to keep AECL uppermost in his thoughts as he proceeds with the plan to deal with our energy needs.

I would like to take this moment to wish all members of this assembly, my constituents in Renfrew-Nipissing-Pembroke and all Ontarians a blessed and merry Christmas and a happy, healthy new year.

DAVID HEARN

Mr Dave Levac (Brant): It is with extreme pride and pleasure that I rise today to congratulate the accomplishments of one of Brantford's own, in my riding of Brant. As many golf enthusiasts will know, there will be a new Canadian on the PGA tour next year. Last week, Brantford's David Hearn qualified for the PGA tour with a 40-foot birdie putt on the 18th hole.

The 18th hole is a 439-yarder with water down the left. In order to clinch a berth on the tour, Hearn had to put a putt through a tough spot on the 18th green to finish

seven under in a six-round tournament at the PGA's qualifying course in California. He drained the only birdie of his round for a five-over-par 77. Hearn earned his way into the qualifying tournament with a total score of eight under for a 424.

Earning his PGA qualification card is the topping of an incredibly successful year for this 25-year-old. In January, he qualified for the Canadian tour and the Asian tour. David went on to achieve two wins on the Great Lakes tour and four consecutive top-five finishes on the Canadian tour. He finished in the top 25 of the Samsung Canadian PGA championship. He earned full playing privileges in the nationwide tour with a victory at the Alberta Classic. As the only Canadian qualifier, David Hearn will be joining the ranks of such great Canadian golfers as Stephen Ames, Mike Weir, Ian Leggatt and Glen Hnatiuk on the PGA tour next year—another notch in our bow.

Wayne Gretzky, Doug Jarvis—you name it; we've got it all. It's all in the water.

FOOD SAFETY

Mr Ernie Hardeman (Oxford): I rise today to draw attention to a real threat to food safety in this province. On December 31, the meat inspectors of Ontario, who have been put back on the provincial payroll as members of the public service, will see their agreement with this government expire. As a result, they will have the right to strike and in effect bring the processing of meat in provincial abattoirs to a halt.

That's why, after the public service strike in 1996, our government made sure Ontarians would no longer have food safety be subject to the whim of a union and made provincial meat inspection contracted positions.

This government has not hired more inspectors—
Interjections.

The Speaker (Hon Alvin Curling): Minister of Agriculture, would you allow the member to make his statement, please.

Mr Hardeman: Thank you very much, Mr Speaker.

This government has not hired more inspectors, but simply undone the move and once again subjected the inspection of Ontario meat to labour disruptions. This certainly is not what beef farmers, already reeling from the effects of BSE, need. The Ontario Federation of Agriculture and the Ontario Independent Meat Packers both expressed concern when the Minister of Agriculture made a purely political move and brought meat inspec-

tion back under the OPS. They knew the dangers. They knew that this was not a move toward safer food in the province, but a vain attempt to cover up the broken promise of not calling a full inquiry into the Aylmer scandal.

Now that the minister has opened up this can of worms, I hope he has a plan to ensure the safe inspection of meat during a strike. Because of his need to be seen as doing something for food safety, the Minister of Agriculture has actually put food safety and the viability of our abattoirs in grave danger. Today I call on the minister to take responsibility for the results of his actions and put in place a real plan to deal with this issue.

AEROSPACE INDUSTRY

Ms Andrea Horwath (Hamilton East): There is a phantom in this chamber. He's the phantom Minister of Economic Development in a McGuinty Liberal government that just doesn't have the right stuff. He and his Premier are blowing a chance to bring aerospace investment and jobs to Ontario. Unfortunately, the McGuinty Liberals have no plan to fight for Bombardier to build its new C series jet assembly plant in Ontario. They've done a disappearing act. They're missing in action. They haven't shown up at the table to compete with aggressive bidders like Quebec, Northern Ireland and several US states. They've thrown in the towel without ever setting foot in the ring.

The C series deal, worth \$250 billion over the next 20 years, will create 2,500 direct Bombardier jobs and another 2,500 supplier jobs. The aerospace industry now surpasses auto as the largest net contributor to Canada's balance of payments.

With no plan, no strategy and no will to do anything, the McGuinty Liberals are deliberately letting this big opportunity fly away. Quebec is offering incentives like loan guarantees and export credits to keep key industries from moving elsewhere. Meanwhile, the Premier has a phantom on this file. We call on him to get in the game. Doing nothing guarantees failure. Keep your election promise and invest in high-tech industries.

We have been asking questions for the past two weeks, and still no answers have arrived. Today, the Canadian Auto Workers from local 112 came to deliver 4,000 postcards to the government. They call for an Ontario strategy that will grow their industry. Like us, they want the McGuinty Liberals and his phantom minister to take real action and bring Bombardier to Ontario.

PUBLIC TRANSPORTATION

Mr Mario G. Racco (Thornhill): Recently, I was pleased to be with my federal and municipal colleagues at a launch which will revolutionize public transportation in the region of York, called VIVA. A special "thank you" goes to the Minister of Transportation, Harinder Takhar, and my two colleagues from the region of York, the Honourable Greg Sorbara and Tony Wong, for their

strong support of public transportation for the region of York.

The name VIVA is very symbolic, because it means "life" and fits perfectly with our new, innovative rapid transit system. The name VIVA captures the spirit of the investment our government has made in the future of the region of York.

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VIVA is about improving quality of life by reducing traffic congestion and pollution, improving our air quality and promoting pedestrian-friendly development. The transit plan will cut travel times for commuters by 25% to 40% during the busiest times of the day. By 2006, it will take 7,000 cars off the roads every day.

Our government is committed to a greater Toronto transportation authority to provide an integral and seamless public transit system linking the entire GTA. But it is time to do what we can to address gridlock now, and the region of York rapid transit plan is part of the solution. VIVA could be held up as a model when the transit authority is established shortly. It will link the urban centres of Markham, Vaughan, Richmond Hill and Newmarket along four major corridors, including Highway 7 and Yonge Street. It will also link the region of York to the TTC subway lines and to the Unionville, Finch and Langstaff GO Transit stations.

The government of Ontario is pleased to invest in VIVA, because it will help ease gridlock and promote public transit as a safe and convenient means of travel. Improving transit is one of our priorities, because it helps build safe and strong communities and contributes to a higher quality of life. By making investments in public transportation, the Ontario economy will perform better and our constituents will have a better quality of life.

LOCAL HEALTH INTEGRATION NETWORKS

Mrs Elizabeth Witmer (Kitchener-Waterloo): The Premier and Minister Smitherman should be very concerned, as health stakeholders are, about the secretive and government-directed approach they are taking to creating local health integration networks or LHINs. They are concerned about the lack of meaningful public debate. They recognize that this government is attempting to centralize control of the health care system, which builds on Bill 8, which the government introduced prior to their plan to eliminate hospital boards and local autonomy.

Thus far, your superficial, private consultations leave many unanswered questions, such as: What is the funding formula for the LHINs? What about accountability? Who has given you the legislative authority to start advertising for chairs and director appointments to the LHINs? Will these be partisan Liberal political appointments, and how much will these individuals get paid? Is this another layer of unnecessary bureaucracy? Will you eliminate the district health councils and, eventually, hospital boards? What happens to the children's health, cardiac care and

cancer care networks? Why have you created arbitrary geographic boundaries without considering hospital catchment areas and patient needs, the roles of agencies and the allocation of municipal tax dollars? How can you develop networks without consulting with primary care physicians? Have you considered the labour impact of implementing these networks and issues such as pay equity?

The list of questions is endless. I urge this government to, as one stakeholder says, stop the bullying and start real, meaningful public consultations.

UNITED WAY

Mr Richard Patten (Ottawa Centre): I rise today to inform members of this House about how employees of Carleton University proved that—

Interjections.

The Speaker (Hon Alvin Curling): Order. Could I ask the members to keep their discussions down a bit, so I can hear.

Mr Patten: I rise to inform the members of this House about how employees at Carleton University proved that an unfaltering amount of dedication and an innovative spirit are the essential qualities needed for a successful fundraiser.

Carleton University is situated in my riding of Ottawa Centre, and I'm proud to say that this educational institution has a strong reputation for its positive contributions to the local community. For example, the university has participated in United Way campaigns for well over 20 years.

This year, the determination of 75 university employees, as well as the tireless efforts put forth by the employee campaign coordinator, Elizabeth DiSabato, allowed the United Way campaign to exceed its financial participation goals. The campaign raised over \$179,000, clearly exceeding its goal of \$150,000, and participation rates skyrocketed from 32% in 2003 to 53% this year.

Although these figures are impressive, the key accomplishment for the people at Carleton has been the innovative approach the university used to invigorate its United Way campaign. Instead of simply asking for donations to help a good cause, the employees at Carleton University added a personal touch to the campaign by telling stories of how the United Way made a difference in each of their lives.

I want to congratulate them all for their contribution to making Ottawa the great city that it is.

EDUCATION

Mr Jim Brownell (Stormont-Dundas-Charlottenburgh): I rise today to inform the House of the progress the McGuinty government has made in the field of education. Yesterday, Minister Kennedy and Minister Kwinter announced that this government will be providing more than \$9 million to help schools become more

secure. The same announcement also included funding for an anti-bullying telephone hotline.

As a retired educator after more 32 years in classrooms in Stormont-Dundas-Charlottenburgh, I can't talk about this government and education without letting the people of Ontario know that we have accomplished very much during the past year. We've hired 1,100 new teachers as a first step to reducing class sizes in early grades. As a result, more than 1,300 schools already have smaller classes. We've invested \$100 million in new special education funding. With new accountability measures, we're ensuring that every dollar reaches a student who needs it most.

We're also in the process of repealing teacher testing and working with teachers to put together an entirely new approach to professional development. We've invested \$31 million to strengthen rural schools in my rural riding. I'm delighted about that. We're also providing \$2.1 billion in funding to support renewal work in Ontario schools.

Parents, teachers, trustees and, most importantly, our students are breathing a sigh of relief that there is finally a provincial government that has restored peace and stability to our schools. Gone are the days of the politics of division. We are taking steps to make sure that our kids get the best possible education from the best teachers in the best schools.

JOHN TORY

Mr Peter Fonseca (Mississauga East): As the session rounds to an end, I rise to talk about three months of John Tory disappointments.

It has taken Tory three months to decide to parachute into Ernie Eves's riding. It only took Eves 12 days to find a by-election seat.

After Tory called for a more co-operative environment, his caucus obstructed bills limiting government advertising, banning negative option billing, and expanding the role of the Provincial Auditor.

Tory and his caucus were twice exposed for health care fearmongering. A hospital CEO complained of Conservative rumour and innuendo and a health economist said, "I suspect they are playing with the numbers."

Just on Monday, in a bout of transparent hypocrisy, the PC caucus voted against fiscal transparency after Tory said he supported it. Newspapers have described his caucus's performance as subdued and predictable.

According to the media, Jim Flaherty is mulling over the possibility of running for the federal Conservative Party, John Baird is interested in leaving Queen's Park and Frank Klees is looking for opportunities in the private sector.

Tory has had trouble coming to grips with his caucus and setting a clear direction since his narrow leadership victory. Now he'll have to defend his support for public money for private schools and American-style pay-your-way-to-the-front-of-the-line health care.

John Tory said he'd be giving us hell in the Legislature this week. With due respect, where the hell is John Tory?

VISITORS

Mr Kuldip Kular (Bramalea-Gore-Malton-Springdale): On a point of order, Mr Speaker: Among the present group of pages is Ellen Martin. She comes from my riding of Bramalea-Gore-Malton-Springdale. Her mother, Stephanie Martin, and a friend are visiting us here in the east gallery. I want to acknowledge them.

The Speaker (Hon Alvin Curling): That's not a point of order.

Mr John O'Toole (Durham): I have a point of order, Mr Speaker: I'd like the House to recognize my son-in-law, David Lohse, who is joining us and visiting us from Adelaide, Australia. I tell you that David is a test pilot with the Royal Australian Air Force. He's here with my daughter Rebecca and our grandchildren Megan and Daniel for Christmas.

The Speaker: Is it OK for me to call reports by committees now?

Interjection.

The Speaker: If the member for St Catharines were in his seat, I'd ask him to do that.

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REPORTS BY COMMITTEES

STANDING COMMITTEE ON GOVERNMENT AGENCIES

The Speaker (Hon Alvin Curling): I beg to inform the House that today the Clerk received the report on intended appointments dated December 15, 2004, from the standing committee on government agencies. Pursuant to standing order 106(e)9, the report is deemed to be adopted by the House.

INTRODUCTION OF BILLS

TOBACCO CONTROL STATUTE LAW AMENDMENT ACT, 2004

LOI DE 2004 MODIFIANT DES LOIS EN CE QUI A TRAIT À LA RÉGLEMENTATION DE L'USAGE DU TABAC

Mr Smitherman moved first reading of the following bill:

Bill 164, An Act to rename and amend the Tobacco Control Act, 1994, repeal the Smoking in the Workplace Act and make complementary amendments to other Acts / Projet de loi 164, Loi visant à modifier le titre et la

teneur de la Loi de 1994 sur la réglementation de l'usage du tabac, à abroger la Loi limitant l'usage du tabac dans les lieux de travail et à apporter des modifications complémentaires à d'autres lois.

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

Mr Smitherman?

Hon George Smitherman (Minister of Health and Long-Term Care): I reserve my comments for ministerial statements.

ELECTED OFFICIALS IMMUNITY ACT, 2004

LOI DE 2004 SUR L'IMMUNITÉ DES ÉLUS

Mr Ouellette moved first reading of the following bill:

Bill 165, An Act to provide elected members of municipal councils and school boards with certain privileges, immunities and powers / Projet de loi 165, Loi octroyant certains privilèges et pouvoirs et certaines immunités aux membres élus des conseils municipaux et des conseils scolaires.

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

Mr Ouellette?

Mr Jerry J. Ouellette (Oshawa): The purpose of this bill is to extend to elected members of municipal councils and school boards those privileges, immunities and powers presently enjoyed by the members of the Legislative Assembly of Ontario in order to provide an environment of freedom of speech within their elected chambers.

MOTIONS

Hon Dwight Duncan (Minister of Energy, Government House Leader): I seek unanimous consent to move motions without notice respecting the appointment of the Auditor General, the Ombudsman and the Environmental Commissioner.

The Speaker (Hon Alvin Curling): Is there consent? Agreed.

APPOINTMENT OF AUDITOR GENERAL

Hon Dwight Duncan (Minister of Energy, Government House Leader): I move that an humble address be presented to the Lieutenant Governor in Council as follows:

"To the Lieutenant Governor in Council:

"We, Her Majesty's most dutiful and loyal subjects, the Legislative Assembly of the province of Ontario, now assembled, request the appointment of Jim McCarter as Auditor General for the province of Ontario, as provided in section 3 of the Audit Act, RSO 1990, to hold office under the terms and conditions of the said act, and

That the address be engrossed and presented to the Lieutenant Governor in Council by the Speaker.

The Speaker (Hon Alvin Curling): Mr Duncan has moved that—

Interjection: Dispense.

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

APPOINTMENT OF OMBUDSMAN NOMINATION DE L'OMBUDSMAN

Hon Dwight Duncan (Minister of Energy, Government House Leader): I move that an humble address be presented to the Lieutenant Governor in Council as follows:

“To the Lieutenant Governor in Council:

“We, Her Majesty’s most dutiful and loyal subjects, the Legislative Assembly of the province of Ontario, now assembled, request the appointment of André Marin as the Ombudsman for the province of Ontario as provided in section 3 of the Ombudsman Act, RSO 1990, chapter O.6, to hold office under the terms and conditions of the said act,” and

That the address be engrossed and presented to the Lieutenant Governor in Council by the Speaker.

The Speaker (Hon Alvin Curling): The government House leader has moved that an humble address be—

Interjection: Dispense.

The Speaker: Dispense. Is there any debate?

M. John R. Baird (Nepean-Carleton): Je voudrais dire que M. Marin est un résident de la circonscription de Nepean-Carleton et on est très fier d’appuyer sa bonne nomination.

The Speaker: Any further debate?

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

Hon Mr Duncan: There’s one less candidate for the federal nomination in Ottawa West.

APPOINTMENT OF ENVIRONMENTAL COMMISSIONER

Hon Dwight Duncan (Minister of Energy, Government House Leader): Mr Speaker, I move that an humble address be presented to the Lieutenant Governor in Council as follows:

“To the Lieutenant Governor in Council:

“We, Her Majesty’s most dutiful and loyal subjects, the Legislative Assembly of the province of Ontario, now assembled, request the extension of the appointment of Gord Miller as the Environmental Commissioner for the province of Ontario to May 1, 2005, as provided in section 49 of the Environmental Bill of Rights Act, SO 1993, chapter 28, to hold office under the terms and conditions of the said act,” and

That the address be engrossed and presented to the Lieutenant Governor in Council by the Speaker.

The Speaker (Hon Alvin Curling): The government House leader has moved that an humble address be presented—

Interjection: Dispense.

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

CONSIDERATION OF BILL 17

Hon Dwight Duncan (Minister of Energy, Government House Leader): Mr Speaker, I seek unanimous consent to move a motion respecting Bill 17, An Act to amend the Executive Council Act.

The Speaker (Hon Alvin Curling): Do we have unanimous consent for the acceptance of Bill 17, as stated by the government House leader? Agreed.

Hon Mr Duncan: I move that the December 2, 2004, order of the House referring Bill 17, An Act to amend the Executive Council Act, to the standing committee on the Legislative Assembly be discharged and that the bill be ordered for third reading.

The Speaker: The government House leader has moved—

Interjection: Dispense.

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

VISITORS

The Speaker (Hon Alvin Curling): I ask that members recognize in the Speaker’s gallery André Marin, the newly appointed Ombudsman for the province of Ontario, and also the appointment of Mr Jim McCarter, who is sitting in the Speaker’s gallery, as Auditor General for the province of Ontario.

STATEMENTS BY THE MINISTRY AND RESPONSES

ANTI-TOBACCO LEGISLATION

Hon George Smitherman (Minister of Health and Long-Term Care): Today I have the great privilege of tabling a piece of legislation to create the Smoke-Free Ontario Act. This is an enormously proud moment for me and for our government. I say that not because the battle is won; it is not. In the battle against smoking and the deadly effects of tobacco on smokers and non-smokers alike, we still have much to do and a very long way to go. But today represents a crucial turning point.

As you know, during the last election we made a commitment to make Ontarians the healthiest Canadians. We promised the people of Ontario a health care system that does more than just treat illness. In other words, we promised a true health care system instead of a sick care system, and we promised the comprehensive anti-tobacco strategy that is crucial in achieving these goals.

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Actions speak louder than words. We are delivering on what we promised. Our strategy is built on three pillars: protection, prevention and cessation. Some parts are already in place. My colleague the Minister of Finance has begun to increase taxes to bring the price of Ontario cigarettes closer to the national average. We've also unveiled stupid.ca, a youth anti-smoking campaign aimed at young people and developed by young people. In the new year, we will be moving forward with a coordinated effort to help Ontarians stop smoking. But the most important element of our anti-tobacco plan, the cornerstone of our strategy, is our commitment to make all workplaces and enclosed public spaces in Ontario 100% smoke-free.

Today I am introducing legislation to do just that. This bill creating the Smoke-Free Ontario Act would, if passed, protect all Ontarians from the deadly effects of cigarette smoke, whether they are in their office, at a restaurant, in the laundry room of their apartment building, on the floor of a factory, in an underground parking garage or at a shopping mall. In other words, unless Ontarians want to be exposed to cigarette smoke, they won't be. No worker in Ontario, no truck driver, no homecare worker, no blackjack dealer or bartender at a Legion will be compelled to accept deadly second-hand smoke as a condition of their employment.

It is proposed that the bill would come into force on May 31, 2006, and would augment the existing patchwork of municipal bylaws with one province-wide law. I'm proud to say that this is a law with no exceptions, no exemptions. As I've said before, it would apply to Legion halls, it would apply to private clubs, it would apply to bingo halls and to casinos, and it would eliminate so-called designated smoking rooms. One hundred per cent smoke-free means 100% smoke-free, and that's what this legislation would do.

Let me take a moment to tell you what it does not do. It doesn't deal with smoking in the home. I look forward to the day when nobody smokes anywhere in Ontario, but I'm someone who believes that the state has no place in the bedrooms or in the rec rooms of the nation. So we're saying to Ontarians, if you want to smoke at home, we're not going to stop you. We would obviously encourage people with children to step outside to smoke, but we will not legislate on this point either.

We would also permit hotels to set aside a certain number of rooms for guests who smoke, and permit long-term-care homes to allow their residents to smoke in a controlled setting. These are homes, as I've said many times, and we will treat them as such, but we will also ensure that employees are protected from the effects of second-hand smoke.

I also want to emphasize that there would be two instances in which we would regulate smoking in private homes. If you choose to operate a licensed in-home daycare in your home, then you cannot smoke in your home when there are children present. A health care worker, when treating you in your home, has the right to freedom from second-hand smoke. In both instances, we

would have measures in place to protect employees who work in these areas.

A second principle that guided us was to not dictate what people can do outdoors. There's been some talk about a nine-metre smoking ban around doorways. That's not something that is in this bill, it's not something we ever had in early drafts of this bill, and it's not something we promised in our platform. It goes without saying, however, that the existing nine-metre ban around hospital doorways would remain in place.

We are also not proposing to ban smoking on outdoor patios. But let me be clear: An outdoor patio must be a true outdoor patio. We will not have the bar and restaurant workers of this province being forced to endanger their health in enclosed spaces filled with cigarette smoke. It's as simple as that. The days of restaurants and bars enclosing their decks with canvas walls and roofs, masquerading them as patios when in reality they function as smoking rooms, are over.

One of the very few instances where we would prohibit smoking outdoors is for assigned seats at a sporting or entertainment event. As I said earlier, it is our intention that unless Ontarians want to be exposed to cigarette smoke, they won't be, and that includes being stuck beside a smoker at a concert or a baseball game.

There's another component to this bill that deserves particular attention: our retail display ban. We've all walked into convenience stores and seen elaborate countertop displays promoting smoking precisely at the eye level of young children. Does anyone really believe that it is somehow acceptable for cigarettes to be mixed in with Twizzlers and hockey cards for the benefit of young potential consumers? We do not, and we are proposing to ban these countertop displays. Our bill would also ban all displays that permit customers to handle tobacco products before they've been purchased.

We're also proposing to make it tougher for young people to buy cigarettes by requiring retailers to demand ID from anyone—anyone—who appears to be under the age of 25. Finally, this legislation would limit the size of behind-the-counter displays of cigarettes to distinguish between a legitimate display and what is effectively a billboard.

This is a bill of which we can all be proud. We've consulted with Ontarians in drafting it. My parliamentary assistant, Peter Fonseca, has done a great job, working closely with stakeholders to ensure that our common objectives were met in a fair and reasonable way.

I should also note that our efforts build on the important work done by others, including former Health Minister Ruth Grier, as well as federal colleagues, particularly Diane Marleau and Allan Rock. I'm proud to be in that kind of company.

This is a fair and balanced piece of legislation, and it helps us toward an absolutely critical goal: healthier Ontarians. Because of that, we intend to be very firm in implementing this new law. We would dedicate the resources necessary to enforce this new proposed legislation when it comes into effect.

I look forward to an opportunity to discuss this bill in greater detail. I look forward to the day when all of us in this chamber can say to the people of this province that Ontario is now smoke-free. We're not there yet, but with the passage of this bill, Ontario would once again be a leader in the battle against tobacco.

Our anti-smoking strategy, taken as a whole, is the toughest, most comprehensive and far-reaching in North America. That is something we should all celebrate, because tobacco is the number one killer in Ontario. It's the number one preventable cause of death, killing more people than AIDS, traffic accidents and alcohol combined. Tobacco kills more than 16,000 Ontarians every year. That's about 44 today, another 44 tomorrow, and on and on and on.

In addition to the human toll, tobacco also takes a horrible economic toll. Ontario spends more than \$1.7 billion a year treating tobacco-related illnesses.

Tobacco destroys lives. It rips families apart. It clogs our hospitals and damages our economy. This government will not stand idly by as this destruction continues. We have an obligation to protect and preserve the health of Ontarians. So I invite all members of this House to look carefully at what's in this bill, to help us fine-tune any details, and to join with us as we work to make Ontario the most smoke-free jurisdiction in North America.

SOCIAL ASSISTANCE

Hon Sandra Pupatello (Minister of Community and Social Services, minister responsible for women's issues): I rise in the House today to let the people of Ontario know about some immediate changes that will help Ontario's most vulnerable citizens.

When we were elected, we promised that we would restore integrity to Ontario's social assistance system. We started by repealing the previous government's lifetime ban for welfare fraud. We restored the nutritional allowance for pregnant women on social assistance, something that never should have been removed in the first place. We increased social assistance rates for the first time in 11 years.

Our commitment to Ontario's most vulnerable people doesn't stop there. Today I'm proud to outline our government's plan to implement a series of changes aimed at streamlining the social assistance system, improving accountability, treating people with dignity and fairness, and helping people move from working for welfare to working for a living.

Let me say upfront how proud I am of our parliamentary assistant in this ministry, Deb Matthews, who worked diligently to table a report on how we must work, and have much more work to do, to streamline and enhance the system to make it much easier for people to transition back to work. Some of that will be found in today's announcement. Social assistance recipients are real people and they want meaningful jobs. They want more for their children, they want to contribute to a brighter future for themselves, and they are willing to

work to make real improvements in their lives. It's time our welfare programs also work.

1410

We can't tell people they should improve their lives and then put up barriers that prevent them from doing just that. We can't say we value skills and education and then tell people to cash in their education savings for their children. We can't tell a young boy with a paper route whose family is on social assistance that he can't keep the money he worked so hard to earn, or tell a young girl with an after-school job that she has to give all her earnings back if she tries to save them. We can't say that we want our children to learn how to work hard, to know the value of learning a skill or pursuing higher education, and then tell them they can't save for college or university tuition.

For years, the rules for social assistance in this province have treated our most vulnerable citizens as less than equal citizens. They have perpetuated a cycle of poverty this government is determined to break. We are taking immediate action to improve the way our welfare system works so we can start building that brighter future for some of this province's neediest citizens.

Our plan will streamline and simplify the system so that we aren't doing unnecessary paperwork, creating cumbersome, ineffective rules and putting barriers in the way when people are in a financial crisis. That's why we are simplifying the application process for recipients, by eliminating the intake screening units that were redundant and complicated the system. Municipalities have asked us to assist them in decreasing their administrative costs for the delivery of welfare.

Our plan will improve accountability and sustainability so that the system is effective both today and in the future. That's why we are collecting social assistance debt from sponsors who don't live up to their sponsorship obligations.

Our plan will help people find and keep meaningful employment so that they can leave welfare for good. That's why we're allowing Ontario Works recipients to access drug benefits while they transition back to work.

Finally, our plan will treat people on social assistance with fairness and dignity, because everyone deserves to be treated with respect, no matter what struggles they face.

Registered education savings plans will be exempt as assets, and contributions to and payments from RESPs will not be treated as income, so that social assistance recipients can pay for their children's education.

Sponsored immigrants will no longer face the arbitrary \$100 deduction from their social assistance payments simply because they have a sponsor who doesn't live up to their obligation.

That's why we no longer require social assistance recipients to further destabilize their lives by placing a lien on their home in order to receive social assistance. I have to say—my own edit—that we still could not find the cottages that the last government claimed people had on welfare, and the search party is still out.

Our Premier always says that the strength of Ontario lies in its people. Our current and future economic growth and quality of life are directly related to the strengths, hard work and skills of our people. It's time we stopped asking people to work for welfare and started helping them work for a living. It's time we stopped focusing on paperwork and started focusing on people. It's time to clean up the system—

Interjection.

The Speaker (Hon Alvin Curling): Minister, just give me a moment to call to order the member from Nepean-Carleton.

Interjection.

The Speaker: Order. The minister would like to make her statement without any interruption or any heckling.

Minister.

Hon Ms Papatello: Thank you, Speaker. Shall I start from the beginning?

The Speaker: If you can do it in five minutes.

Hon Ms Papatello: Let me say that it's time we start to clean up the system, break down the old stereotypes, and start helping people find and keep meaningful jobs. It's time to restore integrity to Ontario's social assistance people, and we will do just that.

ANTI-TOBACCO LEGISLATION

The Speaker (Hon Alvin Curling): Responses?

Mr Robert W. Runciman (Leader of the Opposition): Let me say at the outset that the Ontario Progressive Conservative Party and our leader, John Tory, are supportive of banning smoking in public places. However, we have some serious concerns with this legislation and the motivation behind it. This McGuinty government has demonstrated time and time again that it subscribes to the classic Liberal, big-government-knows-best way of thinking, and today's bill raises more questions than it answers.

How will you enforce your ban? What about compensation for business owners who have spent anywhere from \$15,000 to \$300,000 to comply with local bylaws and create separate ventilated smoking rooms? They say that it won't be until 2010 that they can recoup those investments. And what about actually helping people most addicted stop smoking? Nothing referenced there.

Why are some casinos covered by this and others aren't? The government said there wouldn't be any exceptions to the legislation. What about Legion halls and the veterans who defended this country? They're out of luck and out in the cold because of this legislation. You're also reaching right into people's homes with this bill, those who live in veterans' homes, those who have some space set aside for business purposes.

You say you know best. How will you possibly enforce this? This bill is representative of a government that thinks it knows best. People already know; Dalton McGuinty doesn't.

Mr Toby Barrett (Haldimand-Norfolk-Brant): This government told farmers, told myself, that the promised

\$50 million in compensation would be announced when smoke-free Ontario was announced. What happened? Here we are, and I've not heard one word today about compensation for farmers. There are farmers in the gallery who will tell you that they're exhausted. They've worked all their lives. Their equity is being taken away. Some are losing the farm. That means they lose their house; they lose their home. Today's announcement is the final nail in their coffin.

Today's announcement means a number of things beyond the loss of jobs. One that many fail to remember is crime. This legislation will translate into increased smuggling, contraband, counterfeit cigarettes and an underground economy. These guys don't ask young people for ID. It will mean that many of the two million Ontarians who do choose to smoke will be smoking a product that this government and Health Canada has very little knowledge about.

Cheap smokes from offshore countries like China, India and Brazil containing pesticides that are appropriately used in a tropical country will undoubtedly pose more of a risk than the nitrosamine-free tobacco that our Ontario farmers grow. I ask, just how concerned is this government—and have they thought it through—with respect to the health of smokers?

Tobacco farmers realize they're being taken out. Minister Smitherman himself has declared war on tobacco, and today does mark the beginning of the end for them. With any war, there are casualties, there are reparations. I ask that you consult, speak to tobacco farmers. They're honest, good people. They just want to make ends meet for their families. They want to pay off their debts. They want to move on. Yes, Minister, you have declared war. You have won; the farmers are beaten. Give them something dignified. I feel they deserve nothing less.

SOCIAL ASSISTANCE

Mr Cameron Jackson (Burlington): I've had an opportunity to just briefly look at the announcement made by the minister today on social assistance reform. I do want to make a couple of points. The elimination of the intake screening units is going to put about 250 people out of work. A lot of them are in eastern Ontario. Again, we've got an example of a Liberal government dismantling jobs in eastern Ontario and moving them to Toronto.

I note with interest that going after sponsorship welfare funds that are owed to the province is only going to be done on a go-forward basis. Meanwhile, the Treasurer, this year, has written off \$250 million worth of debts, which includes welfare payments from those same individuals. So the government, on the one hand, is saying one thing and doing another.

1420

Mr Michael Prue (Beaches-East York): I'm responding to the Minister of Community and Social Services. This morning when I heard about her announcement and what was going to be said, we picked up the phone in our office and we phoned Deb Peliti—you

remember her; the Legislature gave her a standing ovation last week—and I asked her what she thought of this major announcement. She did not think very much of what was happening here today. She said that you are doing nothing for the 660,000 people in this province who rely on social assistance. What you are doing has almost no benefit to her, her family or anyone she knows.

There is nothing in here about housing, and we have 75,000 families looking for housing in this city alone, and double that across the province. You are doing nothing with the Tenant Protection Act that you promised within the first year of your mandate; we're into 15 months, and it's not to be seen. You're doing nothing about skills training. You're doing nothing about ending the child clawback. You're doing nothing, absolutely nothing, for restoration of the 22% that the former government took away. In fact, there are 800 rules and regulations governing welfare and social assistance; you are tinkering with five of them, and the five you are tinkering with do nothing to the majority of people.

There are 7,500 people, or slightly over 1% of those on social assistance, who are recent immigrants who have been sponsored; 1% are going to see some kind of change in their lives. Nobody else is going to see anything that is of any value to them whatsoever.

Twenty years ago, the Parliament of Canada voted unanimously to end child poverty—20 years—and what are we seeing? More children than ever in child poverty. You could enact, and you should enact, the end of the clawback. You promised that in opposition, you promised that during the election, and that is the single greatest thing that your government can do to end child poverty, and you are choosing not to do it.

When I talked to Deb Peliti again today, when my office talked to Deb Peliti, she said that you need to keep your promises. If you had kept your promise, if she could keep the \$227, she could maybe afford to have an RESP for her kids. She can't do that now, nor can most people on social assistance. She could afford to buy food in the store and not have to go to the food banks. What you are doing is tinkering with the lives of 660,000 people. They must feel betrayed. I know that members on this side of the Legislature feel betrayed by what you are doing here today.

ANTI-TOBACCO LEGISLATION

Ms Shelley Martel (Nickel Belt): In 1994, I was proud to be part of a government that brought in the Tobacco Control Act and put Ontario at the forefront of tobacco strategies, and in the last 10 years we clearly have lost that position. New Democrats want to see us at the forefront again, so we will be looking to this legislation to see if it achieves that end. We will be proposing amendments where they are necessary. For example, in the proposed legislation it's not enough to ban smoking in an in-home regulated child care setting. To allow a provider to smoke five minutes before the children show up is not going to increase positive air quality or increase

their health and safety, so we'll be proposing amendments in that regard.

The point I want to make as well is that the government's legislation was only part of a broader strategy against smoking that it announced in the election campaign. Regrettably, the government has fallen far short of the financial commitments that it made with respect to that strategy. The government promised \$31 million for a mass media campaign for youth, \$46 million for smoking cessation programs, \$50 million for a community transition fund to get farmers to use the land for something else, and \$12.5 million for the legislation. The total commitment that the Liberals promised in the first year was \$140 million. How much is the government actually allocating to its strategy this year? Some \$31 million. It's not as if the government didn't have the revenue, because with the two tax increases alone, the new revenue this year is about \$140 million. So the government had the money to put in place the investments that it promised during the election campaign. It's clear that the \$50 million for farmers is not coming, so the government will leave them high and dry in terms of their livelihood. It's very clear that there has not been an investment made in cessation programs. This government provides a free flu shot. Why are we not paying for people's Zyban or hypnotherapy or patches for those people who really want to quit?

Finally, in terms of consultation, this government said they consulted with everyone. This government was asked by the Royal Canadian Legion to have consultations before the proposed legislation. This government refused to do that. The government could at least have listened to the veterans who made Ontario and Canada what they are now.

The Speaker (Hon Alvin Curling): We have a deferred vote on the motion for third reading—

Interjections.

The Speaker: I think the member from Nepean-Carleton was trying to point out to us that the outgoing Ombudsman, Clare Lewis, is in the Speaker's gallery. But he has just departed.

DEFERRED VOTES

PROFESSIONAL LEARNING PROGRAM CANCELLATION ACT, 2004

LOI DE 2004 ANNULANT LE PROGRAMME DE PERFECTIONNEMENT PROFESSIONNEL

Deferred vote on the motion for third reading of Bill 82, An Act to amend the Ontario College of Teachers Act, 1996 to cancel the Professional Learning Program / Projet de loi 82, Loi modifiant la Loi de 1996 sur l'Ordre des enseignantes et des enseignants de l'Ontario en vue d'annuler le programme de perfectionnement professionnel.

The Speaker (Hon Alvin Curling): Call in the members. There will be a five-minute bell.

The division bells rang from 1425 to 1430.

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

Ayes

Arthurs, Wayne	Duncan, Dwight	Parsons, Ernie
Bartolucci, Rick	Flynn, Kevin Daniel	Peters, Steve
Bentley, Christopher	Fonseca, Peter	Phillips, Gerry
Berardinetti, Lorenzo	Gerretsen, John	Prue, Michael
Bisson, Gilles	Hoy, Pat	Pupatello, Sandra
Bountrogianni, Marie	Jeffrey, Linda	Racco, Mario G.
Bradley, James J.	Kennedy, Gerard	Ramal, Khalil
Brotten, Laurel C.	Kormos, Peter	Ramsay, David
Brown, Michael A.	Kular, Kuldip	Rinaldi, Lou
Brownell, Jim	Kwinter, Monte	Ruprecht, Tony
Bryant, Michael	Lalonde, Jean-Marc	Sandals, Liz
Cansfield, Donna H.	Levac, Dave	Smith, Monique
Caplan, David	Marchese, Rosario	Smitherman, George
Chambers, Mary Anne V.	Martel, Shelley	Sorbara, Gregory S.
Colle, Mike	Mathews, Deborah	Takhar, Harinder S.
Cordiano, Joseph	Mauro, Bill	Van Bommel, Maria
Craitor, Kim	McGuinty, Dalton	Watson, Jim
Crozier, Bruce	McMeekin, Ted	Wilkinson, John
Delaney, Bob	McNeely, Phil	Wong, Tony C.
Dhillon, Vic	Meilleur, Madeleine	Wynne, Kathleen O.
Di Cocco, Caroline	Milloy, John	Yakabuski, John
Dombrowsky, Leona	Mitchell, Carol	Zimmer, David
Duguid, Brad	Oraziotti, David	

The Speaker: All those opposed, please rise one at a time and be recognized by the Clerk.

Nays

Arnott, Ted	Martiniuk, Gerry	Scott, Laurie
Baird, John R.	Miller, Norm	Sterling, Norman W.
Barrett, Toby	Munro, Julia	Tascona, Joseph N.
Hardeman, Ernie	O'Toole, John	Wilson, Jim
Jackson, Cameron	Ouellette, Jerry J.	Witmer, Elizabeth
Klees, Frank	Runciman, Robert W.	Yakabuski, John

The Clerk of the Assembly (Mr Claude L. DesRosiers): The ayes are 67; the nays are 18.

The Speaker: The motion is carried.

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

LIQUOR LICENCE AMENDMENT ACT, 2004 LOI DE 2004 MODIFIANT LA LOI SUR LES PERMIS D'ALCOOL

Deferred vote on the motion for third 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 Speaker (Hon Alvin Curling): Call in the members. This will be a five-minute bell.

The division bells rang from 1434 to 1439.

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

Ayes

Arthurs, Wayne	Duncan, Dwight	Phillips, Gerry
Bartolucci, Rick	Flynn, Kevin Daniel	Pupatello, Sandra
Bentley, Christopher	Fonseca, Peter	Qaadri, Shafiq
Berardinetti, Lorenzo	Gerretsen, John	Racco, Mario G.
Bountrogianni, Marie	Hoy, Pat	Ramal, Khalil

Bradley, James J.	Jeffrey, Linda	Ramsay, David
Brotten, Laurel C.	Kennedy, Gerard	Rinaldi, Lou
Brown, Michael A.	Kular, Kuldip	Ruprecht, Tony
Brownell, Jim	Kwinter, Monte	Sandals, Liz
Bryant, Michael	Lalonde, Jean-Marc	Scott, Laurie
Cansfield, Donna H.	Levac, Dave	Smith, Monique
Caplan, David	Mathews, Deborah	Smitherman, George
Chambers, Mary Anne V.	Mauro, Bill	Sorbara, Gregory S.
Colle, Mike	McGuinty, Dalton	Sterling, Norman W.
Cordiano, Joseph	McMeekin, Ted	Takhar, Harinder S.
Craitor, Kim	McNeely, Phil	Van Bommel, Maria
Crozier, Bruce	Meilleur, Madeleine	Watson, Jim
Delaney, Bob	Miller, Norm	Wilkinson, John
Dhillon, Vic	Milloy, John	Wong, Tony C.
Di Cocco, Caroline	Mitchell, Carol	Wynne, Kathleen O.
Dombrowsky, Leona	Oraziotti, David	Yakabuski, John
Duguid, Brad	Peters, Steve	Zimmer, David

The Speaker: All those opposed, please rise one at a time and be recognized by the Clerk.

Nays

Arnott, Ted	Klees, Frank	O'Toole, John
Baird, John R.	Kormos, Peter	Ouellette, Jerry J.
Barrett, Toby	Marchese, Rosario	Runciman, Robert W.
Bisson, Gilles	Martel, Shelley	Tascona, Joseph N.
Hampton, Howard	Martiniuk, Gerry	Wilson, Jim
Hardeman, Ernie	Munro, Julia	Witmer, Elizabeth

The Clerk of the Assembly (Mr Claude L. DesRosiers): The ayes are 66; the nays are 18.

The Speaker: I declare the motion carried.

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

DON REVELL

Hon Dwight Duncan (Minister of Energy, Government House Leader): On a point of order, Mr Speaker: I believe we have unanimous consent for each party to speak for up to five minutes on the retirement of Don Revell.

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

Hon Michael Bryant (Attorney General, minister responsible for native affairs, minister responsible for democratic renewal): I today rise to acknowledge the tremendous contribution to the people of this province of Mr Don Revell. I should begin by recognizing an honoured guest in the gallery: Marg Revell, wife of Don Revell. Welcome, Marg.

Don is retiring as chief legislative counsel for Ontario on February 17 of next year, after more than 27 years of distinguished service. The Ontario government and this assembly are losing a truly exceptional legal mind and a dedicated public servant. Don has made contributions not only at the provincial level but also at the national and international levels.

Don's many achievements include making gender-neutral language the norm for drafting in Ontario and the rest of Canada; leading the translation of Ontario law into French; and contributing creatively to the drafting of legislation in a way that has transformed the way we look at things in our society in such diverse areas as pay equity, occupational health and safety, and personal property security law.

If that weren't enough, Don has taken his skills and talents beyond Ontario's borders. He effectively exported our method of legislative translation to the emerging democracies of Estonia and Latvia. Closer to home, he helped establish the legislative drafting and translation office in Nunavut, Canada's newest territory.

It's important to recognize that Don has been invited to take on these responsibilities because of his reputation as an innovator, a leader and a visionary. Thanks to Don and his colleagues, we always get the legislation that we intended, largely because of Don's dedication to the craft of legal drafting. He has always provided what I would consider to be a comfort zone. If a bill or regulation has the Revell seal of approval, we who are members of this assembly can be assured that it is right, and all is well.

In many cases his advice is sought in high-pressure, rush situations, and he has always come through. He also has always been able to recognize the urgent ones from the non-urgent ones and shown patience with those who don't know the difference.

He was the first person to rethink the idea that Ontario's laws only needed to be revised and updated once every 10 years in a single, massive exercise. His inspiration was the 1990 revision, which involved bringing fully bilingual statute law to Ontario, updating its language to eliminate legal Latinisms and introducing gender-neutral language into our law.

That huge undertaking led Don to launch the e-Laws project, which essentially moved Ontario from updating its laws every 10 years to the potential for daily revision, while at the same time providing unprecedented public access to up-to-date information at no charge. The e-Laws initiative has revolutionized the ability of our citizens to learn about their laws and is a worthy legacy of a remarkable man.

Like any true leader, Don has been an educator and mentor to his staff members. As a result, although he will no longer be physically present after February, I'm confident that his unseen hand will be guiding the achievements of the superb office of the legislative counsel for many years to come. The ministry lawyers have discovered that when they took a draft bill in to Don to be finalized, they were embarking upon a much more demanding intellectual voyage than they had expected. Don's standards and his actions have always been motivated by an overriding concern for how the law would ultimately affect people in the real world.

Il s'est engagé à faire en sorte que les citoyens soient capables de lire et de comprendre les lois qui régissent leur vie. Il s'est aussi découvert une passion pour la langue française et a amélioré ses premières connaissances limitées du français au point qu'il était capable de prononcer des discours, en français, devant l'Association des juristes d'expression française de l'Ontario.

Don has demonstrated an unwavering commitment to clear, accessible law and, most importantly, the rule of law. The counsel of whom I speak, Mr Revell, is sitting at the leg counsel desk right now. I want to say to him directly that if legislative drafting be an art, we have at that desk a Shakespeare and a Scorsese all in one.

Today we celebrate a man, an office and the public service itself. To put it simply, his undertakings have had an effect upon the rights and well-being of his fellow citizens. Don Revell has made a difference, and I can think of no greater success for a public service. Counsel, thank you, congratulations, et au revoir.

Mr Norman W. Sterling (Lanark-Carleton): My friend from St Catharines, Mr Bradley, says that both he and I arrived here about the same time that Mr Revell did. Mr Revell told me earlier that he arrived here one month earlier than us. The only difference, Jim, is that he's leaving with a pension and we won't.

Interjections.

Mr Sterling: If you want to get the attention of the members of the Legislature, that's what you talk about.

I think a lot of people, and even legislators, don't perhaps appreciate the importance of legislative counsel, the some 57 people who work with Don at the present time and the skill they bring to their job. It is a really, really unique skill. We have been fortunate in the province, first of all, from 1977 to 1987, when I was sitting in this place and Don was working with legislative counsel and we had Arthur Stone, who had been here for some period of time and was recognized as a master in Canada with regard to his skill in drafting legislation.

1450

People should understand that when they put the final words on paper of our intent as legislators, those are the words that the courts interpret. Those are the words that come in front of the Supreme Court of Canada and all the other courts, and those are the words that actually effect the law. So what they do and how they craft that language is extremely important to Canadians, to Ontarians.

Their skill—I'm talking about both Mr Stone and Mr Revell—has been recognized right across Canada and across many countries. That is evidenced by the fact that Mr Revell has been asked on many occasions for advice, for help with regard to developing countries, developing Legislatures, developing democracies. He and his group of people who have worked with him have been extremely good with regard to helping those other fledgling democracies develop and create good law.

As the Attorney General pointed out, we have here his wife, Margaret. I also want to say thank you to the other members of his family: his daughter, Sara, and his son, Jeffrey. They have two grandchildren: Tyler and Laura—who is going to be two, I believe, on Christmas Eve or Christmas Day. I know they are extremely proud of their dad and grandfather. I wish them all the best in the future.

We have been really fortunate in this province to have had two masters. I mentioned Arthur Stone and then Don Revell. Don Revell picked up the ball in terms of where Arthur Stone had been, but he met some new challenges. He went through a dramatic change in the Legislature in the legislative process.

As the Attorney General mentioned, up to 1990, each 10 years we used to revise the statutes into about 10 volumes of books. If someone wanted to establish what the law of the day was, it was necessary to go through

those books, find the statute, go out to the revisions that might have been made on a yearly basis, and then determine from the two sources what in fact the law of the day was. We now have come down to the point, through the leadership of Mr Revell and his staff, where you can click on to e-Laws and establish what the law of the day is by effectively pushing a couple of keys on the keyboard of your computer. So we've come a long way with regard to offering our citizens what is the law today that they must follow and go to.

Mr Bryant said that we were really fortunate to have a craftsman, an artist, in terms of drafting our laws in Ontario. I agree with those words. All I can say to you, Don, is, not only have you been a good craftsman, but you have been one of the easiest people to get along with, in terms of when I served as a minister or a member of the Legislature, and that office has always respected the confidence of each and every member of this Legislature over the past 27 years. I have never heard a leak come from that office with regard to whatever advice any member of this Legislature wanted from legislative counsel. I respect the integrity of Mr Revell.

Thanks, Don; thanks, Margaret. You've done a great job for Ontario.

Ms Marilyn Churley (Toronto-Danforth): I'm very pleased to stand in this House this afternoon to pay tribute, on behalf of Howard Hampton and the New Democratic Party, to someone who is a cornerstone of this Legislature, an individual whose name may not garner huge name recognition in the public sphere, but whose work is well-known and regarded in this place.

Donald Revell has dedicated his entire career to this House through his service to the office of legislative counsel. After being called to the bar, he became legislative counsel in 1977—he doesn't look that old; that's a good thing—rising to assume the role of chief legislative counsel for Ontario in 1987. He has been the anonymous author, editor and overseer for legislation that has shaped Ontario's public policy, political landscape and people's daily lives for over a quarter of a century—or put another way, seven Premiers—and he's still standing.

This House has not been the exclusive benefactor of his expertise. His knowledge about law, legislation and leadership in this field, as has been pointed out by others, has been sought by Parliaments spanning the nation and globe, including Nunavut, Nepal and Latvia. And even if you've never spoken to him directly, all members of this House have been privy to his intelligence, talent and distinguished character through the legislation we read, debate and propose. We have come to know and depend upon his vast working knowledge of law and statutes, his swift pen and his deep respect for parliamentary etiquette and traditions.

The office of the legislative counsel is renowned for giving equal treatment to all forms of legislation. It does not make a distinction between a private member's bill or motion and legislation that has been proposed by the government. The staff apply rigorous analysis and legal tests to each project they undertake and never betray

confidentiality, and sometimes that's important. This is in large part due to the standards set by the Chief Counsel Revell. He is known for regarding private members' bills, resolutions and motions as critical to pushing forward the public agenda and as potential future statutes. It could pass on its own or the government of the day could draw on it for its own proposed legislation. Therefore, the legislation has to be clear, comprehensive and pass the test.

On that subject, as one small example, I know he has played an instrumental role in helping me and my office draw attention to issues of great concern to the public; for example, the adoption disclosure amending legislation, which he's very familiar with, that I've tabled in this House five times. I know that this bill, like others, is reviewed by the chief legislative counsel, and he has made sure that this bill, which has come close to passage in this House, is ready for the moment when it comes next, and when it does, I will invite him down to witness the passage.

His departure will be felt by all of us. Chief Counsel Revell imparted to the entire Legislature, through his work and dealings with MPPs and their staff, his institutional memory and impeccable regard for parliamentary tradition. All these traits lent to a distinguished record of service that we have benefited from on a daily basis. And while we will continue to benefit from the strong team he has mentored and guided during his two decades here, his leadership and presence will be sorely missed. Leadership that leads by example is scarce to find and even harder to replace.

On that note, Mr Speaker, I would ask, on this rare occasion, for unanimous consent for Mr Revell to come to the floor of the Legislature and to be properly honoured and acknowledged by us.

The Speaker: Without even asking, it seems to be agreed.

Applause.

The Speaker: All he did was show his human side, that he can also break with tradition.

Hon Mr Duncan: On a point of order, Mr Speaker: I seek unanimous consent that routine proceedings have an additional 15 minutes put on them so members can present petitions.

The Speaker: Do we have unanimous consent for 15 more minutes to be added? Did I hear a no?

Interjections.

The Speaker: Order. I'm going to put it one more time. Do we have unanimous consent for 15 more minutes to be added? Agreed.

1500

ORAL QUESTIONS

DISCLOSURE OF CONFIDENTIAL INFORMATION

Mr Robert W. Runciman (Leader of the Opposition): I have a question for the Attorney General related to the

recent massive breach of privacy with the release by the Ministry of Finance to complete strangers of 27,000 names, addresses and social insurance numbers. It now appears that the actions of the Ministry of Finance could represent a criminal offence under the federal Income Tax Act. Minister, could you advise the House if this issue is being pursued by your ministry, or have you referred it to federal authorities for their consideration?

Hon Michael Bryant (Attorney General, minister responsible for native affairs, minister responsible for democratic renewal): Speaker, I refer this question to the Chair of Management Board.

Hon Gerry Phillips (Chair of the Management Board of Cabinet): I'll just say again the steps we took: immediately taking all steps to notify the 27,000 people, and, perhaps more importantly, having the Information and Privacy Commissioner immediately called and asking her to investigate this thoroughly. I expect that her report, which we should expect, I think, shortly, will deal with all the privacy matters that I think the Legislature should be concerned with.

Mr Runciman: This is nothing short of amazing. I asked a question here with respect to a possible criminal breach of the law. I wasn't talking about the privacy commissioner. I was asking a question of the Attorney General. This is his area of responsibility and he should be responding.

Minister, surely this is a credible concern that can't be ignored. It could be that the province or ministers of the crown violated federal law. Is the minister or his spokesperson saying that they're leaving this issue for a private citizen to lodge a complaint under the Income Tax Act? Is that what you're saying?

Hon Mr Phillips: What I just said, and I repeat, is: We have an Information and Privacy Commissioner, an officer of the Legislature, who is charged with responsibility for giving advice to the Legislature on matters like this. I think that was the appropriate individual, the appropriate body, to refer this matter to. She is looking into the matter. She is, as she has indicated publicly, preparing a report. I think she will deal with the matter comprehensively for us. I think she will consider all matters.

Again, that's exactly why we have such an office. That's why the Legislature has set up such an office. That's why we will look forward to a report, and we will take her recommendations fully into consideration.

Mr Runciman: I thought was exactly why we had an Attorney General, to deal with issues of possible criminal offence, not this sham and stonewall effort by the Chair of Management Board. This is a question that should go to the Attorney General. He should have the gumption to stand on his feet and respond to it, and I'm going to direct it to him.

The release of social insurance numbers by the Ministry of Finance could constitute a criminal offence. By refusing to deal with this, and by also refusing to respond, is the minister telling the people of Ontario that he is satisfied that neither the province nor any minister

of the crown has violated federal law? Is that what your silence is saying here today?

Hon Mr Phillips: There's no silence. I am saying exactly what I think the people would expect, which is that it's a matter that we treat seriously. As soon as we became aware of it, we informed all offices. We took immediate steps to notify the 27,000 people who were involved, and importantly, we asked the Information and Privacy Commissioner to look at the entire matter and give us her best advice on how we deal with it. We are co-operating absolutely fully with her, disclosing everything to her and getting her best advice on how we deal with it.

Again, from the public's point of view, I think it's a matter we treat seriously. We responded to it instantly. We are co-operating fully with the Information and Privacy Commissioner, and we will take all her recommendations very seriously.

The Speaker (Hon Alvin Curling): New question.

Mr Runciman: From a public point of view, the public should be dismayed with your rote answers on this issue.

My next question is to the Premier. We know there has been a concerted effort to protect the Minister of Finance on this privacy breach. However, we now know that this is potentially an even more serious matter: a violation of federal law, a criminal offence. Premier, will you advise us when you were informed that the release of 27,000 social insurance numbers might constitute a criminal offence under the Income Tax Act of Canada?

Hon Dalton McGuinty (Premier, Minister of Inter-governmental Affairs): I'm wondering if this question might not be better answered by the ministry responsible for natural resources, given that there's a blatant attempt at fishing going on in the House today.

Let me say this to support what the Chair of Management Board has said: We did not take as our cue, we did not take as a precedent, the approach brought by the member opposite and his government when it came to the Province of Ontario Savings Office, when they hid facts from the Information and Privacy Commissioner. We have co-operated with the Information and Privacy Commissioner from the outset. We extended the courtesy to the opposition to bring this matter to their attention as soon as we reasonably could. We have made every possible effort to contact those whose privacy may have been breached. We are intent on co-operating fully with the commissioner when her report is filed with this House. I don't think there's anything further that we could do, given the circumstances as we found them.

Mr Runciman: From the Premier's response and the minister's response, I think what's going to have to happen here is that a private citizen is going to have to file a complaint with federal authorities.

This is not a fishing expedition. I would ask you to check section 237 of the Income Tax Act of Canada. It clearly speaks to this issue. You don't want to speak to it; the act speaks to it. It raises very serious questions that you continue to refuse to answer in this House. We simply get political rhetoric. Premier, will you im-

mediately instruct the Attorney General to investigate this matter or to refer it to federal authorities for their review? Will you do that?

Hon Mr McGuinty: That may have been the approach brought by our predecessors, but it's not the approach we bring on this side of the House. We don't direct our Attorney General to conduct investigations, we do not lend that kind of direction to our crown attorneys, and neither do we do that when it comes to our judges. We have a process that is unfolding as it should. There is an Information and Privacy Commissioner who takes responsibility for these matters. We referred the matter to her. We look forward to co-operating with her in any way possible, and we look forward to her report.

The Speaker: Final supplementary.

Mrs Elizabeth Witmer (Kitchener-Waterloo): Premier, you seem to fail to recognize that the release of these social insurance numbers to complete strangers does constitute a possible criminal offence under the Income Tax Act. It leaves the door open for anyone to file a formal complaint against your Minister of Finance. In light of this possibility, will you now do the right thing, refer this issue to the Attorney General, and also, at the same time, in light of the seriousness of this particular situation, will you require your Minister of Finance to step aside while the investigation is being conducted?

Hon Mr McGuinty: So now we've gotten to the bottom of this. This is all about propping up some other specious argument against the Minister of Finance, one more time. I think this may be the sixth separate occasion on which the members opposite have sought the resignation of this particular Minister of Finance.

We will comply with the process, as we should. We will not conceal information from the Information and Privacy Commissioner. We will co-operate in every possible way.

1510

To repeat the facts for the benefit of members opposite: When we found out about this matter, we moved as quickly as we could to notify those who might be affected. As a courtesy, we advised members opposite of what had happened. We've also put the Information and Privacy Commissioner on notice. We've asked her to look into the matter. We've asked her to bring her report back to us and to make recommendations. We look forward to co-operating with her as we move forward.

ANTI-TOBACCO LEGISLATION

Mr Howard Hampton (Kenora-Rainy River): My question is for the Premier. Premier, today we saw your anti-smoking strategy and, once again, we see more McGuinty broken promises.

A year and a half ago, during the election, you promised, "We will establish a community transition fund to help farmers move away from growing tobacco," and, "We will help communities move to a sustainable economic base."

Today in the announcement, the much-promised community transition fund isn't there. Where is the money to help tobacco farmers move away from growing tobacco, or is this yet again a McGuinty broken promise?

Hon Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): Let me just say how proud I am of this legislation and of the leadership brought to this particular file by the Minister of Health.

In addition to distinguishing ourselves in North America as the leading auto producer in this continent, in addition to distinguishing ourselves as having the most progressive public education system in North America, I can also say that by means of this legislation we will have the most progressive, the most comprehensive anti-smoking legislation designed to protect the health of Ontarians in North America, and I am very, very proud of that.

Mr Hampton: Virtually everyone in Ontario wants to stop smoking. That's not the issue. The issue is about your promise to tobacco farmers, your letter to tobacco farmers where you said there would be a community transition fund that would help them move away from growing tobacco.

Here's another quote, "We will use increased tobacco tax revenue to make smoking cessation medications available to all smokers." Nothing there.

Premier, where is your promised funding for stop-smoking medication so that those who are addicted to smoking can get some help quitting, or is this another McGuinty broken promise?

Hon Mr McGuinty: Listen, I've got to have some sympathy for the member opposite. He is demonstrating a tremendous amount of impatience. He wants more and more of our policies. He wants to embrace them all with open arms, and I look forward to delivering more in time.

This is the beginning of a comprehensive plan that addresses smoking in the province. I know he's anxious for our program which will provide assistance for farmers, and I can tell him, that is coming.

I know he's anxious for our initiative that is specifically related to smoking cessation, and I can tell him again that that, too, is coming. I can tell him that there is much more to come by way of this particular health policy and so many other health policies.

I appreciate his impatience. I appreciate the fact that he wants us to do more for the people of Ontario. I would begin by asking him whether or not he's going to support this bill.

Mr Hampton: Premier, it's about what you say; it's about what you promised. What I want is for you to start keeping a promise for a change.

What's passing strange here is this: You have no money to help farmers move away from growing tobacco, despite the fact that you promised that. You have no funding for those people who are addicted to smoking so that they can access smoking-cessation medications. But you seem to have lots of money for your Liberal friends to design a flashy Web site like stupid.ca.

So on the day when you have no money for smoking cessation medication and you have no money to help farmers move away from growing tobacco, can you tell us how much money, how much of the public's money, you are giving to your personal image consultant for stupid.ca?

Hon Mr McGuinty: Only the NDP could take the most comprehensive, aggressive, progressive anti-smoking legislation in North America, which is designed to specifically address 16,000 deaths every year—

Interjections.

Hon Mr McGuinty: —they may think that's a laughing matter—that cost our health care system \$1.7 billion on an annual basis, and somehow turn that into a bad-news story. Only the NDP could do that.

To repeat, we are not going to announce every single one of our policies today. We have, the last time I checked, until October 4, 2007. We look forward to making further announcements specifically related to assistance for farmers and specifically related to cessation programs.

SOCIAL ASSISTANCE

Mr Howard Hampton (Kenora-Rainy River): To the Premier, I just want the Premier to keep his promises. Last week, you promised a big announcement on social assistance reform before Christmas. People hoped that it would be an announcement that you're ending the clawback of the national child benefit. Instead, we got another letdown. You call tinkering with five of the 800 social assistance regulations “a new vision” for social assistance. You call this tinkering “Restoring Integrity to [the] Welfare System.”

Premier, why don't you do something about your own integrity and keep your promise to stop your clawback of the national child benefit?

Hon Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): To the minister, Speaker.

Hon Sandra Pupatello (Minister of Community and Social Services, minister responsible for women's issues): I do have a question for the member opposite. I want to know if he supports the changes that we introduced in the House today. I have to understand why, in the mid-1990s, you decided arbitrarily to take \$100 from families who were here as sponsored immigrants and ended up on welfare. You decided to just dock them \$100 arbitrarily. I want to know, how could you do that to our most vulnerable people in the province?

For 10 years after that, the last government only made things worse by making it very inequitable, very difficult, with barriers to allowing people to move back to work.

I have to tell you, to the member opposite, you should be as interested as we are to help people get a job, because that's what they want.

Mr Hampton: I want to read something for the Premier and his minister. This is a letter from Dalton McGuinty to June Callwood and Rabbi Arthur Bielfeld, July 31, 2003. This is what it says: “My team and I

oppose the Conservative government's practice of clawing back the national child benefit, a practice we will end during our first mandate.”

Premier, that is what you promised the poorest families in Ontario, the lowest-income families in Ontario. I want to know today why you're tinkering with five of 800 social assistance regulations but you're not ending the clawback, the taking of \$200 or \$300 a month from the poorest people of Ontario, like you promised.

Hon Ms Pupatello: I know how difficult it is to accept that we're actually improving the system with today's announcement. Let me tell you that the people I have met across Ontario, who said very loudly—maybe not to you, because you don't want to listen to advocates. But our members of the Liberal caucus have heard repeatedly that the last government that decided to knock out the RESPs from families, the few that there were that could actually collect funding for their kids to let them go to school—that was the last government that did that.

I expect the NDP to actually be proud of the fact that we're eliminating this in this announcement. There are several other areas, like raising the level of assets for people who are on disability. We accept that that's what people need out there, and I would expect that the NDP would think that was a very positive move, but instead, despite it being the holiday season, I guess they can't accept something that is good news for the people of Ontario.

1520

Mr Hampton: Premier, you must remember “Honest Deb” Peliti. She was the woman who found \$40,000 on the street and turned it in. Last week, you were in such a hurry to get out there and have your picture taken beside her. She called today, and this is what she said—

Interjections.

The Speaker (Hon Alvin Curling): Order. Last time I thought that the leader of the third party was asking the final supplementary—

Interjections.

The Speaker: I'd like some order. The member for Eglinton-Lawrence and the Attorney General, I'd like to hear the leader of the third party put his third and final supplementary.

Mr Hampton: Telling low-income families who barely have enough money to pay the rent and put food on the table that they're now free to invest in a registered education savings plan completely lacks integrity. It's the equivalent of saying, “Let them eat cake.”

Deb Peliti called us today, and this is what she said: “Eliminate the clawback” and her kids will be able to eat from a grocery store, not a food bank.

It's your promise, Premier. When are you going to stop taking \$200 and \$300 a month from the pockets of the poorest, lowest-income families in Ontario and end the clawback like you promised?

Hon Ms Pupatello: It's unfortunate. When the NDP see that our government is doing good for people who are our most vulnerable, it hurts your party. I'm sorry. That is not going to be a reason for us. We will continue to

help the most vulnerable people in Ontario, despite the NDP.

Let me say for the wonderful woman we met last week in this House that her children, if they have a part-time job, will be able to keep that money now because of this announcement. If those children have an RESP, they can keep that RESP and they don't have to cash it. And moreover, we have to be responsible in how we deliver a program.

Interjections.

The Speaker: I don't think the third party wants to hear the answer, because they've been heckling all through the answer.

New question.

Hon Joseph Cordiano (Minister of Economic Development and Trade): On a point of order, Speaker: I'd like to take this opportunity to welcome, from the great state of Georgia, a very distinguished delegation—

Interjections.

The Speaker: I'll wait until after question period, if you submit that to me, and I'll recognize the members from Georgia.

Interjections.

The Speaker: If you were concerned about the clock, all of us would have listened to each other when asking the question and answering it. Could we proceed with question period by the opposition party putting a question.

Mr Cameron Jackson (Burlington): My question is for the Premier. I want to raise an issue regarding a family in Burlington who have been on social assistance for the last four years. They have five children. During this time, their mother has been a home schooler for all five of her children, and she does this in accordance with the parents' deep religious convictions.

Last month, your government informed the family that unless they enrolled their children in a public school, the welfare support for their three children would be cut off—they're aged six, nine and 11. That was cut off for them last month.

Premier, will you stand in your place today and inform this House that you will eliminate this discriminatory policy against children on social assistance whose parents choose home schooling?

Hon Ms Papatello: Thank you for the question. We're certainly happy to look into it. I can tell you that policies in social assistance are meant to help people; they are not meant to be punitive. While I know this member realizes that I cannot speak to a specific case, I'm very happy to take information from him so that we can look into it.

Mr Jackson: I'm not hearing that the minister will eliminate this discriminatory practice. This is a ruling by your government. Your government has cut the funding for these three children by \$600. That is the amount dedicated to those three children. They're now only receiving \$1,000 a month. The rent for their modest three-bedroom condo—

The Speaker: Order. I'm getting a debate between the member from Nepean-Carleton and the Minister of Children and Youth Services. Could we proceed with the question? The member for Burlington.

Mr Jackson: As I was saying, the family lives in a very modest three-bedroom condo. Their hydro bill for the last month is over \$400. They are unable to make that payment. Christmas is around the corner.

I ask you again, Premier, will you stand in your place and do as you did last week with social assistance recipient Deb Peliti and fully restore the social assistance for these three children in time for Christmas?

Hon Ms Papatello: As I said earlier, I'm very happy to look into a specific case and hope that the member opposite would have, at minimum, called our offices to see if we could be of assistance. I find it galling that the last government dares to stand in the House today to talk to us about discriminatory policies in welfare. It is—

Interjections.

The Speaker: Order. We could just let the clock roll.

CONSUMER PROTECTION

Mr Peter Kormos (Niagara Centre): I have a question to the Premier. Across Ontario, loan sharks are flouting the law while your government does nothing. Payday lenders are calling in all rollover loans as of January 1.

Rob Ferguson, here in the gallery, visually impaired, eking by on a disability pension, got caught in a payday lending debt spiral. He has already paid hundreds of dollars in illegal interest charges on \$1,100 in loans, and he's still into these guys for 1,350 bucks. He stands to lose his home, and there are thousands just like him.

You've got to act. Will you order these payday lenders to declare an interest amnesty that will allow borrowers to pay off their principal without interest charges?

Hon Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): To the Minister of Consumer and Business Services, Speaker.

Hon Jim Watson (Minister of Consumer and Business Services): I've had the pleasure of working with consumer ministers from across the country. We, just last week, along with the Minister of Finance and the Attorney General, wrote to the federal justice minister. We want a national, coordinated approach to this particular issue, because this is not something that is unique to Ontario. We very much look forward to receiving a reply from Minister Cotler in Ottawa. We take this problem extremely seriously.

Mr Kormos: Look, these lenders, these loan sharks, are breaking the law. They are violating the Criminal Code every day. One company, Cash Advance Canada, charges \$112 a month in interest fees on a \$500 loan. That works out to more than \$1,300 a year, or 268% in annual interest. I'm sorry to tell you this, but that's against the law. It's contrary to the Criminal Code.

It's the provincial Attorney General and minister of public safety who are responsible for enforcing the law in

this province. The industry says they are cleaning up their act by calling in these rollover loans, but their solution is worse than the cure.

Why don't you send them a real message? Tell them to declare an interest amnesty or, quite frankly, get the Attorney General to start prosecuting these criminals and throwing them in jail where they belong. Why aren't you busting these loan sharks?

1530

Hon Mr Watson: It's a little rich to hear the NDP talking about protecting consumers, because it was that party in particular that was stalling and dragging its feet on Bill 70, a piece of consumer protection legislation. Bill 70, for the first time in the province's history, requires all these payday loan operators to have full and open disclosure, and your party was voting and dragging their feet on the whole matter.

Interjections.

Hon Mr Watson: Obviously I've hit a raw nerve, because finally the people of Ontario are seeing the true face of the NDP: They have no concern or regard for consumers in this province. Our government does.

The Speaker (Hon Alvin Curling): New question, the member for Northumberland.

Interjections.

The Speaker: I'm just waiting for the House leader to stop heckling.

The member for Northumberland.

SCHOOL SAFETY

Mr Lou Rinaldi (Northumberland): My question is to the Minister of Education. Today's students are the heart of the future. School used to be a place where youth could learn, have fun and feel safe. Parents didn't have to worry about sending their children to school. But now it seems that every time we turn on the news or pick up a paper, we are learning of more senseless violence taking place in our schools, even in my riding. What is our government doing to make schools safe for our children?

Hon Gerard Kennedy (Minister of Education): The Ministry of Education is sponsoring a school safety action team of experts from across the province. I emphasize the word "action." Very shortly, we will be bringing in very concrete measures. It is headed up by someone who is very respected in the education community and very well versed; that is, the MPP for Guelph-Wellington, the former head of the school boards' association. It is what I think the people of Ontario both expect and have come to expect from this government, which is two ministries working together. So the parliamentary assistant to the Minister of Community Safety will be working with us at the Ministry of Education to make sure—and I think everyone in this House wants us to be sure—that everything is being done when it comes to anti-bullying, when it comes to precautions against intruders in elementary schools, when it comes to making sure that some of the incomplete

work of previous governments is actually causing a greater level of protection for our students.

This is taking place now. It will conduct many of its activities in January, February and March. Our schools will be better off and our students will be safer as a result.

Mr Rinaldi: I'm sure the parents in Northumberland and Quinte West will be pleased to hear that this government takes our kids' safety at school seriously.

Minister, can you be a bit more specific about when we're going to get a report from the action team and when we're going to be implementing these recommendations?

Hon Mr Kennedy: What I want to emphasize for the House is that this is a budgeted set of actions; \$9 million is going to be used to enhance what boards and schools are already doing. They agree that we only get to start the learning and educating of students when we take care of their safety in all different ways.

There will be school safety audits starting in January. There will be access to a provincial hotline for bullying in the early part of the year. There will be anti-bullying programs at every school in the province as part of the first couple of months of work of the action team.

There are aspects that will deserve study and will involve the education community, reference groups on the Safe Schools Act and on the Robins report, which made a number of recommendations, unfortunately a few years ago, on cases of sexual abuse. Those are part of a comprehensive approach, but much of it will affect positively the well-being of students early in 2005.

TEACHERS' COLLECTIVE BARGAINING

Mr Frank Klees (Oak Ridges): My question is to the Minister of Education. On November 29, you sent a four-page letter to all the boards and directors of every school board in this province. Through that letter, you not only interfered with the collective bargaining process but you've effectively taken on the responsibility of bargaining for all collective agreements in the province. In your letter, you state clearly that you intend to clarify to school boards spending decisions in this school year and beyond.

In that letter, the minister made reference to the fact that the government will guarantee funding for four-year contracts. Minister, at the time you signed this letter, were you aware that the Education Act specifically prescribes only three-year contracts, that there is nothing in provincial legislation anywhere that allows for anything but a three-year contract? Were you aware of the act at the time you signed this letter?

Hon Gerard Kennedy (Minister of Education): As I followed the member opposite as he wandered through his question, I gathered he was talking about collective bargaining and how he wants to support free collective bargaining in this province. However, he was a member and part of a previous government that supported Bill 160, which reached into every collective bargaining

agreement in this province after it had been arrived at, as did the social contract.

What we are doing is helping create a climate for peace and stability. We believe it has already taken hold in our education system. It needs not to be taken for granted. It needs active support. The teachers and the support workers want to be there for students.

The former Conservative government lost 24 million days for our students over the last eight years. We have given notice that we will be changing the terms in the legislation. I'll offer the member a briefing so he can stay informed of these things. We've put together a number of very constructive proposals that will enhance the local bargaining table and maintain peace and stability, which is the least—

The Speaker (Hon Alvin Curling): Thank you, Minister. Supplementary?

Mr Klees: I will consider the source of that arrogance, and I will attempt to make it very clear to the Minister of Education what I was asking him.

Interjections.

The Speaker: Order. I would just caution all of you about your words. Please keep your language parliamentary here.

Mr Klees: Speaker, “parliamentary” would be when the minister answers my question.

I am simply saying to this minister that the law of this province calls for three-year contracts. The reading of this letter to every board in the province makes it very clear that he is instructing the boards to attempt to negotiate four-year contracts. That is breaking the law. What is worse, and we will discuss this further, is that he presumes in his letter to the boards that the legislation he will at some point bring forward will be passed. I suggest to the minister that if that isn't contempt of the Legislature, I don't know what is. He may have a majority, but he cannot presume, with every board and every director of education, that that legislation will be passed. I ask the minister, do you respect the Legislature of this province or don't you?

Hon Mr Kennedy: I'm sorry I wasn't at the Magna plant to see where you were sitting as you were respecting the Legislature.

It is passing strange that in the collection we have in the opposition, someone hasn't told the critic that every single year his government was in office they set a guideline for salaries. But here's the difference: They never paid for it. That is the NSF former Conservative government over there, who never backed up multi-year funding. We're doing that. We're putting something behind peace and stability. We're providing guidelines for local bargaining. Local bargaining will determine the final salaries. We have guidelines, incentives to help that happen.

It's a form of modern management that the people across don't understand. We're helping our boards come up with good results. We're motivating the people who can deliver good education in this province. We're showing respect, and we're going to make it work.

GOVERNMENT CONTRACT

Ms Shelley Martel (Nickel Belt): I have a question to the Minister of—

Interjections.

The Speaker (Hon Alvin Curling): Order. Members who are not even in their seats at the front here are heckling. I'd like to hear the member from Nickel Belt.

Ms Martel: I have a question to the Minister of Community and Social Services. Last week, your ministry stopped accepting bids for a contract for a new computer system at the Family Responsibility Office. No doubt this contract will be of significant value. This is the list of companies that have expressed interest in this new computer system, and we note with interest that at the top of the list is none other than Accenture. Andersen Consulting—Accenture—is the same company that came under so much criticism in numerous Provincial Auditor's reports about their bungling of the social assistance and ODSP computer system. Minister, can you guarantee that under no circumstance will Accenture get the FRO computer contract?

1540

Hon Sandra Pupatello (Minister of Community and Social Services, minister responsible for women's issues): I'd like to tell the member opposite that actually the RFP process closed several weeks ago. We are currently doing a review of everything that was submitted. We have not yet gone back to all the companies to inform them who that successful bidder has been.

What I will tell this member opposite is that we, in this government, have to be fair. We cannot suggest to people that they cannot apply on a request for proposals. We, however, will give this member this guarantee: The company that will get this bid will be able to do this work, and it will be the best of all those that have been submitted.

Ms Martel: Minister, have you ever changed your tune. You see, in his most recent auditor's report, the Provincial Auditor said this about the ODSP computer system designed by Accenture: fails to meet internal controls, fails to meet ministry needs, fails to meet recipients' needs, and causes unexplained errors and omissions. In previous reports, the Provincial Auditor has said that Accenture was paid \$66 million over the cap for the computer project, was paid for work it did not do, and had staff who were regularly paid more than comparable ministry staff doing the same work.

In opposition, Minister, you had so much to say about Andersen Consulting and Accenture. You called on the previous government to end the boondoggle. Well, Minister, the ball is now in your court. Will you confirm today, will you guarantee today, that Accenture will not get the computer contract of the FRO?

Hon Ms Pupatello: The NDP, I know, has not been government for some time. However, if this member opposite is thinking for a minute that I'm going to interfere with a process that went through a fairness commissioner to make sure our RFP process was absol-

utely pristine, no, I am not tampering with that process. I have a lot more integrity apparently than that member opposite.

WATER QUALITY

Mrs Carol Mitchell (Huron-Bruce): My question is for the Minister of the Environment. Minister, I need to tell you how big an issue water quality is in my riding. Ever since the tragic events of Walkerton, people across my riding shudder at the thought that Walkerton could happen again. My constituents, along with all Ontarians, deserve the best water quality in the world. Water quality is not something to be taken lightly. There are many things we can go without in this world, but water quality is not one of them.

Yesterday, you announced that the McGuinty government is taking a new, science-based, comprehensive approach to protecting drinking water resources. Minister, how will your announcement help ensure that my constituents don't become victims of poor water quality?

Hon Leona Dombrowsky (Minister of the Environment): It is indeed an important question. I'm happy to report to the members of this Legislature that our Premier and this government is committed to ensuring that when someone turns on the tap in Ontario, the water is safe to drink.

Yesterday I was able to announce that the two technical committees that were formed over a year ago presented reports to me. There are over 250 recommendations from the technical experts committee as well as from the implementation committee. Their recommendations are now posted on the Environmental Bill of Rights registry. We will receive comments from the public on those recommendations. The recommendations and the comments will inform our government as we go forward.

I also want to add that the work of this committee—some of the experts we collected for this work were some of the best science experts in the world, so we believe we have the very best foundation upon which we will now bring forward legislation.

Mrs Mitchell: Minister, water quality is a very serious issue, and I'm glad to see that this government is serious about cleaning up Ontario's water bodies and our drinking water. But good water quality goes beyond knowing how much water we are taking; it takes leadership that will look at water from source to tap.

Minister, what are we doing to ensure that the water that comes out of our taps is being closely monitored to keep it free of harmful contaminants?

Hon Mrs Dombrowsky: I'm really happy to have this opportunity to talk about the many initiatives that our government has underway to protect water, water quality and water quantity in Ontario. We are committed to O'Connor's recommendations. I'm proud to announce that so far we have been able to implement 24 of O'Connor's recommendations. We have hired 33 more water inspectors. We have increased the standards for water inspectors in the province. We have introduced the

toughest training regime for water inspectors. We have created the clean water centre. We have established the Advisory Council on Drinking Water Quality and Testing Standards. We are going to be introducing source water protection legislation, the first of its kind in North America.

We know that we have an opportunity here to be a beacon of light for people around the world in terms of how to protect water from source to tap.

DRINKING AND DRIVING

Mr Jim Wilson (Simcoe-Grey): My question is to the Minister of Transportation. MADD Canada, Mothers Against Drunk Driving, recently produced a report that found that most drivers convicted of impaired driving were simply "dropping out of the system" by deciding not to complete any of the required steps to get their driver's licence reactivated. In fact, of 16,500 people convicted of impaired driving each year, only 2,000, or 12%, complete the necessary steps to get their licence back. That means there's a soaring number of convicted impaired drivers driving on our roads right now without insurance or a driver's licence.

This is a horrible situation—so horrible, in fact, that you tried to suppress MADD Canada's report. It's a major safety issue. Why haven't you done anything about it since this has come to your attention—

Interjections.

The Speaker (Hon Alvin Curling): Order. Member from Simcoe-Grey, would you like to couch your words in a different way that is not unparliamentary?

Interjections.

The Speaker: Member from Don Valley East, could you come to order, please.

Interjections.

The Speaker: And also the House leader for the government.

Mr Wilson: MADD Canada tells me that the minister—his office, the ministry—tried to prevent the release of their report, and they're quite mad about it, Mr Speaker, I might want to tell you.

Minister, what are you doing to stop this horrible situation? Will you respond to MADD Canada's concerns within 30 days, as they've requested?

Hon Harinder S. Takhar (Minister of Transportation): Driving impaired is not acceptable, and we take that very seriously. This is the first time I ever heard that we are holding up the report, but I will check into that and then report back to the House.

Mr Wilson: How could you not know about such a significant report that shows that of 16,500 convicted impaired drivers, 2,000 of those, or 12%, bother going through steps like the ignition interlock or the remedial program that they're all required to go through? How could you not know that, as Minister of Transportation? That's a shame. You tried to suppress the report. The report is out. MADD Canada has briefed your staff. Mothers Against Drunk Driving are rather frustrated about this—

The Speaker: Order. I'm going to disallow that question instead of naming you. I warned you already about that language.

Mr Wilson: What did I do wrong now?

Interjections.

The Speaker: Order. I would ask all members to just come to order. I know that we must be a little bit edgy today, but the fact is that I'd like us to conduct ourselves in a good parliamentary way. As well, I'd like to have a good session in here. I'd like the co-operation of all members. I'm finding it extremely difficult over the last couple of weeks to do so. If you want to question my judgment, you may do so, but I will tell you that we know what procedure we can take in that matter.

Mr John R. Baird (Nepean-Carleton): On a point of order, Mr Speaker: The word "suppression"—

Interjections.

The Speaker: Order. I will again ask you all that we conduct ourselves in a good manner.

Mr Baird: Shame, shame, shame, shame. Let's walk out. This is a disgrace. This is an absolute disgrace.

Some honourable members left the chamber.

The Speaker: One second. Those members who want to leave the chamber, that's fine.

Mr Peter Kormos (Niagara Centre): On a point of order, Mr Speaker: Could I please prevail on you to call a five-minute recess, preserve the balance on the clock, to avoid a most regrettable incident today that could have long-term repercussions? Speaker, I believe the matter can be resolved. It's a very regrettable situation when you've got a whole caucus, the opposition caucus, walking out; great concern. We only have one more day here tomorrow before the break until February. A five-minute recess and perhaps some reflection might serve everybody well.

The Speaker: Order. On the request of the member from Niagara Centre, we'll take a five-minute recess.

The House recessed from 1552 to 1610.

The Speaker: Let me start by saying that it would be most helpful to me as Speaker if all members are cognizant of the decorum of this place in respect of both their actions and their words. Question period in this place is often somewhat raucous, and given the nature of some of the subject matter, that, to an extent, is to be expected. It is this very nature of question period, though, that causes some difficulty for the Speaker in terms of being able to maintain an appropriate level of decorum. That is, nevertheless, my goal and my motivation.

Having said that, I have reconsidered my earlier decision with respect to language used by the member for Simcoe-Grey and I am prepared now to hear his supplementary.

Just before that, though, I would ask the agreement of the House to allow us to proceed through to the end of question period and petitions, notwithstanding the clock. Agreed? Agreed.

The member for Simcoe-Grey.

Mr Wilson: Thank you, Mr Speaker, and thank you for your ruling.

Minister, as I was saying, there are 16,500 people convicted of impaired driving each year, and 12%, or 2,000 of them, bother going through the system at all to get back their licences. What are you doing about that? Are you prepared to get back to MADD Canada within 30 days about their concerns and the report they have provided to you?

Finally, will you start asking your ministry to cooperate with police services, like they do in Alberta, where the pictures, names and addresses of people who are driving with suspended licences are given to police so they can carry them around in their cruisers and get these people off the road? We don't do that in Ontario. Or will you at least do what Manitoba does, which is impound the cars of these people so they can't drive around without a valid driver's licence?

Hon Mr Takhar: Let me first of all say that MADD had a report issued on May 19, 2004. That report was presented to us. We acknowledged that report. It is their report. They are free to release it whenever they want. If they have not released it, it's not because of us.

Let me give you some information about what has been done. About 4,717 lifetime suspensions have been issued in Ontario; 84,328 drivers have been notified of requirements to complete their remedial measures; 27,919 people have lost the privilege to drive for 90 days. I am not sure whether they drive or not. Our information is that what we are supposed to do is make sure the people don't drive when they're drinking.

We have extensive measures in place. There's a 90-day driver's licence suspension, a mandatory back-on-track remedial measures program, a vehicle impoundment program and an ignition interlock program already in existence.

We will continue to work with MADD. We met with MADD in December, along with the Minister of Community Safety, and we will continue to work with them.

MUNICIPAL RESTRUCTURING

Mr Michael Prue (Beaches-East York): My question is to the Minister of Municipal Affairs. Your Premier, prior to the last election, pledged to the people of Kawartha Lakes, "A Liberal government will ensure a binding referendum is held to allow local citizens to determine whether to dismantle the amalgamated city." As you are aware, the people voted 13 months ago to de-amalgamate. They voted to democratize and get back to the kind of municipal structure they knew was going to work best for them. You and your government, though, have refused to accede to the democratic will. However, even though you weren't going to agree with the vote, you have stated in this Legislature that you were prepared to look at alternative proposals if they were brought forward. Three weeks ago, the people of Kawartha Lakes came forward with an alternative proposal, and to date you have done nothing.

My question to you is, will you keep your word to honour the wishes of the people of the city of Kawartha Lakes or do you again choose to fail them?

Hon John Gerretsen (Minister of Municipal Affairs and Housing, minister responsible for seniors): I thank the member for his question. We believe in local government on this side of the House, and we believe that the way a municipality reacts to the will of its own people is through its council. We have said over and over again that if the council of a municipality comes forward with a better method in which services can be delivered to the people of that municipality, we are always prepared to look at new, alternative ways in which services can be delivered. We will do that for the city of Kawartha Lakes or indeed any other municipal council that comes forward with that kind of resolution. I have not seen a resolution from the city of Kawartha Lakes, but if it comes forward, we will certainly give it due consideration.

Mr Prue: With the greatest of due respect, this was sent to your office, and I got a carbon copy three weeks ago. The group of citizens put forward an alternative proposal, taking into account the problems that you stated to this Legislature you have with four of the municipalities that existed before. This has been vetted by the city of Kawartha Lakes. It went into, and was unanimously approved by, the committee that was set up by that municipal council. It then went before the council of the city of Kawartha Lakes, who sent it by majority recommendation directly to your office. You must have had a chance to read it by now; surely your bureaucrats must have told you something; but nothing has been done. I'm wondering what the people of Kawartha Lakes have to do to get their municipality back.

Will you keep Dalton McGuinty's promise, will you keep your own promise, will you keep your own commitment; or do you choose to end this session with another broken promise and your government's integrity, to that city, in tatters?

Hon Mr Gerretsen: The question was so convoluted that I'm not sure whether he actually said that the council for the city of Kawartha Lakes has passed a resolution endorsing a particular position, or whether or not a group of people in Kawartha Lakes are of that opinion.

All I can tell you is that as far as I'm aware, as of today we have not received a copy of the resolution that was passed by Kawartha Lakes. It could be the Christmas postage time. It takes a lot longer for mail to be delivered.

I can give the member this assurance: Once we get a resolution from the duly elected council for the city of Kawartha Lakes, we will take it under every consideration, and we will want to make sure that the people of Kawartha Lakes get the best service delivery possible of municipal services.

TOURISM

Mr Lorenzo Berardinetti (Scarborough Southwest): My question is to the Minister of Tourism and Recreation. As you know, more than a year ago our province's tourism industry was dealt a severe blow as a result of the SARS outbreak. What initiatives have been undertaken

by your ministry to help our province's tourism sector rebound from this unfortunate setback, and what impact have these initiatives had on the overall health of our province's tourism sector?

Hon James J. Bradley (Minister of Tourism and Recreation): It's an excellent question, because everyone recognizes that the SARS crisis was a substantial blow to Ontario. As a result, we have been moving forward the tourism revitalization program, which was lauded at a press conference last week by the Greater Toronto Hotel Association and Tourism Toronto as being very successful in turning around tourism in this province. Since July 2003, more than \$42 million has been allocated for 70 projects in Toronto alone.

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Mr Berardinetti: Thank you for that. I know your ministry has taken some key initiatives and you've taken some very strong steps toward trying to deal with this problem. What has been the overall impact of these initiatives on the health of our province's tourism sector?

Hon Mr Bradley: The impact has been very significant in turning around tourism in the province. The member would know, for instance, that we funded such things as the Toronto Jazz Festival, several theatre packages, and the Tennis Masters tournament. We had some packages with the Blue Jays. We funded Caribana. We helped to fund the Toronto International Film Festival and the Royal Winter Fair. The list goes on.

The result is that we're seeing a turnaround in tourism in Ontario. It has not been equal around the province, but we have seen some substantial changes and movement upward as a result of a combination, everybody working together. We have been prepared, as a government, to be a partner with others in the province, and as a result we're seeing some good things happening for Ontario.

VISITORS

Hon Joseph Cordiano (Minister of Economic Development and Trade): On a point of order, Mr Speaker: I just want to acknowledge the presence of a delegation from Georgia that was visiting us here today. There was the commissioner for the Georgia department of economic development, Craig Lesser; the deputy commissioner from the department of economic development, Carlos Martel; and the Canadian Consul General in Atlanta, Malcolm McKechnie. I'd like to say thank you to them for visiting us and acknowledge that they were here today.

PETITIONS

HEALTH CARE

Mr Bill Murdoch (Bruce-Grey-Owen Sound): I have a petition to the Legislative Assembly of Ontario.

"Whereas the Liberal government has announced in their budget that they are delisting key ... services such as

routine eye exams, chiropractic and physiotherapy services;

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

“To reverse the delisting of eye exams, chiropractic and physiotherapy services and restore funding for these important and necessary services.”

I have signed this also.

SEXUAL HARASSMENT

Ms Marilyn Churley (Toronto-Danforth): I have some petitions that read:

“To the Legislative Assembly of Ontario:

“Whereas the rising rate of sexual harassment and other forms of discrimination in the workplace is a troubling concern;

“Whereas harassment victims suffer unnecessary economic, psychological and physical threats when their cases are brought forward for investigation;

“Whereas the untimely death of Theresa Vince, who was harassed and murdered by her manager over seven years ago, unfortunately serves as evidence of the need for better worker protection from harassment;

“Whereas Bill 126 amends the Occupational Health and Safety Act to define harassment as a charge under the act;

“Whereas Bill 126 requires employers to put an immediate stop to the source of harassment and commence an independent investigation in real time; and

“Whereas Bill 126 protects victims from potential economic hardship, providing employees the right to alternate work arrangements and granting adequate compensation for any absences related to the harassment;

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

“Immediately call Bill 126, the Occupational Health and Safety Amendment Act (Harassment), for second reading, third reading and final vote.”

Since it is my bill they’re referring to and I support this cause, I will affix my signature to the petition.

PER DIEM FUNDED AGENCIES

Mr Mario G. Racco (Thornhill): I have a petition with 179 signatures, and it reads:

“To the Legislative Assembly of Ontario:

“Whereas over 4,000 vulnerable children, youth and adults are provided with high-quality services in residential care and treatment homes in the province of Ontario, including those individuals who are medically fragile, developmentally handicapped, autistic, physically abused, neglected, conduct-disordered, young offenders, and emotionally disturbed; and

“Whereas over 4,000 child and youth workers are dedicated in their profession to work with vulnerable children, youth and adults in the provision of an accepting, safe, supportive, therapeutic environment; and

“Whereas the McGuinty government’s 2004 budget promised \$38 million to children’s mental health services or otherwise a 3% operational increase to those agencies who have not received an increase in several years; and

“Whereas the government has excluded the 93 agencies and more who serve this vulnerable population under a funding structure referred to as ‘per diem funded agencies’; and

“Whereas, by excluding these children of the province and the dedicated staff who serve them from the 3% increase promised in the 2004 budget, agencies will close down, thereby handicapping government with respect to the delivery of service and costing the government far more by placing those hard-to-serve clients in more costly facilities,

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

“That the Parliament of Ontario do the right thing, help and assist the lives of the many, many vulnerable people in Ontario and include per diem agencies (Ontario Association of Residences Treating Youth) in the 2004-05 provincial budget. Keep your promise and commit to the 3% increase in staff and client funding. The Parliament of Ontario should recognize that the clients and staff are all citizens of Ontario and should not be penalized by virtue of where they reside or where they may be placed.”

I give you this petition.

DISTRICT OF MUSKOKA

Mr Norm Miller (Parry Sound-Muskoka): I have petitions to keep Muskoka part of northern Ontario.

“To the Legislative Assembly of Ontario:

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

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

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

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

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

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

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

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

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

I support this petition and affix my signature to it.

ONTARIO FILM AND TELEVISION INDUSTRY

Mr Tony Ruprecht (Davenport): I have a petition to the assembly. It reads as follows:

“Whereas the foreign export production industry in Ontario has been badly hit by the recent economic events that have transpired here over the course of the past 18 months. The situation is quickly getting worse and the industry is in crisis. We need fast, effective action on the part of the provincial government to prevent the exodus of export production revenues from this province;

“Whereas we are in desperate need of a substantial increase in the provincial foreign film labour tax credit to stop the exodus of production. We are at risk of total industry erosion of infrastructure and jobs in this industry;

“Whereas, without a major increase in the foreign film tax credit of up to 30% from the existing 11%, we have no hope in restoring to the levels to where we were pre-2003;

“Whereas there are currently 25,000 taxpaying jobs at risk here. The end effect will result in millions of dollars in lost direct revenues for the province and hundreds of thousands of dollars the provincial government will have to pay out in unemployment insurance benefits;

“Whereas an increased provincial foreign production services tax credit is not a subsidy that will be a drain on provincial coffers. It will only serve to protect the livelihoods of thousands of industry-dependent workers and taxpayers, as well as the ever-so-important infrastructure that has taken decades to develop;

“Therefore, we, the undersigned, as workers in the Ontario film production industry, demand immediate action by the Liberal government to act swiftly to save the foreign film and television production sector.”

Since I agree, I will sign this document.

FREDERICK BANTING HOMESTEAD

Mr Jim Wilson (Simcoe-Grey): A petition to the Legislative Assembly of Ontario:

“Whereas Sir Frederick Banting was the man who discovered insulin and was Canada’s first Nobel Prize recipient”—in medicine; “and

“Whereas this great Canadian’s original homestead located in the town of New Tecumseth”—Alliston—“is deteriorating and in danger of destruction because of the inaction of the Ontario Historical Society; and

“Whereas the town of New Tecumseth, under the leadership of Mayor Mike MacEachern and former Mayor Larry Keogh, has been unsuccessful in reaching an agreement with the Ontario Historical Society to use

part of the land to educate the public about the historical significance of the work of Sir Frederick Banting;

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

“That the Minister of Culture and the Liberal government step in to ensure that the Banting homestead is kept in good repair and preserved for generations to come.”

I agree with this petition and have signed it.

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NATIONAL CHILD BENEFIT SUPPLEMENT

Mr Gilles Bisson (Timmins-James Bay): I have a petition addressed to the Legislative Assembly of Ontario to stop the clawback.

“Whereas one in five children in Ontario live in poverty;

“Whereas, as part of the national child tax benefit program, the federal government gives a supplement to low-income families across the country to begin to address child poverty;

“Whereas that money, up to approximately \$100 a month per child, is meant to give the poorest and most vulnerable children a better chance in life;

“Whereas in Ontario the Conservative government deducts the child benefit supplement dollar for dollar from those living on social assistance;

“Whereas this is leaving our province’s neediest children without extra money they desperately need to begin to climb out of poverty;

“Whereas all children are entitled to a fair chance at life—” and I know the page agrees with this;

“Therefore be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to demand that the provincial government of Ontario stop the clawback of the national child tax benefit supplement and ensure the federal money reaches all low-income families in Ontario.”

I’ve signed that petition as well, and thank you, Kate.

UNIVERSITY AND COLLEGE FUNDING

Mr Kuldip Kular (Bramalea-Gore-Malton-Springdale): This petition is to the Legislative Assembly of Ontario from the Association of Part-Time Undergraduate Students.

“Whereas the Ontario government has made a commitment to the Canadian Federation of Students to freeze tuition fees for at least two years; and

“Whereas the Ontario Liberal government has also promised students that this tuition fee freeze will be fully funded; and

“Whereas the increases in federal transfer payments to the provinces for post-secondary education have not kept up with inflation and today comprise a smaller portion of the Canada health and social transfer education fund than they did in 1995; and

“Whereas today federal funding for post-secondary education is about \$3 billion less than what it would have been had funding not been cut in 1995; and

“Whereas the federal underfunding of post-secondary education makes improving access to and enhancing the quality of post-secondary education even more challenging;

“We, the undersigned, petition the Legislative Assembly of Ontario to call on the federal government to immediately inject \$3 billion into the Canada health and social transfer fund for post-secondary education, and request that these monies be accounted for separately through the post-secondary education fund.”

I also sign this petition.

HEALTH CARE

Mr Frank Klees (Oak Ridges): I’m pleased to present a petition which was forwarded to me by Pat Earl, the activity coordinator at Delmanor Elgin Mills. It’s signed by 90 residents at Delmanor and it reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas the Liberal government has announced in their budget that they are delisting key health services such as routine eye exams, chiropractic and physiotherapy services;

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

“To reverse the delisting of eye exams, chiropractic and physiotherapy services and restore funding for these important and necessary services.”

I’m pleased to add my name to this petition because I fully agree with the residents at Delmanor.

IMMIGRANTS’ SKILLS

Mr Bob Delaney (Mississauga West): I have a petition to the Ontario Legislative Assembly from the home of Taposhi and Upendra Pai in Mississauga, and it relates to access to trades and professions in Ontario.

“Whereas Ontario enjoys the continuing benefit of the contributions of men and women who choose to leave their country of origin in order to settle in Canada, raise their families, educate their children and pursue their livelihoods and careers; and

“Whereas newcomers to Canada who choose to settle in Ontario find frequent and unnecessary obstacles that prevent skilled tradespeople, professional and managerial talent from practising the professions, trades and occupations for which they have been trained in their country of origin; and

“Whereas Ontario, its businesses, its people and its institutions badly need the professional, managerial and technical skills that many newcomers to Canada have and want to use;

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

“That the government of Ontario, through the Ministry of Training, Colleges and Universities and the other in-

stitutions and agencies of and within the government of Ontario, undertake specific and proactive measures to work with the bodies regulating access to Ontario’s professions, trades and other occupations in order that newcomers to Canada gain fair, timely and cost-effective access to certification and other measures that facilitate the entry, or re-entry, of skilled workers and professionals trained outside Canada into the Canadian workforce.”

I absolutely agree with this petition. I’ll sign it and ask Sushil to carry it for me.

LESLIE M. FROST CENTRE

Ms Laurie Scott (Haliburton-Victoria-Brock):

“Save the Frost Centre.

“To the Legislative Assembly of Ontario:

“Whereas the Leslie M. Frost Natural Resources Centre has a long history in the county of Haliburton and provides an important historical link dating back to its use in 1921 as a chief ranger station; and

“Whereas the history in the use and management of natural resources in Ontario stretches back to the 1600s and forms an integral part of the overall history of the province and Ministry of Natural Resources, and the history of the ministry and the Frost Centre itself easily qualifies as a significant historic resource; and

“Whereas the Minister of Culture, Madeleine Meilleur, has said, ‘The McGuinty government values and is committed to conserving Ontario’s heritage for the enjoyment and benefit of present and future generations’; and

“Whereas the Frost Centre is an important educational resource for the community, being described on the Ministry of Natural Resources Web site as ‘Ontario’s leading natural resources education, training and conference centre’; and

“Whereas closure of the Frost Centre would cause economic hardship in the local communities of the county of Haliburton and district of Muskoka due to direct job losses and loss of tourism dollars spent in local communities; and

“Whereas the local community has not been consulted about the closure plan;

“We, the undersigned, petition the Parliament of Ontario as follows:

“The Dalton McGuinty Liberals should not close the Leslie M. Frost Centre.”

It’s signed by hundreds of people from my riding, and I agree.

ANAPHYLACTIC SHOCK

Mr Dave Levac (Brant): I appreciate the opportunity to put this petition before the Legislative Assembly of Ontario. It reads:

“Whereas there is no established province-wide standard to deal with anaphylaxis in Ontario schools; and

“Whereas there is no specific comment regarding anaphylaxis in the Education Act; and

“Whereas anaphylaxis is a serious concern that can result in life-or-death situations; and

“Whereas all students in Ontario have the right to be safe and feel safe in their school community; and

“Whereas all parents of anaphylactic students need to know that safety standards exist in all schools in Ontario”—and we also have some pages here who are anaphylactic;

“Therefore be it resolved that we, the undersigned, demand that the McGuinty government support the passing of Bill 3, An Act to protect anaphylactic students, which requires that every school principal in Ontario establish a school anaphylactic plan.”

I sign my name to this petition and hand it to Emma, our page.

HOUSE SITTINGS

Hon James J. Bradley (Minister of Tourism and Recreation): I seek unanimous consent for the House to sit beyond 6 pm this evening for the purpose of considering government business.

The Deputy Speaker (Mr Bruce Crozier): Mr Bradley has requested unanimous consent. Do we have consent? Agreed.

ORDER OF BUSINESS

Mr Gilles Bisson (Timmins-James Bay): On a point of order, Mr Speaker: I would like to move a motion that we've already got agreement on about how we'll proceed with debate.

The Deputy Speaker: You're asking for consent to move a motion. Do we have consent? Agreed.

Mr Bisson: I seek unanimous consent to proceed as follows on this afternoon's debate: On Bill 17, there shall be five minutes allotted to each recognized party, and at the end of the time the Speaker shall put every question necessary to dispose of the third reading stage of the bill. Thereafter, the remaining time to 6 pm shall be split equally between consideration of Bill 124 and Bill 84 and the time for consideration of each bill shall be split equally among the recognized parties, and at 6 pm the Speaker shall put the question on the motion for third reading of Bill 84 and Bill 124.

I would like to thank the clerks for that.

Hon Mr Bradley: For clarification, Mr Speaker, could the member read that into the record again?

Mr Bisson: Sure. Let me get it back here. This is beginning to be a habit. I thought I read it well. Here we go again.

I seek unanimous consent to proceed as follows for the afternoon debate: On Bill 17, there shall be five minutes allocated to each recognized party, and at the end of the time the Speaker shall put every question necessary to dispose of the third reading stage of the bill. That deals with 17. Thereafter, the remaining time to 6 pm shall be split equally between consideration of Bill 124 and Bill

84 and the time for consideration of each bill shall be split equally among the recognized parties, and at 6 pm the Speaker shall put the question on the motion for third reading of Bill 84 and Bill 124. That deals with all three.

The Deputy Speaker: Agreed? Agreed.

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ORDERS OF THE DAY

EXECUTIVE COUNCIL AMENDMENT ACT, 2004

LOI DE 2004 MODIFIANT LA LOI SUR LE CONSEIL EXÉCUTIF

Mr Bryant moved third reading of the following bill:

Bill 17, An Act to amend the Executive Council Act /
Projet de loi 17, Loi modifiant la Loi sur le Conseil
exécutif.

The Deputy Speaker (Mr Bruce Crozier): Mr Bryant?

Hon Michael Bryant (Attorney General, minister responsible for native affairs, minister responsible for democratic renewal): As we begin third reading debate on this bill, I say to this House that this bill, in my view, is an important statutory affirmation of our parliamentary system. That is to say, we do not have a presidential system where the executive is held accountable, not through question period but in essence through press conferences. We do not have a system whereby you have Congress calling executive members for questioning only through systems of inquiry. Rather, we have in our parliamentary system not only a convention but, in the event this bill receives the confidence of the House, we will have in the laws of Ontario, within this jurisdiction, an affirmation of exactly how the executive is held accountable to the people.

We are to be here every day the Legislature is in session to answer questions from all members of the House. What that means is that, unlike many other jurisdictions and even many other provinces where there is quite limited question period—in the United Kingdom, for example, a particular minister would not be called upon, in most cases, for 15 sessional days. Even though you may have a burning issue on a particular matter, you couldn't ask that question to that minister on that day, because that's not the way their question period, their system, works. Ours is different. Ours is one of the longest, if not the longest, question periods we have in Canada. Ours has a tradition whereby, historically, we have the first minister and ministers here on a regular basis.

There's no need to get into the past. Suffice it to say that we made a commitment in the last election to ensure we would have a law in Ontario that would require a level of attendance from the executive council that people would have confidence in. We did that for a reason.

We did that because we felt the need to put that in place. We felt that we needed to show some leadership and that we needed to put it into law. We needed to give the people some confidence that their cabinet, the government of the day, would be in the House to answer questions. It is through the Legislature that the people hold a government to account, and that is what happens here.

Unlike other jurisdictions, we have a system where, most of the time, the first minister and ministers are here, basically almost every day. What's "almost every day"? In this case, we said it has got to be two thirds of the time. I thought it was a very reasonable approach. I think what it does is that it makes a historical statement as to exactly how our system works. It sets a precedent. It requires that we be here.

There are some remedies. I know some people have taken issue with the remedies in hand, but I say, if you don't have some kind of remedy, if you don't have some kind of consequence for those who don't attend on a regular basis, then it ends up being a hollow commitment.

We made the commitment that we would bring in a new law in Ontario that made what should be taken for granted in fact the law of Ontario. If that gives people more confidence in this place, then that is a good thing. We have standing orders. We have requirements. Some things are necessary; some things may seem trite. But in any event, it is a statement as to exactly how our system is supposed to work. I think it is particularly important—almost a constitutional moment—to be clear to the people of Ontario exactly what is expected of their government, of their executive council, of the cabinet in the Legislature.

Yes, there are conventions that have governed. Those conventions held true, and that meant you had regular attendance of Premiers like Bill Davis, David Peterson and Bob Rae. We are seeing very active, I would say, and consistent attendance by our current Premier. In order to ensure that we always have that, that we put into place a system that will survive the hopefully very long tenure of this particular government, that we have in place a system and laws that give people confidence that you are going to have the kind of accountability that people want—democratic renewal is about increased transparency, it's about increased accountability, and it's about giving people some power back and some confidence in their system. As we see the political malaise set in further and further, day after day, and as attendance in elections declines, we need to do things in this Legislature that give people confidence in the accountability of the members and the government of this House. I submit that that's what this bill does.

The Deputy Speaker: Further debate.

Mr Toby Barrett (Haldimand-Norfolk-Brant): The reason I am rising is that I would ask the members present for unanimous consent to stand down the debate for our debater on Bill 17. He's in a meeting. He does wish to speak to it. He's on his way down.

The Deputy Speaker: He's asking that their five minutes be stood down. Agreed? Agreed.

The member for Timmins-James Bay, are you ready?

Mr Gilles Bisson (Timmins-James Bay): Yes. I'm not going to take the full five minutes. I just want to put on the record a couple of things.

It's an interesting bill. It gets at an issue that we often get frustrated about in opposition, and that is the issue of ministers not attending question period. Clearly, in our parliamentary system there is a tradition called question period. It is there for the opposition to hold the government accountable for its decisions vis-à-vis what they do in cabinet. The idea that the government had put forward, which I guess nobody can really argue with, is that we have to make sure that ministers are present in order to answer those questions. Often, in opposition, we're frustrated because, as critics, we want to ask a question to the minister responsible, and if he or she is not here, it is a problem.

It seems to me that there are other mechanisms that the government could use in order to make sure that ministers attend question period. For example, Mr Colle, imagine I was Premier and you were in my cabinet. I would say, "If you don't come to question period, you're not in cabinet. It's a simple process. I expect you to be on the job." It's like, we have constituency assistants. If our constituency assistants, our Legislative Assembly staff, don't come to work and don't have a good reason to tell us why they weren't there, we don't say, "Well, we're just going to deduct your pay." At some point we say, "You're fired." We expect people to do their jobs.

I respect that ministers of the crown can't be at every question period. I understand that. Ministers are very busy, as are critics. At times, critics can't be here for question period as well. So I think there needs to be a certain understanding of what is expected. I'm not so sure that this has got to be done in law.

Why is the government doing it? It's kind of interesting. I guess they are trying to follow through on a commitment they made in the last election. It is nice to see for a change the government trying to keep a promise, because we know that this government is notorious at not keeping their promises. I want to congratulate the government for somewhat keeping a promise, which I thought was kind of a novel idea considering how long these guys have been around and how they have managed to break almost every other promise they had in the platform. I want to congratulate the government on that point.

Hon George Smitherman (Minister of Health and Long-Term Care): Did you promise the social contract?

Mr Bisson: I want to come back to my good friend Mr Smitherman, because I've got a lot of respect for Mr Smitherman. He's a hard-working minister of the crown, and I have no problem saying that here in the House. I've got a good relationship with him. We've worked on a number of issues together. I have said to my community, as I say privately and publicly, that he responds to the

issues that I bring before him. I have no quarrel with him. I know that Mr Smitherman loves being in question period, because he excels at question period. He understands the cut and thrust of this place, something that some members of the opposition and often members in cabinet don't understand. I've just got to say to my good friend Mr Smitherman, I always look forward to question period and watching your responses. I may not agree with everything that you're saying, but you certainly are good on your feet, and I respect people who are able to think on their feet and don't have to get up and say, "Mr Speaker, the answer to the question is—let me look at my briefing note." That's one thing that George does well. You can put that in your Hansard and go around with it, if it's worth anything.

I think accountability, in the end, comes down to two things as far as people attending here for question period. Number one, you should be accountable to the Premier. Partly this bill does that, but I would have a pretty simple standard. If I had a minister who was slacking off, not showing up for question period, I would say, "Listen, I've got a whole bunch of other people in my caucus who want to be here and I'm sure that somebody else would be willing to come if I asked them, so why don't you leave?" The second thing is, accountability comes in the form of our voters. If members don't attend the House on a regular basis and are not here, people know that, and at the end of the day it's up to the local citizens who elected the member to make that decision.

Those are the points I wanted to make.

1650

The Deputy Speaker: Further debate? Further debate? Further debate?

Mr Bryant has moved third reading of Bill 17, An Act to amend the Executive Council Act. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

Mr Barrett: On a point of order, Mr Speaker—

The Deputy Speaker: Just a moment. A vote is being taken.

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

I have received a deferral notice, pursuant to standing order 28(h), signed by the chief government whip. This will be deferred until Thursday, December 16.

Hon James J. Bradley (Minister of Tourism and Recreation): On a point of order, Mr Speaker: I think what happened was that there was an agreement on the amount of time allocated for the debate. We're happy to stand down the official opposition's time, but the time for debate ran out. That's what happened. We're happy to accommodate you on that. I know the member couldn't make it because he's in committee right now.

The Deputy Speaker: That's not a point of order, but it's a good explanation. The point was, I called for debate three times and no one stood. So, on we go.

HEALTH PROTECTION AND PROMOTION

AMENDMENT ACT, 2004

LOI DE 2004 MODIFIANT LA LOI SUR LA PROTECTION ET LA PROMOTION DE LA SANTÉ

Mr Smitherman moved third reading of the following bill:

Bill 124, An Act to amend the Health Protection and Promotion Act / Projet de loi 124, Loi modifiant la Loi sur la protection et la promotion de la santé.

The Deputy Speaker (Mr Bruce Crozier): Mr Smitherman.

Hon George Smitherman (Minister of Health and Long-Term Care): I'm very proud to rise today to speak about a bill I introduced in this House on October 14: Bill 124, the Health Protection and Promotion Amendment Act.

I do want to particularly acknowledge my parliamentary assistant, the member from Stormont-Dundas-Charlottenburgh, for the good work he has done on this very, very important bill, and also the members on both sides for the feedback we've received.

This bill amends the Health Protection and Promotion Act and gives independent powers to the chief medical officer of health.

As I said back in October, I prefer to think of this legislation as the independent chief medical officer of health act, and I know that's how many other people will view it as well. This proposed legislation reflects our government's commitment to the renewal of public health, and one of the first and foremost important steps in that renewal is increasing the independence of the chief medical officer of health.

As Ontarians know, we have been consistent on this. During the election campaign just over one year ago, our platform called for more independence for the chief medical officer of health. There is increasing consensus that as, in effect, the top doctor for 12 million Ontarians, the CMOH must be able to provide leadership while at the same time having the right—in fact the obligation, independent of government—to speak openly about public health issues.

Ontarians need to be assured that they will be informed of important public health issues in a timely way and that the information will not be subjected to a political filter. In addition, the chief medical officer of health must have an appropriate level of independent authority to act quickly and decisively in situations that pose risk to the health of Ontarians.

We know from SARS—in fact, we know from the flu alone—that in 2004, soon to be 2005, the world truly is a global village and increasingly diseases do not know borders. To meet these critical concerns, the Health Protection and Promotion Amendment Act will take a substantive step forward, revitalizing Ontario's public health system and increasing independence for our chief medical officer of health.

If this bill is passed, Ontario will join British Columbia, Alberta, Manitoba and Quebec, which have all in different ways granted a level of independence to their CMOH. The legislation builds on the experiences of other jurisdictions and allows us to fulfill our campaign commitment.

I'd like to take a moment to talk about how Bill 124 is a key component of our plan to revitalize public health in this province. On June 22, I announced the launch of Operation Health Protection, a three-year plan to rebuild public health. Operation Health Protection calls for bold, system-wide changes that will make our public health system stronger, more responsive and sustainable for future generations. This plan marks the first comprehensive changes to public health since the 1980s. Operation Health Protection will enable us to deliver on our ultimate goal to make Ontarians the healthiest Canadians.

Bill 124 is a big part of our plan. The plan and the bill are informed by the difficult lessons learned from Ontario's experiences with Walkerton, the West Nile virus and SARS. The plan is drawn from the recent recommendations from the expert panel on SARS and infectious disease control chaired by Dr David Walker, whom I had the honour and opportunity to meet with this morning, and the interim report of Mr Justice Archie Campbell. Both the Walker panel and the Campbell commission called for greater independence for the chief medical officer of health and they concurred on the approach that we followed in this legislation.

A central theme that has emerged from these reports and recommendations is that in order to protect Ontarians, the province needs a CMOH with a strong and independent mandate to report and make recommendations on threats to public health. Ontarians deserve an independent advocate for public health. If this legislation is passed, future CMOHs would be appointed to the Legislature over a five-year renewable term. An expert recruitment committee would be established, composed of people who best understand the many requirements of this critical job: public health doctors, nurses and academics. This committee would screen and interview applicants for the position and, following that process, the committee would recommend a candidate. It would then be up to the standing or select committee to interview the candidate, assess his or her qualifications and then report back to the Legislature. The Legislature would then vote on that report, accepting or rejecting the candidate. What is important is that the final decision would be made by the members of the Legislature of Ontario, not by the Minister of Health.

If this proposed legislation is passed, the CMOH would be required to make an annual report to this Legislature and be authorized to make any other reports to the public that they consider appropriate at any time. As well, a number of powers under section 86 of the Health Protection and Promotion Act would be transferred from the health minister to the CMOH. These powers deal specifically with the authority to take necessary action to protect the public in any health crisis

or to appoint others to take that action. They are powers that, until now, have resided exclusively with the minister. Under this legislation, they would reside exclusively with the person best suited to wield them, and that is the chief medical officer of health. The chief medical officer of health would also serve as assistant deputy minister of public health, enabling him or her to play a leadership role in setting public health policy. We feel it is critical that the CMOH remain an employee of the ministry to ensure continued management and coordination of public health within the health care system. If the CMOH were not a ministry employee, it would impede his or her ability to have the close links with other parts of our health care system.

Finally, this legislation also provides that, effective the day the act comes into force, the sitting chief medical officer of health will begin a five-year appointment.

I would like to tell honourable members that this is a strong bill, a strong signal of our government's commitment to rebuild public health and regain the confidence of Ontarians in their system of public health. We need a chief medical officer of health with the authority and independence he or she needs to do that most important work: safeguarding the health of the people of Ontario. I would urge all members to move forward and pass this bill as we present it at third reading. I thank you for the opportunity to speak on this important subject today.

The Deputy Speaker: Further debate? Member for Ottawa-Carleton.

Mr John R. Baird (Nepean-Carleton): Nepean-Carleton, Speaker.

The Deputy Speaker: Sorry; Nepean-Carleton.

Mr Baird: Thank you. The Speaker tries to remind people every day during question period about what my riding is.

I'm pleased to have the chance to rise on this bill with respect to the chief medical officer of health for Ontario. I would like at the outset to acknowledge that the Minister of Health has a rather unique practice that other ministers should follow. They actually brief you about the bill before he or she introduces it, which is somewhat unique, so I want to thank him and his fine assistant Abid Malik, who always comes by every time we debate bills in the House. He works very hard and deserves a lot of support from the Minister of Health. Whatever he's making, it is not enough. He should perhaps make more.

We should also today acknowledge, before the House adjourns, that Bob Lopinski is leaving. Bob, if you're watching—if you're in Bob's office or he's down the hall, would you bring him in? I'm going to talk about Bob for a bit.

1700

Interjection.

Mr Baird: To this camera. Bob, are you there? I want to congratulate Bob for all his fine work. I have seen Bob Lopinski save the bacon of so many of this government's ministers. They are struggling, they don't know what to say, and in comes the page with a note from Bob. I have received the odd note from Bob Lopinski. I didn't know

what it was because he writes like he could be a doctor. It's like Latin. It's like chicken scratches. No wonder some of the ministers have trouble. They get good advice, but they can't read it.

I want to congratulate Bob Lopinski for his fine work. We're going to miss heckling him when he's sitting in the station over here, telling people what to do or what to say. Sometimes the ministers don't know what to do, who should take the question, and in comes the note from Bob, which is always good advice. I dare say that the biggest win for this government this year is getting Jim Warren and the biggest loss is losing Lopinski.

Mr Mike Colle (Eglinton-Lawrence): He's joining Bill King.

Mr Baird: He's going to work with Bill King, I hear, at Hill and Knowlton. That will be good news for Hill and Knowlton, if he's going to work with Bill King, who had his job under a previous Premier.

Mr Colle: It that what Knowlton does?

Mr Baird: They help people, I say to the member from Toronto over there. So, congratulations to Bob Lopinski—

Mr Colle: Bob's going to learn how to dive, like Bill.

Mr Baird: Bob's going to learn how to dive, like Bill, that's right, whenever there's a protest outside. I don't think Bob would be as agile as Bill King. Would that be a fair—

Mr Colle: You wouldn't want to see Lopinski do that.

Mr Baird: You wouldn't want to see Lopinski pull a Bill King. Anyway, enough about Lopinski. I want to talk about this legislation.

The Deputy Speaker: Yes, I felt a little left out up here.

Mr Baird: I do appreciate Abid Malik and others coming in to brief me on this bill before it was introduced.

I want to say at the outset, I support the establishment of a chief medical officer of health who has greater independence. I think it would be a mistake, I say to the Minister of Health, if that person didn't also serve as an ADM, because we do want an integrated health system. If that person was on their own, was a legislative officer of this House, that would be a mistake. Public health should be integrated into hospitals, physician care and community services, working with municipalities.

I know the New Democrats had a little bit of concern about that initially, but they've looked at it—

Ms Shelley Martel (Nickel Belt): No, I still have a concern.

Mr Baird: She still has a concern about it. The member for Nickel Belt will talk about it. I think it's a good idea, so I support that.

I do support as well the process the minister has established to appoint a chief medical officer of health for Ontario. On reply to an address from the Legislative Assembly I think is a good process. It can only be removed the same way.

What I disagree with and what many members of the official opposition have serious concerns about in this

legislation is the fact that the minister, while establishing what I think is a pretty good process, has made a mistake in the bill. If the process he's established is so good, why wouldn't he want the first chief medical officer of health under this independent regime to go through this great process he's established?

I had tremendous concerns when this minister summarily dismissed the predecessor in that post, Dr Colin D'Cunha. He was someone I had the opportunity to work with, particularly during the blackout, someone who is an outstanding public servant, whom I would regularly liaise with as an MPP. I know there was a case of West Nile in Ottawa West-Nepean at the Starwood Extencicare. This was last summer. I worked with him on a daily basis as we dealt with the blackout. We worked all night, that first night, to ensure that our hospitals would have enough diesel fuel to keep the lights on and the medical equipment working. We worked hard to ensure that the stations were dispensing this diesel fuel. And I could go on and on. The biggest concern we had during the blackout was the quality of water, and Dr Colin D'Cunha did an outstanding job. I was not pleased with the way he was dealt with. An outstanding public servant like Dr Colin D'Cunha deserved better treatment than he received from this government. I want to put that on the record.

I also have a problem, though, with putting aside the individual who holds that post. What was the rush? What was the hurry? Why couldn't that individual have gone through the process that the minister has prescribed in the bill? He has grandmothered the incumbent, whom he installed as the first chief medical officer of health and who has some degree of independence. I have a real problem with that. If this process was so good, he could have used the process that he designed and wrote into legislation. I dare say he was reluctant to do that for fear that it would cause some scrutiny.

The individual who has this, when she came in today with Abid and briefed me on the new legislation with respect to anti-smoking—I appreciated that, and her coming in to brief us on that. When she released her report on obesity, on the press release was the minister's press secretary's number. So if you had any questions for the chief medical officer of health, you would phone the minister's office and they would be the filter.

Well, I dare say, what would have happened if the Environmental Commissioner put out his annual report and it had the Conservative Minister of the Environment's press secretary on the bottom? I say that this minister would have gone berserk. The Liberals—Minister Smitherman, Minister Bryant, Minister Pupatello, Minister Duncan—probably would have bruised each other in the fight to get to the cameras to vent their spleen on that one. I have a concern about that.

This chief medical officer of health—I talked to her in committee and asked her about her independence, and she completely agreed with everything the minister said. I have yet to see her ever disagree with the minister. She's regularly quoted in press releases put forward by the minister as someone who is supporting the

government's agenda, and I have some concerns about that.

We saw when this chief medical officer of health tried to ban raw sushi. They backed down, and thank goodness they backed down. I went to a lot of sushi restaurants and talked to sushi chefs, particularly in the Minister of Health's riding, in Toronto Centre.

Mr Colle: Name names.

Mr Baird: Sushi Garden. It is at the corner of Yonge and Wellesley. I frequent that establishment.

Hon Mr Smitherman: That's where Chris Blizzard went.

Mr Baird: No, I suggested Chris Blizzard go there. When they came out with this crazy policy, I went down to Sushi Garden, in Toronto Centre, and bought a big platter of sushi and served it up to the press gallery. I went around with chopsticks. We had California rolls. We had salmon and tuna. Now, tuna would not be good frozen. That's what the sushi chef told me.

Mr Lou Rinaldi (Northumberland): Was there a whole can of tuna?

Mr Baird: It was fresh sushi. It has to be fresh; otherwise it's mushy. Thank goodness the Minister of Health—we could hear the bugles of retreat, I say to the Minister of Tourism, on that one. I wish I had had a greater victory before Christmas than getting the government to back down on the ban on raw sushi. They don't sell raw sushi in my constituency. Maybe at Loblaws, but they don't have any sushi restaurants in Nepean-Carleton. We're sort of a meat-and-potatoes type of riding. But I was tremendously concerned.

Obviously, there was some political influence. I would suggest that there was a real loser policy that for political reasons—it was fine; all the science in the world was on their side three weeks before, but three weeks later—when they announced the policy, they had consulted broadly. They forgot to consult the sushi industry. They forgot to consult sushi chefs. They forgot to consult those hard-working men and women who work in sushi restaurants. That was unfortunate, and we got them to back down.

To conclude, I want to say that I support, generally speaking, the context of the independence of the chief medical officer of health. I want to congratulate the minister. I think he did a good job in that. I want to congratulate Abid Malik, because I know he worked hard on the job. I say to the Minister of Health, he deserves a pay raise over there. The minister is shaking his head; he is acknowledging. So Jason Grier, if you're watching, the boss here just shook his head on a pay raise for Abid.

Hon Mr Smitherman: No, I agreed that he deserved one.

Mr Baird: He agreed that he deserved one. I apologize. What you giveth can be taken away. Jason, give him a raise. He deserves it.

So I want to say that my only disagreement is the grandparenting of the incumbent in the position. If the position the minister rightly crows about is so good, it should be good enough for the first independent com-

missioner. For that reason, I feel compelled to vote against this piece of legislation to signal my disapproval, and to say that we in the official opposition will be watching diligently to help the chief medical officer of health ensure that she maintains independence from this minister.

1710

Ms Martel: It's a pleasure to participate in the debate. I will indicate that we voted in favour of this legislation on second reading, and we will do so again on third reading. But I want to take an opportunity this afternoon, in the time I have, to express some concerns I have with respect to the bill.

I want to make it very clear, so that this is not taken out of context by anyone, that my concerns are not raised with respect to the individual whose position we are talking about. I have the greatest of respect for Dr Basrur. I think she did a marvellous job for public health during the SARS crisis, and I feel quite confident that she will continue, to the best of her ability, to always put the public interest first. So the concerns I raise should not be taken in any way, shape or form to be a reflection of any kind of concern that I or my party might have with respect to who now holds the position of chief medical officer of health.

Rather, my concerns, and there are two of them, really have to do with and centre around the issue of independence. If you look at the Liberal election platform with respect to changes the government proposed before the election, it says the following: "We will make the chief medical officer of health an independent officer, rather than a government appointee," and, "We will give the chief medical officer of health real independence to protect you," and finally, "The chief medical officer of health will report to Ontarians annually on the state of the public health system." That's what the Liberal election platform said. Certainly there was a focus on independence from the government, which I think is critical with respect to this position.

On October 14, the day the minister announced this legislation, the government press release also said the following: "In the event of a health crisis, Ontarians want to know that their chief medical officer of health is free of political concerns and interference," that being government interference, I would assume. "An independent CMOH will be able to put the health and safety of Ontarians first."

Of course all of us want to be assured of that very matter in a public health crisis. Frankly, all of us want to be assured that the chief medical officer of health is free of political concerns and interference with respect to the work that is done in public health every day; for example, with respect to ensuring that Ontarians have access to clean water or that inspections of restaurants will guarantee the highest level of safety for those patrons of that restaurant. We want to see that with respect to all of the important initiatives that are dealt with by public health units on the public's behalf.

The problem I have is that at the end of the day, when we pass this legislation, can we guarantee to ourselves

and to the public that the chief medical officer of health is truly independent of the government, is truly independent in responding not only to a public health crisis, but to ongoing public health concerns that could arise daily? I regret to say that in my opinion and the opinion of New Democrats, no, we cannot ensure that, and I regret that, because I wish we were in a position to ensure that. But I feel that we are not for two very specific reasons.

First of all, with respect to the tabling of the annual report, it is true that in the Liberal election platform the Liberals said, "The chief medical officer of health will report to Ontarians annually on the state of the public health system," and it is true that in the bill that is before us, Bill 124, the mechanisms are put in place for the chief medical officer of health to do that. In addition, the chief medical officer of health can also issue reports at any time that might involve the public interest.

What I question is the requirement in Bill 124 that says the chief medical officer of health has to submit her annual report, which she will table in this assembly, to the Ministry of Health 30 days prior to its being tabled in this assembly. This presumably is so that the Ministry of Health and whatever officials in the Ministry of Health can vet the annual report.

I disagree with that. If the point of this exercise is to ensure that the chief medical officer of health is independent from political interference, then I would argue that that vetting by ministry staff, 30 days prior to tabling a report, should not occur. It's not necessary. In fact, it could potentially lead to political interference. We do not expect—in fact, the legislation is very clear that the Ombudsman, for example, who is an officer of the assembly—I understand that the chief medical officer of health is not technically an officer of this assembly, even though the process to hire that individual is the same as we use for that purpose. The Ombudsman is not required to table his or her report—it's been Clare Lewis, so it's "his," and the new Ombudsman is a he, so it's "his report"—with any ministry prior to its being released publicly. That is not done. The Ombudsman has the opportunity to release that report. It does not have to be vetted by any ministry staff, by any minister or deputy minister or assistant deputy minister. It is tabled in this Legislature and the government sees it at the same time as all other MPPs. From my perspective, that guarantees the independence of the Ombudsman.

I think we should be following a similar process with respect to the annual report that's going to be tabled by the chief medical officer of health. If we want to maintain the independence of that officer, there is no reason in my mind for the medical officer of health, under Bill 124, to have to submit that to the ministry 30 days in advance in order to be vetted. I regret that the government put that particular provision in, because from my point of view it undermines the very independence that I thought we were trying to achieve.

The second point—and this one is far more important to me—has to do with the fact that the chief medical

officer of health is also currently an assistant deputy minister. She is the assistant deputy minister of the public health division. Unlike the Conservatives and the Liberals, I fundamentally disagree with those two roles being joined. I disagree because, at the end of the day, the chief medical officer of health is trying to serve two masters. On one hand, as chief medical officer of health, she serves the public, to whom she's supposed to be responsible in an independent capacity. But on the other hand, under the current structure, that individual is also directly responsible to the ministry. She is an employee of the Ministry of Health and, at the end of the day, as an employee of the Ministry of Health, she is accountable to the ministry and to the minister himself or herself. From that perspective, her independence to respond to public health matters is compromised.

I'm not sure why we want to put this particular individual, Dr Basrur, or anyone else who follows her, in what I see to be a very untenable position. The chief medical officer of health should be responsible to one master only, the public of Ontario, to look out for the public interest when it comes to public health. We should not have that same individual also accountable to the Ministry of Health as an employee of that ministry. Sooner or later there will be a clash between those two roles, and sooner or later I am extremely concerned that the chief medical officer of health may feel compromised in undertaking her responsibilities because of her obligation as assistant deputy minister and the need for her to be accountable to the Ministry of Health and the minister.

I would have preferred a situation where the chief medical officer of health would be named, for example, the CEO of the proposed Ontario Health Protection and Promotion Act, which this government announced it would establish in April. I think it would have made much more sense for those two roles, those two positions, those two jobs, to be linked. Then the chief medical officer of health would still have had significant responsibility for the setting of policy and direction directly back to those issues that she's most concerned about as chief medical officer of health, being health promotion and health protection. She would have had responsibility for that agency and be able to have some independence, or more independence, from the ministry than I expect she now has in terms of being a direct employee.

I don't know the whole proposed structure that the government has with respect to the agency. I trust it's going to be independent from the government. I trust it is different from the current position of assistant deputy minister at the public health branch, which is why I suggest that having someone in that role would frankly have made more sense to me and given a level of independence that I regret I don't feel is in place now, with the chief medical officer of health also being an assistant deputy minister.

1720

As the time winds down, I just want to say that we will support this legislation, but I think it is important to put on the record the two concerns we have with respect

to independence. We all want to be sure that this position is truly independent; that people can rely on the chief medical officer of health to look out for their public health interests first, over and above that of the government. I remain concerned, because the annual report has to be vetted by the Ministry of Health, and because the chief medical officer of health is also an assistant deputy minister, and so accountable back to the government, that at some point in time that person will be compromised. I wish we were not going to put her or anybody else in that position.

The Deputy Speaker: Further debate? There being none, Mr Smitherman has moved third reading of Bill 124, An Act to amend the Health Protection and Promotion Act. Is it the pleasure of the House that the motion carry? Carried.

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

FISCAL TRANSPARENCY
AND ACCOUNTABILITY ACT, 2004
LOI DE 2004 SUR LA TRANSPARENCE
ET LA RESPONSABILITÉ FINANCIÈRES

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

Bill 84, An Act to provide for fiscal transparency and accountability / Projet de loi 84, Loi prévoyant la transparence et la responsabilité financières.

The Deputy Speaker (Mr Bruce Crozier): Mr Colle.

Mr Mike Colle (Eglinton-Lawrence): Bill 84 is, I think, a sort of companion bill to Bill 18. It's appropriate that we're debating this bill at third reading today, because today we confirmed the Auditor General for the province of Ontario—which used to be called the Provincial Auditor—Jim McCarter, who worked with the former Provincial Auditor, Mr Peters. We think, as members of the Legislature, that we want to wish Mr McCarter the best of luck in his pursuits. He did a fine job working in the Provincial Auditor's office for a number of years, and today is the day he was given the official designation as Auditor General for Ontario.

Bill 84 enhances the role and powers of the Auditor General. It gives him certain powers that I think enhance and protect disclosure, transparency and the democratic process. The key provision of this bill is that it allows, for instance, the Provincial Auditor to ensure that there is a report on the finances of the province given to the people of Ontario, through the Legislature, in a pre-election report. It will make sure that all parties are working with the same numbers so that no governing party can again pull the wool over our eyes, which has happened in the past. As you know, there's been much said about the fact that there was a provincial deficit that the previous party failed to discuss or refer to, and coming into office, we asked the former Provincial Auditor, Mr Erik Peters, to do a thorough audit of the books. He stated in his report that there was a serious lack of, let's say, transparency in

what was reported to the people of Ontario. There was a gap of \$5.5 billion, \$5.6 billion, and the question was, who knew whether it was there or not? The previous government said they would have made up for that gap, but I think even the leader of the Conservative Party today admits there was a serious gap of over \$5 billion that the Provincial Auditor referred to.

What this bill will do is make sure that before you come into an election, under the auspices of the Auditor General, there will be a report made on the finances of the province. So there will be no debate or questioning or finger pointing. I know a lot of people have mentioned that as a possible solution in terms of bringing a sense of comfort that the province's finances were clear and understandable. They wanted some assurance. I think the people of Ontario have a lot of confidence in the Auditor General. This bill will enable the Auditor General to give people a clear reading of what the financial accounts are for the province of Ontario before an election. That is a critical part of Bill 84. It requires that this be done prior to an election, and this will enable that to take place.

There are also a number of other very progressive measures in this bill. In fact, we've been told that the federal government is looking at a similar bill. I know New Brunswick is looking at a fiscal transparency act, where there will be a reporting of the finances, of the state of the province, to the people before an election. So it is a bill that will probably have some replication across the country.

There's also another part of the bill that has not been given much media scrutiny or media discussion; and that is, the bill also requires the government of Ontario to set up an Ontario Economic Forecast Council to forecast future economic trends that will have a real bearing on the province's ability to deliver its services and set tax rates etc. For the first time, we're going to have an economic forecast council. This will be made up of expert panellists who will give a very comprehensive view of what the forecasts are financially for the province of Ontario.

As you know, this is extremely critical when we see what's happening in Ontario and Canada, with the 30% increase in the value of the Canadian dollar. It could have an enormous impact on our forecasting. We're certainly dealing with huge global pressures and changes: the growing expansion of the Chinese economy and the fact that the Chinese are now underwriting the American dollar. You find the Americans in a \$430-billion deficit being underwritten by the Chinese. These global pressures have great impact on Canada. Ontario relies on exports, so the value of our dollar, the state of affairs in other countries, the projection of where our dollar is going to be, where our trade deficits are going to be, are critical. Setting up this expert panel to try to give some kind of long-term vision for the finances of this province is a very welcome addition to the province's method of doing business.

Also, there's going to be a requirement to set up a multi-year fiscal plan. In other words, it doesn't really

help to have sort of an incremental outlook for one year at a time. We did that in this year's budget, where we did this long-range outlook on where we'll be three years from now or four years from now. This bill will also require the government to set out a multi-year fiscal plan, which is critical, because things are sometimes so complex that you can't really deal with a budget in a one-year plan, as has been the tradition in the past. We did this in this year's budget, and this act refers to that being entrenched in this legislation.

As the government moves toward setting out a balanced budget, it also knows there may be unusual circumstances. It requires the government to set up a balanced plan recovery program; in other words, in case there are serious pressures like we've had in Ontario in the last couple of years, there is a plan to show how you're going to get rid of that deficit over a number of years. That's another thing we've committed to. This bill enhances that, so we can be assured that there isn't, for instance, a sell-off of an asset for one year. A government could say, "Well, we've balanced the books. We've sold off the 407 and everything is balanced." That's what this bill lays out for public scrutiny, the fact that you're going to have a long-term plan for getting rid of a deficit, and you can't just on an annual basis desperately search out the sale of a public asset to balance the books.

I think that's very prudent. I think it is a bill and an approach that deserves support. I didn't hear all the debates from the other side, but I really can't understand why the parties opposite—I know they supported Bill 18, which gave the Provincial Auditor more powers to look at the books of all of our funding partners. Our Provincial Auditor, with Bill 18, which is a companion bill to this, can now go to hospitals, to colleges, to universities and school boards and ensure there are audits there that are done by our Provincial Auditor, because they are funded by us. We pass billions of dollars through to our universities, colleges and hospitals, and the Provincial Auditor will now have the power to go and ensure that we're getting value for money and the taxpayer is getting value for money.

As I said, the parties opposite voted for that bill, yet this bill is part of that more transparency, openness and accountability, ensuring that the state of the province is made clean and clear through the Provincial Auditor. Before an election, you'll have the books, and a report on the state of the books, for the people of Ontario. The average person in Leamington doesn't have time to be looking through the accounts of this province. The average person in my riding of Eglinton-Lawrence or in Willowdale doesn't have that time. They're too busy going to work, paying bills and taking care of Christmas shopping.

The essence of it is, we need a stronger Provincial Auditor who will in essence be a watchdog for the people of Ontario. That's why I've always said it's one of the best of the many offices we have here in this Legislature. It's a wonderful tradition that we have an auditor who looks after the interests of the people of Ontario and can report to the people of Ontario.

This bill here, again, enhances that transparency, the powers, the availability and the ability of the new Auditor General of the province of Ontario, Jim McCarter, to report to the people of Ontario. I think that's good for democracy and good for the finances of this province.

Mr Toby Barrett (Haldimand-Norfolk-Brant): Here we are continuing third reading debate on Bill 84, the so-called Fiscal Transparency and Accountability Act.

I'd like to back up a bit. It was four years ago that we were debating third reading yet again of—I don't know whether we referred to it as a companion bill. I heard that expression across the way. I'm referring to Bill 7 of 1999, the Taxpayer Protection and Balanced Budget Act. It was November 23, 1999, that Bill 7 received third reading in this House, and I was very proud to vote for that piece of legislation. It was there to protect taxpayers by making it illegal for the government of Ontario to spend beyond its means. I do recall hearing stated by the present Premier of Ontario the expression "spending beyond one's means" and the negative aspects of spending beyond one's means. It was an expression that was being used during the run-up to the last election. Bill 7 was obviously designed to provide protection, or an assurance, if you will, against unwanted tax hikes and reckless deficit spending.

At that time in 1999 and for a number of years, 1985 to 1995, taxpayers in Ontario were forced to bear a burden, certainly during those 10 lost years, of governments that were addicted to spending, in my view, governments that believed they could operate by throwing money at an issue, throwing money at a problem, throwing money at every problem. By the track record of this present administration, clearly what we're seeing is déjà vu all over again.

Before 1999, Ontario had balanced the budget or run a surplus only four times. Three of those balanced budgets came about during the 1960s. As of November 23, 1999, when it passed third reading, balancing Ontario's books became the law. Protection for taxpayers was enshrined in this legislation in a very simple but important concept: Politicians should not be able to raise Ontario's tax rates without asking permission of people first.

One result of really a 35-year stretch of taxing and spending is that every child born in Ontario today is born in debt. Governments before Mike Harris certainly tried to be all things to all people, and in the process, more recently in 1990 to 1995, came very close to bankrupting the finances of this province. The concept that high taxes kill jobs did not have much currency, and I'm concerned that the present administration is losing sight of what I consider a very important economic principle. People across the way don't seem to realize that for government to do a good job of providing services that really matter to people, like accessible health care and quality education, it has to live within its means, to use that expression from Mr McGuinty when he was running for election.

Services are of no long-term use if any government runs a province or country into the ground to deliver them. It is not as simple a task as merely feeling that you can transfer wealth from the private sector to the public sector. The private sector is very dependent on entrepreneurs, on business both large and small, to create this pool of wealth. It's also very important to keep an eye on those businesses and the people who work in them, the employees, and the jobs that are represented by those businesses.

In 1995, we knew that high taxes were driving jobs and investment out of Ontario. People were at the stage where they would rather barter, for example, than pay taxes. The more former governments increased taxes, the less revenue they received. The underground economy became a bit of a buzzword. Everybody knew what that stood for. That's something we are certainly seeing a resurgence in with respect to tobacco, again as a result of very high taxes, which, I regret to think, will probably increase and so will the attendant underground tobacco economy.

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Previously and during that time I'm referring to, virtually everybody knew someone who was working for cash under the table. It wasn't that the 30-odd NDP tax hikes or the 30 or so Liberal tax hikes during their era weren't so much the problem; it was the cumulative effect of these tax increases. Ontario at that time was clearly reaching the point of diminishing returns. Previous governments increased taxes, drove jobs and investment out of the province, and as a result, on many files, government was receiving fewer tax dollars.

At that time, by enacting the balanced budget legislation, we required Ontario governments of all stripes to treat taxpayers' dollars as carefully as they would their own, to treat the government purse as one would treat one's own personal finances.

Families in Ontario work very hard to make ends meet. They understand the concept of living within one's means. They very clearly understand the concept of balancing the books. These families don't need a government that would dedicate itself to even a hint of reckless spending or tax hikes, essentially taking more of the hard-earned income of these families away from them. It's their money. It's taxpayers' money. It's not the government's money. It's so important for governments of all stripes to do the right thing, to do their best to leave that money, that wealth, in the hands of families, and to do their best to balance the budget.

I'm concerned that this present government, during its tenure, when it draws to a close, will not have balanced any of the budgets in any year. That's a concern of mine. That can be a prediction, and time will tell three years hence.

In debating the Balanced Budget Act in 1999, we heard comment from members present—for example, Dwight Duncan. This was on November 2, 1999. MPP Duncan was recorded in Hansard as saying, "In voting for this bill we are reaffirming the position we took in

1995 and the position we took in 1999." The Liberals voted for Bill 7. Bill 7, I remind the House, was the Balanced Budget Act, November 23, 1999.

Obviously, now Bill 7 does not serve the political purpose of members opposite despite what was clearly promised during the election platform. That original bill is being killed and we will have in our hands legislation that I consider toothless.

Members opposite are also failing to live up to a commitment made to pay the financial penalty owing under the Balanced Budget Act for not balancing the books. In the budget speech, Finance Minister Sorbara at the time said that "the law as it currently stands does impose a fine of more than \$9,000, to be paid by all cabinet ministers in any government that runs a deficit ... we will pay the fine for this year, beginning June 1."

This was the 2004 budget speech. Regrettably, the McGuinty government quietly tabled the official spending estimates in this House on June 15, and I'm afraid the estimates showed that full ministers' salaries for 2004 and 2005 are being paid.

Just to wrap up, this legislation flies in the face of one of the key election promises made by the Liberals opposite: "We will comply with the balanced budget legislation, and not bend the law at a whim." Dalton McGuinty said, "I, Dalton McGuinty, leader of the Liberal Party of Ontario, promise," if elected, "I will not raise taxes or implement any new taxes without" the people's consent.

I'll leave it at that.

Mr Gilles Bisson (Timmins-James Bay): I want to thank the new addition to our caucus for being here this afternoon. I have always said that Mr Colle is a good man and he always has a home with me. Oh, he's gone.

Interjection: He's crossed the floor again.

Mr Bisson: He's crossing the floor a second time. My Lord. No, no, for people to know: Mr Colle has never crossed the floor. I was just teasing him. I've got 10 minutes. I've got to be able to do this in 10 minutes.

There are a couple of things I want to say on this particular bill. Let's be clear what it's all about. This is the government trying to get out of the problem they've got around the Taxpayer Protection Act, which was passed by the previous Conservative government.

I, along with the Liberals, voted in opposition to that bill when it was brought forward. I thought that a government, a business or an individual sometimes has changing priorities when it comes to fiscal objectives, and to lock ourselves in and say, "You've got to completely say that never, never can you choose the option to have a deficit," I didn't think was responsible. Let me explain that.

For a lot of people in the political discussions we've had over the last 10 years, especially under the Conservatives, the word "deficit" was made to be a very bad word: governments shouldn't have deficits and governments should always have balanced budgets. I just want to say something that is pretty obvious to me. Can you imagine the economy of Canada running without people

owning credit cards, without people being able to go to the bank and borrow money?

Mr Norm Miller (Parry Sound-Muskoka): No, we have a debt.

Mr Bisson: No, no, but on a deficit and a debt. My point is that our entire economy, when you think about it, runs—why? If people don't have the money today, they go and borrow the money on a credit card, a line of credit or a loan. At the end of the day, that's what makes the economy go. So individuals certainly are able to operate—

Mr Miller: They pay their bills.

Mr Bisson: Imagine if there would be no Christmas. You know, you had a chance to debate, Mr Miller. Take your turn. Stand up and be counted.

My first point is, I've never believed in a philosophy that says that you can't have a deficit, you can't have this, that or the other thing when it comes to making a budget for the province, for a business or for individuals. You have to keep all your options open. That's why, when the government brought in that bill, I voted against it. I said, "Listen, I understand that governments should try to keep their deficits down to"—

Mr Michael Prue (Beaches-East York): Just keep going.

Mr Bisson: Thanks a lot, Mike. All right. I was just going to sit down and give you the rest of the time.

I've always believed that governments, like individuals, at times need to run a deficit. That's necessary at times, given where you're at.

For example, think back to the Second World War. There was a really interesting program, a good documentary, I was watching the other day on TVO, which I really like. Our public television broadcaster had this series where they were showing Canada leading up to the war and during the war and what the experiences of citizens were.

One of the things said by a now older person, who during the war was a young woman in her 20s, was, "Isn't it interesting that during the Depression, governments were telling us that there was nothing they could do to respond to the problems of the day because they couldn't run up deficits?" All of a sudden the war happened, and they were spending money hand over fist, rightfully so, in order to buy munitions and build the armed forces to fight along with the Allies in Europe and in the Pacific theatre.

The point was, all of a sudden it became good public policy for the government to run a debt. Why? Because it was the absolute right thing to do. Can you imagine the government of Canada in 1939, 1940, 1941-45 taking the position that they couldn't go out and borrow money to engage in what was at that time a threat to democracy across the world? We would have handcuffed ourselves. We would have said to the other side, the Germans, Japanese and Italians, "Listen, we can't fight you because we have a law that says we can't have a deficit." I always thought that was rather silly.

The other thing that I think is really interesting—

Mr Miller: We're not in a war right now.

Mr Bisson: No, but hang on a second. I'm coming to where we are today. Mr Miller, my good friend, makes the point that we're not at war today. But I also want to say that it's interesting how the right-wing political party takes the position of the debt. Remember, this guy, George Bush, got re-elected for a second term in the United States. Has anybody paid attention to the deficit that that man is running? Unbelievable. Here's double-speak if I've ever heard it. You've got the Republican Party in the United States, and certainly this President, in the lead-up to the first presidential election four years ago, said, "My Lord, you know we can't have deficits and we can't have debts." But he has done more single-handedly than any President of the United States to raise a debt that is unbelievable. The amount of money they have added to the overall debt of that nation, and the yearly deficits—what's the number for the deficit of the American government? It was \$200 billion a year, something like that, just in deficit. Their deficit is higher than the entire Canadian budget. It's mind-boggling. My point is, certainly if George Bush thinks at times that there is a time to run a deficit, maybe there are times that provinces or federal governments will need to do so.

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I want to put on the record that I think (a) governments should be responsible, and (b) we should always try to live within our means, but at times there are extraordinary circumstances that a province finds itself in, when it has to be able to borrow money in order to keep operating.

It has happened in the past. I was a member of a government, in 1990, that came to power in the middle of the worst recession this province had seen since the 1930s. We made a decision. We said we were either going to have what worked out to be about a \$10-billion deficit in 1990-91—it was actually 9.5—or we were going to have to cut \$9.5 billion out of spending in one year in order to balance the budget. Can you imagine if the Rae government had said that we were going to balance the budget, given a \$9.5-billion deficit in the first year that we came to office? We would have been closing hospitals; we would have been closing schools. We wouldn't have ploughed roads. Capital expenditures would have gone down to nothing. At a time when we had to help and stimulate our economy, it would have been, in my view, a very irresponsible thing to do, for any government to take that position.

This government, in coming to power in 2003, was faced with the same issue. Now, I don't buy the argument—I said in the last election, along with my Liberal candidate, that there was at least a \$4.5-billion to \$5.5-billion deficit, based on the numbers that we saw in the estimates committee in the spring of 2003. Nonetheless, the Liberals got elected, and where the Tories told them there was supposedly a balanced budget, they found a deficit of over \$5 billion—\$5.5 billion. I don't advocate for one second that this government should take the position of chopping \$5.5 billion out of the budget in

one year. Imagine what would happen in your communities if we were to do that. I think that would be wrong. I think any government is responsible in saying, "We need to manage down the problem." Take the two or three years that's necessary to do the structural changes that you have to within your ministries so we don't pull the rug out from underneath the people of Ontario by underfunding health care, education, transportation and all those other things that are so important in making an economy work. This is what the government is doing. The government is putting a bill forward to get themselves out of the problems that they've got with the previous government's legislation that basically says they shouldn't run a deficit.

Now, if the government was repealing the legislation, I'd vote for it. I want to be clear; I want to put it on the record.

Hon James J. Bradley (Minister of Tourism and Recreation): So would I.

Mr Bisson: If you were taking—exactly, Jim. I know where you're coming from.

If the Liberal government took the position, "We are withdrawing the Taxpayer Protection Act," I would vote in favour with you. But this bill does not take that away. You're still caught in the same trap that the Conservatives have set up under the Taxpayer Protection Act. It is still a form of handcuffs that we're trying to put on the government when it comes to making decisions that have to be made about how they balance a budget.

I'm going to vote in opposition to this bill, and not because I don't think the responsible thing to do in this place is to manage down the deficit. I don't argue that for a second. I think you're right in trying to manage it down over time. Obviously, I'll be in disagreement with some of the decisions you'll make, but the general principle of managing down the deficit over a multi-year period is, I think, a wise thing to do. However, you're still leaving yourself in the same handcuffs.

I'm going to ask my good friend the finance critic behind me, but it seems to me that the Liberals had voted in favour of the Taxpayer Protection Act.

Mr Prue: They did.

Mr Bisson: They did. And I think that's the problem. I assumed correctly that they got themselves boxed into this problem. They voted for the Taxpayer Protection Act when they were in opposition, to the chagrin, I think, of some of the more progressive members in the Liberal caucus who felt, like me, that it was the wrong thing to do. Now they're caught in a box. They have the Taxpayer Protection Act that is basically a handcuff on the government. They have to get around it somehow, and they can't be seen as entirely withdrawing it because that would be inconsistent with the position they had taken while in opposition.

Mr Prue: And during the election.

Mr Bisson: And during the election.

I only have this to say: You guys have been pretty inconsistent up to now, so if you're going to be inconsistent on something, I'm OK on this one. I'm with you. If you withdraw it, I'll support you. I say to my good friends Mr Colle, Mr McMeekin and others who were here before, I have no problem in you reversing your position. In fact, I would say that you had seen the light, that finally you woke up and you thought, "Well, that was wrong and we've changed our mind."

So I just want to say to the government members that I will be voting in opposition to this particular bill because I think it still leaves the same trap that was put in place by the former Conservative government around the Taxpayer Protection Act.

The last point I want to make is simply this, because I don't have enough time to make the other point that I want to make, and that is that some of the—

Hon Michael Bryant (Attorney General, minister responsible for native affairs, minister responsible for democratic renewal): Shame.

Mr Bisson: Shame; exactly. But I was the one who moved the motion. I'm the guy who moved the motion that deals with how much time we've got here this afternoon, so I recognize the trap that I'm in.

However, I just say to the government, you're going to have some challenges ahead trying to manage down a \$5.5-billion deficit. I know how difficult that can be. But I say to this government, let's keep our eye on the prize. We need to make sure that we support public services to the degree that we need to protect our citizens. We need to have a system of public health care, not a system of mixed private-public health care. We need to make sure that we properly fund it. We have a crisis right now in northern Ontario around hospitals having to balance their budgets. Every year, there have been deficits; every year, the government has offset those deficits because of actual costs in the health care system. I just urge the government to try to deal with that, especially in northern Ontario, in communities like Mr Brown's and mine, which have not a lot of health services to go around. These reductions could be a difficulty.

The Deputy Speaker: Pursuant to Mr Bisson's motion, the time for debate has now expired.

Mr Colle has moved third reading of bill 84, An Act to provide for fiscal transparency and accountability. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

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

Pursuant to standing order 28, I have been handed a request that the vote on the motion by Mr Colle for third reading of Bill 84 be deferred until Thursday, December 16. It's signed by the chief government whip.

There being no further business, this House is adjourned until Thursday, December 16 at 10 am.

The House adjourned at 1757.

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